

RESOLUTION NO. 5758

A RESOLUTION INITIATING ANNEXATION OF CERTAIN PHASE I PROPERTIES IN THE ORDERLY ANNEXATION AREA PURSUANT TO THE JOINT RESOLUTION, AS AMENDED, FOR ORDERLY ANNEXATION BETWEEN THE CITY OF BEMIDJI, NORTHERN TOWNSHIP AND BEMIDJI TOWNSHIP

WHEREAS, the City of Bemidji ("City") and the Townships of Northern and Bemidji ("Townships") previously entered into a Joint Resolution for Orderly Annexation (Joint Resolution) pursuant to Minnesota Statute § 414.0325, a copy of which, as amended, is attached hereto and marked as **Attachment A**, and which Joint Resolution, as amended, was approved by the Office of Municipal Boundary Adjustments; and

WHEREAS, in said Joint Resolution, as amended, the City and Townships agreed to the procedures and process for orderly annexation of property described therein as the Orderly Annexation Area (OAA), including the provision for annexation of the OAA in three (3) phases, with the annexation of "Phase I Properties" being eligible for annexation after January 1, 2012; and

WHEREAS, Phase I Properties to be annexed pursuant to this Resolution are legally described in Attachment A hereto (hereinafter the "Phase I Properties"); and

WHEREAS, the Joint Resolution further provides that upon annexation of Phase I Properties, and in accordance with Minn. Stat. Section 414.06, Subd. 1, the City shall by petition filed with Minnesota Planning or its successor entity, initiate a proceeding to detach from the City the four (4) properties situated in Bemidji Township described in the attachment to the Joint Resolution and referred to as the "detached property".

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEMIDJI, MINNESOTA:

1. That pursuant to the Joint Resolution, as amended, described above and attached hereto as Attachment A, the City of Bemidji exercises its right and ability to annex those "Phase I Properties" described in the attached OAA.
2. That the City Clerk is directed to file this Resolution with the State Office of Municipal Boundary Adjustments and/or Office of Administrative Hearings (or successor agency) for their review and issuance of an Annexation Order.
3. That upon receipt of the Annexation Order issued by the Office of Administrative Hearings, the City shall provide a copy of the Order to the Beltrami County Auditor as required under the Joint Resolution.
4. That upon annexation of those "Phase I Properties" described in the OAA, the City shall comply in all respects with the terms and conditions for annexation provided for in said Joint Resolution, including initiation of a proceeding to detach from the City the detached property described in said Joint Resolution.

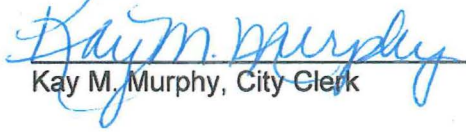
BE IT FURTHER RESOLVED that City staff are directed to take such further actions as are necessary to effectuate the annexation of those "Phase I Properties" and the intentions of the City Council as set forth herein.

The foregoing resolution was offered by Councilmember Johnson, who moved its adoption, and on due second by Councilmember Waldhausen, was passed by the following vote:

Ayes: Negard, Waldhausen, Johnson, Thompson, Hellquist
Nays: Albrecht, Larson
Absent: None

Passed: April 2, 2012

ATTEST:



Kay M. Murphy, City Clerk

APPROVED:



David A. Larson, Mayor

2012 ANNEXATION AREAS

Northern Township

Approximate Population = 300
 Area = 166 Acres
 Miles of Township and Private Roads = 1.5
 Miles of All Road Types = 3.1
 Parcel Count = 161
 Address Points = 137
 Tax Capacity = \$270,643
 Total Value of Buildings = \$17,232,900
 Average Building Value = \$107,306
 Taxable Market Value = \$23,586,900

