

**TOWN OF ROCKFORD RESOLUTION  
CITY OF BUFFALO RESOLUTION**

**JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN  
THE TOWN OF ROCKFORD AND THE CITY OF BUFFALO, MINNESOTA.**

**WHEREAS**, the Town of Rockford (hereinafter referred to as the "Town") and the City of Buffalo (hereinafter referred to as the "City"), both located entirely within Wright County, in the State of Minnesota, have agreed that there is a clear need for a cooperative future planning effort for the land governed by the two jurisdictions; and,

**WHEREAS**, to this end Town and City have met in discussion and study of future planning issues regarding the orderly annexation of portions of Rockford Township and,

**WHEREAS**, the Town Board and City Council have expressed their desire to plan to accommodate future development of land near the City so as to avail such development of municipal services including sewer and water;

**NOW, THEREFORE, BE IT RESOLVED**, in consideration of the mutual terms and conditions that follow, that the City and Town enter into this Joint Resolution of Orderly Annexation (the "Joint Resolution"), which shall remain in effect for five (5) years from the date hereof (the "Term"). Upon expiration of the Term of this Joint Resolution, all rights and obligations of the parties hereunder shall cease, except where this Joint Resolution expressly provides to the contrary.

1. **Designation of Orderly Annexation Area.** The Town and City desire to designate the area set forth on the map attached (Exhibit 1) and the legal descriptions attached (Exhibit 2) as subject to orderly annexation under and pursuant to Minnesota Statutes Section 414.0325. For purposes of this Joint Resolution, this area shall be referred to as the "Property". The Property shall also include CSAH 25, and 8<sup>th</sup> Street S.E. where it abuts the Property, for the full width of the right of way.
2. **Director of Minnesota Office of Strategic and Long Range Planning Jurisdiction.** Upon approval by the Town Board and the City Council, this Joint Resolution shall confer jurisdiction upon the Director of the Minnesota Office of Strategic and Long Range Planning (hereinafter referred to as "Director of Minnesota Planning") to accomplish said orderly annexations in accordance with the terms of this Joint Resolution. In the event that the Office of Strategic and Long Range Planning is abolished, the authority will be transferred to the department or person(s) assigned that duty.
3. **No Alterations of Boundaries.** The Town and City mutually agree and state that there shall be no alterations by the Director of Minnesota Planning of the stated boundaries of the area designated for orderly annexation.

4. **Review and Comment by the Director of Minnesota Planning.** The Town and City mutually agree and state that this Joint Resolution and Agreement sets forth all the conditions for annexation of the areas designated, and that no consideration by the Director of Minnesota Planning is necessary. The Director of Minnesota Planning, or department assigned, may review and comment, but shall, within thirty (30) days, order annexation(s) in accordance with the terms of this Joint Resolution.
5. **Legally Binding and Exclusive.** This Joint Resolution shall constitute a legally binding agreement pursuant to Minn. Stat. 414.0325 Subd. 6 and other applicable law, and shall provide the exclusive way in which the Property may be annexed during the Term hereof. The parties further agree that during the Term hereof, the City shall not annex or attempt to annex any land within the Township which is outside of the Property, regardless of the manner in which such lands may become otherwise available for annexation, unless the City is ordered by the MPCA or any other State or Federal regulatory agency having jurisdiction to make and enforce such orders, to provide sanitary sewer or municipal water services to such areas. However, the City and the Township agree that they will meet annually on the anniversary date of this agreement to discuss whether there should be amendments to the area designated as the orderly annexation area and whether it is in the interest of both Parties to this agreement to consider other annexations and amendments to this agreement. Nothing in this agreement requires either party to agree to additional annexations as a part of those annual discussions. The City acknowledges that this term of this Joint Resolution is essential to the Township's willingness to enter into this Joint Resolution, and agrees that this term may be enforced by writ, injunction or other mandatory and non-monetary action filed in Wright County, Minnesota.

The City and the Township agree that this agreement may be modified by written agreement executed by both Parties, upon resolution of each entity authorizing the modification. If one Party desires such a modification, that Party shall notify the other, in writing, of the request. The Parties shall then meet and confer to determine whether an agreement on a modification can be reached. Nothing about this paragraph shall obligate either party to agree to any future modification of the Orderly Annexation Agreement.

6. **Planning and Land Use Control Authority.** The Town and City mutually agree and state that prior to annexation, the ordinances and land use controls of the Town will control the properties in the area designated for orderly annexation; following annexation, the ordinances and land use controls of the City shall control.

7. **Character of the Property.** The Property abuts the City of Buffalo and is presently urban or suburban in nature or is about to become so. Further, the City is now or within a reasonable amount of time (less than 2 years) will be capable of providing municipal water and sanitary sewer to the Property.
8. **Municipal Reimbursement.** The City and Town mutually agree and state that, pursuant to Minnesota Statutes 414.036, a reimbursement from the City to the Town shall occur for the land annexed into the City, according to the following conditions:

A. The City will pay the Town \$500.00 per acre upon annexation, for land in the Property that is unimproved (see Exhibit 1 for a map describing the annexation area).

