

**JOINT POWERS/ORDERLY ANNEXATION AGREEMENT
CITY OF FARMINGTON - TOWNSHIP OF CASTLE ROCK**

**ASH STREET RECONSTRUCTION AND UTILITY
IMPROVEMENTS**

1.0 Parties.

This Agreement is entered into by and between the City of Farmington, a Minnesota municipal corporation ("Farmington") and the Town of Castle Rock, a Minnesota municipal corporation ("Castle Rock") pursuant to the authorization contained in M.S. §471.59 and §414.0325.

2.0 Recitals.

- A. Farmington and Castle Rock each have authority to construct public improvements as defined in M.S. Chapter 429.
- B. Farmington and Castle Rock have determined that the reconstruction of Ash Street and related improvements including sanitary and storm sewer services to the surrounding properties, as described in the attached feasibility Report, are in the public interest and that they are necessary, feasible, and economical.

3.0 Purpose.

The purpose of this Joint Powers Agreement is to define the duties and obligations of Farmington and Castle Rock regarding the reconstruction of Ash Street and the related utility improvements and, where appropriate to effectively maintain and serve the affected properties to facilitate the orderly annexation of identified properties receiving urban services and to maintain Township jurisdiction over those properties not yet receiving urban services.

4.0 Duration

This Agreement shall terminate one (1) year following substantial completion of the combined project as related to the improvement project but shall continue with regards to the orderly annexation of the identified properties until annexation occurs or the parties terminate this Agreement.

5.0 Definitions.

"Ash Street Reconstruction Project" means the reconstruction of that portion of Ash Street lying between the railroad tracks east of First Street and State Trunk Highway 3, as more fully described in the Feasibility Report dated June 2003, prepared jointly by the engineers for Farmington and Castle Rock Township, including grading, bituminous paving of street and pathways, installation of concrete curb and gutter, installation of

storm sewer pipe and catch basins, turf re-establishment and landscaping, and utility adjustments.

"Storm Water Facilities Project" means the construction of storm water piping systems, the acquisition, enlargement, and improvement of storm water ponds and sedimentation ponds all of which are required to collect, treat and convey all or some of the surface water runoff from the Ash Street Reconstruction Project and surrounding areas.

"Combined Projects" means the Ash Street Reconstruction Project and the Storm Water Facilities Project.

6.0 Project Terms and Conditions.

In consideration of the mutual undertakings herein expressed, the parties agree as follows:

- A. **Project Design.** Farmington shall prepare plans and specifications for those portions of the Combined Projects, which are located within each jurisdiction. The plans and specifications may be combined for purposes of preparing bid documents and advertising for bids.
- B. **Advertisement for Bids.** Farmington shall advertise for and receive bids for the combined projects. Farmington shall provide Castle Rock with a copy of the bid tabulations.
- C. **Contract Award.** Upon receipt of the bid tabulation, the Castle Rock Engineer shall confer with the Farmington Engineer and concur in the recommendation of the award of bid to the lowest responsible bidder. Farmington shall approve of the recommendation prior to the award of a contract. Contract shall be let by the City of Farmington.
- D. **Contract Documents.** Farmington shall prepare all construction contract documents and the Farmington attorney shall approve them.
- E. **Construction Supervision.** Each party shall have its own contact person to review field work, occurring within its corporate boundaries, as described in the contract documents for conformance with contract specifications and shall coordinate efforts wherever possible to ensure that the construction of the Combined Projects proceeds in an efficient manner.
- F. **Change Orders.** During the course of construction, each party may request change orders for the portion of the Combined Projects located within its boundaries. Change orders shall be submitted to Farmington and may be approved by Farmington pursuant to the terms of the construction documents consistent with the Feasibility Report dated June 2003, prepared jointly by the Engineers for Farmington and Castle Rock Township.
- G. **Allocation of Project Costs.** The City of Farmington shall be responsible for all project costs identified in the report as Township or City costs, including Township engineering costs previously incurred or to be incurred.
- H. **Indemnification.** As to the Combined Projects, the City of Farmington agrees to indemnify and hold the Town of Castle Rock harmless from any and all claims,

causes of action, lawsuits, judgments, charges, demands, costs and expenses involved therein and attorneys' fees and costs and expenses connected therewith, arising out of the Combined Projects except as to any work performed by SEH by contract on behalf of Castle Rock. Nothing herein will constitute a waiver of limitations of liability available at Minnesota Statute Chapter 466 and other applicable law.

