

**RESOLUTION NO. 10/03/05-1  
CITY OF WAITE PARK**

**ANNEXATION RESOLUTION OF THE CITY OF WAITE PARK  
IN ACCORDANCE WITH THE ABOVE-REFERENCED JOINT AGREEMENT BETWEEN THE  
CITY OF WAITE PARK AND ST. JOSEPH TOWNSHIP, DATED MAY 29 2001,  
DESIGNATING CERTAIN PROPERTY LOCATED IN THE ORDERLY ANNEXATION AREA  
OF ST. JOSEPH TOWNSHIP AS IN NEED OF IMMEDIATE ORDERLY ANNEXATION  
PURSUANT TO MINNESOTA STATUTES, SECTION 414.0325**

WHEREAS, the City of Waite Park (hereinafter the "City") and St. Joseph Township (hereinafter the "Township") entered into a Joint Resolution for Orderly Annexation, dated May 29, 2001, describing the procedures and process for future orderly annexations of certain designated areas of the Township, referred to as the "Orderly Annexation Area" (hereinafter the "OAA"), for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, Section 414.0325; and

WHEREAS, the above-referenced Joint Resolution for Orderly Annexation between the City and Township, dated May 29, 2001, has been previously filed with the Office of Administrative Hearings Municipal Boundary Adjustments Office and is referenced as Office of Administrative Hearings File No. OA-775 Waite Park/St. Joseph Township Joint Agreement (hereinafter referred to as the "Joint Agreement" and is attached hereto as Appendix D); and

WHEREAS, the above-referenced Joint Agreement provides that any land within the OAA designated therein may be annexed by the City at any time during the term of the Joint Agreement if the City receives a petition for annexation from 100% of the property owner(s) of a parcel of land located within the OAA (See Joint Agreement, Appendix D, at Paragraphs 4 and 7); and

WHEREAS, on September 6, 2005, in accordance with Paragraph 7 of the Joint Agreement, the City received the above described required property owner petition from 100% of the property owners of the property designated herein, which is known for ease of reference as the "Brangus Property", requesting immediate orderly annexation thereof to the City; and

WHEREAS, the Brangus Property legally described herein and designated for immediate orderly annexation abuts the City and is located within the OAA described in the Joint Agreement (See, Joint Agreement, Appendix D, at Paragraph 1); and

WHEREAS, the City has capacity to provide municipal services to the Brangus Property designated herein for orderly annexation following annexation thereof; and

WHEREAS, the Brangus Property, designated and legally described herein for immediate orderly annexation and provision of services, is urban or suburban or about to become so, annexation is in the best interests of the City and property owners, and annexation thereof would benefit the public health, safety and welfare of the community; and

WHEREAS, having met all the triggering conditions for orderly annexation of the Brangus Property legally described herein, as provided in the Joint Agreement (Appendix D), for property located in the OAA, the City may now adopt, execute and file this "Annexation Resolution" providing for the immediate annexation of the Brangus Property designated herein (See, Joint Agreement, Appendix D, at Paragraph 7); and

WHEREAS, in accordance with Paragraphs 4 and 7 of the Joint Agreement, Appendix D, annexation of the Brangus Property designated herein pursuant to the Joint Agreement does not require a hearing or any

consideration by the Office of Administrative Hearings (OAH), except to the extent that the OAH may review and comment thereon.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Waite Park, Stearns County, Minnesota, as follows:

1. The City has received a property owner petition from 100% of the property owners of a parcel of land, the Brangus Property, legally described herein and located within the OAA and has therefore met all of the stated conditions for the immediate annexation thereof contained in the Joint Agreement, Appendix D. (See Joint Agreement, Appendix D, at Paragraphs 1, 4, and 7).
2. The City has considered the above-referenced property owner petition from 100% of the property owners of the Brangus Property, and, having met all of the conditions for annexation of the Brangus Property, hereby approves the annexation of the Brangus Property.
3. This resolution hereby constitutes and shall be referred to as the City's "Annexation Resolution" as provided by the Joint Agreement, Appendix D, authorizing the immediate annexation by the City of Waite Park of the Brangus Property as legally described herein.
4. The Brangus Property, designated in this Annexation Resolution for immediate annexation to the City, is legally described in Appendix A, which is attached hereto and incorporated herein by reference.
5. A boundary map showing the Brangus Property, designated herein for immediate orderly annexation, Appendix A, is attached hereto and incorporated herein by reference as Appendix B.
6. The property owner petition from the Brangus Property, dated September 6, 2005, constituting the requisite triggering event for annexation of the area legally described in Appendix A in accordance with the Joint Agreement (Appendix D), is attached hereto and incorporated herein by reference as Appendix C.
7. The above-referenced Joint Agreement between the City and Township, providing the conditions for annexation of the Brangus Property legally described in Appendix A, is attached hereto as Appendix D.
8. The Brangus Property legally described in Appendix A and designated as in need of immediate orderly annexation is approximately 175 acres.
9. The population of the Brangus Property legally described in Appendix A and designated as in need of immediate orderly annexation is 0.
10. In accordance with Paragraphs 2, 3, and 4 of the Joint Agreement, Appendix D, the Office of Administrative Hearings may review and comment on this Annexation Resolution, but shall within thirty (30) days of receipt of this Annexation Resolution and a copy of the above-referenced Joint Agreement (attached as Appendix D), order the annexation of the Brangus Property designated in this Annexation Resolution and legally described in Appendix A in accordance with the terms and conditions of the above-referenced Joint Agreement, Appendix D. No alteration of the stated boundaries as described in this Annexation Resolution is appropriate, no consideration by the Office of Administrative Hearings is necessary, and all terms and conditions for annexation thereof have been met as provided for in the Joint Agreement, Appendix D.
11. Upon the annexation of the Brangus Property designated herein for immediate orderly annexation and legally described in Appendix A, the City shall reimburse the Township for the loss of taxes from the property so annexed in accordance with Paragraph 6 of the Joint Agreement (See Appendix D).
12. Following annexation of Brangus Property designated herein for orderly annexation, the City shall be responsible for providing municipal governmental services to the annexed area.

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13. Upon annexation the Brangus 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.
14. This Annexation Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota and the above-referenced Joint Agreement (See Appendix D).
15. Upon adoption and execution of this Annexation Resolution by the City, the City shall file the same with the Township and the Office of Administrative Hearings Municipal Boundary Adjustments Office along with the required filing fee.

Passed, adopted, and approved by the City Council of the City of Waite Park, Stearns County, Minnesota, this 3<sup>rd</sup> day of October 2005.

## CITY OF WAITE PARK

By: \_\_\_\_\_

Carla M. Schaefer, Mayor

ATTEST:

By: \_\_\_\_\_

Shaunna Johnson, City Administrator

## ACTION ON THIS RESOLUTION:

|                      |           |
|----------------------|-----------|
| Motion for adoption: | Ringsmuth |
| Seconded by:         | Theisen   |
| 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 October 3, 2005.