B. The City will pay a fee of \$500.00 per parcel, or the sum of 5 years of the taxes paid to the town, whichever is greater, for portions of the Property annexed which are, at the time of annexation, improved, and shall in the future make such payments at such time, whenever it in the future occurs, as a given parcel within the Property is improved if such land was not improved at the time of annexation hereunder. Improvement for the purposes of this Joint Resolution shall involve all lands within the Property, where buildings or improvements currently exist or a building permit is issued for those lands, before or since entry into this Joint Resolution by the parties. The terms of this provision shall survive the termination or expiration of this Joint Resolution.

C. Upon annexation of the Property, the City of Buffalo shall be entitled to the immediate receipt of all ad valorem property tax revenue generated by the Property from the date of annexation and thereafter into the future.

9. **Conditions for Orderly Annexation.**

**Annexation Petition Requirements.** In order to be considered for annexation, the owners of at least sixty (60) percent of the parcels of property in the affected area must petition.

If the owners of sixty (60) percent or more, but less than one hundred (100) percent of the parcels of property in the affected area petition for annexation, a joint hearing of both the Town Board and the City Council shall be called to consider the petition. The petition shall not be approved unless both the Town Board and the City Council, voting as separate bodies, approve the petition seeking annexation.

If the owners of one hundred (100) percent of the parcels of property in the affected area petition for annexation, the City Council will, as an agenda item at their next regular Council meeting, review the petition for consideration of annexation and the Township agrees to not oppose any such annexation request.



**10. Use and Development of Annexation Areas.**

A. After annexation, the City of Buffalo shall have the right and authority to replat parcels of land within the Property, acquire property through eminent domain statutes and otherwise, install municipal water and sanitary sewer service, roads and other public improvements within the Property area in accordance with City development policies, Minnesota Statutes 429.01 et seq, as amended, or any other appropriate statute or ordinance.

B. The City of Buffalo shall have the right to utilize any and all utility or right-of-way easements within the geographic boundaries of the property for the installation of municipal water, sanitary sewer or other utilities.

- 11. Roads.** The parties acknowledge that public and gravel or paved roads are contained within the Property. The Town of Rockford, or the County of Wright, presently maintains these public gravel or paved roads. At such time as the City requires the internal subdivision street(s) to be improved, the City shall file a resolution with Director of Minnesota Planning annexing the following roadways:

8<sup>th</sup> Street S.E. from CSAH 25 west to the point in the roadway where land is annexed into the City of Buffalo.

A. At such time as the City requires the internal subdivision street(s) to be improved, the City shall improve the aforementioned roads to the City's blacktop road standards, without assessing any portion of the cost of such improvements to any lands outside of the Property. After annexation, the City shall be responsible for maintenance of roads maintained by the Town in the annexed area, at its sole cost and expense.

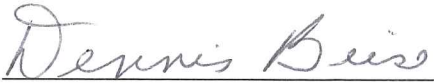
- 12. Fire Control.** The parties agree that the Property is provided fire protection pursuant to a joint powers agreement for fire services between the parties. Upon annexation of portions of the Property to the City of Buffalo, the fire contract cost calculations shall be readjusted to reflect the new boundaries.

- 13. Authorization.** The appropriate officers of the City and Town are hereby authorized to carry the terms of the Joint Resolution into effect.

- 14. Severability and Repealer.** A determination that a provision of this Joint Resolution is unlawful or unenforceable shall not affect the validity or enforceability of the other provisions herein. Any prior agreement or joint resolution existing between the parties and affecting the Property described in the attached Exhibits, or any other agreements which may exist between the City and the Township which might contradict the terms of this Joint Resolution shall be considered repealed upon the effective date of this Joint Resolution.

15. **Effective Date.** This Joint Resolution shall be effective upon adoption by the governing bodies of the City and Township and approval by the Director of the Minnesota Office of Strategic and Long Range Planning.

Approved the 27<sup>th</sup> day of April, 2004,  
by the Town Board of the Town of Rockford.



