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MMB

AUG 06 2004

(Do Not Write Above This Line - County Recorder Use Only)

ORDERLY ANNEXATION AGREEMENT

A Joint Resolution and Agreement of the City of Waverly
and the Town of Marysville as to the Orderly Annexation of Territory

City of Waverly Resolution Number 04-05-1
and

Town of Marysville Resolution Number 04-04

WHEREAS, the City of Waverly ("City") and the Town of Marysville ("Township") desire to enter into a Joint Resolution and Agreement for the orderly annexation of certain property ("Territory"), pursuant to Minnesota Statutes § 414.0325, Subdivision 1, which is legally described as:

All of Sections 28, 29, 30, 31, 32 and 33, Township 119, Range 26 and the W 1/2 of Sections 27 and 34, Township 119, Range 26.

WHEREAS, City and Township are in agreement as to the orderly annexation of the Territory;

WHEREAS, it is in the best interest of the City and Township to agree to an orderly annexation in furtherance of the protection of the public health, safety, and welfare; and

WHEREAS, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Joint Resolution and Agreement;

NOW, THEREFORE, BE IT RESOLVED by the City of Waverly, Wright County,

Minnesota and the Township of Marysville, Wright County, Minnesota, as follows:

1. That upon approval by the respective governing bodies of City and Township, this Joint Resolution and Agreement shall confer jurisdiction upon Municipal Planning ("Municipal Planning") so as to establish the orderly annexation area ("OAA") consisting of the Territory described above, and to provide for its orderly annexation in accordance with the terms of this Joint Resolution and Agreement.
2. The Territory described above is properly subject to orderly annexation pursuant to Minnesota Statutes § 414.0325, Subd. 1. The parties hereto do hereby designate this area as in need of orderly annexation as provided by statute. The area to be annexed consists of approximately 4,480 acres. City and Township mutually state that no alteration by Municipal Planning to the OAA boundaries as described above is appropriate or permitted.
3. The following procedures shall be followed to annex property located within the Territory to City:
 - (A) A property owner shall submit a petition for annexation to City;
 - (B) The property owner shall pay Township the fee outlined below:
 - (1) For unimproved land, the property owner shall pay \$250.00 per acre annexed.
 - (2) For improved land, the property owner shall pay the greater of (a) a flat fee of \$300.00 or (b) five times the amount of taxes due to be collected by Township on the annexed property in the year the property was annexed;
 - (C) The property owner shall pay any deferred special assessments in full, including interest;
 - (D) City and Township shall discuss the petition and may schedule a joint meeting to discuss the petition with the property owner. City and Township will specifically address any environmental or water runoff concerns, whether an Environmental Assessment Worksheet is needed, or whether tile or waterways need to be improved;
 - (E) After the petitioner has met or agreed to perform all the conditions or requirements of City and Township, including payment of the appropriate

fee to Township, a joint resolution approving the annexation shall be drafted by City;

- (F) The joint resolution approving annexation shall be signed by City and Township and forwarded to Minnesota Planning;

Review and Comment by State Board. The Township and the City mutually state that this Joint Resolution and Agreement sets forth all the conditions of the future merger of this area designated herein for orderly annexation, and that no consideration by the office of Minnesota Planning is necessary. The office of Minnesota Planning may review and comment, but must, within thirty (30) days of receipt of this Joint Resolution and Agreement, order orderly annexation in accordance with its terms and conditions.

- (G) The annexation shall be effective when approved by Minnesota Planning; and

- (H) Upon approval by Minnesota Planning, the annexation agreement shall be recorded with the Wright County Recorder's Office.


4. The City and the Township also agree as follows:

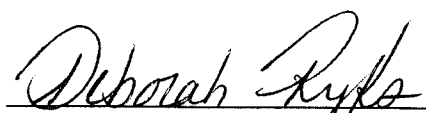
- (A) Contractors or Developers shall be required to maintain gravel roads used during construction, including but not limited to, dust control coating, grading, and repair of any damage caused and shall be required to post a performance bond in an amount not less than \$10,000.
- (B) Any roads which are wholly included in an annexed area will be owned and maintained by the City. The City further agrees to keep and maintain any existing field accesses in the annexed area.
- (C) The entire roadway that borders City and Township as a result of an annexation shall be maintained by City.
- (D) A business located in the Territory may continue its use upon annexation as a non-conforming use although such use or occupation does not conform to the City's Comprehensive Plan or zoning regulations, but if such nonconformity or occupancy is discontinued for a period of more than one year, or any nonconformity building or structure is destroyed by fire or other peril to the extent of 50 percent of its market value, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
- (E) Contractors or Developers shall be required to make a park dedication of at least 10% of the gross acreage annexed to City.
- (F) If an annexation becomes effective on or before August 1 of a levy year, City may levy on the annexed area beginning with the same levy year.
If the annexation becomes effective after August 1 of a levy year, Township

may continue to levy on the annexed area for that levy year, and the municipality may not levy on the annexed area until the following levy year. City shall make no payments to Township for taxes levied on an annexed parcel except as provided in section 5 herein.

