

A-5644 Albertville
A-5681 Otsego
OA-424/OA-424-1
D-311 Otsego/A-5384 Albertville
D-312 Otsego/A-5402 Albertville
D-313 Otsego/A-5410 Albertville
D-329 Otsego/A-5612 Albertville
D-330 Otsego/A-5613 Albertville
D-336 Otsego/A-5673 Albertville
C-27-mm

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Lea De Souza Speeter	Chair
Robert J. Ferderer	Vice Chair
Paul B. Double	Vice Chair
Ken Jude	Ex-Officio Member
Richard Mattson	Ex-Officio Member

IN THE MATTER OF THE PETITIONS FOR)	
THE ANNEXATION AND CONCURRENT)	
DETACHMENT AND ANNEXATION OF)	
CERTAIN LAND TO THE CITY OF)	JOINT RESOLUTION
ALBERTVILLE, THE CITY OF OTSEGO,)	
AND THE CITY OF ST. MICHAEL)	
PURSUANT TO MINNESOTA STATUTES 414)	

JOINT RESOLUTION FOR ORDERLY ANNEXATION AND
CONCURRENT DETACHMENT AND ANNEXATION BY AND BETWEEN
THE TOWN OF FRANKFORT, THE CITY OF ST. MICHAEL,
THE CITY OF ALBERTVILLE AND THE CITY OF OTSEGO
IN SETTLEMENT OF MINNESOTA MUNICIPAL BOARD

FILE NOS. A-5644 ALBERTVILLE, A-5681 OTSEGO,
D-311 OTSEGO/A-5384 ALBERTVILLE, D-312 OTSEGO/A-5402 ALBERTVILLE,
D-313 OTSEGO/A-5410 ALBERTVILLE, D-329 OTSEGO/A-5612 ALBERTVILLE,
D-330 OTSEGO/A-5613 ALBERTVILLE, D-336 OTSEGO/A-5673 ALBERTVILLE,
C-27-mm, AND AMENDING OA-424/OA-424-1

WHEREAS, the City of Albertville filed an annexation petition dated March 18, 1996 with the Minnesota Municipal Board (Minnesota Municipal Board File No. A-5644

Albertville) seeking annexation of certain lands located within the Town of Frankfort pursuant to Minnesota Statutes, Section 414.031; and

WHEREAS, the Town of Frankfort and the City of St. Michael adopted a Joint Resolution, dated March 18, 1996, and filed the same with the Minnesota Municipal Board (Minnesota Municipal Board File No. OA-424/OA-424-1) on March 18, 1996 for annexation of the entirety of the Town of Frankfort pursuant to Minnesota Statutes, Section 414.0325; and

WHEREAS, the City of Otsego filed a petition, dated June 18, 1996 with the Minnesota Municipal Board (Minnesota Municipal Board File No. A-5681 Otsego) also seeking annexation pursuant to Minnesota Statutes, Section 414.031 of certain portions of the Town of Frankfort; and

WHEREAS, the City of Albertville has supported and private property owners have filed numerous pending petitions with the Minnesota Municipal Board (Minnesota Municipal Board File Nos. D-311 Otsego/A-5384 Albertville, D-312 Otsego/A-5402 Albertville, D-313 Otsego/A-5410 Albertville, D-329 Otsego/A-5612 Albertville, D-330 Otsego/A-5613 Albertville, D-336 Otsego/A-5673 Albertville, and C-27-mm) seeking concurrent detachment and annexation of certain lands from the City of Otsego pursuant to Minnesota Statutes, Section 414.061; and

WHEREAS, the Town of Frankfort, the City of St. Michael, the City of Otsego, and the City of Albertville have been working towards a settlement of their respective boundary disputes and have reached a settlement which would be in the best interests of all the communities; and

WHEREAS, the above-reference communities seek to jointly establish a collective agreement whereby municipal boundaries will be established permanently in order to facilitate planning and the orderly expansion of the above-referenced communities; and

WHEREAS, The parties agree that orderly development with municipal services and the orderly annexation and concurrent detachment and annexation of certain areas located in their respective communities is in the best interests of all of the communities concerned; and

WHEREAS, the above-referenced communities agree that orderly annexation and concurrent detachment and annexation are ways to promote the public health, safety, and welfare of all of the communities concerned; and

WHEREAS, the above-referenced communities desire to accomplish the orderly annexation and concurrent detachment and annexation of the areas legally described in this Joint Resolution in a mutually acceptable and beneficial manner without the need for hearings before the Minnesota Municipal Board.