\_\_\_\_\_  
Shaunna Johnson  
City Administrator-Clerk-Treasurer

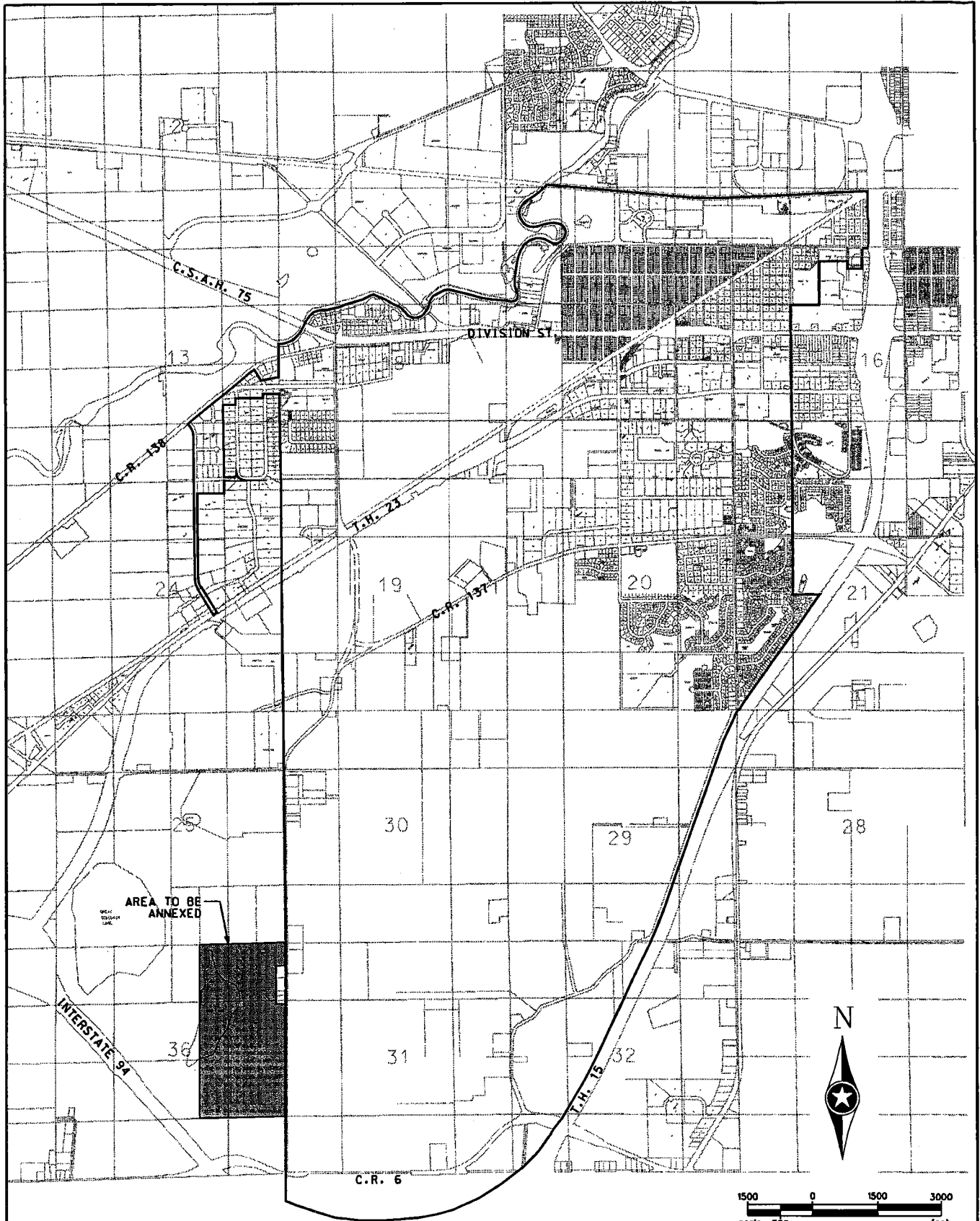
**APPENDIX A**

The Brangus Property designated in this Annexation Resolution and shown on Appendix B for immediate orderly annexation is legally described as follows:

The East Half of the Southwest Quarter of the Northeast Quarter and the East Half of the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter; the East Half of the Northwest Quarter of the Southeast Quarter and the East Half of the Northeast Quarter, all in Section 36, Township 124 North, Range 29 West, Stearns County, Minnesota, less and except that part of the East Half of the Northeast Quarter of Section 36, Township 124, North, Range 29 West, Stearns County, Minnesota, described as follows: Commencing at the Northeast corner of said Section 36, thence South on the East line thereof 795.53 feet for the point of beginning; thence continue South on said East line 600 feet; thence West at right angles 217.8 feet; thence North at right angles 600 feet; thence East at right angles 217.8 feet to the point of beginning. Containing three (3) acres, more or less. ALSO LESS AND EXCEPT that part of the Northeast Quarter of the Northeast Quarter of Section 36, Township 124 North, Range 29 West, Stearns County, Minnesota, described as follows: Commencing at the Northeast corner of said Section; thence South on an assumed bearing along the east line of said Section a distance of 528.86 feet to the point of beginning of the land to be described; thence West 217.80 feet, thence South parallel with said east line 266.67 feet; thence East 217.80 feet to said east line; thence North along said east line 266.67 feet to the point of beginning.