- I. **Ownership/Maintenance.** Upon completion of the Ash Street Reconstruction Project, the City shall own or otherwise be responsible for and maintain the storm water facilities portions of the project located within the project area. The City of Farmington will own the City water and sewer utilities located within its jurisdiction, on city property, or on city easements through areas of Castle Rock as shown in the Feasibility Report dated June 2003 prepared jointly by the Engineers for Farmington and Castle Rock Township.
- J. **Storm Sewer Usage.** Those lands, defined by the Feasibility Report dated June 2003 prepared jointly by the engineers for Farmington and Castle Rock Township, which are designated as draining into the various storm water ponds which are to be developed pursuant to the Storm Water Facilities Project, shall not be assessed for ongoing existing drainage to these ponds, but may be assessed for additional drainage, caused by more intense use of the property than the use of the property at the time of the Storm Water Facilities Project. Assessment for storm water shall not justify initiation of annexation of the property by either Farmington or Castle Rock Township.

7.0 Project Financing and Assessments.

- A. **Chapter 429/444.** Township hereby authorizes City to undertake proceedings on behalf of the Parties to enable the City to impose special assessments against properties served by the project assessed for the improvements, or to establish equivalent availability and connection charges. The ability of Farmington to assess for the Storm Water Facilities Project costs is limited by 6.0 (J) herein. Further, Farmington and Castle Rock Township agree that assessment for sanitary sewer and water improvement constructed as part of the combined projects, shall not occur until after the project is done and the cost finalized.
- B. **Approvals.** All financing methods will be mutually developed by City engineering and financial staff or consultants, and approved by City Council prior to, or contemporaneously with, any statutorily required hearings/meeting procedures.

8.0 Orderly Annexation of Benefited Properties

- A. **Immediately Served Properties.** Castle Rock Township hereby consents and agrees to the annexation of those properties described in Exhibits A and B when the construction of sanitary sewer and water serving the area in Exhibits A and B contained in the Combined Projects, is 85% or more completed.
- B. **Subsequently Served Properties.** Castle Rock Township hereby agrees to the annexation of those properties within the orderly annexation area described in

Exhibits C and D that petition for or otherwise connects to city provided sanitary sewer and water services. Castle Rock Township and Farmington agree to adopt the necessary orderly annexation agreement amendments to this agreement to accomplish the annexation of the properties.

- C. Unserved properties. Farmington and Castle Rock Township hereby agree that not to annex properties unserved for sanitary sewer and water service by Farmington in the orderly annexation area absent a petition by 100% of affected property owners, for those property owners not addressed in Article 8.0 A or Article 8.0 B herein.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement.

Pursuant to Council authority granted on the 19 th day of August, 2003.

CITY OF FARMINGTON

By: Gerald Ristow
Gerald Ristow
Its: Mayor
By: [Signature]
Its: Interim City Administrator

Pursuant to Town Board authority granted on the 20 th day of August, 2003.

TOWN OF CASTLE ROCK

By: Randy Becker
Randy Becker
Its: Chairman of Board of Supervisors
By: Maralee Rother
Maralee Rother
Its: Clerk

