Office of Administrative Hearings Docket No. _____
Haven Township Resolution No. 2010-3
City of St. Cloud Resolution No. 2010-10-191

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 of 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 Town wish to limit non-farm rural development within those areas surrounding the City until such time as municipal services are available and to ensure that growth occurs in an orderly manner; and

WHEREAS, the City and the Town have reached an agreement which is in the best interest of citizens of the City and 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 A) and legally described by Exhibit B.

2. Municipal Board Jurisdiction. That upon approval by the parties, this agreement shall confer jurisdiction upon the Office of Administrative Hearings (the "Office") 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 Office 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 Office is necessary. The Office may review and comment, but shall, within thirty (30) days, order annexation, subject to the provisions of paragraph 5.

5. Petition for Annexation within Tract 1 of the Orderly Annexation Area. The City and Town mutually state that properties in Tract 1 of the Orderly Annexation Area as shown on Exhibit A and legally described by Exhibit B, or a portion thereof shall be annexed to the City by the Office upon the petition by a majority of the property owners involved and receipt by the Office of the City's resolution requesting annexation of the petitioned property.

6. City Not to Initiate Annexation. The City will not initiate annexation within Tract 1 of the Orderly Annexation Area during the term of this orderly annexation agreement unless petitioned for by a majority of the property owners involved. The City agrees not to annex property within Tract 2 of the Orderly Annexation Area with or without property owner petition during the term of this orderly annexation agreement, unless approved by resolution of the Town Board.

7. Property Taxes. A rural tax district shall be established for properties existing within the Town immediately prior to an annexation approval, except developed commercial or industrial properties. The tax capacity rate for the rural district will be adjusted to the mid-point between the rate in the City and the Town tax rate at that time. Thereafter, the differential between the Town tax rate and City tax rate will remain constant. An urban tax district shall be established for properties existing within the Town immediately prior to an annexation approval that is developed as commercial or industrial properties. The tax capacity rate for the urban district portion of the present Towns will be the City tax capacity rate at that time. For unplatted property, redesignation from rural tax district to urban tax district occurs upon platting, whenever application is made for a permit for the construction of a commercial, industrial, or urban residential development or improvement on the property, or when basic urban services are extended to the property. For platted property which was determined to be rural in character, the redesignation from rural tax district to urban tax district occurs whenever any lot or portion of a platted property is developed, or when basic urban services are extended to the property.

8. Development Limitations. The City and Haven intend that Haven will adopt land use controls consistent with existing Sherburne County land use controls in Tract 1 and Tract 2. The intent is to continue to protect farm land and sensitive environmental areas, and existing commercial and industrial uses from scattered residential and non-residential development. Haven's goal in adopting these ordinances will be to maintain the existing rural character and uses existing in Tract 1 and Tract 2. Haven will protect current agricultural uses by limiting housing to one home per 40 acres without a plat, and to five acre lots in areas substantially wooded. Haven will maintain existing commercial and industrial districts, and protect and promote existing commercial activities. Existing homes and lots of record will remain and be allowed to continue with their current uses. Haven will adopt the Wild and Scenic River ordinances and include additional protections to avoid development or uses that harm the Mississippi River.

9. Zoning. The parties agree that Minnesota Statutes Section 414.0325, Subd. 5(d) does not apply to the annexation area. Haven Township shall have all powers of land use, zoning and subdivision control under Minnesota Statutes Section 414.0325, Subd. 5 (a-b) over Tracts 1 and Tract 2.

10. Future Discussions Between the Parties. The Town and City agree to initiate discussions on future development within Haven Township upon receipt of information regarding the location and timing of construction of an airport area sanitary sewer interceptor.

11. Term of this Agreement. This orderly annexation agreement and its terms terminate on November 1, 2020; unless terminated before such time by resolution of the parties. Notwithstanding this provision, this agreement shall automatically extend to November 1, 2025, unless in 2020, prior to November 1, 2020, either party delivers to the other and to the Office, a written notice of termination. In which case this agreement expires on November 1, 2020.