NOW, THEREFORE, BE IT RESOLVED by the Town of Frankfort, City of St. Michael, City of Otsego, and the City of Albertville as follows;

1. Comprehensive Settlement.

- a. This Joint Resolution constitutes a comprehensive and integrated settlement agreement among the parties. The parties intend hereby to settle completely all of the above-referenced pending annexation and concurrent detachment and annexation matters before the Minnesota Municipal Board (hereinafter the "Municipal Board") involving the City of Albertville (hereinafter "Albertville"), the Town of Frankfort (hereinafter "Frankfort"), the City of Otsego (hereinafter "Otsego") and the City of St. Michael (hereinafter "St. Michael"), whether before the Municipal Board or District Court, including those matters initiated by private parties.
- b. The parties hereto hereby agree that all discovery and any other activities in these cases will be stayed until the Municipal Board enters its final order effectuating this agreement, at which time all these matters will be dismissed with prejudice without costs to any parties, except that Municipal Board File No. OA-424/OA-424-1 shall remain in full force and effect except to the extent that it is amended and modified by this Joint Resolution. In addition to this agreement, the parties will agree upon documents implementing the terms of this agreement, including proposed orders implementing the terms of this agreement, necessary dismissal papers and resolutions required to give effect to this agreement.
- c. The parties believe that, with respect to the concurrent detachment and annexations contemplated between Albertville and Otsego to be accomplished by the terms of this Joint Resolution, the terms of this agreement mandate Municipal Board approval. The parties hereto agree, however, that in the event that any aspect of this agreement must be subject to discretionary approval by the Municipal Board, that this agreement will be effective only if approved and implemented in its entirety by the Board. If this agreement is not so approved, any party may withdraw from this agreement, and thereupon retains the right to proceed with any of the pending proceedings. The parties will each use its best efforts to assure that this agreement is approved by the Board, in the event that any aspect of the agreement requires discretionary approval, and each will cooperate in reasonable efforts required to cause the agreement to be implemented.

2. Stability Of Municipal Borders. The parties hereto hereby agree that the best interests of each municipality will be served by assuring stability of their borders. Stability of municipal borders will aid comprehensive planning and sound fiscal planning and will assure that each community can stage its growth in accordance with policies determined through the planning and zoning process. To this end, the parties hereto hereby agree that, except for actions necessary to obtain a final order complying with this agreement, no party to this agreement will initiate or support any action before the Municipal Board or any other agency or court to cause the detachment and or annexation of any portion of any of the others. The parties further agree that an essential term of the order implementing this agreement must be a finding requiring that each municipality shall refrain from actions to annex or detach any portion of the others, except that further boundary adjustments may be made where agreed to in writing by the two affected communities contemplating a boundary adjustment to a shared boundary. In order to assure that the intent of the parties is given full effect, the parties agree that if any party determines that it is in the public interest to provide municipal services to territory of the other, that it will provide those services to the other municipality by agreement, rather than by attempting to annex or detach that property. This clause does not require any municipality to provide services to another municipality, but prohibits a municipality from attempting to acquire a portion of another party to this agreement by offering municipal services. The terms of this clause shall be embodied in the Board order effectuating this agreement as provided in section 414.063.

3. In addition to the other terms of this Joint Resolution, the Town of Frankfort and the City of Otsego agree as follows:
 - a. Designation of Orderly Annexation Area. Frankfort and Otsego hereby agree that the following area is in need of orderly annexation pursuant to Minnesota Statutes, Section 414.0325:
 - i. "Orderly Annexation Area I." "Orderly Annexation Area I," hereinafter referred to as "Area I," is legally described in Exhibit 1 attached hereto and incorporated herein by reference. For ease of reference Area I is shown on the map attached hereto as Exhibit 2 and is that area of Frankfort which is designated as in need of orderly annexation to Otsego in settlement of Municipal Board File No. A-5681 Otsego.

 - b. Acreage of Area I. Frankfort and Otsego agree that Area I contains 637.4 acres.

