

JOINT RESOLUTION AS TO ORDERLY ANNEXATION:
CITY OF MONTICELLO - TOWN OF MONTICELLO

WHEREAS, the Municipal Commission of the State of Minnesota presently has before it for hearing and consideration the matter of annexing certain portions of the Town of Monticello to the City of Monticello; and

WHEREAS, the Town of Monticello and the City of Monticello are parties of the said hearing; and

WHEREAS, there is a basis for agreement between the parties to this action upon which the matters presently before the Minnesota Municipal Commission can be settled, and the governmental parties hereto desire to set forth such terms of settlement by means of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City of Monticello and the Town of Monticello, as follows:

1. That the following described property is or is about to become urban or suburban in character and that the city is capable of providing it with services required by the area within a reasonable time:

The "Annexation Area" as shown on Township Exhibit "8"; plus the following described area: Beginning at the point where the Northerly right of way of Interstate Highway 94 intersects with the West line of the above described "Annexation Area"; thence Northwesterly along said North right of way to the point of intersection with the West line of the East half of Section 32, Township 122, Range 25 thence North along said West line to a point where it intersects with the South bank of the Mississippi River; thence Easterly and Southeasterly along said South bank to a point of intersection with Northwesterly boundary of the "Annexation Area"; thence Westerly and Southwesterly along said boundary to the point of beginning.

That the Town of Monticello upon passage of this resolution and its adoption by the City of Monticello, agrees to withdraw its opposition to the immediate annexation of the above described area.

That the City of Monticello upon passage of this resolution and its adoption by the Town of Monticello agrees to withdraw its request for annexation of any of the area designated in need of orderly annexation other than the above described area.

2. That both parties hereby stipulate that the area designated as in need of orderly annexation remaining in the town is not in need of municipal services and will not be in need of municipal services within a reasonable time. That no annexation will take place anywhere within the area designated as in need of orderly annexation remaining in the town 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, city streets, city water, city sanitary sewer, police protection, fire protection and garbage collection. Said municipal services shall be provided with sufficient capacity so as to make the services uninterrupted and adequate for future development of the whole area to be serviced. The city agrees not to initiate any annexation within this remaining orderly annexation area (subject to Number 3 below) for a period of 10 years, except in response to a petition of a majority of property owners involved.
3. If the city decides to construct a service road in Section 10, Township 121, Range 25 parallel to and Southwest of Interstate Highway 94, it is jointly agreed that the city may initiate an annexation of territory out to the Southwest right of way of such proposed road not to exceed a quarter mile at any point from the Southwest right of way of Interstate 94.

4. That the above described annexation will deprive the Town of Monticello of over 87% of its tax base which both parties agree would be unjust and inequitable. Having in view the value of the existing town property to be added to the city, the assets, value, and location of all of the taxable property in the existing town, and the ability of the remainder of the town to function as an effective governmental unit; both parties agree that a just and equitable apportionment of the property and obligations between the governmental unit adding territory and the governmental unit from which the territory was obtained, requires that the Minnesota Municipal Commission order that the city annually pay to the town a portion of its ad valorem tax, which is to be derived as follows:

Annual Town Budget	\$150,000.00
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Less:

- (1) Intergovernmental transfers
(Federal Revenue Sharing
and Per Capita Aids) and
other non property tax
revenues

- (2) Seven mills times the assessed
value in the town

The annual town budget of \$150,000.00 shall be increased or decreased annually by the rate of the increase or decrease of the cost of living, but in no event shall exceed 5.5%.

This provision will be effective as of January 1, 1975.

Further, that the Wright County Auditor be ordered to revise his tax records and ad valorem tax payments pursuant to the above formula, and make payments directly to the town. Both parties request that the Minnesota Municipal Commission retain jurisdiction in the within proceeding for the limited purpose of adjusting this apportionment of assets and obligations in the event that unforeseen extraordinary circumstances arise. The \$150,000.00 budget formula outlined above is for purposes of computing the annual city payment, which payment shall not be affected by the actual township budget as determined by the electors.

