



STATE OF MINNESOTA
MUNICIPAL BOARD

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

September 27, 1988

Robert Grasslin
St. Cloud City Clerk
400 - 2nd Street, South
St. Cloud, Minnesota 56301-3699

Docket Number A-4522

Ordinance Number 1364

City of St. Cloud

Dear Mr. Grasslin:

The Minnesota Municipal Board has now processed and approved the above ordinance in accordance with Minnesota Statutes, Chapter 414, and the Rules of Procedure.

According to law, this annexation ordinance must be filed with the Township Clerk, County Auditor, Secretary of State, and the Municipal Board. (Since the ordinance has already been filed with the Municipal Board, no additional copies are required.) We also recommend that you file the ordinance with the County Recorder.

The annexation is final upon the date the ordinance is approved by the Board, which is the date of this letter.

Sincerely,

MUNICIPAL BOARD

A handwritten signature in cursive script that reads "Patricia D. Lundy".

Patricia D. Lundy
Assistant Director

PDL:sg

cc: Stearns County Auditor
St. Cloud Township Clerk
Jan F. Petersen, Attorney at Law
Frank Kundrat, Attorney at Law
James Degiovanni, Attorney at Law
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 3 1988

A handwritten signature in cursive script that reads "Joan Anderson Howe".

Secretary of State

138459



CITY OF St. Cloud
ST. CLOUD

400 2nd STREET SO.
ST. CLOUD, MINNESOTA 56301-3699

OFFICE OF THE CITY ATTORNEY - Tel. 612/255-7204

TELECOPIER #612/255-7205

September 20, 1988

Mr. Terrence Merritt
Executive Director
Minnesota Municipal Board
165 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101

Re: Docket No. A-4522 St. Cloud, Schroden, St. Cloud
Opportunities
Amendment to Joint Resolution Between City of St. Cloud and
St. Cloud Township Dated August 19, 1974

Dear Mr. Merritt:

Enclosed for filing please find an Amendment to the Joint
Resolution for Orderly Annexation Between the Town of St. Cloud
and the City of St. Cloud which was adopted by both the Town and
City on September 19, 1988.

Following adoption of the Joint Resolution, the City of St. Cloud
adopted its Ordinance Number No. 1364 annexing the property shown
on the map as being described in Exhibit A. That is the site on
which Fingerhut Corporation intends to build its plant warehouse
expansion. The waiver of objection to the ordinance by the Town
was incorporated into the Joint Resolution at paragraph #4.

We understand that all necessary filing fees have been paid.

We would request the Board's prompt attention to these matters
and ask that they take action prior to their next regularly
scheduled monthly meeting.

Should you have any questions, please contact me.

Sincerely,

Jan F. Petersen
City Attorney

dk

Enclosures

cc: Stearns County Auditor (w/enclosures)
Secretary of State (w/enclosures)
Frank Kundrat (w/enclosures)
Town Clerk c/o DeWayne Mareck (w/enclosures)

RECEIVED

SEP 23 1988

SECRETARY OF STATE
ELECTION DIVISION

Resolution No. 1988-9-251

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

WHEREAS, the Town of St. Cloud ("Town") and the City of St. Cloud ("City") are parties to a Joint Resolution as to Orderly Annexation dated on or about August 19, 1974, which affects an area of the Town described in said resolution as all property lying east of former Minnesota State Highway No. 152 (now known as Stearns County Highway No. 75), hereinafter referred to as the "Orderly Annexation Area"; and

WHEREAS, the owners of property located in the Town described in Exhibit A attached hereto and hereinafter referred to as the "Fingerhut Parcel", have petitioned the City for annexation of the property; and

WHEREAS, an ordinance has been proposed before the City Council to annex the property in accordance with the wishes of the property owners as authorized by M.S. 414.033; and

WHEREAS, the Town and the City wish to amend the 1974 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 ST. CLOUD AND THE CITY OF ST. CLOUD:

That the Joint Resolution for Orderly Annexation dated on or about August 19, 1974 be amended as follows:

1. The Joint Resolution for Orderly Annexation adopted by the parties on or about August 19, 1974 and any amendments thereto shall continue in full force and effect until December 31, 2000.

2. Subject to paragraph number 5 of the 1974 resolution, the City agrees not to initiate any annexation of any property within that portion of the Orderly Annexation Area described in the attached Exhibit B during the amended term of this resolution, unless petitioned for by a majority of the property owners involved.

3. The City agrees not to initiate any annexation in any portion of the Town of St. Cloud outside the Orderly Annexation Area for a period of fifteen (15) years from the date of this resolution unless petitioned for by a majority of the property owners involved.

4. The Town hereby agrees to waive any objection to the ordinance proposing to annex the "Fingerhut" parcel described in Exhibit A.