- c. Population. Frankfort and Otsego agree that the population of Area I is 194. The population of Otsego is currently 6,116 and said population will increase by the amount stated above as a result of annexation of Area I. The population of Frankfort is currently 3,627 and said population will decrease by the amount stated above as a result of annexation of Area I to Otsego.
 - d. No Hearing Required. Subject to the terms of this Joint Resolution, Frankfort and Otsego hereby agree that with respect to Area I, no alteration of the boundaries stated in this Joint Resolution is appropriate, no consideration by the Municipal Board is necessary, and all terms and conditions for annexation of Area I are provided for in this Joint Resolution. Frankfort and Otsego agree that upon receipt of this Joint Resolution, the Municipal Board may review and comment, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of Area I in accordance with the terms and conditions of this Joint Resolution.
4. In addition to the other terms of this Joint Resolution, the Town of Frankfort and the City of Albertville agree as follows:
- a. Designation of Orderly Annexation Area. Frankfort and Albertville agree that the following area is in need of orderly annexation pursuant to Minnesota Statutes, Section 414.0325:
 - i. "Orderly Annexation Area II." "Orderly Annexation Area II," hereinafter referred to as "Area II," is legally described in Exhibit 3 attached hereto and incorporated herein by reference. For ease of reference, Area II is shown on the map attached hereto as Exhibit 4 and is that area of Frankfort which is designated as in need of orderly annexation to Albertville in settlement of Municipal Board File No. A-5644 Albertville.
 - b. Acreage of Area II. Frankfort and Albertville agree that Area II contains 427.05 acres.
 - c. Population. Frankfort and Albertville agree that the population of Area II is 72. The population of Albertville is currently 2,119 and said population will increase by the amount stated above as a result of annexation of Area II. The population of Frankfort is currently 3,627 and said population will decrease by the amount stated above as a result of annexation of Area II to Albertville.

d. No Hearing Required. Subject to the terms and conditions of this Joint Resolution, Frankfort and Albertville hereby agree that with respect to Area II, no alteration of the boundaries stated in this Joint Resolution is appropriate, no consideration by the Municipal Board is necessary, and all terms and conditions for annexation of Area II are provided for in this Joint Resolution. Frankfort and Albertville agree that upon receipt of this Joint Resolution, the Municipal Board may review and comment, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of Area II in accordance with the terms and conditions of this Joint Resolution.

5. In addition to the other terms of this Joint Resolution, the City of Otsego and the City of Albertville agree as follows:

a. Designation of Concurrent Detachment and Annexation Area. Otsego and Albertville hereby agree to designate the following area for concurrent detachment and annexation pursuant to Minnesota Statutes, Section 414.061:

i. "Annexation Area III." "Annexation Area III," hereinafter referred to as "Area III," is legally described in Exhibit 5 attached hereto and incorporated herein by reference. For ease of reference Area III is shown on the map attached hereto as Exhibit 6 and is that area located within Otsego designated as in need of concurrent detachment and annexation from Otsego to Albertville.

b. Otsego and Albertville agree that Area III should be concurrently detached and annexed from Otsego to Albertville pursuant to Minnesota Statutes, Section 414.061.

c. Otsego and Albertville agree that this Joint Resolution shall constitute their respective jurisdiction's resolution desiring concurrent detachment and annexation for the purposes of initiating a concurrent detachment and annexation proceeding pursuant to Minnesota Statutes, Section 414.061, subd. 1, without the necessity of a Municipal Board hearing.

d. Otsego and Albertville agree that concurrent detachment and annexation of Area III from Otsego to Albertville is in the best interest of both communities.

- e. Otsego and Albertville agree that concurrent detachment and annexation will facilitate the orderly expansion of Area III using municipal governmental services available from Albertville.
 - f. Acreage of Area III. Otsego and Albertville agree that Area III contains 407.33 acres.
 - g. Population. Otsego and Albertville agree that the population of Area III is 27. The population of Albertville is currently 2,119 and said population will increase by the amount stated above as a result of annexation of Area III. The population of Otsego is currently 6,116 and said population will decrease by the amount stated above as a result of annexation of Area III to Albertville.
 - h. Otsego and Albertville desire that no Municipal Board hearing be required in order to facilitate the above-referenced concurrent detachment and annexation of those lands described in this Joint Resolution.
6. In addition to the other terms of this Joint Resolution, the following agreements amend Municipal Board File No. OA-424/OA-424-1 as follows:
- a. Annexation of Remainder of Frankfort. The parties hereto hereby agree that the remaining portions of Frankfort not annexed under this Joint Resolution shall be annexed pursuant to the terms of the previous joint resolution for orderly annexation between Frankfort and St. Michael, dated March 18, 1996, Minnesota Municipal Board File No. OA-424/OA-424-1.
 - b. Best Interests of Property. The parties hereto hereby agree that, with respect to the remaining portions of Frankfort not annexed under the terms of this Joint Resolution, annexation to St. Michael is in the best interests of the property proposed for annexation and as such agree not to take any further actions which would prevent that joint resolution for orderly annexation (File No. OA-424/OA-424-1) from taking effect as modified and amended by this Joint Resolution.
 - c. Amendment/Modification of OA-424/OA-424-1. Frankfort and St. Michael hereby agree that this Joint Resolution modifies and amends their previous joint resolution for orderly annexation, dated March 18, 1996, Municipal Board File No. OA-424/OA-424-1.

