

IN THE MATTER OF THE JOINT RESOLUTION OF THE TOWN OF PAYNESVILLE AND THE CITY OF PAYNESVILLE DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE MINNESOTA PLANNING BOARD PURSUANT TO M.S.A. 414.0325.

JOINT RESOLUTION FOR ORDERLY ANNEXATION

1. The following described area in Paynesville Township is subject to orderly annexation pursuant to Minnesota Statutes 414.0235 and the parties hereto designate this area for orderly annexation, which area is legally described as follows, to-wit:

That part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and that part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 122 North, Range 32 West, Stearns County, Minnesota described as follows: Commencing at the Northwest corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 00 degrees 33 minutes 49 seconds West (assumed bearing) along the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1073.57 feet to the point of beginning of the land to be described; thence deflect to the left, 87 degrees 20 minutes 34 seconds (as measured from South to East) and on a bearing of South 86 degrees 46 minutes 45 seconds East, 220.24 feet to the East line of the West 220.00 feet of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 00 degrees 33 minutes 49 seconds East, parallel with the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ and along the East line of said West 220.00 feet, 736.20 feet to the centerline of Minnesota State Highway No. 55; thence South 73 degrees 47 minutes 59 seconds East, along said centerline, 41.34 feet to its intersection with the West line of the East 1050.00 feet of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 00 degrees 27 minutes 45 seconds West, parallel with the East line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ and along the West line of said East 1050.00 feet, 851.68 feet to its intersection with the North line of the South 90.00 feet of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 89 degrees 23 minutes 47 seconds East, parallel with the South line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ and along the North line of said South 90.00 feet, 1050.00 feet to the East line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 00 degrees 27 minutes 45 seconds East, along said East line, 542.33 feet to the centerline of said Minnesota State Highway No. 55, said point being on a 1145.92 foot radius curve, concaved to the Southwest, and the center of said curve bears South 25 degrees 37 minutes 20 seconds West; thence Southeasterly along said centerline, along said curve, not tangent to said last line, said curve having a central angle of 40 degrees 26 minutes 41 seconds, an arc length of 808.89 feet; thence South 24 degrees 10 minutes 41 seconds East, along said centerline, tangent to said last curve, 77.28 feet to the South line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$; thence North 89 degrees 21 minutes 38 seconds West along the South line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$, 588.64 feet to the Southwest corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$; thence North 89 degrees 23 minutes 47 seconds West along the South line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1311.46 feet to the Southwest corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 00 degrees 33 minutes 49 seconds East along the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, 226.65 feet to the point of beginning. Subject to Minnesota State Highway No. 55 easements and right-of-way on record, containing 9.55 acres, more or less.

AND ALSO:

That part of the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 17, Township 122, Range 32, Stearns County, Minnesota described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence on an assumed bearing of South 00 degrees 39 minutes 53 seconds West along the West line of said NW $\frac{1}{4}$ a distance of 1775.96 feet; thence South 89 degrees 24 minutes 27 seconds East 510.78 feet to the point of beginning of the tract to be annexed; thence North 89 degrees 24 minutes 27 seconds West 510.78 feet to the West line of said NW $\frac{1}{4}$; thence South 00 degrees 39 minutes 53 seconds West along said West line 615.41 feet; thence North 72 degrees 32 minutes 00 seconds East 414 feet more or less to the centerline of the Crow River; thence Easterly along the centerline of said Crow River to its intersection with a line that bears South 00 degrees 39 minutes 53 seconds West from the point of beginning; thence North 00 degrees 39 minutes 53 seconds East 463 feet more or less to the point of beginning. Containing 6.25 acres more or less.