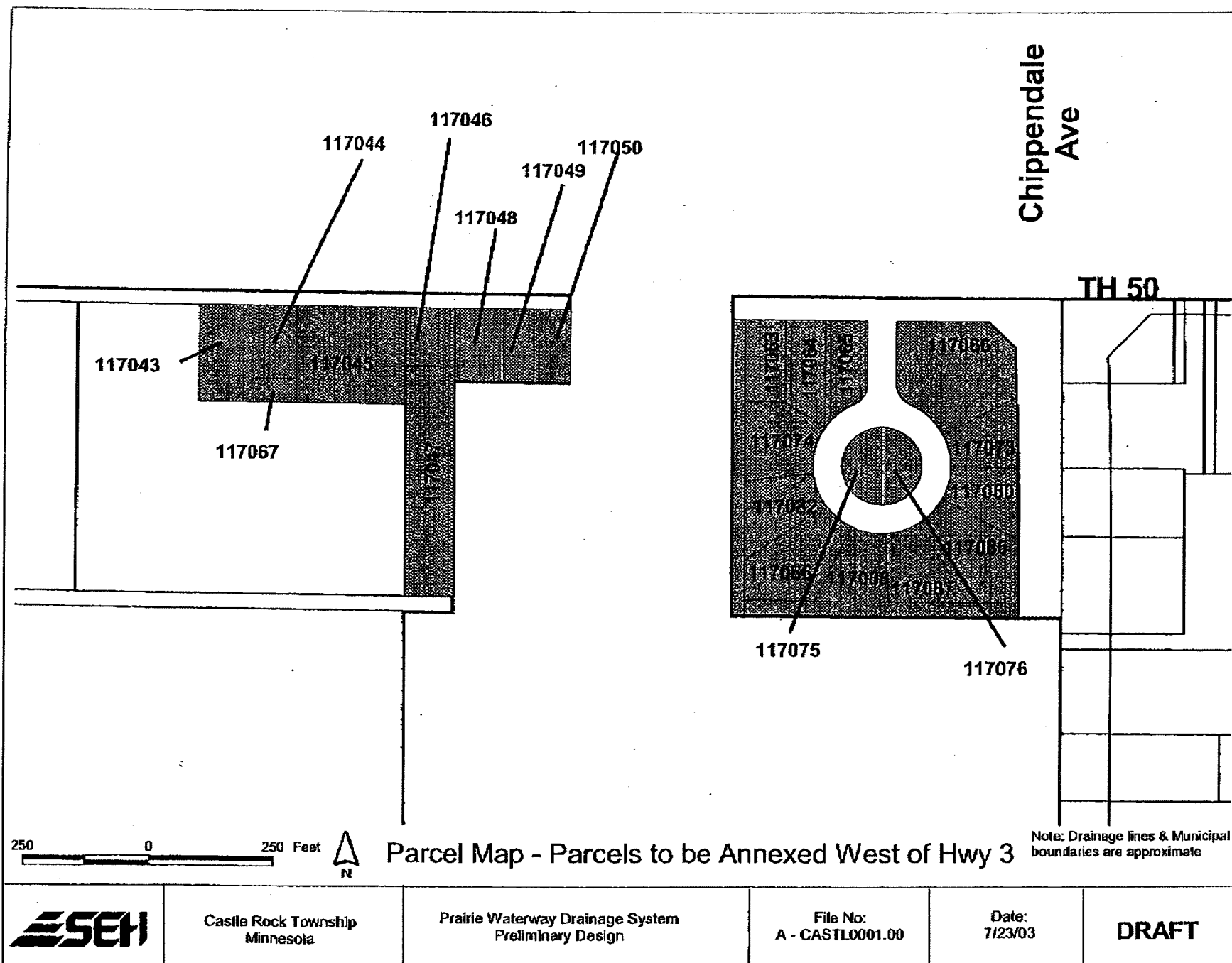