- d. Designation of Amended Orderly Annexation Area. Frankfort and St. Michael hereby agree that the area designated for orderly annexation to St. Michael, as modified by this Joint Resolution, is legally described in Exhibit 7 which is attached hereto and incorporated herein by reference.
- e. Merger Commission. Frankfort and St. Michael hereby agree to form a merger commission made up of representatives of Frankfort and St. Michael after the execution of this Joint Resolution for the purposes of planning for subsequent governmental representation and other issues, including, but not limited to, comprehensive planning, official controls, elections, administration, etc.
- f. Acreage. Frankfort and St. Michael hereby agree the acreage to be annexed under the terms of their joint resolution for orderly annexation (File No. OA-424/OA-424-1), as a result of modification and amendment by the terms of this Joint Resolution, shall contain 24,535.55 acres.
- g. Population. Frankfort and St. Michael hereby agree that the population of the area to be annexed under the terms of their joint resolution for orderly annexation (File No. OA-424/OA-424-1), as a result of modification and amendment by the terms of this Joint Resolution, is 3,361. The population of St. Michael is currently 3,198 and said population will increase by the amount stated above as a result of annexation of the remainder of Frankfort.
- h. Effective Date of Annexation. Frankfort and St. Michael hereby agree that the effective date of annexation shall be September 1, 1996
- i. City Council Meetings. After the effective date of annexation on September 1, 1996 and until January 1, 1997, Frankfort and St. Michael hereby agree that subsequent St. Michael city council meetings may be attended by the former town board of Frankfort, and that the former town board members may act in an advisory capacity to the St. Michael city council at said meetings.
- j. Existing Employees. After the effective date of annexation on September 1, 1996 and until January 1, 1997, Frankfort and St. Michael hereby agree that existing employees of Frankfort and St. Michael will continue in their respective employment capacities under their existing terms. After January 1, 1997, the city council will be responsible for evaluating and making future employment decisions.

- k. The parties hereto hereby agree that to the extent that Municipal Board File No. OA-424/OA-424-1 is not modified by this Joint Resolution, that all other terms and conditions as stated therein shall remain in full force and effect.
7. In addition to the other terms of this Joint Resolution, the City of St. Michael, the Town of Frankfort and the City of Albertville agree as follows:
- a. With respect to the 28.5 acres currently owned by the Maplewood Company, excepted from Orderly Annexation Area II by the terms of this Joint Resolution, at the time said property requests sewer service and said service can be provided by Albertville, St. Michael and Albertville agree to execute resolutions initiating the concurrent detachment and annexation of said property located in the W1/2 of Section 6 in Township 120 North, Range 23 West, Wright County, Minnesota, from St. Michael to Albertville.
 - b. Frankfort/St. Michael agree to continue to work cooperatively with Albertville to resolve the County 37 and I-94 drainage issues.
 - c. Frankfort/St. Michael agree to continue to work cooperatively with Albertville regarding the possible extension of a sanitary sewer trunk line outfall from the existing Albertville Wastewater Treatment Facility to the Crow River. Should Albertville receive all appropriate approvals from the Minnesota Pollution Control Agency and other approving agencies, both state and federal, for such a project extending an outfall across Frankfort/St. Michael to the Crow River, Frankfort/St. Michael will not object to Albertville attempting to acquire appropriate easements for said project provided however that; the approved project does not interfere or disrupt the provision of services to Frankfort/St. Michael; and all costs associated with the project, including costs for easements or condemnation, are borne solely by Albertville; and the proposed project's location has been approved by Frankfort/St. Michael.
8. In addition to the other terms of this Joint Resolution, the Town of Frankfort, the City of St. Michael, and the City of Otsego agree as follows:
- a. Otsego and Frankfort/St. Michael recognize that they may determine that certain portions of Frankfort/St. Michael west of Highway 101 may best be served by Otsego. They will arrive at this decision through cooperation and discussions. Frankfort/St. Michael will not be required to utilize Otsego services, and Otsego would not be required to provide those services. The two parties will exchange information and cooperate

as this area is planned and developed. Otsego needs to designate the Highway 101 service road which will extend along the westerly side of Highway 101 as a Municipal State Aid Road. Frankfort/St. Michael will designate that road in St. Michael (now Frankfort) as, a State Aid Road at least by the time that Otsego needs that designation.