AND ALSO:

That part of the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 17, Township 122, Range 32, Stearns County, Minnesota described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence on an assumed bearing of South 00 degrees 39 minutes 53 seconds West along the West line of said NW $\frac{1}{4}$ a distance of 1775.96 feet; thence South 89 degrees 24 minutes 27 seconds East 510.78 feet to the point of beginning of the tract to be annexed; thence South 89 degrees 24 minutes 27 seconds East 801.45 feet to the East line of the W $\frac{1}{2}$ of said NW $\frac{1}{4}$; thence South 00 degrees 33 minutes 49 seconds West along said east line 218 feet more or less to the centerline of the Crow River; thence Southwesterly, Southerly and Westerly along said centerline to its intersection with a line that bears South 00 degrees 39 minutes 53 seconds West from the point of beginning; thence North 00 degrees 39 minutes 53 seconds East a distance of 463 feet more or less to the point of beginning. Containing 8.50 acres more or less.

AND ALSO:

That part of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 122, Range 32, Stearns County, Minnesota described as follows:

Commencing at the Northwest corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence on an assumed bearing of South 00 degrees 33 minutes 49 seconds West along the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 286.00 feet to the point of beginning of the tract to be annexed; thence South 00 degrees 33 minutes 49 seconds West along the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 787.57 feet; thence South 86 degrees 46 minutes 45 seconds East, 220.24 feet to the East line of the West 220.00 feet of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 00 degrees 33 minutes 49 seconds East parallel with the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ and along the East line of said West 220 feet, 736.20 feet to the centerline of Minnesota State Highway No. 55; thence North 73 degrees 47 minutes 59 seconds West, along said centerline, 228.46 feet to the point of beginning. Subject to Minnesota State Highway No. 55 easements and right-of-way on record. Containing 3.85 acres more or less.

2. That the Township of Paynesville does, upon the passage of this Resolution and its adoption by the City Council of the City of Paynesville, Minnesota, and upon acceptance by the Minnesota Planning Board, confer jurisdiction on the Minnesota Planning Board over the various provisions contained in this agreement.

3. That the property described in Paragraph 1 above abuts the City of Paynesville and is presently urban or suburban in nature or is about to become so. Further, the City of Paynesville is capable of providing services to this area within a reasonable time after annexation and annexation would be in the best interest of the area proposed to be annexed. Therefore, this property should be annexed to the City of Paynesville. The current population residing on this property is zero.

4. That the effect of annexation on population shall be that the population of an area annexed pursuant to this Resolution shall be treated for all purposes as part of the population of the City of Paynesville immediately upon approval of annexation by the Minnesota Planning Board.

5. In all annexations within the orderly annexation area, the taxes due and/or delinquent on the date of annexation remain the property of Paynesville Township. All taxes and assessments accrued after the date of annexation are the property of the City of Paynesville, subject only to the provisions of Paragraph 9 below. The City of Paynesville, upon annexation, becomes the owner or beneficiary of all roads, easements and rights-of-way, or other interests in property within the annexed area previously held by Paynesville Township and shall bear the responsibility associated with those rights.

6. The tax levy of the annexing municipality on the area annexed shall be increased in substantially equal proportions over a period of two years to an equality with the tax levy of the property already within the municipality.

7. That any person owning lands annexed to the City pursuant to this agreement shall have the following rights with regard to the payment of assessment and hook-up charges on projects previously

completed by the City which may be assessable against said annexed property. Hook-up charges shall be payable upon hook-up to municipal services. Hook-up charges will be based on costs to the City determined from a bid to be obtained at the time of the hook-up.

Assessment for improvements shall be payable over the same number of years and at the same interest rate as the original project provided for.

8. That as to those lands which are annexed by the City pursuant to this agreement, of the base tax payable to the township at the time of annexation, in the first year after annexation of the township, will receive 90% of that base tax, in the second year after annexation the township shall receive 70% of that base tax, in the third year after annexation the township shall receive 50% of that base tax, in the fourth year after annexation the township shall receive 30% of that base tax, and finally in the fifth year after annexation the township shall receive 10% of the base tax from the City of Paynesville. Thereafter, all taxes collected shall belong to the City of Paynesville.