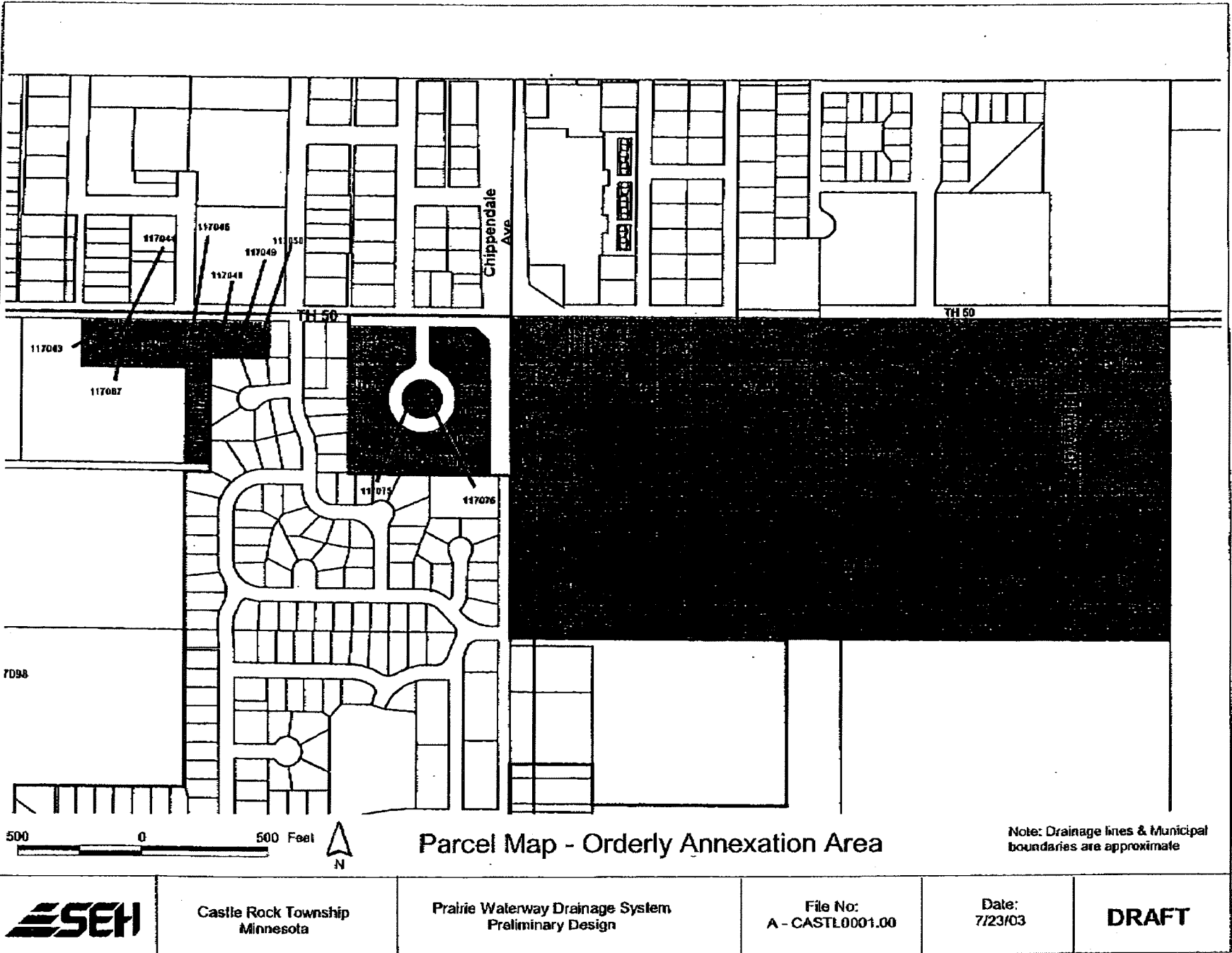