**APPENDIX B**

The boundary map referenced in this Annexation Resolution showing the Brangus Property designated for immediate orderly annexation and legally described in Appendix A, is attached hereto.



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FILE NO.  
AWAITE0601.00  
DATE:  
09/29/05

ANNEXATION PETITION  
WAITE PARK, MINNESOTA

FIGURE  
NO. 1

REC'D BY  
MMB

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### APPENDIX C

The property owner petition for the Brangus Property initiating this Annexation Resolution pursuant to the Joint Agreement between the City and Township (See Appendix D) is attached hereto.

REC'D BY  
M M B      OCT 05 2005

**IN THE MATTER OF THE PETITION OF  
CERTAIN PERSONS FOR ANNEXATION  
PURSUANT TO MINN. STAT. §414.0325, SUBD. 1(d)(1)**

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**TO: The Council of the City of Waite Park, Minnesota:**

The Petitioner is the sole owner of the property of certain land described herein, which is located within an Orderly Annexation area, and Petitioner is entitled to annexation pursuant to Minn. Stat. §414.0325, subd. 1(d)(1).

It is hereby requested by the sole property owner to annex certain real property described herein lying in the Town of St. Joseph to the City of Waite Park, County of Stearns, State of Minnesota.

The area proposed for annexation is legally described as follows:

The East Half of the Southwest Quarter of the Northeast Quarter and the East Half of the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter; the East Half of the Northwest Quarter of the Southeast Quarter and the East Half of the Northeast Quarter, all in Section 36, Township 124 North, Range 29 West, Stearns County, Minnesota, less and except that part of the East Half of the Northeast Quarter of Section 36, Township 124, North, Range 29 West, Stearns County, Minnesota, described as follows: Commencing at the Northeast corner of said Section 36, thence South on the East line thereof 795.53 feet for the point of beginning; thence continue South on said East line 600 feet; thence West at right angles 217.8 feet; thence North at right angles 600 feet; thence East at right angles 217.8 feet to the point of beginning. Containing three (3) acres, more or less. ALSO LESS AND EXCEPT that part of the Northeast Quarter of the Northeast Quarter of Section 36, Township 124 North, Range 29 West, Stearns County, Minnesota, described as follows: Commencing at the Northeast corner of said Section; thence South on an assumed bearing along the east line of said Section a distance of 528.86 feet to the point of beginning of the land to be described; thence West 217.80 feet, thence South parallel with said east line 266.67 feet; thence East 217.80 feet to said east line; thence North along said east line 266.67 feet to the point of beginning.

1. There is one party who holds an interest in the area proposed for annexation.



2. All property owners have signed this Petition.
3. Said property is unincorporated, abuts on the City's westerly boundary, and is not included within any other municipality.
4. The area of land to be annexed is 175 unplatted acres.
5. The reason for the requested annexation is a planned residential development within the land to be annexed.
6. The area proposed for annexation is included in an area that has already been designated for orderly annexation pursuant to Minn. Stat. §414.0325.
7. The electric utility service notice requirements contained in Minn. Stat. §414.0325, subd. 1a are hereby waived by Petitioner.
8. Petitioner requires the extension of City sewer and water services to the described property.
9. Petitioner requests: That pursuant to Minn. Stat. §414.0325, subd. 1(d)(1), the City of Waite Park adopt a resolution to be submitted to the Director of Municipal Boundary Adjustments to annex the property described herein to the City of Waite Park.

Dated: 9-6-, 2005

BRANGUS PROPERTIES, LLC

By   
Michael Leuer, Chief Managing Officer

REC'D BY  
MMB

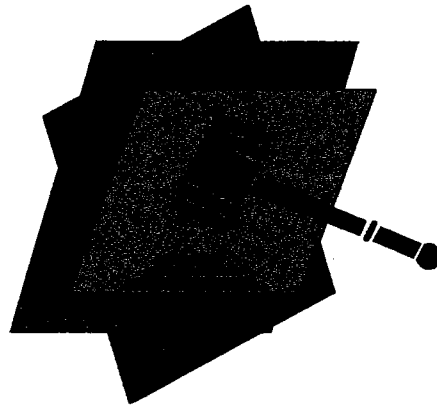
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APPENDIX D

The Joint Agreement between the City and Township providing for this Annexation Resolution is attached hereto.