5. a. The City and the Town agree that in that portion of the Orderly Annexation Area described in the attached Exhibit C that if a majority of the owners of any property in the described area petition the City for annexation and if the City desires to annex the property, then an annexation shall be accomplished by the City by means of adoption of a resolution. It is the intent of the parties to this resolution that following adoption of such a resolution that the Minnesota Municipal Board may review and comment but shall, within 30 days, order the annexation of any or all of the property described in the City's resolution.

b. The Town by this resolution waives any objection it may have to annexations accomplished under this paragraph 5.

c. It is further the intent of the parties that prior to the adoption of a resolution by the City pursuant to this paragraph 5, that no review or recommendation in respect to the action is necessary by the Town pursuant to Town Ordinance No. 87-2 or any amendments thereto.

6. The Town hereby agrees not to file any court actions against the City for the receipt of sewer or water services during the term of this resolution.

7. The City and the Town agree that mutual discussions of future development and needs of the residents in the Town and the City are in the best interests of both units of government and hereby resolve to work together toward that end.

CITY OF ST. CLOUD

TOWN OF ST. CLOUD

By Charles B. Hindelman
Council President

By Eugene A. Case
Town Board Chairman

By P. M. Grassie
City Clerk

By DeWayne E. Tareck
Town Clerk

Dated: 9-20-88

Dated: 9-20-88

Adopted by the City Council of the City of St. Cloud
this 19th day of September, 1988.

Adopted by the Town of St. Cloud Board of Supervisors the
19th day of September, 1988.

EXHIBIT A

That part of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter that lies southerly of the centerline of Stearns County Highway Number 134; and that part of the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter that lies southerly of the centerline of Stearns County Highway Number 134 and northerly of the northerly right-of-way of the Burlington Northern Railroad; and that part of the Northeast Quarter of the Southwest Quarter, that lies southeasterly of Stearns County Highway Right-of-Way Plat Number 4, according to the recorded plat thereof on file in the Office of the Recorder, Stearns County, Minnesota; and lies northerly of the northerly right-of-way line of the Burlington Northern Railroad except the West 734.00 feet thereof, all in Section 7, Township 124, Range 28, Stearns County, Minnesota. Containing 99.5554 acres and subject to the right-of-way of Stearns County Highway Number 134 on the north side thereof and Saukview Drive on the east side thereof, also subject to easements of record, if any.

EXHIBIT B

All property in the Town of St. Cloud lying East of Stearns County Road 75 (formerly Minnesota State Highway No. 152) as now constructed and that lies northerly of the north line of 33rd Street South extended easterly.

EXHIBIT C

All property in the Town of St. Cloud lying East of Stearns County Road 75 (formerly Minnesota State Highway No. 152) as now constructed and that lies southerly of the north line of 33rd Street South extended easterly.

PROPOSED ORDINANCE NO. 1046

ORDINANCE NO. 1364

AN ORDINANCE ANNEXING LAND LOCATED IN SECTION 7,
TOWN 124 NORTH, RANGE 28 WEST, STEARNS COUNTY,
MINNESOTA, TO THE CITY OF ST. CLOUD, MINNESOTA,
PURSUANT TO MINNESOTA STATUTES, SECTION 414.033,
SUBDIVISION 5, PERMITTING ANNEXATION BY ORDINANCE.

THE COUNCIL OF THE CITY OF ST. CLOUD HEREBY ORDAINS:

SECTION 1. That the land described below abuts upon the corporate limits of the City of St. Cloud, is currently part of an unincorporated area, and is or is about to become urban or suburban in character.

SECTION 2. That the corporate limits of the City of St. Cloud are hereby extended to include the unplatted land described as follows, to-wit:

That part of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter that lies southerly of the centerline of Stearns County Highway Number 134; and that part of the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter that lies southerly of the centerline of Stearns County Highway Number 134 and northerly of the northerly right-of-way of the Burlington Northern Railroad; and that part of the Northeast Quarter of the Southwest Quarter, that lies southeasterly of Stearns County Highway Right-of-Way Plat Number 4, according to the recorded plat thereof on file in the Office of the Recorder, Stearns County, Minnesota; and lies northerly of the northerly right-of-way line of the Burlington Northern Railroad, except the west 734.00 feet thereof; all in Section 7, Township 124, Range 28, Stearns County, Minnesota. Containing 99.5554 acres and subject to the right-of-way of Stearns County Highway Number 134 on the north side thereof and Saukview Drive on the east side thereof, also subject to easements of record, if any.

SECTION 3. That the City Clerk is hereby directed to file certified copies of this ordinance with the Minnesota Municipal Board, the Secretary of State, the St. Cloud Town Clerk, and the Stearns County Auditor.

