

JOINT RESOLUTION AS TO ORDERLY ANNEXATION
CITY OF HUTCHINSON, AND THE TOWNSHIPS OF
ACOMA, LYNN, HASSAN VALLEY AND HUTCHINSON,
MCLEOD COUNTY, MINNESOTA.

WHEREAS, The Municipal Commission of the State of Minnesota, presently has before it for hearing and consideration the matters of annexing certain portions of Acoma Township, Lynn Township, Hassan Valley Township and Hutchinson Township, all of the County of McLeod; and,

WHEREAS, The Townships of Acoma, Lynn, Hassan Valley, Hutchinson, and the City of Hutchinson are parties to said hearings; and,

WHEREAS, There is a basis for agreement between the parties to this matter upon which the petitions presently before the Minnesota Municipal Commission can be settled, and the municipal parties hereto desire to set forth such terms of settlement by means of this Resolution, individually, and jointly;

NOW, THEREFORE,

I.

BE IT RESOLVED, By the Townships of Acoma, Lynn, Hassan Valley, Hutchinson and the City of Hutchinson, as follows:

- A. That the following described area in Acoma Township is properly subject to annexation during the year 1973, under and pursuant to M.S.A. 414.033 Subdivision 3, subject to all the provisions hereinafter contained in this Agreement:

Area #4

All that part of the East Half of Section 36, township 117 North, Range 30 west described as follows: Beginning at the Southeast corner of said Section 36; thence North along the east line of said Section 36 to the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section 36; thence West along the South line of said Northeast Quarter of the Southeast Quarter of Section 36, a distance of 142 feet; thence North parallel to said East line of Section to the centerline of Minnesota Trunk Highway No. 7; thence Northeasterly along said centerline to said East line; thence North along said East line of Section 36 to a point 300 feet Northerly of said centerline of Highway No. 7 as measured at right angles to said centerline; thence Southwesterly parallel with said Highway centerline to a point 20 feet East of the West line of said East Half of Section 36; thence North parallel to said West line to the South line of the North Half of the Southwest Quarter of the Northeast Quarter of said Section 36; thence East along said Southline to the Northeasterly Right of Way line of County Road No. 12; thence Northwesterly along said Northeasterly Right of Way line to the West line of the East half of said Section 36; thence South along said West line to the Southerly Right of Way line of the former Minnesota Western Railway; thence Northeasterly along said Southerly Right of Way line of the Railway to the West line of the Southeast Quarter of the Southeast Quarter of said Section 36; thence South along said West line to the South line of said Section 36; thence East along said South line to the point of beginning. Containing 87 Acres more or less.

B. That the following described area in Lynn Township is properly subject to annexation during the year 1973, under and pursuant to M.S.A. 414.033 Subdivision 3, subject to all the provisions hereinafter contained in this Agreement:

Area 1 The North One-Half of the North One-Half of the Northwest Quarter of the Northeast Quarter of Section 12, Township 116 North, Range 30 West. Containing 10 acres more or less.

AREA 2 Beginning at the Southeast corner of the Southwest Quarter of Section 1, Township 116 North, Range 30 West, also known as the Southwest corner of Lot 90 of Lynn Addition; thence North along the West line of said Lot 90, a distance of 476 feet; thence East parallel to the South line of said Lot 90, a distance 453.75 feet; thence North parallel with the East line of Lot 90, a distance of 864 to the North line of said Lot 90; thence West along said Northline to the Northwest corner of Lot 90, also known as the Northeast corner of Lot 92 of Lynn Addition; thence South along the East line of said Lot 92 of Lynn Addition, a distance of 225 feet; thence Westerly on a line parallel with the North line of Lot 92 to a point on the West line of Lot 92, said West line being the centerline of Dale Street also known as County Road No. 7; thence Northeasterly along said centerline to a point 12.0 feet Southwesterly, as measured along said centerline, of the Northeast corner of Lot 94 of Lynn Addition; thence Westerly to a point on the West line of said Lot 94, 9.0 feet South of the Northwest corner of said Lot 94; thence Southerly along the West line of said lot 94 to the Southwest corner of Lot 94, said corner also known as the Northeast corner of the Southeast Quarter of the Southwest

Area #2 (continued)

Quarter of said Section 1; thence West along the North line of the said Southeast Quarter of the Southwest Quarter to a point 230 feet Northwesterly of the centerline of said Dale Street, as measured at right angles to said Centerline; thence Southwesterly parallel to said centerline; a distance of 250 feet; thence deflect to the left 90°-00', a distance of 30 feet; thence deflect to the right 90°-00' Southwesterly on a line parallel with and 200 feet Northwesterly of said centerline, as measured at right angles to said centerline to a point 200 feet North of the South line of said Section 1; thence Westerly parallel with said South line, a distance of 300 feet; thence South to a point on said South line of Section 1; thence Easterly along said South line to the point of beginning. Containing 25 acres more or less.