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MMB

OCT 05 2005

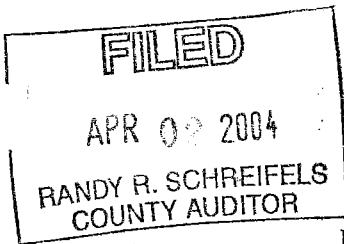


**City of Waite Park**  
**And**  
**Township of St. Joseph**

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**Joint Resolution for Orderly  
Annexation**

**And**  
**Orderly Annexation Study**

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

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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.

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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 2<sup>nd</sup> day of May, 2001, by the Town Board of the Town of St. Joseph.

Joseph A. Bechtel  
Chair

Paul T. Bechtel  
Clerk

Approved the 8<sup>th</sup> day of May, 2001, by the City Council of the City of Waite Park.

Reynolds  
Mayor

Verena M. Weber  
Clerk/Administrator

**EXHIBIT 1**

**ZONE 1 - 0 TO 5 YEARS**

✓ Industries West, Industries West Plat 2, and Industries West Plat 3. Together with SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  and SE  $\frac{1}{4}$  of Section 13, Township 124, Range 29, which lies southerly of the Sauk River. Together with W  $\frac{1}{2}$  NE  $\frac{1}{4}$  and NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 24, Township 124, Range 29, which lies northerly of T.H. 23, Stearns County, Minnesota.



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## EXHIBIT 2

### ZONE 2 – 6 TO 10 YEARS

Symalla Addition and Johnson's Acres. Together with SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  and SE  $\frac{1}{4}$ , Section 24, Township 124, Range 29, which lies south of T.H. 23. Also, the E  $\frac{1}{2}$ , Section 25, Township 124, Range 29, Stearns County, Minnesota.

**EXHIBIT 3****ZONE 3 – 11 TO 15 YEARS**

✓ A.T.S. Industrial Park, together with SW  $\frac{1}{4}$ , Section 13, Township 124, Range 29, which lies southerly of Sauk River. Also, that part of the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 14, Township 124, Range 29, which lies southerly of Sauk River. Also, E  $\frac{1}{2}$ , Section 23, Township 124, Range 29, which lies southerly of Sauk River. Also, W  $\frac{1}{2}$ , Section 24, Township 124, Range 29. Also, W  $\frac{1}{2}$ , Section 25, Township 124, Range 29, except SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 25. Also, NE  $\frac{1}{4}$ , Section 26 and NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 26, Township 124, Range 29. Also, E  $\frac{3}{4}$  E  $\frac{1}{2}$ , Section 36, Township 124, Range 29, which lies northerly of Interstate 94.