STREET	Miles	Road Type	Addr Range
ALGOMA ST NW	0.19	TOWNSHIP	ALL
ANNE ST NW - CSAH 52	0.24	CSAH	104 - 458 EVENS
BEMIDJI AVEN - CSAH 21	0.54	CSAH	3001 - 3724
BROADMONT DR NE - CSAH 1	0.47	CSAH	3030 - 3728
CIRCLE PINES DR NW	0.27	TOWNSHIP	ALL
INGLEWOOD ST NW	0.19	TOWNSHIP	ALL
RYAN AVEN NW - CSAH 15	0.19	CSAH	3502 - 3720 EVENS
MINNESOTA AVEN NW	0.25	TOWNSHIP	ALL
PINE CREST CT NW	0.19	PRIVATE	ALL
ROBERTSON DR NW	0.19	TOWNSHIP	ALL
ROBERTSON DR NW	0.07	PRIVATE	ALL
TAMARACK AVEN NW	0.19	TOWNSHIP	ALL

Bemidji Township

Approximate Population = 349
 Area = 1,034 Acres
 Miles of Township and Private Roads = 5.64
 Miles of All Road Types = 13.4
 Parcel Count = 244
 Address Points = 152 + 70 unit mobile home park
 Tax Capacity = \$179,841
 Total Value of Buildings = \$13,258,500
 Average Building Value = \$54,388
 Taxable Market Value = \$15,473,500

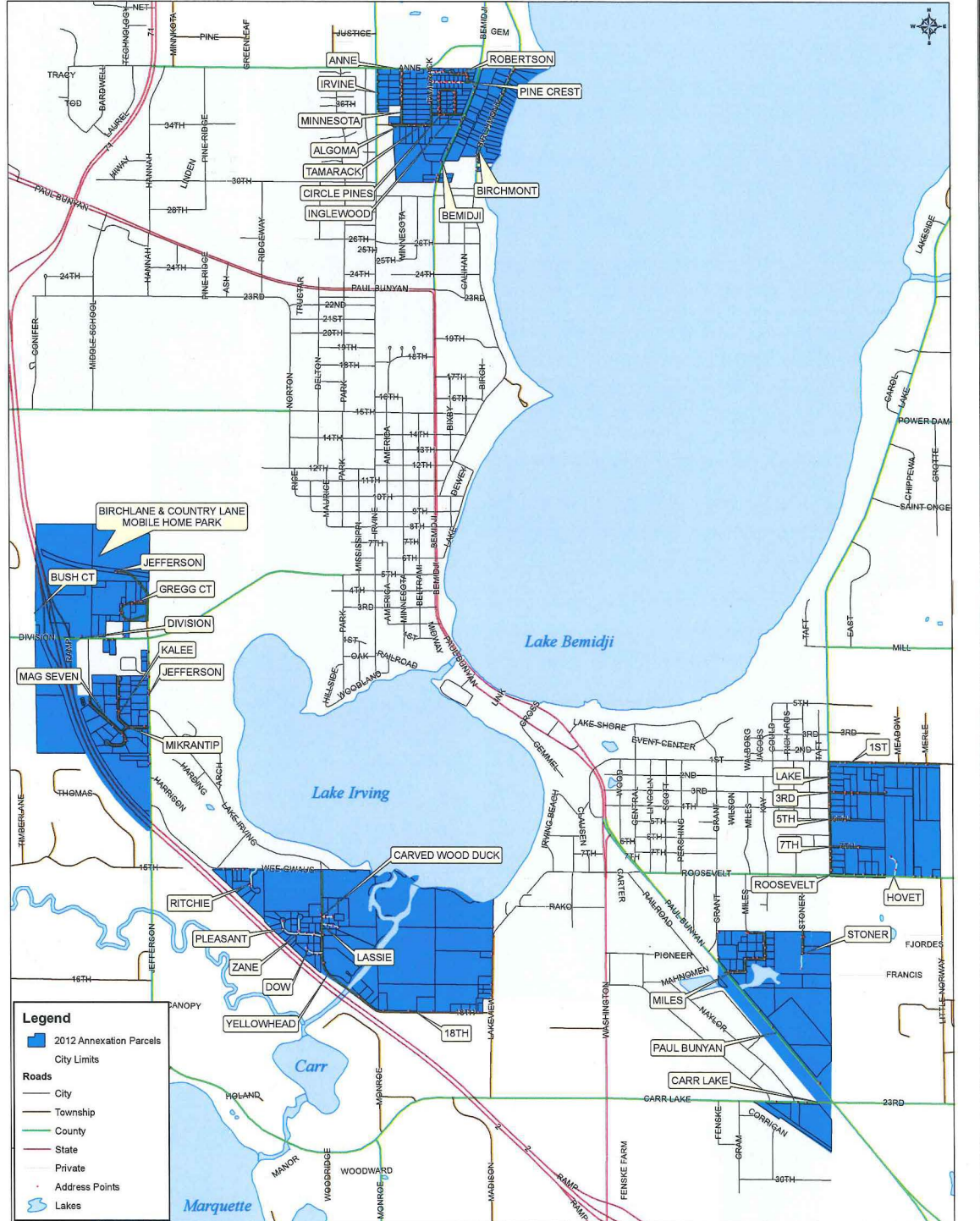
STREET	Miles	Road Type	Address Range
18TH ST SW	0.46	TOWNSHIP	523 - 899 ODDS
1ST ST SE	0.5	TOWNSHIP	1602 - 2504 EVENS
3RD ST SE	0.25	TOWNSHIP	ALL