9. Other Terms. The following other terms shall apply:

- a. Fire Service Districts. Fire Service Districts will remain the same (except that the area lying west of the City of Albertville to Kadler, south of the Otsego line, located currently in the existing Town of Frankfort which area is now served by the City of St. Michael with fire service and which area is to be annexed by the terms of this Joint Resolution to Albertville, shall, after the effective date of annexation, be included in the Albertville fire service district) until population deems it necessary to change service.
- b. Border Roads. The parties hereto agree to work cooperatively regarding common roads lying on or making up a corporate boundary line.
- c. Governing Law. This Joint Resolution is subject to the laws of the State of Minnesota.
- d. Modification/Amendment. This Joint Resolution represents the exclusive agreement of the parties hereto, except that this Joint Resolution may be modified or amended, if necessary, to effect the intent of and implement the terms of this Joint Resolution, and the parties hereto agree that they, either collectively or individually, will take such actions as are necessary to effect the intent of and implement the terms of this Joint Resolution.
- e. Timing. Except as provided herein, all annexations and concurrent detachments will take place on the date of the Board's order, which the parties request be issued before August 1, 1996. If the Board cannot issue its order before August 1, 1996, the parties will allocate and transfer the respective tax revenues as if the order had been signed on July 30, 1996, and in the event the Board order issues later than September 1, will prorate the tax revenues for the various regions.
- f. Captions. Captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.

Approved by the Town of Frankfort this 8th day of July, 1996.

Town of Frankfort

By: Bob Turnquist
Bob Turnquist, CHAIR

By: Sharry Berning
Sharry Berning, Town Clerk

Approved by the City of Otsego this 8th day of July, 1996.

City of Otsego

By: Norman F. Freske
Norman F. Freske, Mayor

ATTEST:

Elaine Beatty
Elaine Beatty, City Clerk

Approved by the City of Albertville this 8th day of July, 1996.

City of Albertville

By: Don Brining
Acting Mayor

ATTEST:

Linda Houghton
Linda Houghton, City Clerk

Approved by the City of St. Michael this 8th day of July, 1996.

City of St. Michael

By: Roxanne Packa
Roxanne Packa, Mayor

ATTEST:

Dawn Grossinger
Dawn Grossinger, City Clerk

EXHIBIT 1

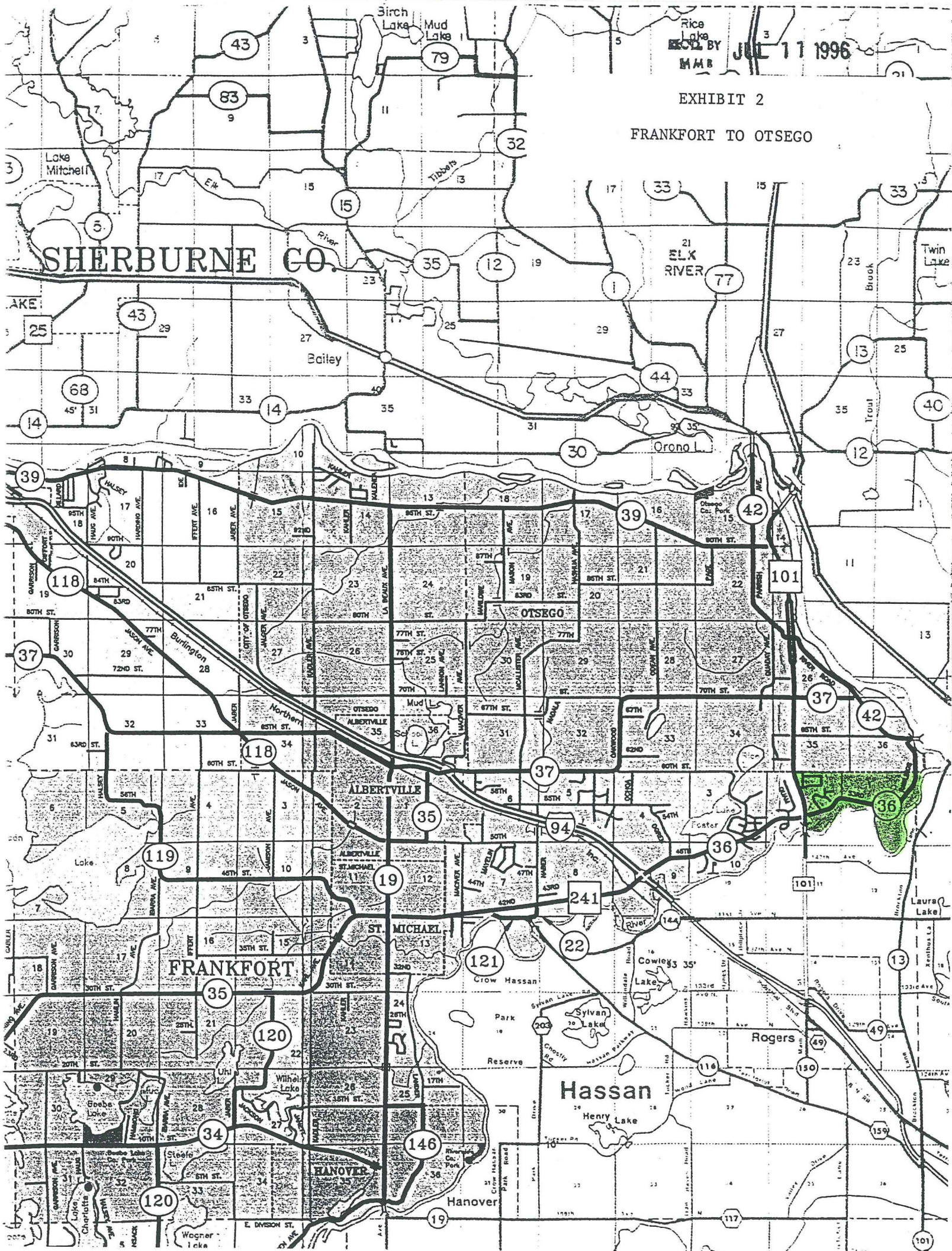
ORDERLY ANNEXATION AREA I

Orderly Annexation Area I is legally described as follows:

That part of Section 1, Section 2, and Section 12 lying North of the Crow River and East of the centerline of Trunk Highway 101, in Township 120 North, Range 23 West, Wright County, Minnesota, and that part of Section 6 lying North and West of the Crow River in Township 120 North, Range 22 West, Wright County, Minnesota.

RECORDED BY MMB JUL 11 1996

EXHIBIT 2
FRANKFORT TO OTSEGO



REC'D. BY
MMR JUL 11 1996

EXHIBIT 3

ORDERLY ANNEXATION AREA II

Orderly Annexation Area II is legally described as follows:

That part of Section 2 and the NW1/4 of the NW1/4 of Section 11,
in Township 120 North, Range 24 West, Wright County,
Minnesota, not lying within the existing corporate limits of the
City of Albertville or the City of St. Michael;