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## EXHIBIT 4

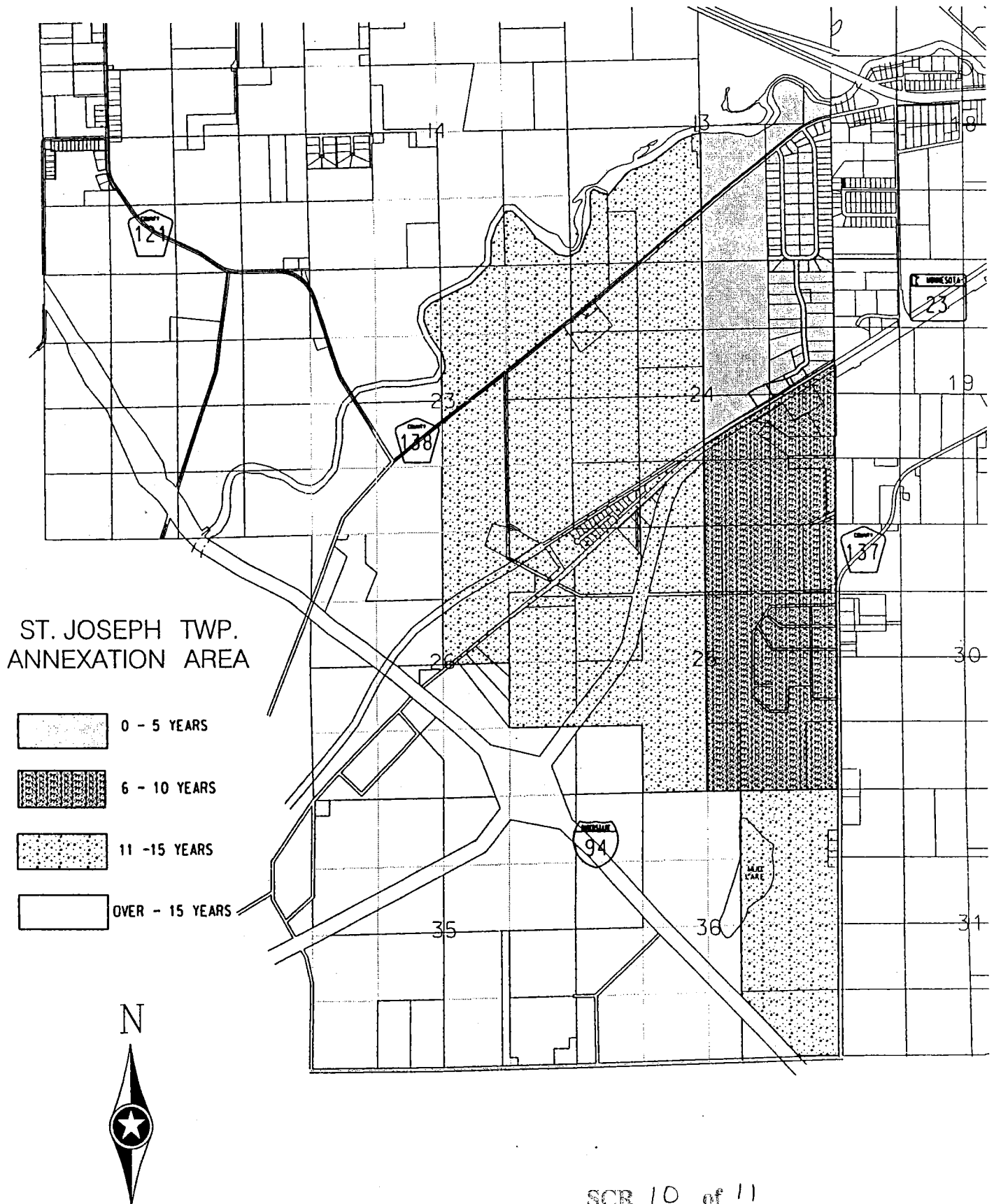
### ZONE 4 – OVER 15 YEARS

✓ In general would be the area southerly of the Sauk River and northerly of Interstate 94 less 0-15 years zones. It would include parts of: SW  $\frac{1}{4}$ , Section 23, Township 124, Range 29; SE  $\frac{1}{4}$  Section 22; NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 27; NW  $\frac{1}{4}$ , Section 26; NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 26; SE  $\frac{1}{4}$ , Section 26; SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 25; NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 35; NW  $\frac{1}{4}$ , Section 36; W  $\frac{1}{4}$  E  $\frac{1}{2}$ , Section 36, Township 124, Range 29, Stearns County, Minnesota.

# EXHIBIT 5

REC'D BY  
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REC'D BY  
MMB

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COUNTY RECORDER  
STEARNS COUNTY, MN  
DIANE GRUNDHOEFER

BY  DEPUTY

RESOLUTION NO. 2005-1  
TOWNSHIP OF ST. JOSEPH

WHEREAS, the City of Waite Park adopted Resolution No. 10/03/05-1 on the 3<sup>rd</sup> day of October, 2005, wherein the City acted on a petition for annexation relating to property referenced as the "Brangus Property", which Resolution is attached hereto as "Exhibit A" (without Appendix) and is incorporated herein by reference as if fully set forth herein;

WHEREAS, a copy of that Resolution has been filed with the Township and the Office of Administrative Hearings, Municipal Boundary Adjustments Office; and

WHEREAS, the property referenced in said annexation, the "Brangus Property" is contiguous to and abuts the present municipal boundaries of the City of Waite Park.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Township of St. Joseph, Stearns County, Minnesota, as follows:

1. That the Township does not object to said annexation because the property being annexed is contiguous to and abuts the present municipal boundaries of the City of Waite Park;

2. That the Director of Minnesota Planning may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of the Joint Resolution For Orderly

Annexation between the Town of St. Joseph and the City of Waite Park, Minnesota.