Ordinance No. 1364

Adopted by the Council of the City of St. Cloud at a regular meeting held September 19, 1988, by the following vote:

AYES: Councilmen Donlin, Nahan, Salk, Weiss and Winkelman

NAYS: None

ABSENT: Councilman Meyer and Councilwoman Hollern

Charles B. Winkelman
City Council President

Approved by the Mayor of the City of St. Cloud this 20th
day of September, 1988.

[Signature]
Mayor of the City of St. Cloud

Attest:

[Signature]
City Clerk

38459
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 3 1988
[Signature]
Secretary of State

STATE OF MINNESOTA
COUNTY OF STEARNS
CITY OF ST. CLOUD

I, B.M. Grasslin, City Clerk of the City of St. Cloud, Minnesota, do hereby certify that the above and foregoing is a true and correct copy.

Ord # 1364 (passed-adopted) by the City Council of the City of St. Cloud, Minnesota

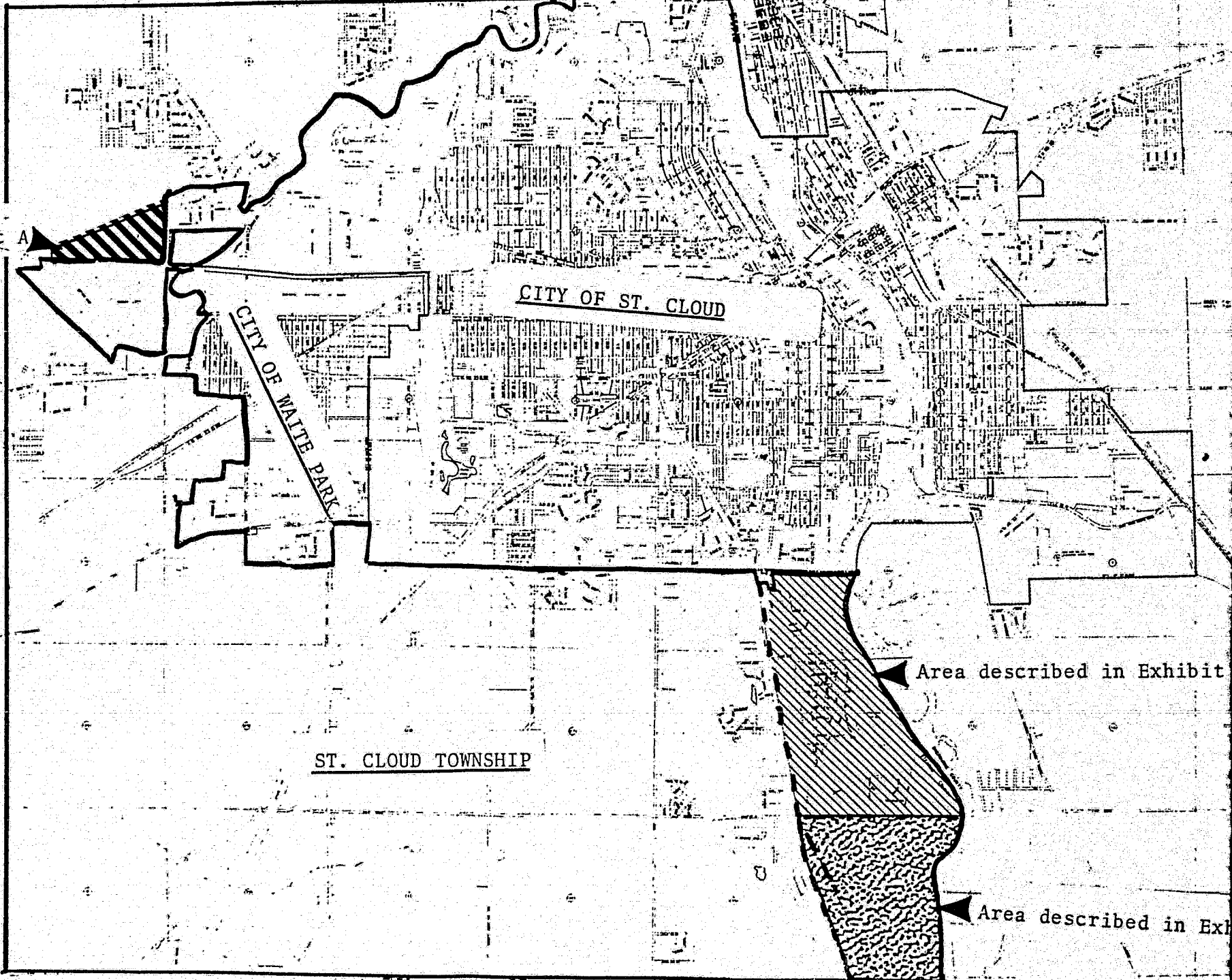
WITNESS MY HAND AND THE SEAL OF THE CITY OF ST. CLOUD, MINNESOTA. This the 20 day of Sept 19 88

[Signature]
City Clerk
City of St. Cloud, MN

Filed this 20 day of Sept.