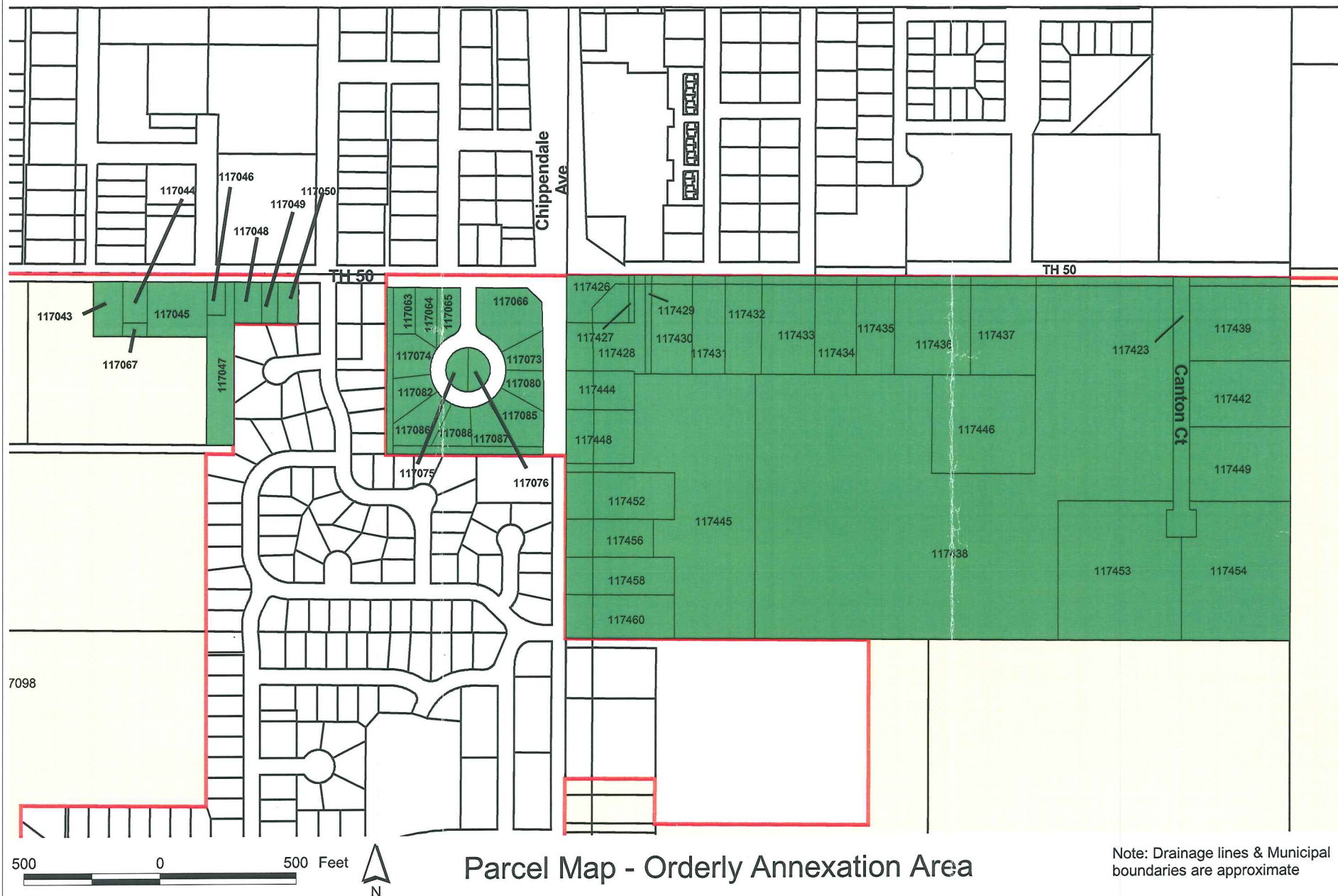