3. That upon the adoption and execution of this Resolution by the Township, the Township shall file the same with the City of Waite Park and the Office of Administrative Hearings, Municipal Boundary Adjustments.

Passed, adopted and approved by the Town Board of the Township of St. Joseph, Stearns County, Minnesota.

Dated: October 31, 2005.

TOWNSHIP OF ST. JOSEPH

By:   
Anna Reischl, Clerk

**OA-775 Waite Park/St. Joseph Township Joint Agreement****RESOLUTION NO. 10/03/05-1  
CITY OF WAITE PARK****ANNEXATION RESOLUTION OF THE CITY OF WAITE PARK  
IN ACCORDANCE WITH THE ABOVE-REFERENCED JOINT AGREEMENT BETWEEN THE  
CITY OF WAITE PARK AND ST. JOSEPH TOWNSHIP, DATED MAY 29 2001,  
DESIGNATING CERTAIN PROPERTY LOCATED IN THE ORDERLY ANNEXATION AREA  
OF ST. JOSEPH TOWNSHIP AS IN NEED OF IMMEDIATE ORDERLY ANNEXATION  
PURSUANT TO MINNESOTA STATUTES, SECTION 414.0325**

WHEREAS, the City of Waite Park (hereinafter the "City") and St. Joseph Township (hereinafter the "Township") entered into a Joint Resolution for Orderly Annexation, dated May 29, 2001, describing the procedures and process for future orderly annexations of certain designated areas of the Township, referred to as the "Orderly Annexation Area" (hereinafter the "OAA"), for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, Section 414.0325; and

WHEREAS, the above-referenced Joint Resolution for Orderly Annexation between the City and Township, dated May 29, 2001, has been previously filed with the Office of Administrative Hearings Municipal Boundary Adjustments Office and is referenced as Office of Administrative Hearings File No. OA-775 Waite Park/St. Joseph Township Joint Agreement (hereinafter referred to as the "Joint Agreement" and is attached hereto as Appendix D); and

WHEREAS, the above-referenced Joint Agreement provides that any land within the OAA designated therein may be annexed by the City at any time during the term of the Joint Agreement if the City receives a petition for annexation from 100% of the property owner(s) of a parcel of land located within the OAA (See Joint Agreement, Appendix D, at Paragraphs 4 and 7); and

WHEREAS, on September 6, 2005, in accordance with Paragraph 7 of the Joint Agreement, the City received the above described required property owner petition from 100% of the property owners of the property designated herein, which is known for ease of reference as the "Brangus Property", requesting immediate orderly annexation thereof to the City; and

WHEREAS, the Brangus Property legally described herein and designated for immediate orderly annexation abuts the City and is located within the OAA described in the Joint Agreement (See, Joint Agreement, Appendix D, at Paragraph 1); and

WHEREAS, the City has capacity to provide municipal services to the Brangus Property designated herein for orderly annexation following annexation thereof; and

WHEREAS, the Brangus Property, designated and legally described herein for immediate orderly annexation and provision of services, is urban or suburban or about to become so, annexation is in the best interests of the City and property owners, and annexation thereof would benefit the public health, safety and welfare of the community; and

WHEREAS, having met all the triggering conditions for orderly annexation of the Brangus Property legally described herein, as provided in the Joint Agreement (Appendix D), for property located in the OAA, the City may now adopt, execute and file this "Annexation Resolution" providing for the immediate annexation of the Brangus Property designated herein (See, Joint Agreement, Appendix D, at Paragraph 7); and

WHEREAS, in accordance with Paragraphs 4 and 7 of the Joint Agreement, Appendix D, annexation of the Brangus Property designated herein pursuant to the Joint Agreement does not require a hearing or any

# EXHIBIT A



consideration by the Office of Administrative Hearings (OAH), except to the extent that the OAH may review and comment thereon.