9. The above described land shall, upon approval of this agreement by Paynesville Township and the City of Paynesville and submission of this Joint Resolution for Orderly Annexation, be approved for annexation by the Minnesota Planning Board. The City of Paynesville shall provide, to all properties annexed under this agreement, sanitary sewer, city water, storm sewers and roads with bituminous surface and curb and gutter within two (2) years after this request for annexation has been approved by the Minnesota Planning Board. If the City of Paynesville fails to provide sewer and water to any such properties within two (2) years of approval of annexation under this agreement, then the City of Paynesville shall pay Paynesville Township an amount equal to 100% of the taxes collected by the City from the annexed lands which are not served by sanitary sewer, city water, storm sewers and roads with bituminous surface and curb and gutter. Said payments shall begin in the third year following annexation

and shall continue indefinitely until said properties are served with sanitary sewer, city water, storm sewer and roads with bituminous surface and curb gutter.

10. No consideration by the Minnesota Planning Board is necessary.

11. Any alterations, variations, modifications or waivers of the provisions of the contract Shall only be valid if they have been reduced to writing and signed by authorized representatives of the parties.

12. The provisions of this contract shall be deemed severable. If any part of this contract is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of the contract unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire contract with respect to either party.

The parties further agree to substitute for any invalid provision a valid provision that most closely approximates the economic effect and intent of the invalid provision.

13. This contract is the final expression of the agreement of the parties and the complete and exclusive statement of the terms agreed upon and shall supersede all prior negotiations, warranties or stipulations, either oral or written, not herein contained.

14. It is specifically acknowledged and understood that the parties are represented by independent counsel. As a matter of convenience, one party to this agreement may have taken on the bulk of the task of drafting this agreement. This agreement shall not be construed against the drafting party merely because of its role in drafting this agreement.

REC'D. BY
MMB JUN 05 2000

CITY OF PAYNESVILLE

Passed and adopted by the City Council of the City of Paynesville this 24th day of
May, 2000.

Attest:

Mayla R. Orbeck
Acting City Adm.

Jeff Thompson
Jeff Thompson, Mayor

PAYNESVILLE TOWNSHIP

Passed and adopted by the Town Board of the Town of Paynesville this 22 day of
May, 2000.

Attest:

David H. Wiese
Town Clerk

Don C. Petersen
Chairman



REC'D. BY JUN 05 2000
M.M.B.

PRELIMINARY PLAT OF:

WILGLO ADDITION

LEGAL DESCRIPTION:

That part of the West One-Half of the Northwest Quarter (W1/2NW1/4) of Section 17, Township 122 North, Range 32 West, Stearns County, Minnesota described as follows: Commencing at the northwest corner of said W1/2NW1/4; thence South 00 degrees 39 minutes 53 seconds (assumed bearing) along the West line of said W1/2NW1/4, a distance of 1775.96 feet to the point of beginning of the land to be described; thence continue South 00 degrees 39 minutes 53 seconds along said West line, a distance of 615.41 feet; thence North 72 degrees 32 minutes 00 seconds East, a distance of 414.00 feet, more or less to the center line of the Crow Wing River; thence easterly, southeasterly, northerly, and northeasterly along the centerline of said Crow Wing River, to its intersection with the East line of said W1/2NW1/4; thence North 00 degrees 33 minutes 49 seconds West along said East line, a distance of 218.00 feet; thence North 89 degrees 24 minutes 27 seconds West, a distance of 1312.31 feet to the point of beginning.

ALSO:

That part of the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of Section 17, Township 122 North, Range 32 West, Stearns County, Minnesota and that part of Block No. 32, 33, 40, 41 and that part of vacated River Street, vacated Grand Street, and vacated Elizabeth Street of the ORIGINAL TOWNSITE OF PAYNESVILLE, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Stearns County, Minnesota described as follows: Commencing at the northwest corner of said NE1/4NW1/4; thence South 00 degrees 33 minutes 49 seconds West (assumed bearing) along the West line of said NE1/4NW1/4, a distance of 286.00 feet centerline of Minnesota State Highway No. 55 and the point of beginning of the land to be described; thence continue South 00 degrees 33 minutes 49 seconds West along said West line, a distance of 1495.16 feet to the westerly extension of the South line of said Block No. 40; thence North 89 degrees 56 minutes 18 seconds West along the South line of said Block No. 40 and the South line of said Block No. 41, a distance of 836.22 feet to the southeast corner of said Block No. 41; thence North 00 degrees 06 minutes 43 seconds West along the East line of said Block No. 41 and Block No. 32, a distance of 563.08 feet to the North line of the South 90.00 feet of said NE1/4NW1/4; thence North 89 degrees 23 minutes 47 seconds West, parallel with the South line of said NE1/4NW1/4, a distance of 568.23 feet to the West line of the East 1050.00 feet of said NE1/4NW1/4; thence North 00 degrees 27 minutes 45 seconds East, a distance of 851.68 feet to the centerline of said Highway No. 55; thence North 73 degrees 47 minutes 59 seconds West along said centerline, a distance of 269.79 feet to the point of beginning.