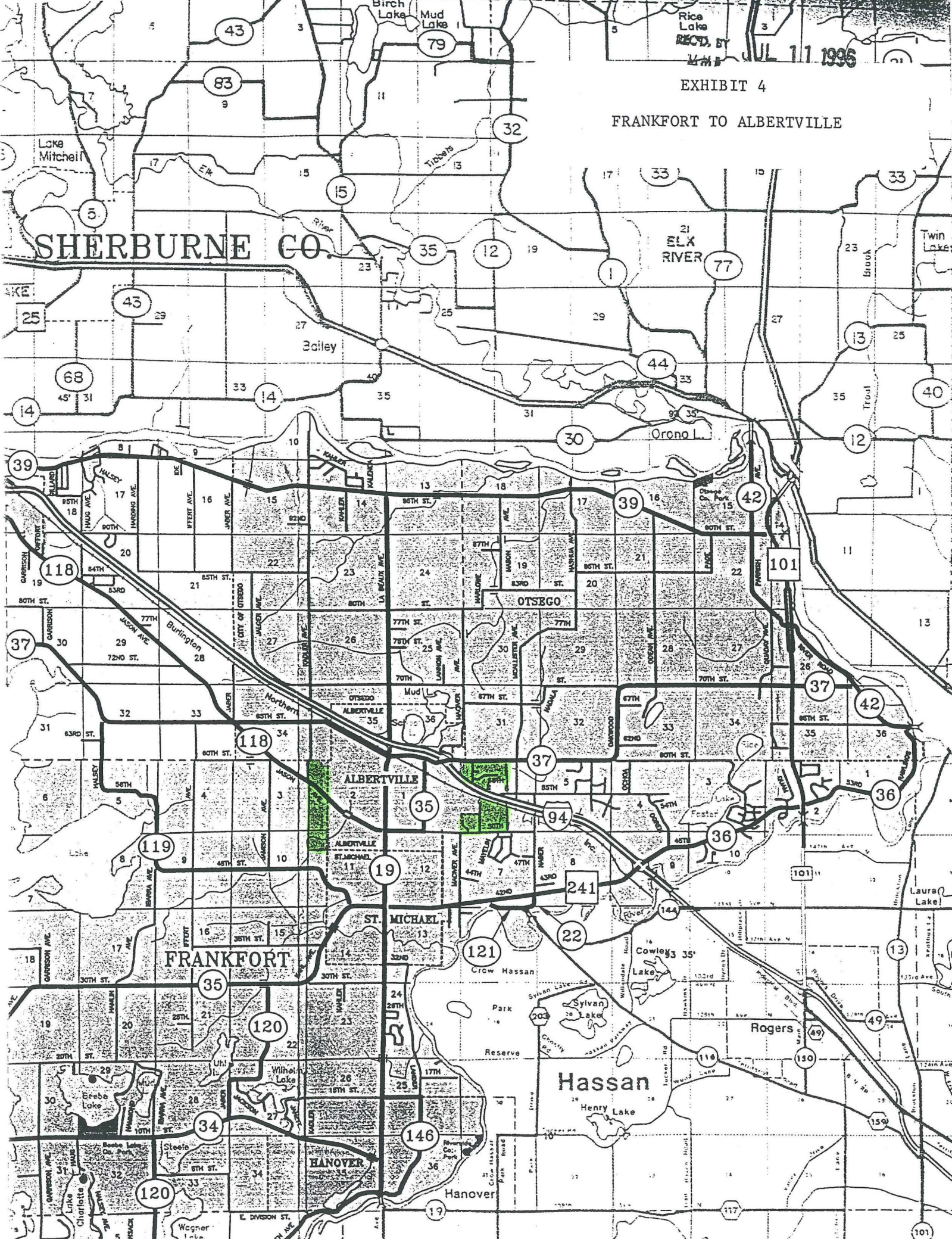
and

The W1/2 of Section 6, in Township 120 North, Range 23 West, Wright
County, Minnesota, not lying within the existing corporate limits of the
City of Albertville or the City of St. Michael, and excepting the 28.5 acres
of the W1/2 of Section 6 currently owned by the Maplewood Company. ✓

JUL 11 1936

EXHIBIT 4

FRANKFORT TO ALBERTVILLE



SHERBURNE CO.

ALBERTVILLE

FRANKFORT

ST. MICHAEL

HANOVER

HASSAN

ELK RIVER

Sylvan Lake

Cowley Lake

Henry Lake

Rogers

Lake Mitchell

Birch Lake
Mud Lake

Rice Lake

Twin Lake

Laura Lake

LAKE

LAKE

Lake

LAKE

LAKE

LAKE

EXHIBIT 5

ANNEXATION AREA III

Annexation Area III is legally described as follows:

In Township 121 North, Range 24 West, sections 35 and 36, City of Otsego: the L Shape beginning at 60th and Kadler, running North on the westerly section line of section 35 (Kadler) to the intersection of 70th and Kadler, then east on the northerly section lines of sections 35 and 36 (70th) to the easterly section line of section 36 (junction of McIver and 70th), then South on the easterly section line of section 36 (McIver) until McIver enters Albertville near the Northeast end of Mud Lake, then following the Albertville Border east to its Northwestern Corner, then South on the Albertville Border until it reaches the southerly section line of section 35 (60th).

WEST
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RECD. BY JUL 17 1996
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EXHIBIT 6