12. The September, 2005 Joint Orderly Annexation Agreement, State Office of Municipal Board Adjustments No. 0A-1239, by its own terms and upon adoption of this Resolution by both parties and the Office is rescinded.

This resolution is adopted by the St. Cloud City Council the 11th day of Oct, 2010.

Bob Johnson, Council President

Attest:

Gregg Engdahl, City Clerk

This resolution is adopted by the Haven Town Board of Supervisors the 18th day of OCT, 2010.

Eric Meyer, Chair

Attest:

Michael Zniewski, Town Clerk

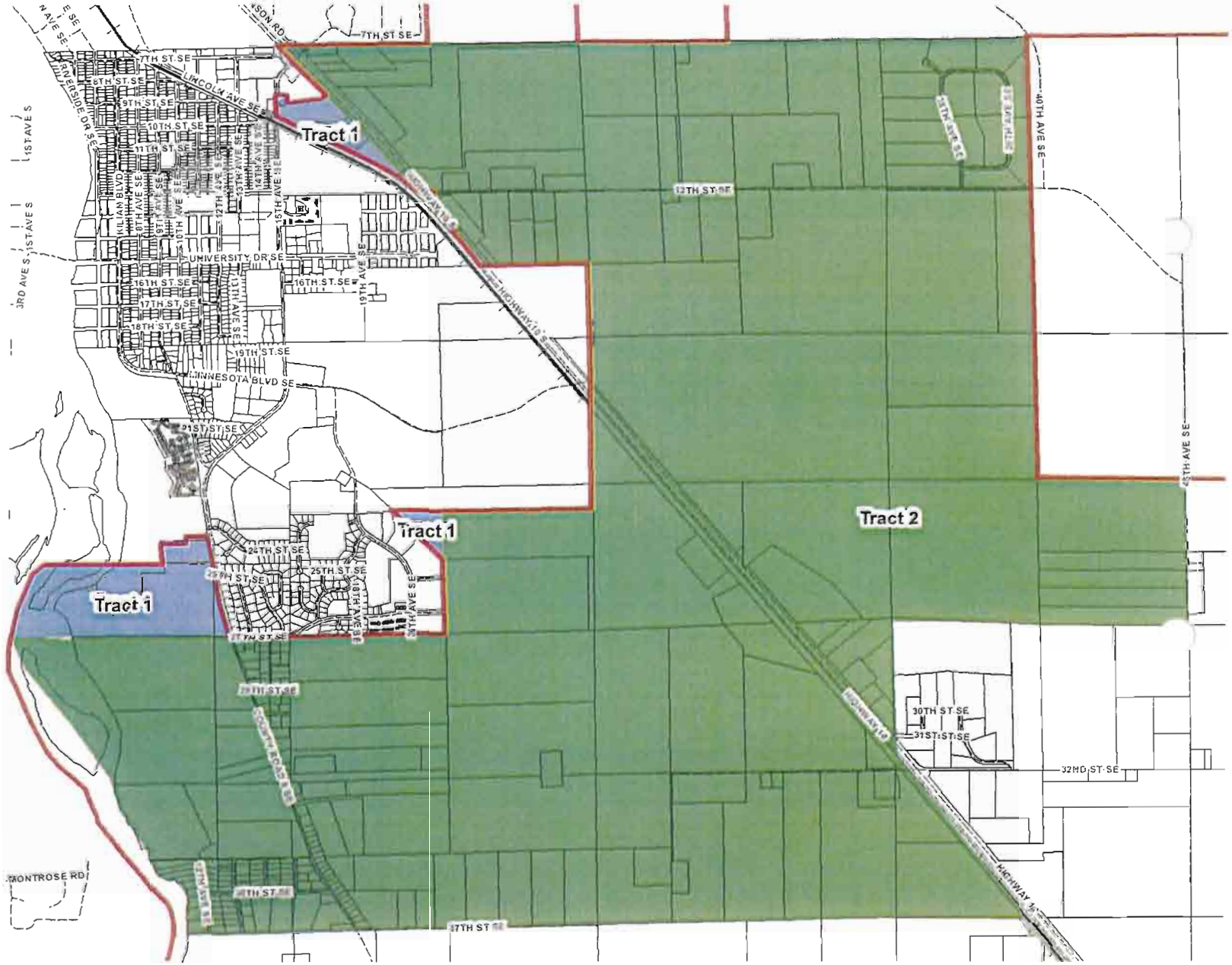
Haven Township/City of St. Cloud Orderly Annexation Agreement Map

