

JOINT RESOLUTION AS TO ORDERLY ANNEXATION
BY AND BETWEEN THE CITY OF ST. CLOUD AND
THE TOWN OF HAVEN

WHEREAS, the City of St. Cloud (the "City") and the Town of Haven (the "Town") desire to provide for the orderly development and extension of services to areas of the Town that are or are about to become urban or suburban in character; and

WHEREAS, the City and the Town wish to encourage development and extension of services to those properties which are contiguous to the City limits prior to properties which are not adjacent to the City boundaries; and

WHEREAS, the City and the Town have reached an agreement which is in the best interests of both citizens of the City and the citizens of the Town.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF ST. CLOUD AND THE BOARD OF SUPERVISORS OF THE TOWN OF HAVEN:

1. Description of Area to be Annexed. That the following described areas are properly subject to orderly annexation under and pursuant to Minnesota Statutes §414.0325, and the parties do hereby designate these areas for orderly annexation as provided by statute:

A. That area set forth on the attached map (Exhibit 1) as areas "A" through "G". Legal Description Attached as Exhibit 2.

2. Municipal Board Jurisdiction. That upon approval by the parties, this agreement shall confer jurisdiction upon the Minnesota Municipal Board (the "Board") so as to accomplish said orderly annexation in accordance with the terms of this agreement.

3. No Alterations of Boundaries. The City and the Town mutually state that no alteration by the Board of the boundaries of those areas designated herein for orderly annexation is appropriate.

4. Conditions for Annexation. The City and the Town mutually state that this resolution sets forth all of the conditions for annexation of the areas designated herein for orderly annexation and that no consideration by the Board is necessary, the Board may review and comment, but shall, within thirty (30) days, order annexation, subject to the provisions of paragraphs 5 and 6 herein.

5. Petition for Annexation of Areas "A" Through "G". The City and the Town mutually state that properties in the areas designated as "A" through "G", as shown on Exhibit 1 and legally described as Exhibit 2, or a portion thereof shall be annexed to the City by the Board upon the petition to the City by a majority

of the property owners involved and receipt by the Board of the City's resolution requesting annexation of the petitioned property, subject to the provisions of paragraph 6 herein.

6. Procedure for Annexation of Areas "A" Through "G". Petitions for annexation shall be considered for properties in areas "A" through "G" only in alphabetical order. For example, no petitions for annexation shall be considered for properties in areas designated as "B", "B-1", "C", "D", "E", "E-1", "F", and "G" on the attached map, until the area designated as "A" has been annexed to the City. Similarly, no petitions for annexation shall be considered for properties in areas designated as "C", "D", "E", "E-1", "F", and "G" on the attached map, until the areas designated as "A", "B", and "B-1" have been annexed to the City, and so forth. The area designated as "B-1" shall automatically be annexed to the City, when the area designated as "B" has been annexed to the City as provided herein. The area designated as "E-1" shall automatically be annexed to the City, when the area designated as "E" has been annexed to the City as provided herein.

7. City Not to Initiate Annexation. The City will not initiate annexation within the Town for a period of fifteen (15) years from the date of this agreement unless petitioned for by a majority of the property owners involved. In any case, the petitioned properties must be contiguous to the City, and such annexation must not be contrary to the provisions of paragraph 6 herein.

8. Property Taxes. Any property annexed to the City pursuant to this agreement shall receive a property tax break consisting of a uniform graduated increase in mill rates from the Town rate to the City rate over a six (6) year period.

9. Zoning and Planning Review. The City and the Town also agree that the City will be given an opportunity to review any applications for rezoning, variances, land development, or other land use proposals in the area designated for orderly annexation. The City shall promptly review such applications after their receipt and provide written comments to the Town. The Town shall consider the City's comments, if timely provided, in deliberating upon the land use proposal.

This resolution adopted by the City Council this 21st day of August, 1989.

