

**RESOLUTION NO. 01/03/05-1
CITY OF WAITE PARK**

RESOLUTION FOR ORDERLY ANNEXATION

BE IT RESOLVED by the City Council of the City of Waite Park, Minnesota as follows:

1. The Township of St. Joseph and the City of Waite Park have entered into an Orderly Annexation Agreement approved by the Municipal Board, May 8, 2001 as OA-524. Pursuant to Section 7, Subdivision B, Paragraph 3, if the owners of 100% of the parcels of property in the affected area have petitioned to annex, the City Council will, as an agenda item at their next regular meeting, review the petition for consideration of annexation.
2. The City Clerk/Administrator received a petition for annexation on December 17, 2004 signed by the property owners of title for the following described property, all of which is governed by the Orderly Annexation Agreement:

See attached legal description (Exhibit "A")

(hereinafter "the Property"). The property contains approximately 135.72 acres.

3. The City Council agrees to reimburse the Township pursuant to Minnesota Statutes 414.036 and Section 4 of the Orderly Annexation Agreement, for the taxes to be collected on the Property according to the following formula:

2006	60%
2007	50%
2008	40%
2009	30%
2010	20%

In the year 2011 and every year thereafter, all pertinent tax revenue will go to the City.

4. Upon annexation the Property shall be subject to the City's zoning and land use controls, and shall be zoned as R-1 Single-Family Residential, subject to the requirements according to City Ordinance and future amendments to such Zoning Ordinance.
5. The Orderly Annexation Agreement states that the Town and the City mutually agree and that Resolution and Agreement sets forth all the conditions for annexation of the areas designated, and that no consideration by the Municipal Board is necessary. The Board may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Resolution.
6. The City hereby approves the annexation of the Property.
7. This Resolution shall be effective from the date of the Office of Strategic and Long Range Planning's order calling for the designated property's annexation to the City.

REC'D BY
MMB

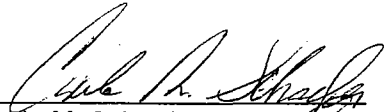
JAN 13 2005

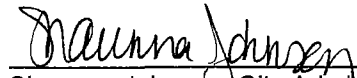
Resolution 01/03/05-1 (Cont'd)
Page 2 of 2

Approved by the City of Waite Park this 3rd day of January, 2005.

(seal)

ATTEST:

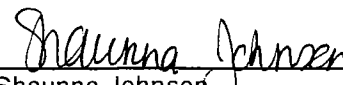

Carla M. Schaefer, Mayor


Shaunna Johnson, City Administrator

ACTION ON THIS RESOLUTION:

Motion for adoption:	Ringsmuth
Seconded by:	Bartz
Voted in favor of:	All
Voted against:	None
Abstained:	None
Absent:	None
Resolution adopted.	

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Waite Park City Council at a duly authorized meeting held on 01/03/05.


Shaunna Johnson
City Administrator-Clerk-Treasurer

LAND DESCRIPTION FOR ANNEXATION:

That part of the Northwest Quarter of the Southeast Quarter of Section 23, the South Half of the Northwest Quarter of Section 23, the Northeast Quarter of Section 23, the East Half of the Southeast Quarter of Section 14, Township 124, Range 29 West, Township 124 North, Range 29 West, Stearns County, Minnesota, which lies northerly of Stearns County Highway Number 138, and lies easterly of Stearns County Highway Number 121, and lies southerly of the following described line: Commencing at the West Quarter corner of said Section 23; thence North 88 degrees 44 minutes 35 seconds East, on a assumed bearing, along the south line of said South Half of the Northwest Quarter, a distance of 974.31 feet, to the centerline of said Stearns County Highway Number 121 per STEARNS COUNTY RIGHT-OF-WAY PLAT NO. 19, according to the recorded plat thereof, Stearns County, Minnesota; thence North 32 degrees 17 minutes 41 seconds West, along said centerline, a distance of 31.37 ft, to the point of beginning of the line to be described; thence North 62 degrees 43 minutes 42 seconds East, a distance of 427.33 feet; thence North 47 degrees 24 minutes 10 seconds East, a distance of 272.23 feet; thence North 75 degrees 49 minutes 06 seconds East, a distance of 143.29 feet; thence South 78 degrees 17 minutes 32 seconds East, a distance of 419.53 feet, more or less, to the thread of the Sauk River; thence northerly and easterly, along said thread of the Sauk River to the east line of the said East Half of the Southeast Quarter of Section 14, and said described line there terminating.