5TH ST SE	0.09	TOWNSHIP	ALL
7TH ST SE	0.13	TOWNSHIP	ALL
BUSH CT NW	0.14	PRIVATE	ALL EVENS
CARR LAKE RD SE - CoRD 404	0.35	COUNTY	1240 - 1788 EVENS
CARVED WOOD DUCK LN SW	0.05	PRIVATE	ALL
DIVISION ST NW - CSAH 7	0.2	CSAH	2138 - 2511
DOW CT SW	0.08	OTHER	ALL
GREGG CT NW	0.27	TOWNSHIP	ALL
HOVET DR SE	0.1	PRIVATE	ALL
HWY 2 NW	1.48	STATE	NO ADDRESSES
HWY 2 SW	1.14	STATE	NO ADDRESSES
JEFFERSON AVEN NW	0.3	TOWNSHIP	ALL
JEFFERSON AVEN SW - CSAH 11	0.68	CSAH	201 - 1131
KALEE CT SW	0.24	TOWNSHIP	ALL
LAKE AVE SE	0.5	TOWNSHIP	100 - 799
LAKEVIEW DR SW	0.28	TOWNSHIP	ALL UP TO 1641
LASSIE LN SW	0.08	PRIVATE	ALL
MAG SEVEN CT SW	0.28	TOWNSHIP	ALL
MIKRANTIP RD SW	0.13	TOWNSHIP	ALL
MILES AVE SE	0.4	TOWNSHIP	ALL
PAUL BUNYAN DR SE - CSAH 50	0.8	STATE	1418 - 2299
PLEASANT CT SW	0.21	PRIVATE	ALL
RAMP	1.25	STATE	NO ADDRESSES
RITCHE CT SW	0.09	PRIVATE	ALL
ROOSEVELT RD SE - CSAH 8	0.48	CSAH	1601 - 1499
STONER AVE SE	0.11	TOWNSHIP	ALL
YELLOWHEAD RD SW	0.75	TOWNSHIP	ALL
ZANE LN SW	0.08	PRIVATE	ALL
STONER AVE SE	0.06	PRIVATE	ALL