Attested:

CITY OF ST. CLOUD, MINNESOTA

By Steve A. Engdahl
City Clerk

By Charles D. Winkelmann
Council President

This resolution adopted by the Town Board of Supervisors
this 21st day of August, 1989.

Attested:

By


Town Clerk

TOWN OF HAVEN, MINNESOTA

By

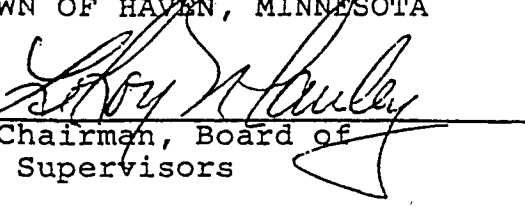

Chairman, Board of
Supervisors

EXHIBIT 2

TRACT "A"

That part of Government Lot Two (2) of Section Twelve (12), Township Thirty-five (35) North, Range Thirty-one (31) West, Sherburne County, Minnesota, described as follows:

Beginning at a point where the easterly right-of-way line of County State Aid Highway No. 8 (formerly Military Road) intersects the north line of said Government Lot Two (2); thence southerly, along said easterly right-of-way line, 125 feet; thence westerly, and parallel with the north line of said Government Lot Two (2), 433 feet; thence northerly, and parallel with the centerline of said highway, 125 feet, to the north line of said Government Lot Two (2); thence easterly along said north line of Government Lot Two (2) to the point of beginning and there terminating. Containing 1.2 acres more or less.

TRACT "B"

That part of Government Lots Two (2) and Three (3) of Section Twelve (12), Township Thirty-five (35) North, Range Thirty-one (31) West, Sherburne County, Minnesota, described as follows:

Commencing at a point where the easterly right-of-way line of County State Aid Highway No. 8 (formerly Military Road) intersects the north line of said Government Lot Two (2); thence southerly, along said easterly right-of-way line, 125 feet, to the point of beginning of the tract to be described; thence continuing southerly, along the easterly right-of-way line of said highway, 675 feet; thence westerly, and parallel with the north line of said Government Lot Two (2), 983 feet; thence southerly, and parallel with the centerline of said highway, to the south line of Government Lot Three (3); thence westerly, along the south line of said Government Lot Three (3), to the shoreline of the Mississippi River; thence northerly along said shoreline to its intersection with the north line of Government Lot Two (2); thence easterly, along the north line of said Government Lot Two (2), to a point that is 400 feet westerly of the centerline of said highway; thence southerly, and parallel with the centerline of said highway, 125 feet; thence easterly, and parallel with the north line of said Government Lot Two (2), to the point of beginning and there terminating. Containing 61 acres, more or less.

TRACT "B1"

That part of Section Twelve (12), Township Thirty-five (35) North, Range Thirty-one (31) West, Sherburne County, Minnesota, and that part of the Mississippi River described as follows:

Beginning at a point where the shoreline of the Mississippi River intersects the north line of Government Lot Two (2) of said Section Twelve (12); thence southerly along said shoreline to its intersection with the south line of Government Lot Three (3) of said Section Twelve (12); thence westerly along a westerly extension of the south line of said Government Lot Three (3) to the thread of stream of the Mississippi River; thence northerly along said thread of stream to its intersection with the north line of said Government Lot Two (2) extended westerly; thence easterly along said westerly extension of the north line of Government Lot Two (2) to the point of beginning and there terminating. Containing 155 acres, more or less.

TRACT "C"

That part of Government Lots Two (2) and Three (3) of Section Twelve (12), Township Thirty-five (35) North, Range Thirty-one (31) West, Sherburne County, Minnesota, described as follows:

Commencing at a point where the easterly right-of-way line of County State Aid Highway No. 8 (formerly Military Road) intersects the north line of said Government Lot Two (2); thence southerly, along said easterly right-of-way line, 800 feet, to the point of beginning of the tract to be described; thence westerly, and parallel with the north line of said Government Lot Two (2), 983 feet; thence southerly, and parallel with the centerline of said highway, to the south line of said Government Lot Three (3); thence easterly, along the south line of said Government Lot Three (3), to the easterly right-of-way line of said highway; thence northerly along the easterly right-of-way line of said highway to the point of beginning and there terminating. Containing 38 acres, more or less.