A. D. 19 88
[Signature]
City Clerk

described in Exhibit A



Area described in Exhibit B

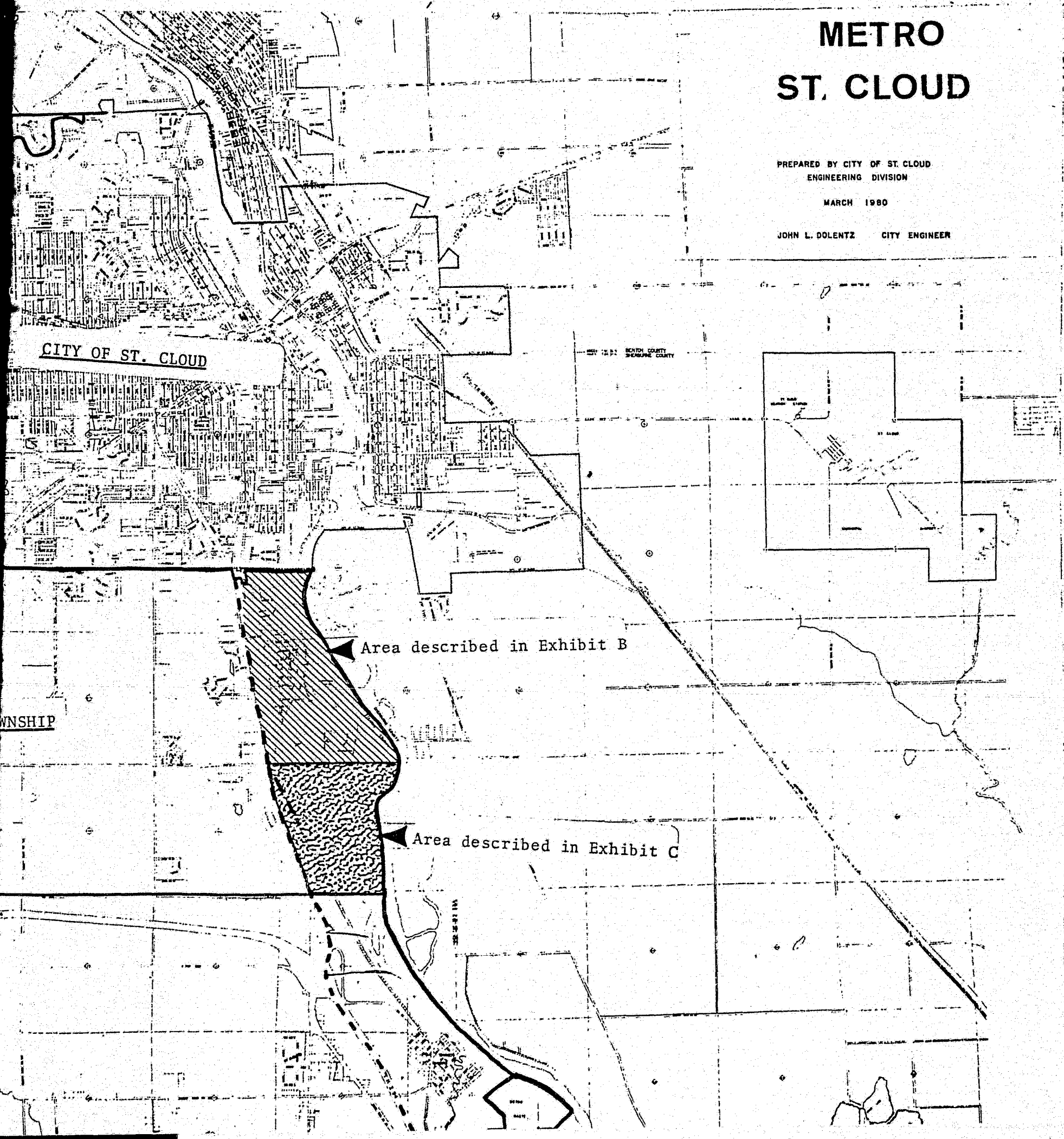
Area described in Exhibit C

METRO ST. CLOUD

PREPARED BY CITY OF ST. CLOUD
ENGINEERING DIVISION

MARCH 1980

JOHN L. DOLENTZ CITY ENGINEER



WNSHIP

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