Containing 135.72 acres, more or less.

Job No. 04154

Date: 12/17/2004

ANNEXATION FOR REGIONAL LAND DEVELOPMENT City of Waite Park, Minnesota

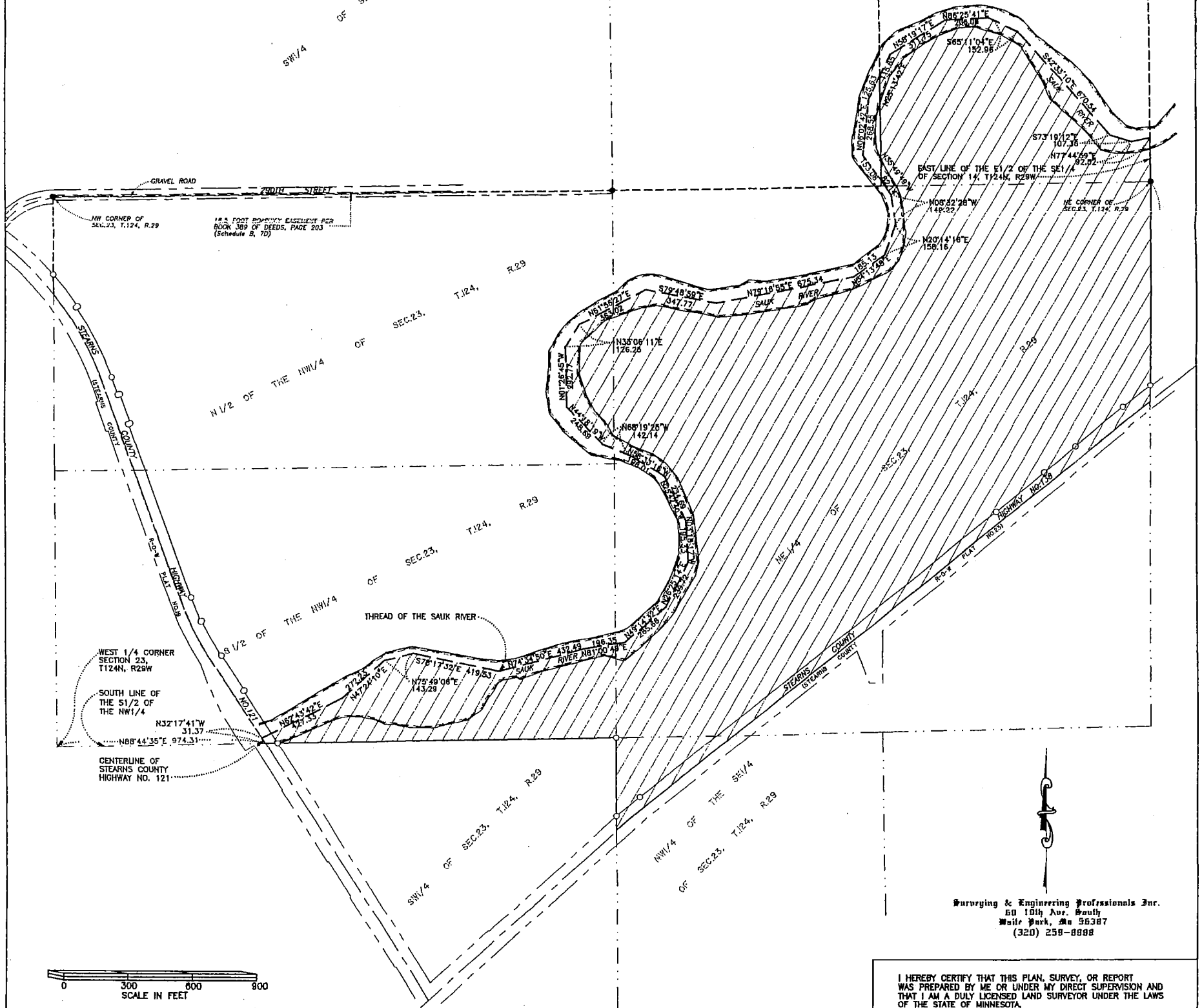
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JAN 13 2005

5,912,075 SF +/-
135.72 ACRES +/-

ANNEXATION DESCRIPTION:

That part of the Northwest Quarter of the Southeast Quarter of Section 23, the South Half of the Northwest Quarter of Section 23, the Northwest Quarter of Section 23, the East Half of the Southeast Quarter of Section 14, Township 124, Range 29 West, Township 124 North, Range 29 West, Stearns County, Minnesota, which lies northerly of Stearns County Highway Number 136, and lies easterly of Stearns County Highway Number 121, and lies southerly of the following described line: Commencing at the West Quarter corner of said Section 23; thence North 88 degrees 44 minutes 35 seconds East, on a assumed bearing, along the south line of said South Half of the Northwest Quarter, a distance of 974.31 feet, to the centerline of said Stearns County Highway Number 121 per STEARNS COUNTY RIGHT-OF-WAY PLAT NO. 19, according to the recorded plat thereof, Stearns County, Minnesota; thence North 32 degrees 17 minutes 41 seconds West, along said centerline, a distance of 31.37 ft, to the point of beginning of the line to be described; thence North 82 degrees 43 minutes 42 seconds East, a distance of 427.33 feet; thence North 47 degrees 24 minutes 10 seconds East, a distance of 272.23 feet; thence North 75 degrees 49 minutes 08 seconds East, a distance of 143.28 feet; thence South 78 degrees 17 minutes 32 seconds East, a distance of 419.53 feet, more or less, to the thread of the Sauk River; thence northerly and easterly, along said thread of the Sauk River to the east line of the said East Half of the Southeast Quarter of Section 14, and said described line there terminating.



- DENOTES IRON MONUMENT SET
- DENOTES IRON MONUMENT FOUND

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

LINDA H. BROWN
DATE 12/17/2004 LICENSE NO. 23682

PETITION FOR ANNEXATION

REC'D BY
MMB

JAN 13 2005

TO THE CITY COUNCIL OF THE CITY OF WAITE PARK, MINNESOTA:

IN THE MATTER OF THE PETITION OF CERTAIN PERSONS FOR ANNEXATION OF UN-INCORPORATED ADJOINING PROPERTY TO THE CITY OF WAITE PARK, MINNESOTA:

We, the undersigned, all the owners of the territory described below, hereby petition the Council to annex this territory to the City of Waite Park, Minnesota, and to extend the City boundaries to include the same, and for that purpose respectfully state:

1. The territory to be annexed consists entirely of land which lies within an orderly annexation area in an agreement between the City of Waite Park and St Joseph Township in the County of Stearns, Minnesota and the description of such lands is as follows: (Insert legal description, including acreage)

2. The petitioners are in need of municipal sewer service.

3. All of this territory is urban (or suburban) in character and occupied by _____, or is vacant land.

4. The residents in the area will increase the population by ?.



5. All of the property is within the 10-15 year zone of the Orderly Annexation Agreement between the Town of St. Joseph and the City of Waite Park of May 8, 2001.

6. All of the property owners of title exceed the required percentage to constitute a sufficient petition under M.S. 414.033, Subd 5, and the percentage of parcels of property in the affected area according to Section 7 B of the Orderly Annexation Agreement between the Town of St. Joseph and the City of St. Waite Park.

7. The acreage of the parcel requesting annexation is 135.72 acres (include to .00 of acres)

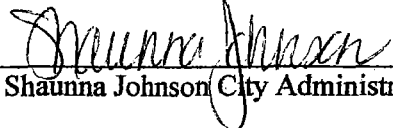
8. All costs incurred by the City will be the responsibility of the petitioner.

ALL OF THE PROPERTY OWNERS OF TITLE

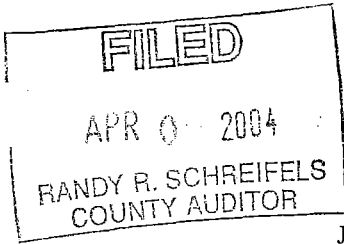
Signatures	Printed names	Date
	Richard A. Heid	12/17/04
	ROBERT P. HERBILS	12/17/04

RECEIVED BY

12/17/04
Date


Shaunna Johnson City Administrator

JAN 13 2005

TOWN OF ST. JOSEPH RESOLUTION NO. 01-1CITY OF WAITE PARK RESOLUTION NO. 01-26JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN THE
TOWN OF ST. JOSEPH AND THE CITY OF WAITE PARK, MINNESOTA

WHEREAS, the Town of St. Joseph (hereinafter referred to as the "Town") and the City of Waite Park (hereinafter referred to as the "City"), both located entirely within Stearns County, in the State of Minnesota, have agreed that there is a clear need for a cooperative future planning effort for the land governed by the two jurisdictions; and,

WHEREAS, to this end, have met extensively in discussion and study of future planning issues as the Waite Park / St. Joseph Township Orderly Annexation Study Committee (WPSJT); and,

WHEREAS, the Town Board and City Council have expressed their desire to encourage future development of land near the City so as to avail such development of municipal services as much as is practical, while encouraging the retention of land in agricultural use;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual terms and conditions that follow, that the City and Town enter into this Joint Resolution for Orderly Annexation.