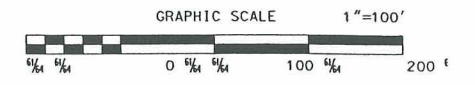
Containing 30.90 acres, more or less.

Subject to State Highway No. 55 easements and right of way on record.

CURVE	DELTA	ARC	RADIUS
C13	00°42'05"	11.19'	913.98'
C14	06°36'17"	105.36'	913.98'
C15	06°27'46"	103.09'	913.98'
C16	04°17'25"	68.44'	913.98'
C17	05°05'29"	75.35'	847.98'
C18	06°50'14"	101.19'	847.98'
C19	06°07'50"	90.73'	847.98'
C20	04°29'41"	56.32'	717.88'
C21	08°06'04"	101.50'	717.88'
C22	08°22'02"	104.84'	717.88'
C23	01°37'45"	20.41'	717.88'
C24	04°26'27"	60.76'	783.88'
C25	07°33'12"	103.34'	783.88'
C26	07°22'08"	100.82'	783.88'
C27	03°13'45"	44.18'	783.88'

LINE	BEARING	DISTANCE
L1	N00°27'45"E	64.48'
L2	N00°27'45"E	64.40'
L3	N00°27'45"E	64.31'

CURVE	DELTA	ARC	RADIUS
C1	08°20'00"	180.45'	1240.70'
C2	08°20'00"	190.05'	1306.70'
C3	08°20'00"	95.20'	654.55'
C4	08°20'00"	104.80'	720.55'
C5	04°24'05"	100.38'	1306.70'
C6	02°21'37"	53.83'	1306.70'
C7	04°06'53"	47.01'	654.55'
C8	04°13'07"	48.19'	654.55'
C9	04°25'58"	95.99'	1240.70'
C10	03°54'02"	84.46'	1240.70'
C11	01°17'24"	16.22'	720.55'
C12	07°02'36"	88.58'	720.55'



- E DENOTES COUNTY CAST IRON MONUMENT
- (DENOTES IRON PIPE PLACED THIS SURVEY CAPPED RLS NO. 13334
- DENOTES IRON PIPE FOUND THIS SURVEY
- * DENOTES BROKEN SCALE

CONTOURS = SEA LEVEL DATUM
5.00 FOOT INTERVALS
BM = Bridge over Crow River on HWY No. 55
SE Abutment of Bridge No. 5545
Disc No. T3146 (1995)
Elev. = 1174.11 feet