TRACT "D"

That part of Government Lot Four (4), Section Twelve (12), Township Thirty-five (35) North, Range Thirty-one (31) West, Sherburne County, Minnesota, described as follows:

Beginning at a point where the north line of said Government Lot Four (4) intersects the easterly shoreline of the Mississippi River; thence east, along the north line of said Government Lot Four (4), 487.10 feet, more or less, to a point, said point being 1,320 feet west of the centerline of County State Aid Highway No. 8 (formerly Military Road); thence at right angles south 300 feet; thence at right angles west, and parallel with the north line of said Government Lot Four (4), 159.70 feet; thence at right angles south 331 feet; thence at right angles west, and parallel with the north line of said Government Lot Four (4), 600 feet; thence deflect 82 degrees to the right and in a northwesterly direction 332.20 feet, more or less, to the shoreline of the Mississippi River; thence northeasterly along said shoreline 440 feet, more or less, to the point of beginning and there terminating. Containing 9.10 acres, more or less.

TRACT "E"

That part of Government Lot Four (4), Section Twelve (12), Township Thirty-five (35) North, Range Thirty-one (31) West, Sherburne County, Minnesota, described as follows:

Beginning at a point where the easterly right-of-way line of County State Aid Highway No. 8 (formerly Military Road) intersects the north line of said Government Lot Four (4); thence west, along the north line of said Government Lot Four (4), to a point, said point being 1,320 feet west of the centerline of said highway; thence at right angles south 300 feet; thence at right angles west, and parallel with the north line of said Government Lot Four (4), 159.70 feet; thence at right angles south 331 feet; thence at right angles west, and parallel with the north line of said Government Lot Four (4), 600 feet; thence deflect 82 degrees to the right and in a northwesterly direction 332.20 feet, more or less, to the shoreline of the Mississippi River; thence westerly and southerly along said shoreline to its intersection with the south line of said Government Lot Four (4); thence east along the south line of said Government Lot Four (4) to the southeast corner thereof; thence continuing east along an easterly extension of the south line of said Government Lot Four (4) to the easterly right-of-way line of said highway; thence northerly along the easterly right-of-way line of said highway to the point of beginning and there terminating. Containing 75 acres, more or less.

TRACT "E1"

That part of Section Twelve (12), Township Thirty-five (35) North, Range Thirty-one (31) West, Sherburne County, Minnesota, and that part of the Mississippi River described as follows:

Beginning at a point where the shoreline of the Mississippi River intersects the north line of Government Lot Four (4) of said Section Twelve (12); thence westerly and southerly along said shoreline to its intersection with the south line of said Government Lot Four (4); thence westerly along a westerly extension of the south line of said Government Lot Four (4) to the thread of stream of the Mississippi River; thence northerly along said thread of stream to its intersection with the north line of said Government Lot Four (4) extended westerly; thence easterly along said westerly extension of the north line of Government Lot Four (4) to the point of beginning and there terminating. Containing 61 acres, more or less.

TRACT "F"

That part of Section Seven (7), Township Thirty-five (35) North, Range Thirty (30) West, Sherburne County, Minnesota, described as follows:

All of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of said Section Seven (7) together with that part of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of said Section Seven (7) lying southerly of the present corporate limits of the City of St. Cloud. Containing 67 acres, more or less.

TRACT "G"

That part of Section Seven (7), Township Thirty-five (35) North, Range Thirty (30) West, Sherburne County, Minnesota, described as follows:

All of the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4) of said Section Seven (7) together with that part of the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of said Section Seven (7) lying southerly of the present corporate limits of the City of St. Cloud. Containing 67 acres, more or less.