1. Designation of Orderly Annexation Area. The Town and City desire to designate the area set forth on the map attached (Exhibit 5) and the legal descriptions attached (Exhibits 1, 2 3 and 4) as subject to orderly annexation under and pursuant to Minnesota Statutes Section 414.0325.
2. Director of Minnesota Office of Strategic and Long Range Planning Jurisdiction. Upon approval by the Town Board and the City Council, this Joint Resolution shall confer jurisdiction upon the Director of Minnesota Office of Strategic and Long Range Planning (hereinafter referred to as "Director of Minnesota Planning") so as to accomplish said orderly annexations in accordance with the terms of this Joint Resolution.
3. No Alterations of Boundaries. The Town and City mutually agree and state that no alterations by the Director of Minnesota Planning of the stated boundaries of the area designated for orderly annexation is appropriate.
4. Review and Comment by the Director of Minnesota Planning. The Town and City mutually agree and state that this Joint Resolution and Agreement sets forth all the conditions for annexation of the areas designated, and that no consideration by the Director of Minnesota Planning is necessary. The Director of Minnesota Planning may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Joint Resolution.
5. Planning and Land Use Control Authority. The Town and City mutually agree and state that within thirty (30) days of the effective date of the Director of Minnesota Planning's order establishing the Orderly Annexation area, a board will be established to exercise planning and land use control authority within the designated orderly annexation area pursuant to Minnesota Statutes, Section 414.0325, Subdivision 5c, in the manner prescribed by Minnesota Statutes 1976, Section 471.59, Subdivision 2 through 8, inclusive. Prior to annexation, the ordinances of the Town will control the properties in the area designated for orderly annexation; following annexation, the ordinances of the City shall control.

All zoning and subdivision regulation within the orderly annexation area, prior to annexation, shall be controlled by a three (3) member commission, with one member appointed from each of the City Council, Town Board, and the Stearns County Board of Commissioners.

Such membership to this committee shall be appointed on an annual basis by both the City Council and the Town Board. The County membership shall be held by a Commissioner for the district representing either the City or Township.

This committee shall serve as the "governing body" and "board of appeals and adjustments", for purposes of Sections Minnesota Statutes, Sections 462.357 and 462.358, within the orderly annexation area. The committee shall have all of the powers contained in Minnesota Statutes, Sections 462.351 to 462.364, and shall have the authority to adopt and enforce the Uniform Fire Code promulgated pursuant to Section 299F.011. Following annexation, the annexed properties shall be subject to the zoning and subdivision controls of the City, and the City Council shall serve as the "governing body."

6. Municipal Reimbursement. The City and Town mutually agree and state that, pursuant to Minnesota Statutes 414.036, a reimbursement from the City to the Town shall occur for the taxes collected on land annexed into the City, according to the following conditions:

- A. All reimbursement will be based on the valuation and tax capacity of the land as it exists in the Town at the time of its annexation.
- B. The reimbursement on said land shall be based on a five (5) year schedule with the percentage of base taxes reimbursed to the Town as follows:

Year 1	60%
Year 2	50%
Year 3	40%
Year 4	30%
Year 5	20%

- C. At the sixth year, and every year thereafter, all pertinent tax revenues will be the property of the City.
- D. Any circumstances of extreme undue hardship may be cause for re-negotiation of this section on a case-by-case basis.

7. Conditions for Orderly Annexation.

A. Timeliness of annexation. The City and Town desire to establish zones within the area designated in Section 1 so as to provide a relative reference as to when services might be reasonably provided. The zones are designated as:

<u>ZONE</u>	<u>PROJECTED LIFE</u>	<u>LEGAL DESC.</u>	<u>MAP</u>
Zone 1	0-5 Year	Exhibit 1	Exhibit 5
Zone 2	6-10 Years	Exhibit 2	Exhibit 5
Zone 3	11-15 Years	Exhibit 3	Exhibit 5
Zone 4	Over 15 Years	Exhibit 4	Exhibit 5

The City will make reasonable effort to provide and plan for the possible extension of services into each zone within the projected life of each zone.