OWNERS AND DEVELOPERS:
WILLIE and GLORIA SCHEEL
703 WEST MAIN STREET
PAYNESVILLE, MN 56362

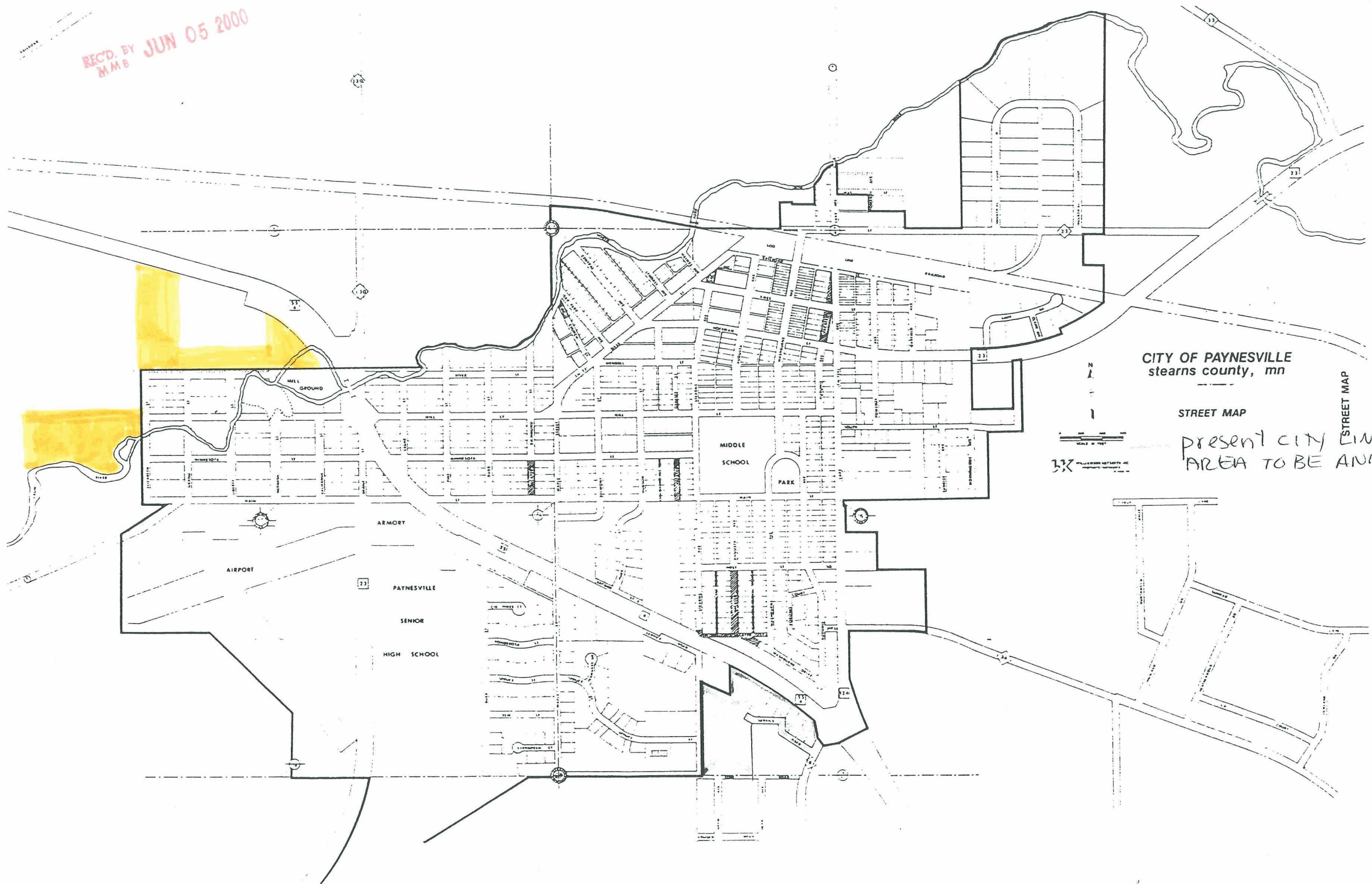
I hereby certify that this survey was prepared by me or under my direct supervision, and that I am a duly Registered Land Surveyor under the Laws of the State of Minnesota.

Date Ronald Engelmeier, Land Surveyor
Minnesota Registration No. 13334

ENGELMEYER SURVEYING P.A.

PRELIMINARY PLAT OF: WILGLO ADDITION	
Prepared for: Willie & Gloria Scheel	
cc: SCHEEL-W.pro	Job No: 66-00
Date: 5-18-2000	P-3-1092 FB:85-51
ENGELMEYER SURVEYING P. A. 307A EAST MAIN STREET MELROSE, MN 56352 PHONE: 1-320-256-7298	

REC'D. BY JUN 05 2000
MMB



CITY OF PAYNESVILLE
stearns county, mn

STREET MAP

1
SCALE 1" = 1 MILE
338

present CITY LIMITS
AREA TO BE ANNEXED

STREET MAP