EXHIBIT B

Parcels Annexed

PIN	Owner Name	Owner Address	Owner City State	Parcel _ ID
0611319110017	HARRIET M GROVE	512 ASH ST	FARMINGTON MN	117049
0611319110018	DONALD E & TERESA WILSON	516 ASH ST	FARMINGTON MN	117050
0611319110019	DAVID E & KATHLEEN PETERSON	500 ASH ST	FARMINGTON MN	117046
0611319110020	WALTER W GRAHAM	3782 220TH ST	FARMINGTON MN	117047
0611319110099	BRUCE K & CATHERINE DURHAM	3760 220TH ST W	FARMINGTON MN	117048
0611319110102	RONALD A & BEVERLY ERSFELD	718 ASH ST	FARMINGTON MN	117066
0611319110103	ERIC & JULIE SIMONSEN	1132 HIGHLAND CIR	FARMINGTON MN	117073
0611319110104	VERNON E & LOUISE M HERBERG	1128 HIGHLAND CIR	FARMINGTON MN	117080
0611319110105	BEVERLY P MORELL	RR 3	FARMINGTON MN	117085
0611319110106	WILLIAM D & MARLYS COOK	1120 HIGHLAND CIR	FARMINGTON MN	117087
0611319110107	LUCILLE KORSMAN	1116 HIGHLAND CIR	FARMINGTON MN	117088
0611319110108	JAMES A & THERESA CZECH	1112 HIGHLAND CIR	FARMINGTON MN	117086
0611319110109	WILLIAM A GETTY	1108 HIGHLAND CIR	FARMINGTON MN	117082
0611319110110	LOUIS & JEAN SCHMITZ	1104 HIGHLAND CIR	FARMINGTON MN	117074
0611319110111	LUCILLA C JOHNSON	612 ASH ST	FARMINGTON MN	117063
0611319110112	VIRGINIA CAREY	618 ASH ST	FARMINGTON MN	117064
0611319110113	MICHAEL & HELEN PENNEY	702 HIGHLAND CIRCLE	FARMINGTON MN	117065
0611319110114	VERNON JOHNSON	612 ASH ST	FARMINGTON MN	117075
0611319110115	VERNON JOHNSON	612 ASH ST	FARMINGTON MN	117076
0611319130001	ERIC A DRAKE	3840 220TH ST W	FARMINGTON MN	117044
0611319130003	JENNIFER KAUFMAN	3828 220TH ST	FARMINGTON MN	117045
0611319130004	JOHN R KLAUS	3850 220TH ST W	FARMINGTON MN	117043
0611319130009	ERIC A DRAKE	3840 220TH ST W	FARMINGTON MN	117067