EXHIBIT A

Legend

- Tract 1
- Tract 2
- Parcels
- Roads
- St. Cloud City Limits

Adopted by the St. Cloud City Council on October 10, 2010.



0 0.25 0.5 Miles

This map is neither a legally recorded map nor survey and is to be used only for reference purposes. The City of St. Cloud assumes no responsibility for actual or consequential damage incurred as a result of using this data.

Map prepared by St. Cloud Planning, 10/10. K:\CityData\Planning\Projects\annexation\haven

EXHIBIT B

The legal description for the Joint Resolution As To Orderly Annexation By and Between the City of St. Cloud and Town of Haven is legally described as:

Tract 1: Parcel 25-006-2200 - Commencing at the northwest corner of northwest 1/4 of Section 6- 35-30, thence east on assumed bearing along north line of west 1/2 of northwest 1/4 a distance of 64.27 ft to intersection with southerly r of w of US Hwy 10 thence south 43 deg 03 min 00 sec east along r of w 1261.80 ft to point of beginning of land to be described, thence south 46 deg 57 min 00 sec west 100 ft to a point hereinafter referred to as point "a", thence south 84 deg 58 min 22 sec west 624.39 ft thence s 00 deg 41 min 16 sec east parallel with west line 42.65 ft, thence south 89 deg 48 min 44 sec west 185 ft, thence north 00 deg 41 min 16 sec parallel with west line 187 ft, thence south 89 deg 18 min 44 sec west 33 ft to a point in said west line 903.40 ft from northwest corner, thence south 00 deg 41 min 16 sec east 423.29 ft to its intersection with northerly r of w line of Burlington Railroad, thence south 63 deg 13 min 58 sec east along described r of w line 618.24 ft, thence north 26 deg 46 min 02 sec east 265.57 ft, thence south 76 deg 08 min 08 sec east 417.85 ft, thence north 47 deg 19 min 38 sec east 250 ft to the intersection with southerly r of w line to a point hereinafter referred to as point "b", thence northwesterly 74.95 ft along southerly r of w line and along a non tangential curve concave to southwest having a radius of 11,382 ft & central angle of 00 deg 22 min 38 sec, the cord of said curve bears north 42 deg 51 min 41 sec west, thence north 43 deg 03 min 00 sec west tangent to said curve & along said southerly r of w line 440.05 ft to point of beginning. Sub to easements.

And,

Tract 1: Parcel 25-006-2202 - That part of the W ½ of the NW ¼ of Section 6, Township 35 North, Range 30 West, Sherburne County, MN, described as follows: Commencing at the northwest corner of said W ½ of the NW ¼; thence east on an assumed bearing along the north line of said W ½ of the NW ¼, a distance of 64.27 feet to its intersection with the southerly right-of-way line of U.S. Highway 10; thence south 43 degrees, 03 minutes, 00 seconds east, along said right of way line, a distance of 1261.80 feet to a point hereinafter referred to as Point "A"; thence continue south 43 degrees, 03 minutes, 00 seconds east, along said right of way line, a distance of 440.05 feet; thence southeasterly 74.95 feet, along said right of way line and along a tangential curve concave to the southwest , having a radius of 11382.80 feet and a central angle of 00 degrees, 21 minutes, 38 seconds, to the point of beginning of the land to be described; thence south 47 degrees, 19 minutes, 38 seconds west, a distance of 250 feet; thence north 76 degrees, 08 minutes, 08 seconds west, a distance of 417.85 feet; thence south 26 degrees, 46 minutes, 02 seconds west 265.57 feet to the intersection with the northerly right of way line of the Burlington Northern Railroad; thence south 63 degrees, 13 minutes, 58 seconds east, along the last described right of way line 838.81 feet to the most westerly corner of that certain tract recorded in Deed Document #114202; thence north 50 degrees, 46 minutes, 38 seconds east, along the northwesterly line of the last mentioned tract 421.68 feet to its intersection with said southerly right of way line; thence northwesterly 555.65 feet, along said southerly right of way line and along a tangential curve concave to the southwest, having a radius of 11382.80 feet and a central angle of 02 degrees, 47 minutes, 49 seconds, the chord of the last described curve bears north 41 degrees, 16 minutes, 27 seconds west, to the point of beginning. Together with a 40 foot easement to be used with others for the purpose of ingress and egress, which lies adjacent to and southwesterly of a line drawn from the aforementioned Point "A" to the aforementioned point of beginning. Subject to the right of way of a township road and easements of record. Containing 8.93 acres, more or less, according to the United States Government Survey thereof.