5. The City shall remit all delinquent taxes, charges and assessments collected from any portion of the Territory if such taxes or charges were originally payable while the delinquent property remained in Township. Additionally, when a property no longer qualifies for special tax treatment through Green Acres or other applicable programs such as Ag Preserves, CRP, and This Old House, and taxes that were deferred under one of these programs is paid to City, City shall remit to Township the amount which was deferred during the time the property was in the township.
6. This Joint Resolution and Agreement shall be effective on the day it is approved by Municipal Planning.
7. On an annual basis, and upon request of either City or Township, City and Township shall meet and discuss proposed modifications to this Joint Resolution and Agreement including modifications to the Orderly Annexation Area. This Joint Resolution and Agreement may be amended from time to time by mutual agreement of City and Township.
8. The Township shall place this Joint Resolution and Agreement of record in the office of the Wright County Recorder to place future owners of property within the Territory on notice of the terms of this Joint Resolution and Agreement.
9. The parties agree that no land within the OAA shall be annexed from Township to City via any process except that set forth herein, so long as this Joint Resolution and Agreement remains in effect. It is the intent of the parties that the terms of this Joint Resolution and Agreement act to prohibit annexation under any laws currently in force, if annexation under such laws would be contrary to the annexation procedures set out in this Joint Resolution and Agreement.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF WAVERLY THIS 11th
DAY OF May, 2004.

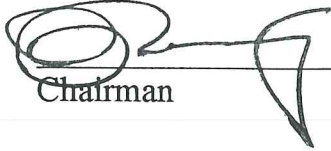

Charles Bush, Mayor


Deborah Ryks, City Clerk

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AUG 06 2004

ADOPTED BY THE TOWN BOARD OF THE TOWN OF MARYSVILLE THIS 29th
DAY OF March, 2004.


Chairman
Clerk



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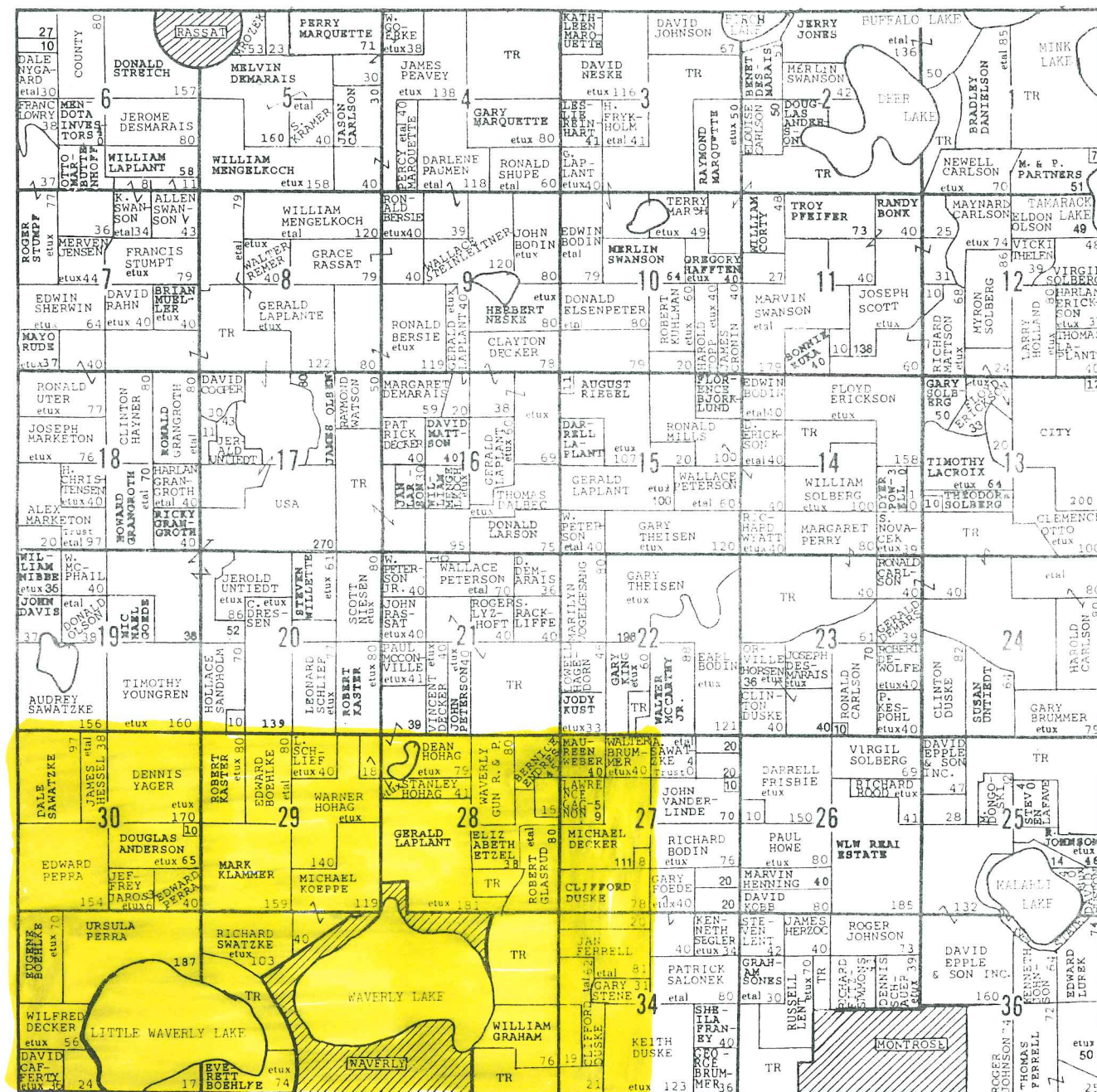
AUG 06 2004