5. That planning, zoning and subdivision regulations within the portion of the area designated as in need of orderly annexation remaining in the town shall be as provided in Minnesota Statutes 414.068. The parties agree to the appointment of the three-man committee provided for therein, which committee shall serve as the "governing body" and "board of adjustment and appeals" for purposes of Minnesota Statutes 462.357. That the total cost of the planning, zoning and subdivision regulations within the portion of the area designated as in need of orderly annexation remaining in the town shall be apportioned between the city and the town on the basis of the ratio of their assessed values.
6. That the city and town hereby agree to seek to enter into a Joint Powers Agreement with the county, pursuant to Minnesota Statutes 471.59, for the unified provision of building inspection service throughout the city and town area by a certified inspector.
7. That the entering of a final order by the Minnesota Municipal Commission and the filing with the Wright County Auditor will cause no change in real estate tax payments received by the city and the town hereto in the year 1974, and further, that the real estate taxes assessed against the property annexed will be paid to the town in 1974 and the city in 1975 except as set out in Paragraph 4.
8. Any property annexed to the City pursuant to this agreement shall receive a "tax break" consistent with a staged, graduated increase in mill rates from the town rate to the city rate over a three (3) to five (5) year period, depending on the length of time necessary to provide full municipal services in the area annexed.
9. That the city and town hereby agree to the dismissal of the pending Supreme Court Appeal of the District Court Order, Court File No. 20747.

CITY OF MONTICELLO

Passed and adopted by the City Council of the City of Monticello this

4th day of June, 1974.

ATTEST: Kevin L. LaFrance
City Clerk

BY CO Johnson
Its Mayor

TOWN OF MONTICELLO

Passed and adopted by the Town Board of the Town of Monticello this

4th day of June, 1974.

ATTEST: Margie Laetzke
Town Clerk

BY Franklin E. Ross
Its Chairman

CLERK'S CERTIFICATE

STATE OF MINNESOTA)
)ss
COUNTY OF WRIGHT)

I, Kevin L. LaFrance, City Clerk of the City of Monticello, County of Wright, State of Minnesota, do hereby certify that I have compared the foregoing Resolution with the original minutes now on file and remaining of record in my office; that the same is a true and correct copy and transcript of said original minutes and the whole thereof, so far as said minutes pertain to the matters contained herein.

Witness My Hand and the Corporate Seal of the City of Monticello, Minnesota, this 4 day of June, 1974

(SEAL)

Kevin L. LaFrance
City Clerk, City of Monticello, Minnesota

CLERK'S CERTIFICATE

STATE OF MINNESOTA)
)ss
COUNTY OF WRIGHT)

I, Margie Laetzke, Town Clerk of the Town of Monticello, County of Wright, State of Minnesota, do hereby certify that I have compared the foregoing resolution with the original minutes now on file and remaining of record in my office; that the same is a true and correct copy and transcript of said original minutes and the whole thereof, so far as said minutes pertain to the matters contained herein.

Witness My Hand this 4th day of June, 1974.

Margie Laetzke
Town Clerk, Town of Monticello, Minnesota

AUG 2 1973

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice Chairman
Harold J. Dahl	Member
Henry Berg	Ex-Officio Member
Leonard Christofferson	Ex-Officio Member

IN THE MATTER OF THE PETITION)
 TO ANNEX CERTAIN LAND TO THE)
 VILLAGE OF MONTICELLO)
)
 IN THE MATTER OF THE RESOLUTION)
 REQUESTING AN ORDER OF THE)
 MINNESOTA MUNICIPAL COMMISSION)
 FOR ANNEXATION OF CERTAIN LAND)
 PREVIOUSLY DESIGNATED AS IN NEED)
 OF ORDERLY ANNEXATION)

RESOLUTION OF THE
 VILLAGE OF MONTICELLO
 REQUESTING AN ORDER
 FOR ANNEXATION
 OF CERTAIN LAND

Whereas, certain property owners of the Town of Monticello, Wright County, Minnesota, have submitted a proper and duly authenticated petition to the Minnesota Municipal Commission for the annexation of certain unincorporated lands to the Village of Monticello; and

