

City Resolution No. 1994-4-152

Town Resolution No. 294

SECOND AMENDMENT TO THE JOINT RESOLUTION
FOR ORDERLY ANNEXATION BETWEEN THE
TOWN OF HAVEN AND CITY OF ST. CLOUD

WHEREAS, the City of St. Cloud ("City") and the Town of Haven ("Town") are parties to a Joint Resolution as to Orderly Annexation ("Agreement") dated on or about August 21, 1989 which affects an area of the Town described in said resolution; and,

WHEREAS, the owners of an approximate 131 acre tract of land, Gillitzer Properties, Inc., have petitioned the City and Town for annexation of said property to the City to facilitate residential development of the property with full municipal services, including sanitary sewer and municipal water service; and,

WHEREAS, the subject property is identified in the Joint Resolution as to Orderly Annexation dated on or about August 21, 1989, as all of Parcel F and most of Parcel G; and,

WHEREAS, the subject property abuts the corporate limits of the City of St. Cloud on the eastern boundary of "Wayside Addition" which was annexed to the City of St. Cloud in 1988; and,

WHEREAS, several meetings were held over the course of a 1+ year time period between representatives of the Town, City, property owner, and owners of abutting property to address issues and concerns relating to transportation routes and facilities, development densities, storm drain system needs, and other similar matters; and,

WHEREAS, the Town and City wish to amend the 1989 Orderly Annexation Resolution and Agreement to reflect changed circumstances occurring since the time of the original Resolution.

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

1. The property legally described in Exhibit A ("subject property") as set forth on the attached map in Exhibit B is designated for orderly annexation in accordance with the 1989 Agreement.

2. The Town does, upon passage of this resolution, and its adoption by the City, confer jurisdiction upon the Minnesota Municipal Board to approve annexation of the subject property pursuant to Minnesota Statutes 414.0325.

3. The subject property is appropriate for orderly annexation. No alteration of its stated boundary is appropriate, nor is consideration by the Municipal Board necessary. Therefore, the Municipal Board may review and comment, but shall order the annexation within thirty (30) days in accordance with the terms of this resolution.

4. No step-up in tax rate shall be provided to the subject property.

5. The City agrees that no construction of public utilities nor issuance of any building permits for the subject property will occur until such time as official approval for a public right-of-way easement is received to facilitate the construction of a north-south collector street that extends southerly from Minnesota Boulevard to the northern boundary of the subject property.

6. The City agrees that no more than twenty-nine (29) single family dwelling units shall be allowed to be constructed prior to the City commencing construction of a north-south collector street that extends southerly from Minnesota Boulevard to the northern boundary of the subject property.

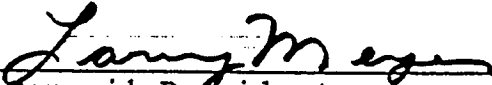
7. The City agrees that the subject property will be zoned "Planned Unit Development" with allowed uses and development standards that are consistent with the City's Land Use Plan as adopted on September 20, 1993 for the subject property. The City acknowledges that abutting property to the east and south of the subject property are primary agriculture land with active farming operations that continue to have the right to use all typical and historically used farming practices (e.g. crop dusting and spraying, pre-dawn harvesting activities, etc.). The City acknowledges the presence of industrial operations, i.e., Granite City Ready-Mix in the vicinity of the subject property and agrees that these companies have the right to continue all typical and previously committed practices authorized under the laws and regulations of Haven Township, Sherburne County and the State of Minnesota. City agrees to notify the Town of all public hearings conducted to create said Planned Unit Development (PUD) zoning. The City agrees that appropriate development standards will be needed to buffer the development proposed for the subject property from abutting agricultural land uses. City agrees that the delineation of all wetlands on the subject property will be included on the preliminary and final plat(s) for the subject property. The City agrees to notify the Town of all public hearings conducted to create said Planned Unit Development (PUD) zoning and for any conditional use permit(s) considered for development on the subject property.

8. The City agrees that the transportation features as essentially depicted in the attached development concept plan (Exhibit C) for the subject property will be incorporated in the preliminary and final plat(s) approved by the City for the subject property. The City further agrees that pedestrian oriented facilities, such as sidewalks and/or trails, will be required in the development of the subject property.

9. The City and Town agree that it is desirable and in the best interest of the two jurisdictions to create a "joint planning committee" to review, discuss, and offer recommendations to the Town Board and City Council on land use and development matters of mutual interest and concern to the two jurisdictions.

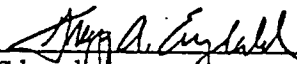
10. All the other terms and provisions of the Joint Resolution for Orderly Annexation dated on or about August 21, 1989, and all subsequent amendments thereto, shall remain in full force and effect.

This resolution adopted by the St. Cloud City Council the 18th day of April, 1994.



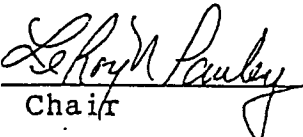
Council President

Attest:



City Clerk

This resolution adopted by the Town of Haven Board of Supervisors the 27th day of April, 1994.



Chair

Attest:



Town Clerk