AREA 2-A The Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 1, Township 116 North, Range 30 West. Containing 20 Acres more or less.

AREA 2-B Beginning at the Southwest corner of Section 1, Township 116 North, Range 30 West; thence North along the West line of said Section 1, a distance of 368.22 feet; thence Easterly on a line parallel with the South line of said Section 1; a distance of 657.98 feet; thence deflect to the right 90°-09'-30", a distance of 368.22 feet to the South line of said Section 1; thence Westerly along said South line for 657.5 feet to the point of beginning. Containing 5.5 acres more or less.

AREA 6 That part of Section 2, Township 116 North, Range 30 West described as follows: Beginning at the Southwest corner of Section 36, Township 117 North, Range 30 West, said point being on the North line of said Section 2; thence South on a line parallel with the East line of the Northeast of Section 2 to the North Shore line of Otter Lake (Crow River); thence generally Northeasterly along said North Shore line to the East line of said Section 2, thence South along said East line to a point 250 feet North of the Southeast corner of said Northeast Quarter of Section 2; thence West 2700 feet; thence South to a point on the extension of the North line of "First Addition to Maryview"; thence Westerly along said extension and the North line of said "First Addition" to the Easterly and Southerly Shore line of Otter Lake (Crow River); thence generally Northeasterly along said Easterly and Southerly Shore line to the West line of the Northeast Quarter of said Section 2; thence North along said West line to the Northwest corner of said Northeast Quarter; thence East along the North line of Section 2 to the point of beginning.

Together with all of the Crow River, also known as Mill Pond, located in Section 1, T 116 N, R 30 W.

Together with all of Lots 6, 7 and 9 and the West 80 feet of lot 5 in Auditors Plat of that part of the NW¼ of Section 1, T 116 N, R 30 W, lying South of the Mill Pond.

Together with Lots 8, 10, 19 and 20 of Auditors plat of that part of the NW¼ of Section 1, T 116 N, R 30 W, lying South of the Mill Pond except the following tract:

Beginning at a point on the South line of said Northwest Quarter, a distance 60 feet Westerly of the Southerly extension of the Westerly lines of Lots 6 through 10, Block Two, Peterson's School Addition; thence Northerly parallel with said West line to the Westerly extension of the Southerly line of Block 4 of Larson's Subdivision; thence Easterly along the Westerly extension of said Southerly line to the Southwest corner of said Block 4; thence Northerly along the West line of said Larson's Subdivision to the Southwest corner of Lot 1, Block 1, Larson's Second Subdivision; thence Westerly along the Westerly extension of the Southerly line of said Lot 1, a distance of 150 feet; thence Northerly parallel with the West line of said Larson's Subdivision a distance of 160 feet to the North line of Lot 19; thence Westerly along said North line to the East line of Lot 10;

thence Northerly along the East line of Lots 10 and 8 a distance of 46.5 feet thence Westerly on a line parallel with the South line of Lot 8 a distance of 540 feet; thence Southerly deflecting to the left 90 degrees, 00 minutes, a distance of 375 feet; thence Southeasterly deflecting to the left 50 degrees, 00 minutes, a distance of 645 feet to a point on a line parallel with and 150 feet Westerly of, as measured at right angles from, the West line of Peterson's School Addition and its Northerly extension; thence Southerly a distance of 550 feet to the South line of said Northwest Quarter; thence Easterly along said South line to the point of beginning containing 186 acres more or less;

C. That the following described area in Hassan Valley is properly subject to annexation during the year 1973, under and pursuant to M.S.A. 414.033 Subdivision 3, subject to all the provisions hereinafter contained in this Agreement:

AREA 3-A That part of Section 5, Township 116 North, Range 29 West described as follows:

Beginning at the Northwest Corner of said Section 5; thence South along the West line of said Section 5 a distance of 824 feet; thence East a distance of 530 feet; thence North a distance of 774 feet; thence East a distance of 1514.07 feet; thence North a distance of 50.0 feet to a point on the North line of said section 5; thence West along said North line to the point of beginning, containing 12 acres more or less.

