**S A M P L E - JOINT RESOLUTION FOR DESIGNATION OF CERTAIN LAND AND THE IMMEDIATE ANNEXATION OF ENTIRE DESIGNATED AREA.**

**IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN**

**THE CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ AND \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ TOWNSHIP**

**PURSUANT TO MINNESOTA STATUTES § 414.0325**

***Option 1 - Language if no request by all of the property owners was received.***

***WHEREAS,*** *on \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_ a Notice of Intent to include property in an orderly annexation area was published pursuant to the requirements of Minnesota Statutes § 414.0325 Subd. 1b; and*

***Option 2 - Language if request by all of the property owners was received; and entire designated area will be immediately annexed.***

***WHEREAS,*** *a request from all of the property owners of the area proposed for designation and immediate annexation was received.*

**WHEREAS,** the City of \_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_ Township jointly agree to designate and request the immediate annexation of the following described land located within \_\_\_\_\_\_\_\_\_\_\_\_ Township to the City of \_\_\_\_\_\_\_\_\_\_\_\_, County of \_\_\_\_\_\_\_\_\_\_\_\_, Minnesota;

***INSERT THE COMPLETE AND ACCURATE PROPERTY DESCRIPTION.***

***DO NOT USE DESCRIPTIONS FROM PROPERTY TAX STATEMENTS.***

and

**WHEREAS,** the City of \_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_ Township are in agreement as to the orderly annexation of the unincorporated land described; and

**WHEREAS,** Minnesota Statutes § 414.0325 provides a procedure whereby the City of \_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_ Township may agree on a process of orderly annexation of a designated area; and

**WHEREAS,** the City of \_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_ Township have agreed to all the terms and conditions for the annexation of the above-described lands; and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

**NOW, THEREFORE, BE IT RESOLVED,** jointly by the City Council of the City of \_\_\_\_\_\_\_\_\_\_\_\_ and the Township Board of \_\_\_\_\_\_\_\_\_\_\_\_ Township as follows:

**S A M P L E**

-2-

1. **(Property.)**That the following described land is subject to orderly annexation pursuant to Minnesota Statutes § 414.0325, and that the parties hereto designate the area for orderly annexation; and agree that the land be immediately annexed:

***INSERT THE COMPLETE AND ACCURATE PROPERTY DESCRIPTION.***

***DO NOT USE DESCRIPTIONS FROM PROPERTY TAX STATEMENTS.***

2**. (Acreage/Population/Usage.)**That the orderly annexation area consists of approximately \_\_\_\_acres, the population in the area is \_\_, and the land use type is \_\_\_\_\_\_\_\_\_\_\_.

3. **(Jurisdiction.)**That \_\_\_\_\_\_\_\_\_\_\_\_ Township and the City of \_\_\_\_\_\_\_\_\_\_\_\_, by submission of this joint resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confers jurisdiction upon the Chief Administrative Law Judge so as to accomplish said orderly annexation in accordance with the terms of this resolution.

4. **(Municipal Reimbursement).** Minnesota Statutes § 414.036.

**a**. **Reimbursement to Towns for lost taxes on annexed property.**

In the first year following the year in which the City of \_\_\_\_\_\_\_\_\_\_\_\_could

first levy on the annexed area, an amount equal to $\_\_\_\_\_\_\_\_\_\_\_\_\_; and

In the second and final year, an amount equal to $\_\_\_\_\_\_\_\_\_\_. (Payments may be extended up to 8 years.)

***OR:***

Parties can agree to other payment terms; negotiate other financial arrangements;

or agree to **no** reimbursement. If the property is tax exempt and does not generate taxes, please state in the joint resolution.

**b. Assessments and Debt.**

That pursuant to Minnesota Statutes § 414.036 with respect to any special assessment assigned by the Township to the annexed property and any portion of debt incurred by the Township prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described (herein or attached exhibit) there are (1) no special assessments or debt…. or, (2) there is and the City of \_\_\_\_\_\_\_\_\_\_\_\_ will ……

*5.* ***Optional*** ***(Tax Rate Step Up)****. Minnesota Statutes § 414.035 (1 – 6 years).*

*The tax capacity rate applicable to the property after annexation shall be increased in substantially equal proportions over a period of \_\_\_\_ years to equality with the tax rate of property already within the city.*

**S A M P L E**

-3-

6. (**Review and Comment).** The City of \_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_ Township agree that upon receipt of this resolution, passed and adopted by each party, the Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

7. ***(Other Terms of Resolution).***

Adopted by affirmative vote of all the members of the \_\_\_\_\_\_\_\_\_\_\_\_ Township Board of Supervisors this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_20\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ TOWNSHIP ATTEST:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chairperson Township Clerk

Board of Supervisor

Adopted by affirmative vote of the City Council of \_\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_20\_\_.

CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ATTEST:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor City Administrator

Approved this \_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_

This sample agreement is for discussion purposes only. Since an orderly annexation agreement is a binding contract among the parties, please consult with appropriate legal counsel prior to adoption.

*Municipal Boundary Adjustment Unit Contacts*

*Star Holman* [*star.holman@state.mn.us*](mailto:star.holman@state.mn.us) *651-361-7909*

*Katie Lin* [*katie.lin@state.mn.us*](mailto:katie.lin@state.mn.us) *651-361-7911*

*(October 2017)*