OTSEGO TO ALBERTVILLE

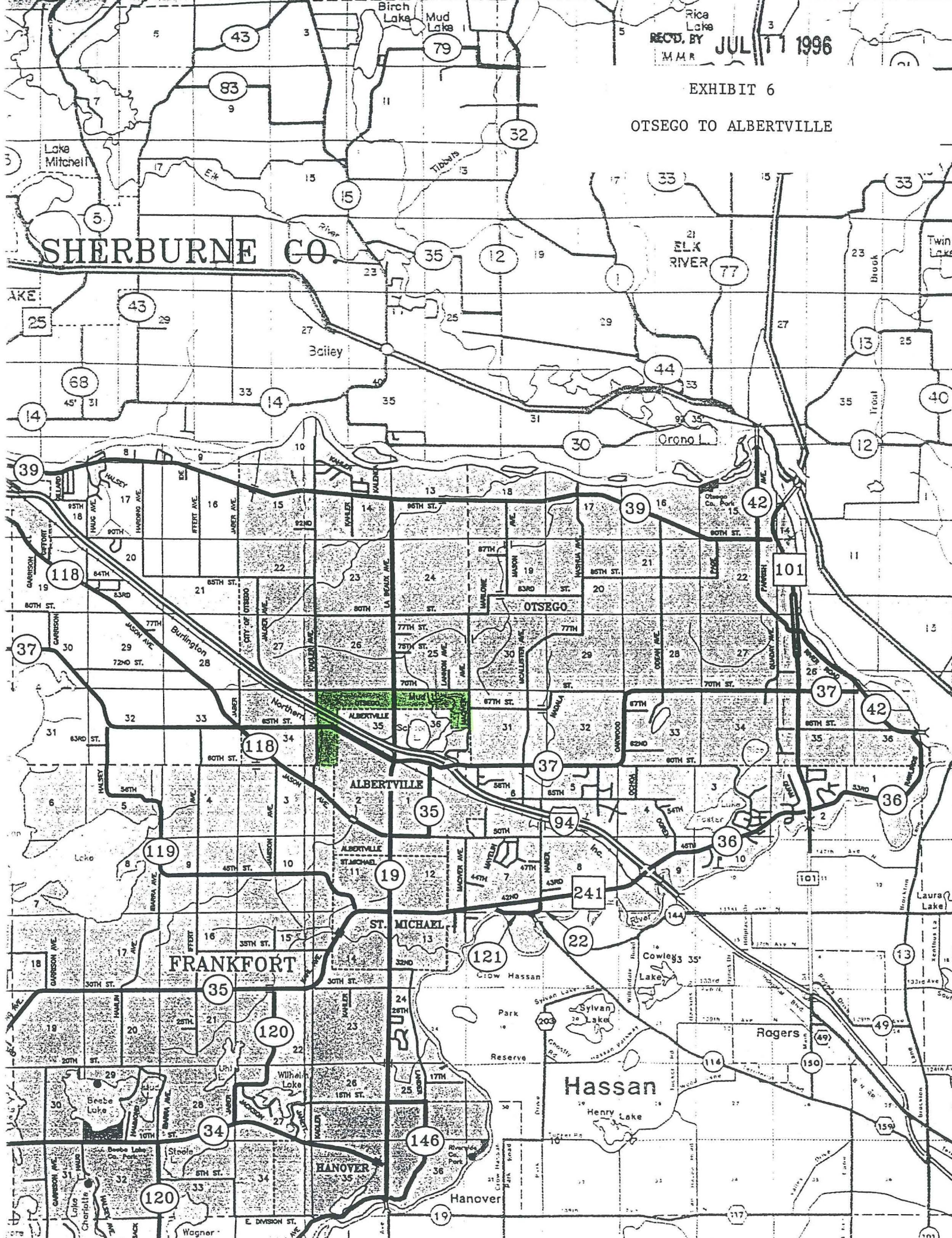


EXHIBIT 7

AMENDMENT OF ORDERLY ANNEXATION AREA
BY AND BETWEEN
THE TOWN OF FRANKFORT AND THE CITY OF ST. MICHAEL

The entirety of the Town of Frankfort, as modified by the attached Joint Resolution, is legally described as follows:

All of that part of Section 2 lying west of the centerline of Highway 101, Section 3, Section 4, Section 5, the E1/2 of Section 6 and the 28.5 acres of the W1/2 of Section 6 currently owned by the Maplewood Company, Section 7, Section 8, Section 9, Section 10, Section 16, Section 17, Section 18, and Section 30 in Township 120 North, Range 23 West, all in Wright County, Minnesota, and not lying within the existing corporate limits of the City of Albertville, the City of St. Michael, or the City of Hanover;

and

All of that part of Section 3, Section 4, Section 5, Section 6, Section 7, Section 8, Section 9, Section 10, Section 11 except the NW 1/4 of the NW 1/4 of Section 11, Section 12, Section 13, Section 14, Section 15, Section 16, Section 17, Section 18, Section 19, Section 20, Section 21, Section 22, Section 23, Section 24, Section 25, Section 26, Section 27, Section 28, Section 29, Section 30, Section 31, Section 32, Section 33, and Section 34, in Township 120 North, Range 24 West, all in Wright County, Minnesota, and not lying within the existing corporate limits of the City of Albertville, the City of St. Michael, or the City of Hanover.