Whereas, the Village of Monticello has submitted to the Minnesota Municipal Commission a resolution supporting and approving the aforementioned petition; and

Whereas, the Township of Monticello has submitted to the Minnesota Municipal Commission a resolution supporting and approving a request for discussions to designate an area as in need of orderly annexation in regard to the aforementioned petition of the property owners of the Town of Monticello and the aforementioned resolution of the Village of Monticello; and

Whereas, the Minnesota Municipal Commission on or about December 8, 1972, issued its order that the following described property, to-wit:

Beginning at a point on the Mississippi that marks

the intersection with the North-South centerline of Section Thirty-two (32), Township 122 North, Range 25 West; thence South on said line to County Road No. 39; thence East along County Road No. 39 to the Eastern boundary of section Nine (9), Township 121 North, Range 25 West; thence South along said Section line to the East-West centerline of Section Twenty-two (22), Township 121 North, Range 25 West; thence East on said centerline through Section Twenty-two (22), Twenty-three (23), and Twenty-four (24), all in Township 121 North, Range 25 West, and continuing East on the same line through Section Nineteen (19) and 3/4 of Twenty (20), in Township 121 North, Range 24 West to the Township road; thence North to the Mississippi River; thence northwesterly along the course of the Mississippi River to the point of beginning, with the exception of the Village of Monticello as now platted

is designated as in need of orderly annexation to the Village of Monticello; and

Whereas, in accordance with Minnesota Statutes, Section 414.01 et seq. and in particular, Minnesota Statutes, Section 414.031, Subd. 2, an annexing municipality may request the Minnesota Municipal Commission to issue an order for the annexation of lands previously designated by said Commission as in need of orderly annexation; and

Whereas, in the judgment of the Village Council, the Village of Monticello, the above described lands previously designated by the Minnesota Municipal Commission as in need of orderly annexation to the Village of Monticello are and continue to be in need of annexation to the Village of Monticello; and

Whereas, in the judgment of the Village Council of the Village of Monticello, the above described lands designated as in need of orderly annexation to the Village of Monticello are now or are about to become urban or suburban in nature; and

Whereas, in the judgment of the Village Council of the Village of Monticello, it is capable of providing and fulfilling the functions and services for the above described lands as more fully described in the Minnesota Municipal Commission's amended Findings of Fact, Conclusions of Law and Order dated on or about December 8, 1972;

NOW, THEREFORE, BE IT RESOLVED that the Village of Monticello,

by and through its Village Council, does hereby request that the Minnesota Municipal Commission issue and enter its order as authorized by law for the annexation to the Village of Monticello of the following described lands in Wright County, Minnesota, to-wit:

Beginning at a point on the Mississippi that marks the intersection with the North-South centerline of Section Thirty-two (32), Township 122 North, Range 25 West; thence South on said line to County Road No. 39; thence East along County Road No. 39 to the Eastern boundary of section Nine (9), Township 121 North, Range 25 West; thence South along said Section line to the East-West centerline of Section Twenty-two (22), Township 121 North, Range 25 West; thence East on said centerline through Section Twenty-two (22), Twenty-three (23), and Twenty-four (24), all in Township 121 North, Range 25 West, and continuing East on the same line through Section Nineteen (19) and 3/4 of Twenty (20), in Township 121 North, Range 24 West to the Township road; thence North to the Mississippi River; thence northwesterly along the course of the Mississippi River to the point of beginning, with the exception of the Village of Monticello as now platted

Dated this 10th day of July, 1973.

VILLAGE OF MONTICELLO

By W. A. Lombay

Its Mayor

Attest:

Kenneth L. LaFrance
Village Clerk

The motion for the adoption of the foregoing resolution was made by Dick Martie and seconded by Jeff Rowan, and upon vote being taken thereon, the following voted in favor thereof:

Martie, Rowan, Sanders

and the following voted against the same:

None

Absent: Blawie, Marklin

whereupon said resolution was declared duly passed and adopted.

Ken L. Latham
Village Clerk