T-119-N

MARYSVILLE PLAT

(Landowners)

R-26-W



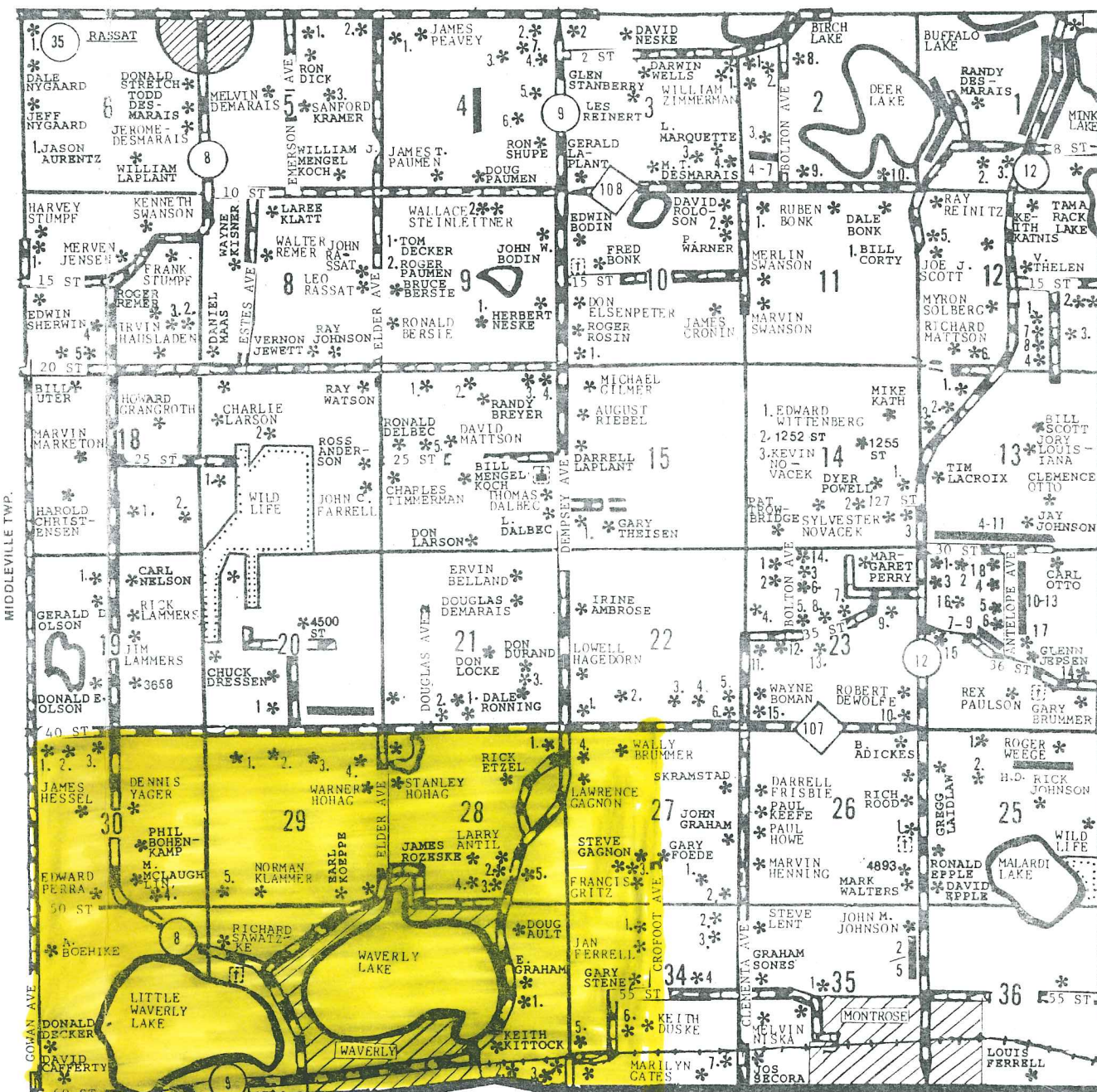
T-119-N

MARYSVILLE DIRECTORY

(Residents - Owners or Renters)

CHATHAM TWP.

R-26-W



WOODLAND TWP.

See Pages 27-32 For Additional Names.

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