Unless a petition of property owners for annexation has been filed with the City, the City agrees not to petition for annexation of any area within Zone 1 for a period of five (5) years, unless it is ordered to provide sanitary sewer and/or municipal water services to any areas in said zone by the MPCA or any other State or Federal regulatory agency. At the end of five (5) years, the Town agrees not to object to any petition for annexation of Zone 1 by the City.

Unless a petition of property owners for annexation has been filed with the City, the City agrees not to petition for annexation of any area within Zone 2 for a period of ten (10) years, unless it is

ordered to provide sanitary sewer and/or municipal water services to any areas in said zone by the MPCA or any other State or Federal regulatory agency. At the end of ten (10) years, the Town agrees not to object to any petition for annexation of Zone 2 by the City.

Unless a petition of property owners for annexation has been filed with the City, the City agrees not to petition for annexation of any area within Zone 3 for a period of fifteen (15) years, unless it is ordered to provide sanitary sewer and/or municipal water services to any areas in said zone by the MPCA or any other State or Federal regulatory agency. At the end of fifteen (15) years, the Town agrees not to object to any petition for annexation of Zone 3 by the City.

Unless a petition of property owners for annexation has been filed with the City, the City agrees not to petition for annexation of any area within Zone 4 for a period of fifteen (15) years, unless it is ordered to provide sanitary sewer and/or municipal water services to any areas in said zone by the MPCA or any other State or Federal regulatory agency. At the end of fifteen (15) years, the Town agrees not to object to any petition for annexation of Zone 4 by the City.

- B. Annexation Petition Requirements. In order to be considered for annexation, the owners of at least sixty (60) percent of the parcels of property in the affected area must petition.

If the owners of sixty (60) percent or more, but less than one hundred (100) percent of the parcels of property in the affected area petition for annexation, a joint hearing of both the Town Board and the City Council shall be called to consider the petition. The petition shall not be approved unless both the Town Board and the City Council, voting as separate bodies, approve the petition seeking annexation.

If the owners of one hundred (100) percent of the parcels of property in the affected area petition for annexation, the City Council will, as an agenda item at their next regular Council meeting, review the petition for consideration of annexation.

8. Joint Planning Committee. Any issues that would normally come before the Planning Commissions of either the City or the Town that involves land within the boundaries of the orderly annexation area described in Section One prior to annexation, will be heard by a Joint Planning Commission.

Membership of this Joint Planning Commission shall be as follows:

- A. Three (3) members from the City Planning Commission.
- B. Three (3) members from the Town Planning Commission.
- C. The City member of the Orderly Annexation District Planning and Zoning Authority.
- D. The Town member of the Orderly Annexation District Planning and Zoning Authority.

The posting and publishing of meetings for the Joint Planning Commission, as well as the taking of minutes for their meetings, shall be the responsibility of the Town Clerk.

Following annexation, the annexed parcel will fall under authority of the City of Waite Park Planning Commission.

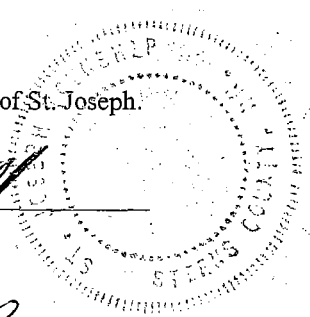
9. Periodic Review. The City and Town mutually agree and state that a periodic review of this agreement is to be conducted beginning three (3) years after the effective date of this agreement and every three (3) years thereafter. The Joint Planning Committee as described in Section 8 of this agreement shall be responsible for conducting this periodic review, and shall present a report of said review to both the City Council and Township Board for their consideration of any recommendations.

- 10. Authorization. The appropriate officers of the City and Town are hereby authorized to carry the terms of this Joint Resolution into effect.
- 11. Severability and Repealer. A determination that a provision of this Joint Resolution is unlawful or unenforceable shall not affect the validity or enforceability of the other provisions herein. Any prior agreement or joint resolution existing between the parties and effecting the property described in the attached Exhibits, shall be considered repealed upon the effective date of this Joint Resolution.
- 12. Effective Date. This Joint Resolution shall be effective upon adoption by the governing bodies of the City and Township and approval by the Director of the Minnesota Office of Strategic and Long Range Planning.

Approved the 20th day of May, 2001, by the Town Board of the Town of St. Joseph.

Joseph A. Bechtold
Chair

Chris T. Rosch
Clerk



Approved the 8th day of May, 2001, by the City Council of the City of Waite Park.

Ken Mue
Mayor

Verena M. Weber
Clerk/Administrator