And

Tract 1: Parcel 25-006-2215 - The east 175 feet of the west 208 feet of the south 183 feet of the north 1090 feet of the northwest quarter of the northwest quarter of Section 6, Township 35 North, range 30 west

And

Tract 1: Parcel 25-112-4300 - That part of Government Lot 4, Section 12, Township 35 North, Range 31 West of the 4th Principal Meridian, Sherburne County, MN, less and except the following: a tract of land lying in and being a part of Government Lot 4, Section 12, Township 35 North, Range 31 West as follows to-wit: beginning at a point where the north line of said Government Lot 4 intersects the

southeasterly bank of the Mississippi River; thence east along the north line of said Government Lot 4, 487.10 feet more or less to a point, said point being 1,320 feet west of the centerline of CSAR No. 8, thence at right angles south 300 feet; thence at right angles west and parallel with the said north line of said Government Lot 4, 159.70 feet; thence at right angles south 331 feet; thence at right angles west and parallel with the said north line of said Government Lot 4, 600 feet; thence deflect 82 degrees to the right and in a northwesterly direction 332.20 feet, more or less to an intersection with the said southeasterly bank of said Mississippi River; thence northeasterly along said southeasterly bank of said Mississippi River 440 feet more or less to the point of beginning and there terminating, said tract containing 9.10 acres, more or less, also less and except that part of Government Lot 4, Section 12, Township 35 North, Range 31 West of the 4th Principal Meridian, Sherburne County, MN described as follows: beginning at a point on the north line of said Government Lot 4, 900 feet west of the centerline of CSAR No. 8; thence south, at a right angle, a distance of 175 feet; thence west at a right angle, and parallel with said north line, a distance of 420 feet; thence north, at a right angle, a distance of 175 feet, to the said north line; thence east, at a right angle, along said north line, a distance of 420 feet to the point of beginning. Subject to easements of record, if any, also less and except that part of Government Lot 4, Section 12, Township 35 North, Range 31 West of the 4th Principal Meridian, Sherburne County, MN described as follows: commencing at a point on the north line of said Government Lot 4, 900 feet west of the centerline of CSAR No. 8; thence south at a right angle a distance of 175 feet; thence west, at a right angle, and parallel with said north line, a distance of 420 feet; thence south, at a right angle, a distance of 125 feet to the point of beginning of the land to be described; thence west, at a right angle, at distance of 159.70 feet; thence south, at a right angle, a distance of 331 feet; thence east, at a right angle, a distance of 159.70 ft; thence north, at a right angle, a distance of 331 feet to the point of beginning. Subject to easements of record, if any.

