

Municipal Board Docket No. _____
City Resolution No. 1996-5-145
Town Resolution No. R-2-96

**THIRD AMENDMENT TO THE JOINT RESOLUTION
FOR ORDERLY ANNEXATION BETWEEN THE TOWN
OF HAVEN AND THE CITY OF ST. CLOUD AND PETITION
FOR PARTIAL REZONING WITHIN THE TOWN**

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 (Municipal Board Docket No. OA-203), the First Amendment to the Agreement, dated on or about September 21, 1992, and the Second Amendment to the Agreement, dated on or about April 18, 1994; and

WHEREAS, the City is the owner of the St. Cloud Regional Airport. That facility consists of approximately 1,400 acres. No persons reside on the airport premises. The airport lies within the Town of Haven, Sherburne County, Minnesota; and

WHEREAS, as the airport has developed and activity increased the need for regulating and servicing of the facility as part of the City has become apparent, and

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

WHEREAS, the Town and City also recognize the need to preserve the airport corridor and surrounding land from development pressures. They recognize the economic and ecological benefits to the region in continuing the long-term agricultural use of the land surround the airport; and

WHEREAS, the Town and City wish to amend the 1989 Orderly Annexation Agreement to bring it into conformity with the requirements of Minnesota Statutes Sections 414.0325 (5) as it relates to zoning administration within the orderly annexation area designated as parcels A through E1.

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

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

2. The Airport 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 days in accordance with the terms of this agreement.

3. The Town and City hereby jointly petition the Sherburne County Planning Board and Sherburne County Commissioners to amend the Sherburne County Zoning Map to include additional areas into Agricultural Use, as defined by Sherburne County Zoning Ordinances, and as shown on the map attached as Exhibit C. The request is further made that the rezoning take place as soon as possible.

4. That the 1989 Orderly Annexation Agreement is hereby amended so that a three member board under Minnesota Statutes Section 414.0325 (5)(c) is created to consist of one member appointed by Sherburne County, one by the Town and one by the City. This Board shall operate with all powers granted to it under Section 414.0325 (5)(c). In the event either Sherburne County, the Town or City receive any zoning request affecting land, designated as

parcels A through E1 in the Orderly Annexation Agreement, they shall also give notice to the Sherburne County Zoning Office, the Town, and the City, as the case may be. The Sherburne and City planning agencies should then jointly coordinate and call a meeting of the three member committee at a convenient time and place. This provision shall not apply to any property annexed to the City prior to action on the zoning request. The City, Town and County shall notify each other of the person selected for the committee within thirty days of the approval of this amendment by the City and Town.

5. All other terms and provisions of the Agreement and the amendments thereto, shall remain in full force and effect.

This resolution adopted by the St. Cloud City Council the 20th day of May, 1996.

Sonia Hayden Berg
Council President

Attest:

[Signature]
City Clerk

This resolution adopted by the Town of Haven Board of Supervisors the 20 day of May, 1996.

L. N. Pauley
Chair

EXHIBIT A
ORDERLY ANNEXATION AGREEMENT
ST. CLOUD REGIONAL AIRPORT PROPERTIES

The properties to be annexed to the City of St. Cloud pursuant to this Orderly Annexation Agreement are legally described as follow:

Southeast Quarter of Section Three, (SE 1/4 of Sec. 3);
West Half of Section Three, (W 1/2 of Sec 3);
East Half of Section Four, (E 1/2 of Sec. 4);
Northeast Quarter of Section Nine, (NE 1/4 of Sec. 9);
North Half of Section Ten, (N 1/2 of Sec. 10);
Northeast Quarter of the Southeast Quarter of Section Ten (NE 1/4 of SE 1/4 of Sec. 10);
Southwest Quarter of the Northwest Quarter of Section Eleven (SW 1/4 of NW 1/4 of Sec. 11);
Northwest Quarter of the Southwest Quarter of Section Eleven (NW 1/4 of SW 1/4 of Sec. 11);

All in Township Thirty-Five North, Range Thirty West (T35N - R30E), Sherburne County,

Minnesota.