Parcel Map - Orderly Annexation Area

Note: Drainage lines & Municipal boundaries are approximate



Castle Rock Township
Minnesota

Prairie Waterway Drainage System
Preliminary Design

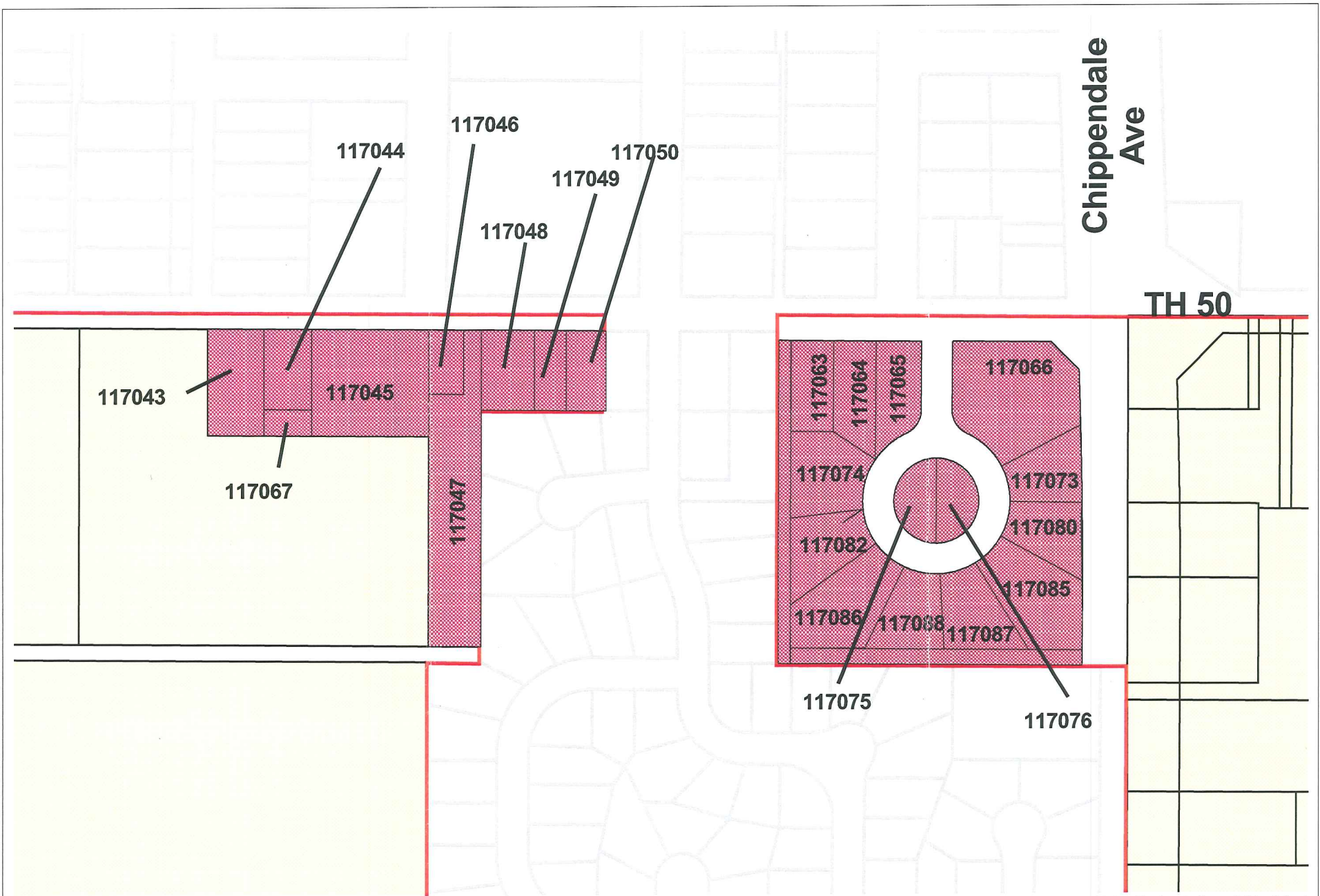
File No:
A - CASTL0001.00

Date:
7/23/03

DRAFT

REC'D BY
M.M.B
NOV 08 2004

EXHIBIT C



Chippendale Ave

TH 50

Parcel Map - Parcels to be Annexed West of Hwy 3

Note: Drainage lines & Municipal boundaries are approximate

250 0 250 Feet



Castle Rock Township
Minnesota

Prairie Waterway Drainage System
Preliminary Design

File No:
A - CASTL0001.00

Date:
7/23/03

DRAFT

REC'D BY
M.M.B.
NOV 08 2004

EXHIBIT A

EXHIBIT D

Parcels Annexed

PIN	Owner Name	Owner Address	Owner Address 2	Owner City State	Parcel _ ID
0811319130004	JOHN R KLAUS	3850 220TH ST W		FARMINGTON MN	117043
0811319130001	ERIC A DRAKE	3840 220TH ST W		FARMINGTON MN	117044
0811319130003	JENNIFER KAUFMAN	3828 220TH ST		FARMINGTON MN	117045
0611319110019	DAVID E & KATHLEEN PETERSON	500 ASH ST		FARMINGTON MN	117046
0611319110020	WALTER W GRAHAM	3782 220TH ST		FARMINGTON MN	117047
0811319110098	BRUCE K & CATHERINE DURHAM	3760 220TH ST W		FARMINGTON MN	117048
0811319110017	HARRIET M GROVE	512 ASH ST		FARMINGTON MN	117049
0611319110018	DONALD E & TERESA WILSON	516 ASH ST		FARMINGTON MN	117050
0811319110111	LUCILLA C JOHNSON	612 ASH ST		FARMINGTON MN	117053
0611319110112	VIRGINIA CAREY	616 ASH ST		FARMINGTON MN	117054
0811319110113	MICHAEL & HELEN PENNEY	702 HIGHLAND CIRCLE		FARMINGTON MN	117085
0811319110102	RONALD A & BEVERLY ERSFELD	718 ASH ST		FARMINGTON MN	117086
0611319130009	ERIC A DRAKE	3840 220TH ST W		FARMINGTON MN	117067
0611319110103	ERIC & JULIE SIMONSEN	1132 HIGHLAND CIR		FARMINGTON MN	117073
0611319110110	LOUIS & JEAN SCHMITZ	1104 HIGHLAND CIR		FARMINGTON MN	117074
0611319110114	VERNON JOHNSON	612 ASH ST		FARMINGTON MN	117075
0611319110115	VERNON JOHNSON	612 ASH ST		FARMINGTON MN	117076
0811319110104	VERNON E & LOUISE M HERBERG	1128 HIGHLAND CIR		FARMINGTON MN	117080
0611319110109	WILLIAM A GETTY	1108 HIGHLAND CIR		FARMINGTON MN	117082
0611319110105	BEVERLY P MORELL	RR 3		FARMINGTON MN	117085
0811319110108	JAMES A & THERESA CZECH	1112 HIGHLAND CIR		FARMINGTON MN	117086