And

Tract 1: Parcel 25-112-4305 - That part of Government Lot 4, Section 12, Township 35 North, Range 31 West of the 4th Principal Meridian, Sherburne County, MN, described as follows: beginning at a point on the north line of said Government Lot 4, 900 feet west of the centerline of CSAR No. 8; thence south at a right angle, a distance of 175 feet; thence west, at a right angle, and parallel with said north line, a distance of 420 feet; thence north, at a right angle, a distance of 175 feet, to the said north line; thence east, at a right angle, along said north line, a distance of 420 feet to the point of beginning. Subject to easements of record, if any. That part of Government Lot 4, Section 12, Township 35 North, Range 31 West of the 4th Principal Meridian, Sherburne County, MN, described as follows: commencing at a point on the north line of said Government Lot 4, 900 feet west of the centerline of CSAR No. 8, thence south at a right angle, a distance of 175 feet; thence west, at a right angle and parallel with said north line, a distance of 420 feet; thence south, at a right angle, a distance of 125 feet to the point of beginning of the land to be described, thence west, at a right angle a distance of 159.70 feet; thence south, at a right angle, a distance of 331 feet; thence east, at a right angle, a distance of 159.70 feet; thence north, at a right angle, a distance of 331 feet to the point of beginning. Subject to easements of record, if any. Together with a 66 foot ingress and egress easement over, under, and across Government Lot 4, Section 12, township 35 North, Range 31 West, of the 4th Principal Meridian, Sherburne County, MN, the centerline of said easement is described as follows: beginning at a point on the north line of said Government Lot 4, 867 feet west of the centerline of CSAR No. 8; thence south, at a right angle, a distance of 308 feet ; thence west at a right angle a distance of 453 feet and said centerline there terminating.

And

Tract 1: Parcel 25-112-4400 – SE ¼ of the SE ¼ except Wayside 1 and Wayside 2, Section 12, Township 35, Range 31 West.

And

Tract 1: Parcel 25-112-4200 - That part of Government Lot 3, Section 12, Township 35 North, Range 31 West, bounded by a line described as follows, to- wit: beginning at the point of intersection of the centerline of the highway across said tract of land formerly known as The Military Road, now designated as State Aid Road No. 8, with the south line of said Government Lot 3; thence running west on the south line of said Government Lot 3, a distance of 883 feet; thence running north, parallel to the center line of said highway, a distance of 400 feet; thence running east, on a line parallel to the south line of said Government Lot 3, a distance of 883 feet to the center line of said highway; thence running southerly on the center line of said highway to the point of beginning; subject to an easement for said highway; lying and being in Sherburne County, MN.

And

Tract 1: Parcel 25-112-4205 - That part of Government Lot 3, Section 12, Township 35 North of Range 31 West, in Sherburne County, MN, described as follows, to-wit: beginning at a point on the center line of The Military Road (now known as State Aid Road Numbered 8), which point is 400 feet north of the intersection of the centerline of said highway and the south line of Government Lot 3; thence west, parallel to the south line of said Government Lot 3, a distance of 400 feet; thence north, parallel to the centerline of said highway, a distance of 110 feet; thence east, parallel to said south line of said Government Lot 3, a distance of 400 feet to the centerline of said highway, thence south on the centerline of said highway 110 feet to the point of beginning.

And

Tract 1: Parcel 25-007-4000 - That portion of the following parcel located in the southwest ¼ of Section 7: that part of Section 7, T35 N, R 30 W, described as the north 1/2 of the southeast1/4 except the north 455 ft and part of northeast1/4 of southwest1/4 beginning at the southeast corner of the northeast1/4 of the southwest1/4; thence north 45 degrees west 1866.75 feet to the northwest corner of said northeast1/4 of the southwest1/4; thence east to the northeast corner of said tract; thence south to the place of beginning

And

Tract 2: The west ½ of Section 4, Township 35 North, Range 30 West

Tract 2: All of Section 6, Township 35 North, Range 30 West lying east of Highway 10 and located outside of the St. Cloud city limits

Tract 2: The southeast quarter of Section 7, Township 35 North, Range 30 West

Tract 2: All of Section 9, Township 35 North, Range 30 West, less the northeast quarter

Tract 2: All of Section 16, Township 35 North, Range 30 West, located west of Highway 10

Tract 2: All of Sections 5, 8, 17, and 18, Township 35 North, Range 30 West

Tract 2: Section 13, Township 35 North, Range 31 West