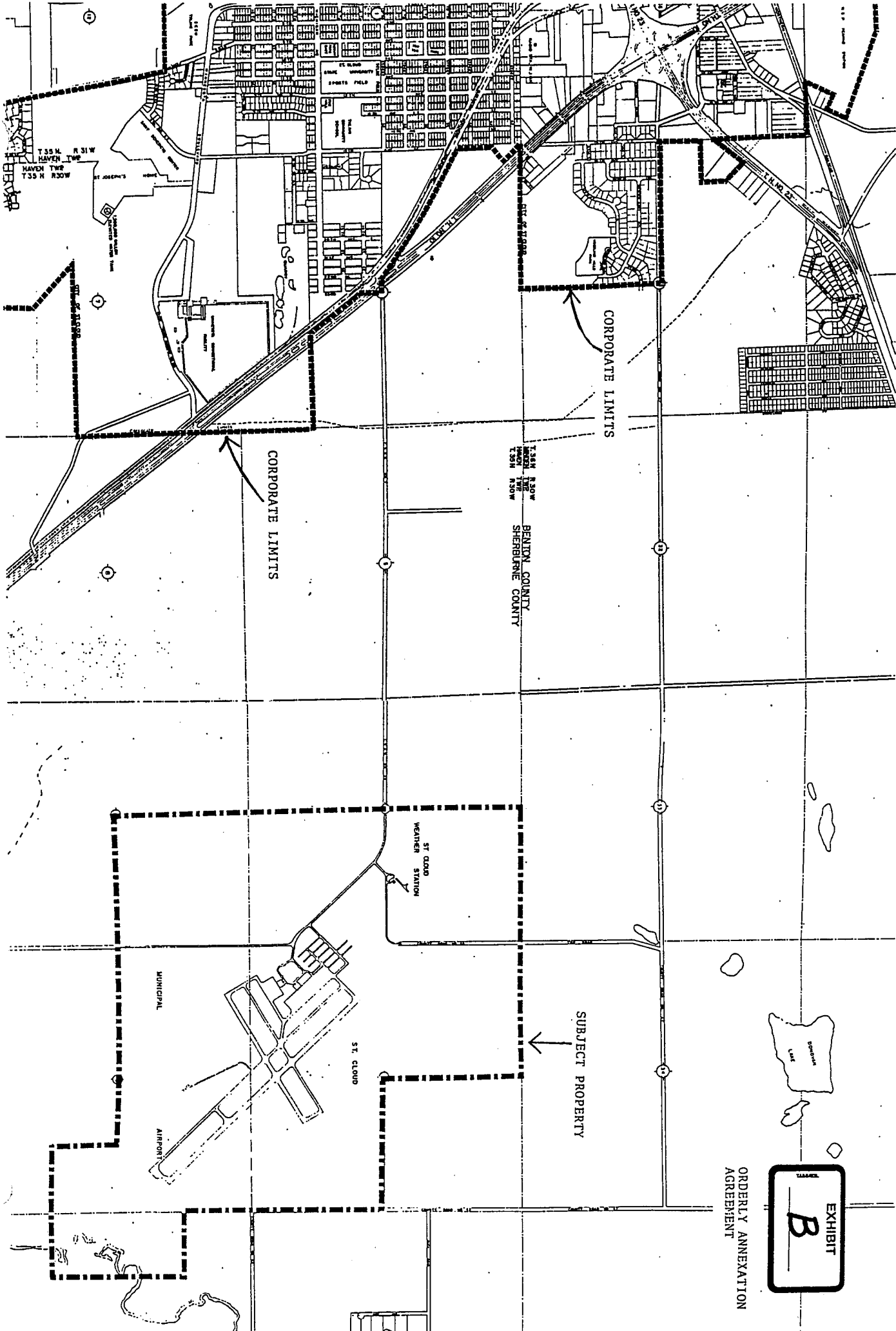


EXHIBIT
B

ORDERLY ANNEXATION
AGREEMENT