Chair



Clerk/Treasurer

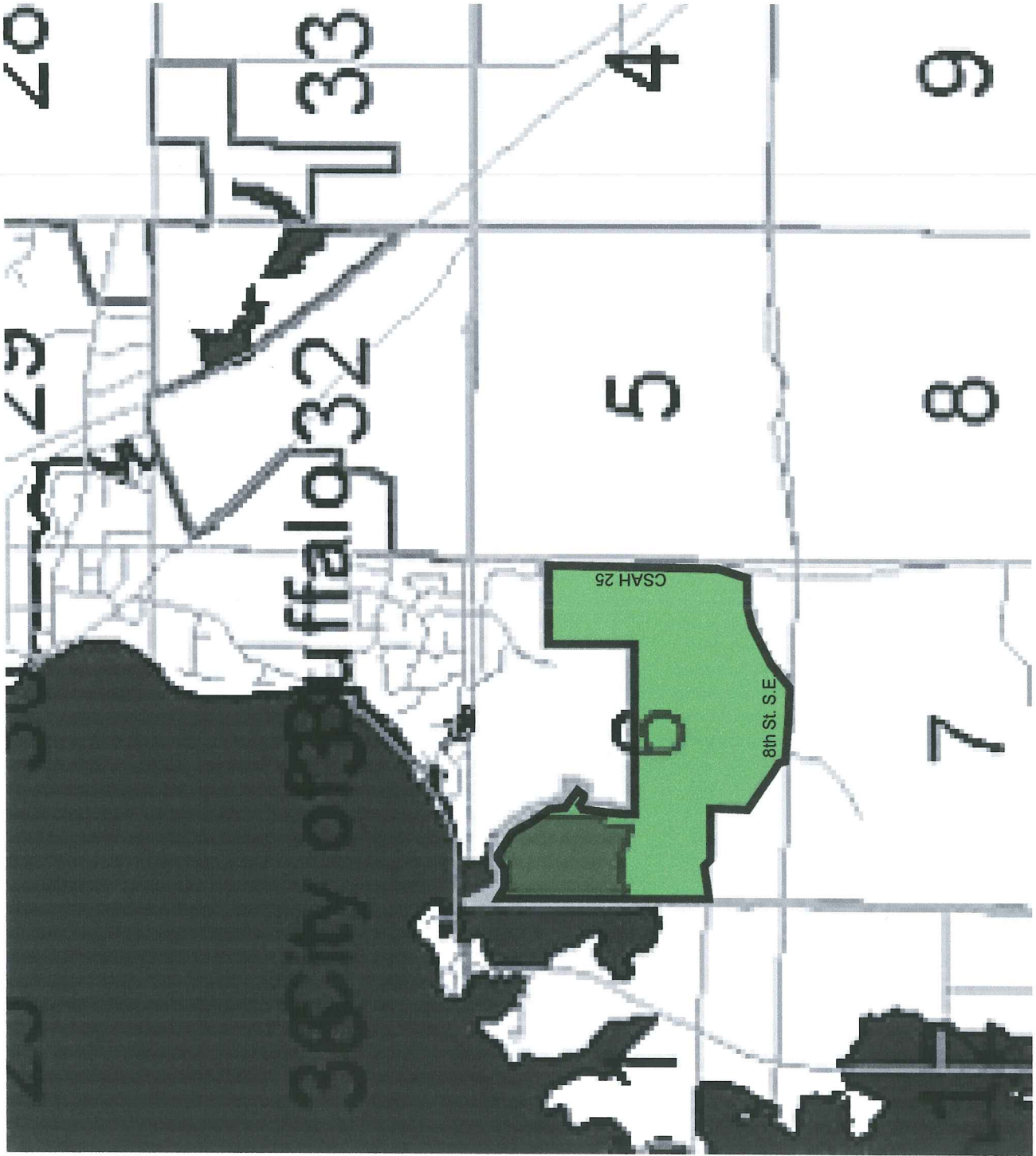
Approved the 7<sup>th</sup> day of June, 2004,  
by the City Council of the City of Buffalo.



Mayor



Clerk/Administrator



**Exhibit 1 - Orderly Annexation Area**



Legal Descriptions of properties for inclusion in the Rockford  
Township/City of Buffalo Orderly Annexation Agreement dated: MAY ,  
2004.

- 1) **ELLIS:** Northeast quarter of the Southeast quarter of Section 6, Township 119, Range 25; and also the Southeast quarter of the Northeast quarter of Section 6, Township 119, Range 25 excepting a strip of land along the north side thereof described as follows: Beginning at the Northeast corner of said Southeast quarter of the Northeast quarter thence running west on the north line thereof to the Northwest corner thereof thence south 1 1/2 rods; thence East 40 rods; thence north 1/2 rod; thence east 40 rods to the beginning. Wright County, Minnesota as shown by instrument recorded in Book 253 of Deeds, Page 205-206, as document number 281898 and recorded in Book 191 of Deeds, Page 392, as Document number 228249.
- 2) **ILSTRUP:** That part of the Southeast quarter of the Southeast quarter of Section 6, Township 119, Range 25 lying northerly of the south and easterlymost boundary of the described right of way of Township Road T-92; and the north 20 acres of the east 25 acres of the south 3/4ths of the West half of the Southeast quarter of Section 6, Township 119, Range 25, excepting the south five acres; all lying north and westerly of the south and easterlymost boundary of the described right of way of Township Road T-92
- 3) **FADDEN:** That part of the South five acres of the East 25 acres of the South 3/4ths of the West half of the Southeast quarter of Section 6, Township 119, Range 25 lying north and westerly of the south and easterlymost boundary of the described right of way of Township Road T-92.
- 4) **SJELIN:** That part of the West 35 acres of the South 3/4ths of the West half of the Southeast quarter of Section 6, Township 119, Range 25 lying northerly and northwesterly of the southernmost and southeasterlymost boundary of the described right of way of Township Road T-92, excepting the tract described as: Beginning at the Southwest corner of the Southeast quarter, thence North 20 rods, thence East 8 rods, thence South 20 rods, thence West 8 rods, said exception containing one acre.