D. That the following described area in Hutchinson Township is properly subject to annexation during the year 1973, under and pursuant to M.S.A. 414.033 Subdivision 3, subject to all the provisions hereinafter contained in this Agreement.

AREA 3 That part of the Southwest Quarter of Section 32, T 117 N. R 20 W described as follows:

Beginning at the Southwest corner of said Section 32; thence North along the West line of said SW $\frac{1}{4}$ of Section 32 to a point 10.0 feet South of the Northwest corner of Lot 8 of Auditor's Plat of the West Half of said Section 32; thence East parallel to the North line of Lots 8 and 7 to a point 63.9 feet East and 10.0 feet South of the Northwest corner of Lot 7, said point being 10.0 feet South of the Northwest corner of Ahrens Highland Park subdivision; thence South along the West line of Ahrens Highland Park Subdivision to the Southwest corner of said subdivision; thence East 66.00 feet along the South line of said subdivision; thence South parallel to the West line of Lot 11

of said Auditor's Plat to the South line of said Lot 11, said line being the centerline of Trunk Highway No. 7; thence East along said centerline of Trunk Highway 7 to the Northwest corner of Lot 1 of Auditor's Plat of Lot 14 of Auditor's Plat of the West Half of Section 32, T 117 N, R 29 W, thence South to the Southwest corner of said Lot 1; thence East 183 feet to the Southeast corner of Lot 2, thence North along the East line of said Lot 2 to the Northeast corner of said Lot 2; said point being on the centerline of Trunk Highway 7, thence East along said centerline to the Northwest corner of Lot 8 of Auditor's Plat of Lot 14 of Auditor's Plat of the West Half of Section 32, T 117 N, Range 29 West; thence South along the West line of Lot 8 to the Northeast corner of Lot 7; thence West 60.0 feet along the North line of Lot 7; thence South parallel to the East line of Lot 7 to a point on the South line of Lot 7 also known as the North line of Lot 12; thence East along said North line of Lot 12 to the Northeast corner of said Lot 12, thence South along the East line of Lots 12 and 13 to the South Line of said SW $\frac{1}{4}$ of Section 32; thence West along the South line of said SW $\frac{1}{4}$ of Section 32 to the point of beginning. Excepting the following described tract:

That part of the Southwest Quarter of the Southwest Quarter of Section 32, T117 N, R 29 W, which lies northerly of a line parallel with and distant Northerly 35 feet, measured at right angles thereto from the centerline of the main track of Minnesota Western Railway Company, and Southwesterly of a line parallel with and distant Southwesterly 25 feet, measured at right angles thereto, from the centerline of the track of the Minnesota Western Railway Company, known as the Hutchinson Tile Spur, as said tracks are now located and constructed across the Southwest corner of said Section 32, containing 71 acres, more or less.

AREA 5 That part of Lot 12 of Auditor's Plat of Auditor's Plat of S $\frac{1}{2}$ Section 30 and N $\frac{1}{2}$ Section 31, T117N, R29 W known as Lots 1, 2, 3, 4 and 5 of Auditor's Plat of Lot 12 of Auditor's Plat of the S $\frac{1}{2}$ Section 30 and N $\frac{1}{2}$ Section 31, T 117 N, R 29 W described as follows:

Beginning at the Southwest corner of the Southeast Quarter of Section 30, T 117 N, R 29 W; thence East along the South line of said Southeast Quarter a distance of 667.5 feet; thence deflect to the left 88° - 26' a distance of 293.00 feet; thence deflect to the left 91° - 34' along a line parallel to said South line a distance of 487.6 feet; thence deflect to the right 89° - 47' a distance of 358.75 feet; thence deflect to the left 89° - 47' along the North line of said Lot 12 to the West line of said Southeast Quarter; thence South along the West line of said Southeast Quarter to the point of beginning containing 7.0 acres more or less.

II.