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Waite Park, Stearns County, Minnesota, as follows:

1. The City has received a property owner petition from 100% of the property owners of a parcel of land, the Brangus Property, legally described herein and located within the OAA and has therefore met all of the stated conditions for the immediate annexation thereof contained in the Joint Agreement, Appendix D. (See Joint Agreement, Appendix D, at Paragraphs 1, 4, and 7).
2. The City has considered the above-referenced property owner petition from 100% of the property owners of the Brangus Property, and, having met all of the conditions for annexation of the Brangus Property, hereby approves the annexation of the Brangus Property.
3. This resolution hereby constitutes and shall be referred to as the City's "Annexation Resolution" as provided by the Joint Agreement, Appendix D, authorizing the immediate annexation by the City of Waite Park of the Brangus Property as legally described herein.
4. The Brangus Property, designated in this Annexation Resolution for immediate annexation to the City, is legally described in Appendix A, which is attached hereto and incorporated herein by reference.
5. A boundary map showing the Brangus Property, designated herein for immediate orderly annexation, Appendix A, is attached hereto and incorporated herein by reference as Appendix B.
6. The property owner petition from the Brangus Property, dated September 6, 2005, constituting the requisite triggering event for annexation of the area legally described in Appendix A in accordance with the Joint Agreement (Appendix D), is attached hereto and incorporated herein by reference as Appendix C.
7. The above-referenced Joint Agreement between the City and Township, providing the conditions for annexation of the Brangus Property legally described in Appendix A, is attached hereto as Appendix D.
8. The Brangus Property legally described in Appendix A and designated as in need of immediate orderly annexation is approximately 175 acres.
9. The population of the Brangus Property legally described in Appendix A and designated as in need of immediate orderly annexation is 0.
10. In accordance with Paragraphs 2, 3, and 4 of the Joint Agreement, Appendix D, the Office of Administrative Hearings may review and comment on this Annexation Resolution, but shall within thirty (30) days of receipt of this Annexation Resolution and a copy of the above-referenced Joint Agreement (attached as Appendix D), order the annexation of the Brangus Property designated in this Annexation Resolution and legally described in Appendix A in accordance with the terms and conditions of the above-referenced Joint Agreement, Appendix D. No alteration of the stated boundaries as described in this Annexation Resolution is appropriate, no consideration by the Office of Administrative Hearings is necessary, and all terms and conditions for annexation thereof have been met as provided for in the Joint Agreement, Appendix D.
11. Upon the annexation of the Brangus Property designated herein for immediate orderly annexation and legally described in Appendix A, the City shall reimburse the Township for the loss of taxes from the property so annexed in accordance with Paragraph 6 of the Joint Agreement (See Appendix D).
12. Following annexation of Brangus Property designated herein for orderly annexation, the City shall be responsible for providing municipal governmental services to the annexed area.

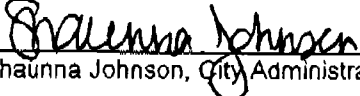
13. Upon annexation the Brangus Property shall be subject to the City's zoning and land use controls, and shall be zoned as R-1 Single-Family Residential, subject to the requirements according to City Ordinance and future amendments to such Zoning Ordinance.
14. This Annexation Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota and the above-referenced Joint Agreement (See Appendix D).
15. Upon adoption and execution of this Annexation Resolution by the City, the City shall file the same with the Township and the Office of Administrative Hearings Municipal Boundary Adjustments Office along with the required filing fee.

Passed, adopted, and approved by the City Council of the City of Waite Park, Stearns County, Minnesota, this 3<sup>rd</sup> day of October 2005.

## CITY OF WAITE PARK

By:   
Carla M. Schaefer, Mayor

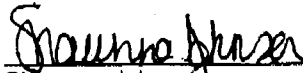
## ATTEST:

By:   
Shaunna Johnson, City Administrator

## ACTION ON THIS RESOLUTION:

|                      |           |
|----------------------|-----------|
| Motion for adoption: | Ringsmuth |
| Seconded by:         | Theisen   |
| 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 October 3, 2005.

  
Shaunna Johnson  
City Administrator-Clerk-Treasurer