5) **BIALKE:** That part of the West 35 acres of the South 3/4ths of the West half of the Southeast quarter of Section 6, Township 119, Range 25 described as: Beginning at the Southwest corner of the Southeast quarter, thence North 20 rods, thence East 8 rods, thence South 20 rods, thence West 8 rods, containing one acre.

6) **BJORKLUND:** That part of the East half of the Southwest quarter lying north and northeasterly of the South and Southwesterlymost boundary of the described right of way of Township Road T-92, and the North half of the Northwest quarter of the southeast quarter; all in Section 6, Township 119, Range 25 Wright County.

7) **STEVENS:** That part of Gov. Lot 2, the Northwest quarter of the Southwest quarter, and Gov Lot 3, all in Section 6, Township 119, Range 25 and lying North and Northeasterly of the South, Southwest, and Westerlymost boundaries of the described right of way of Township Road T-92

8) **HEINTZ:** That part of Gov Lot 3 and Northwest quarter of the Southwest quarter lying within the described right of way of the Township Road T-92

\*to be annexed with Parcel 7.

9) **SCHMIDT:** That part of Gov Lot 1, Section 7, Township 119, Range 25 lying within the described right of way of Township Road T-92.

10) and 11) **FADDEN and SCHMIDT:** That part of the Northwest quarter of the Northeast quarter of Section 7, Township 119, Range 25 lying within the described right of way of T-92. \*

\* to be annexed with Parcels 4 and 5.

**DESCRIBED RIGHT OF WAY FOR T-92:** That part of Sections 6 and 7, Township 119, Range 25, Wright County, Minnesota, described as follows:

Commencing at the southeast corner of said Section 6; thence on an assumed bearing of North along the east line of the Southeast Quarter of said Section 6 a distance of 733.79 feet; thence North 82 degrees 51'00" west, a distance of 150.81 feet to the centerline of Minnesota State Highway 25 and the point of the beginning of the centerline to be



described; thence continue North 82 degrees 51'00" West, a distance of 143.46 feet; thence 248.25 feet northwesterly on a tangential curve, concave southerly, having a radius of 856.22 feet and a central angle of 16 degrees 36'43"; thence South 80 degrees 32'17" West, tangent to said curve, a distance of 205.94 feet; thence 378.85 feet southwesterly on a tangential curve, concave southeasterly, having a radius of 1989.14 feet and a central angle of 10 degrees 54'45"; thence South 69 degrees 37'32" West, tangent to said curve, a distance of 103.98 feet; thence 270.32 feet southwesterly on a tangential curve, concave southeasterly, having a radius of 995.34 feet and a central angle of 15 degrees 33'40"; thence South 54 degrees 03'53" West, tangent to said curve, a distance of 628.50 feet; thence 192.93 feet southwesterly on a tangential curve, concave northwesterly, having a radius of 297.21 feet and a central angle of 37 degrees 11'30"; thence North 88 degrees 44'37" West, tangent to said curve, a distance of 868.83 feet; thence 172.67 feet northwesterly on a tangential curve, concave northeasterly, having a radius of 247.94 feet and a central angle of 39 degrees 54'05"; thence North 48 degrees 50'32" West, tangent to said curve, a distance of 568.95 feet; thence 166.88 feet northwesterly on a tangential curve, concave southwesterly, having a radius of 356.05 feet and a central angle of 26 degrees 51'13"; thence North 75 degrees 41'45" West, tangent to said curve, a distance of 201.32 feet; thence 212.31 feet northwesterly on a tangential curve, concave northeasterly, having a radius of 160.23 feet and a central angle of 75 degrees 55'05"; thence North 0 degrees 13'20" East, tangent to said curve, a distance of 306.73 feet; thence 332.68 feet northwesterly on a tangential curve, concave southwesterly, having a radius of 215.04 feet and a central angle of 88 degrees 38'29"; thence North 88 degrees 25'09" West, tangent to said curve, a distance of 1303.00 feet to the West line of said Section 6 and said centerline there terminating.