BE IT FURTHER RESOLVED, By the Townships of Acoma, Lynn, Hassan Valley, and Hutchinson, as follows:

- A. That the following described area which is inclusive of the aforescribed areas to be annexed in 1973, is properly subject to orderly annexation under and pursuant to Minnesota Statutes 414.032, and the Parties do hereby designate this area as in need of orderly annexation as provided by Statute:

All that part of the following described land except the now existing area within the corporate limits of the City of Hutchinson: Beginning at the Northwest corner of the South half of Section 26, Township 117 North, Range 30 West; thence East along the North line of the South half of Sections 26 and 25 in Township 117 North, Range 30 West and Sections 30 and 29 of Township 117 North, Range 29 West to the Northeast corner of the South Half of said Section 29; thence South along the East line of Sections 29 and 32 to the Southeast corner of said Section 32, Township 117 North, Range 29 West, said point being on the North line of Section 5, Township 116 North, Range 29 West; thence East along said North line to the Northeast corner of said Section 5; thence South along the East line of Sections 5 and 8 of Township 116 North, Range 29 West to the Southeast corner of said Section 8; thence West along the South line of said Section 8 to the Southwest corner of Section 8, also being the Northeast corner of Section 18, Township 116 North, Range 29 West; thence South along the East line of said Section 18 to the Southeast corner of the North Half of said Section 18; thence West along the South line of the North half of Section 18, Township 116 North, Range 29 West and Section 13, Township 116 North, Range 30 West to the Southwest corner of the North Half of said Section 13; thence North along the West line of said Section 13 to the Northwest corner of Section 13, also being the Southeast corner of Section 11; thence West along the South line of said Section 11 and Section 10 to the Southwest corner of the East half of said Section 10; thence North along the West line of said East half to the Northwest corner of said East half; thence East to the Northeast corner of said Section 10, also being the Southwest corner of Section 2, Township 116 North, Range 30 West; thence North along the West line of said Section 2 to the Northwest corner of said Section 2, said point being on the South line of Section 35, Township 117 North, Range 30 West; thence West along said South line to the Southwest corner of said Section 35; thence North along the West line of Section 35 and 26 of Township 117 North, Range 30 West to the point of beginning.

That the Townships of Acoma, Lynn, Hassan Valley, and Hutchinson do, upon the passage of this Resolution, individually and jointly, and its adoption by the Council of the City of Hutchinson, confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish this orderly annexation in accordance with the terms of this Resolution.

III.

BE IT FURTHER RESOLVED, By the Townships of Acoma, Lynn, Hassan Valley and Hutchinson, and the City of Hutchinson, that all of the areas included in this agreement, whether to be annexed by 1973, or in the future by orderly annexation, shall be subject to the following terms and conditions and provisions:

A. No annexations will take place anywhere within the afore-designated area, except those annexations agreed to be proper for the year 1973, as in need of orderly annexation, unless the area

involved is or is about to become urban or suburban in character and unless the City has available and is capable of providing municipal services such as water, sanitary sewers and storm sewers, in accordance with the provisions of M.S.A Chapter 414, and future amendments thereto, and as ordered by the Minnesota Municipal Commission.

Any persons owning lands annexed to the City pursuant to this agreement shall receive a "tax break" consisting of a staged, graduated increase in mill rates from the Township rate to the City rate over a five (5) year period in the following manner:

First year following annexation	20% of City rate
Second year following annexation	40% of City rate
Third year following annexation	60% of City rate
Fourth year following annexation	80% of City rate
Fifth year following annexation	100% of City rate

Notwithstanding the foregoing, any lands annexed to the City which are classified as agricultural lands shall be classified by the City as Rural Service District and shall be taxed only at the tax rate provided by law for such agricultural lands and not at the full City tax rate for as long as said lands retain their classification as agricultural lands as herein otherwise provided.

B. Any persons owning lands annexed to the City pursuant to this agreement shall have the following rights with regard to the payment of assessments or projects previously completed which may be assessable against said annexed property:

1. The property owner may elect to pay, within thirty (30) days after the effective date of annexation, the entire principal balance of said assessment, assessable against the annexed property, without interest, as though said assessment had been paid within the statutory grace period for payment of similar assessments as of the date on which the first assessment for said project was made; or
2. The property owner so annexed may elect to pay the entire principal balance plus interest accrued to the date of assessment, in ten (10) equal annual installments plus interest on said installments at the rate established for that assessable project for all other property owners thereby assessed.