0611319110106	WILLIAM D & MARLYS COOK	1120 HIGHLAND CIR		FARMINGTON MN	117087
0611319110107	LUCILLE KORSMAN	1116 HIGHLAND CIR		FARMINGTON MN	117088
0511319310010	CASTLE ROCK TOWNSHIP	2537 240TH ST		FARMINGTON MN	117423
0511319330010	RAYMOND A ACKERMAN	18085 ECHO AVE		FARIBAULT MN	117426
0511319330009	RAYMOND A ACKERMAN	18085 ECHO AVE		FARIBAULT MN	117427
0511319330008	MARK E & SUSAN D THEORIN	22056 CHIPPENDALE AVE W		FARMINGTON MN	117428
0511319330007	MARK E & SUSAN D THEORIN	22056 CHIPPENDALE AVE W		FARMINGTON MN	117429
0511319330006	LUNDA M BARLAGE	3486 220TH ST W		FARMINGTON MN	117430
0511319330005	KEVIN T & BENITA L SCHEMIONEK	3400 220TH ST W		FARMINGTON MN	117431
0511319330004	JOHN A & CHERYL LUCKOW	3338 220TH ST W		FARMINGTON MN	117432
0511319330003	ABH PROPERTIES	% DICK HANSEN	4482 CLOVER LN BOX 5	SAGAN MN	117433
0511319330002	KENNETH C CARLSON	3050 220TH ST RR 1		FARMINGTON MN	117434
0511319330001	CHARLES A SR REICHOW	39530 SUNRISE RD		NORTH BRANCH MN	117435
0511319310004	3438 INVESTMENTS LLP	PO BOX 448		FARMINGTON MN	117436
0511319310003	DENNIS A BETZ	22465 BERRING AVE		FARMINGTON MN	117437
0511319310001	COLIN J GARVEY	22098 CANTON CT		FARMINGTON MN	117438
0511319310009	HEIKES EQUIPMENT INC	10304 BUCKS WAY		EDEN PRAIRIE MN	117439
0511319310008	HEIKES EQUIPMENT INC	10304 BUCKS WAY		EDEN PRAIRIE MN	117442
0511319330011	ISEMINGER PROPERTIES	PO BOX 55		FARMINGTON MN	117444
0511319330017	FIRST STATE BANK OF CASTLE ROCK	22140 CHIPPENDALE AVE W		FARMINGTON MN	117445
0511319310002	DENNIS A BETZ	22465 BERRING AVE		FARMINGTON MN	117446
0511319330012	FIRST STATE BANK OF CASTLE ROCK	% DANIEL H NICOLAI	1016 4TH ST	FARMINGTON MN	117448
0511319310006	TRACY G BAUER	20125 CALDWELL CT		FARMINGTON MN	117449
0511319330013	1ST ST BANK OF CASTLE ROCK	% DANIEL H NICOLAI	1016 4TH ST	FARMINGTON MN	117452
0511319310011	COLIN J GARVEY	22098 CANTON CT		FARMINGTON MN	117453
0511319310007	COLIN J GARVEY	22098 CANTON COURT		FARMINGTON MN	117454
0811319330014	BELLE CORP	HWY 3 S		FARMINGTON MN	117456
0511319330015	THE BELLE CORP	PO BOX 183		FARMINGTON MN	117458
0511319330016	BELLE CORP	% HAPPY HARRYS FURNITURE	PO BOX 183	FARMINGTON MN	117460

exhibitd.xls