C. Based on the County of McLeod's classification of lands, all lands classified as agricultural, as of the date of these Resolutions, shall not be assessed for improvements, or any kind of assessable project, for so long as that land remains classified as agricultural. And at such time as said lands are re-classified and are annexed, then the owners of said land shall have the same rights with respect to taxes and payment of assessments as provided in Paragraphs III-A and III-B above.

D. No assessments for improvements or other assessable projects shall be made against any lands included in these Resolutions, until such time as said lands are annexed, platted for development, and the first parcel of said platted land has been sold. At such time as these requirements have been met, then the owners of said lands shall have the same rights with respect to payment of taxes and assessments as provided in Paragraphs III-A and III-B above.

E. In the year of annexation of any of the lands subject to this agreement, there shall be no apportionment of real estate tax income for the year in which the annexation takes place. The Township shall receive all such income.

State per capita aids and federal revenue-sharing aids, shall likewise not be apportioned, unless required, with respect to federal revenue sharing aids, pursuant to 31 CFR Sec. 51.23.

Any dedicated road or park funds, affected by annexation, shall be turned over to the City within fifteen (15) days after the date of the annexation order.

Any annexations which involve accounts receivable for dedicated roads or park funds, to be collected in the future, as special road assessments, such funds will be forwarded by the City to the Township.

The City agrees not to apply for any division of the Townships general funds or other assets.

F. If sanitary sewer collection systems must be constructed within the above described orderly annexation area because of orders from the Pollution Control Agency or requests from land-owners or otherwise, all parties agree to leave the extension of city boundaries to include the sewer construction areas to the discretion of the Minnesota Municipal Commission. This exception is granted only to enable the City to lay necessary water pipes or storm sewers at the same time that the sanitary sewer collection system is constructed.

G. The provisions of this Agreement shall not be binding upon the City in the instance of a voluntary petition by a land owner for annexation of said land owner's real property to the City.

H. The parties hereto agree that this Agreement is in no way intended to alter, modify, amend, or otherwise change, the current or future ordinances with respect to zoning, or subdivisions, of the City, Townships or County of McLeod.

I. The effect of annexations on population shall be resolved whenever possible by agreement of the parties. If there is a failure to reach such an agreement, the question shall be resolved by the Minnesota Municipal Commission at a hearing, as provided by Statute, and the determination shall be included in the Commission Order.

J. The City agrees not to annex any areas lying outside of the herein described orderly annexation area for a period of ten (10) years following the date of this agreement except:

1. The city receives the unanimous petition of the landowners involved; or
2. The city and townships involved agree to same; or,
3. In the event that the city and townships can not agree then the question will be presented and resolved by the Minnesota Municipal Commission after a hearing as provided by Statute.

K. All Parties agree to dismiss the pending Annexation Petitions:

Acoma

Minnesota Municipal Commission File No. A-2355
City of Hutchinson Resolution No. 5151

Lynn	Minnesota Municipal Commission File No. A-2351 City of Hutchinson Resolution No. 5152
Hassan Valley	Minnesota Municipal Commission File Nos. A-2353 and A-2352 City of Hutchinson Resolution Nos. 5150 & 5153
Hutchinson	Minnesota Municipal Commission File No. <u>A-2354</u> City of Hutchinson Resolution No. 5149

Dated this 27th day of June, 1973

TOWNSHIP OF ACOMA

Passed and adopted by the Township of Acoma this 6th day of ~~July~~, 1973.

Attest:

Lawrence Thundoff
Township Clerk

Walter Jones
Its Chairman

TOWNSHIP OF LYNN

Passed and adopted by the Township of Lynn this 27th day of June, 1973.

Attest:

Eugene Birk
Township Clerk

Ed Duesterhoeft
Its Chairman

TOWNSHIP OF HASSAN VALLEY

Passed and adopted by the Township of Hassan Valley this 28th day of June, 1973.

Attest:

W. L. Wright
Township Clerk

Robert Fratzke
Its Chairman

TOWNSHIP OF HUTCHINSON

Passed and adopted by the Township of Hutchinson this 2nd day of ~~July~~, 1973.

Attest:

E. P. Gensmer
Township Clerk

Carl Kay
Its Chairman

CITY OF HUTCHINSON

Passed and adopted by the City of Hutchinson this 26th day of ~~July~~, 1973.

Attest:

Tom E. Mealey
City Clerk

J. Beck
Mayor