Annexation Area Totals

Approximate Population = 649
 Area = 1,201 Acres
 Miles of Township and Private Roads = 7.14
 Miles of All Road Types = 16.5
 Parcel Count = 405
 Address Points = 289 + 70 unit mobile home park
 Tax Capacity = \$450,484
 Total Value of Buildings = \$30,491,400
 Average Building Value = \$75,287
 Taxable Market Value = \$39,070,400

Notes

Building values are from the Beltrami County tax database.
 Population estimates are from 2010 census data.
 Road types and mileage are from the Beltrami County E911 roads database.
 Address points are from the Beltrami County E911 address point database.
 Adjusted taxable market value is the estimated market value after any exclusion allowed by legislation.



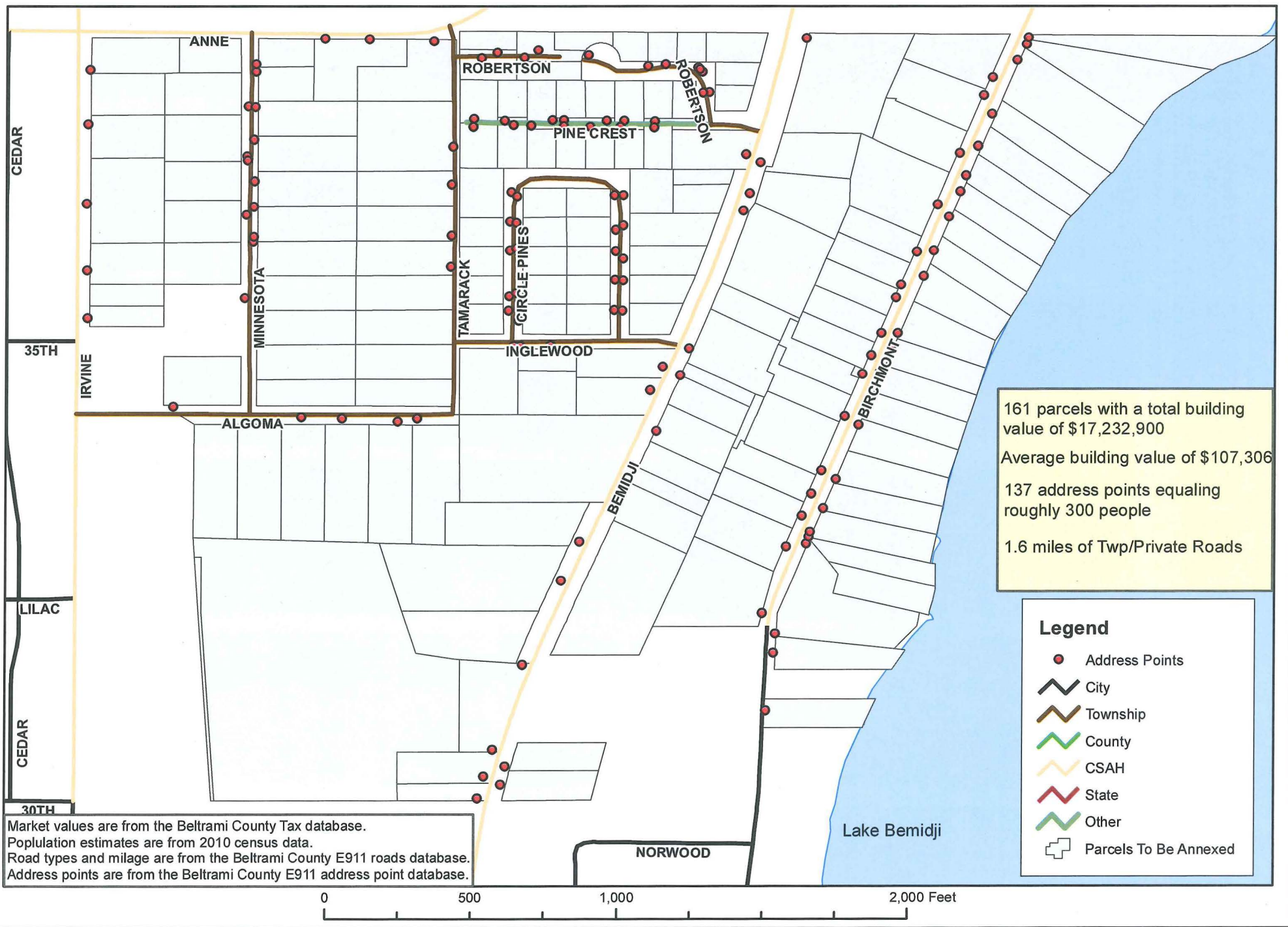
Legend

- 2012 Annexation Parcels
- City Limits
- Township
- County
- State
- Private
- Address Points
- Lakes

2012 Annexation - Northern Twp

RECD BY
MBA

APR 09 2012

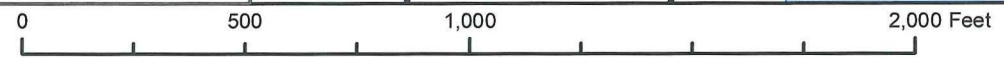


161 parcels with a total building value of \$17,232,900
 Average building value of \$107,306
 137 address points equaling roughly 300 people
 1.6 miles of Twp/Private Roads

Legend

- Address Points
- City
- Township
- County
- CSAH
- State
- Other
- Parcels To Be Annexed

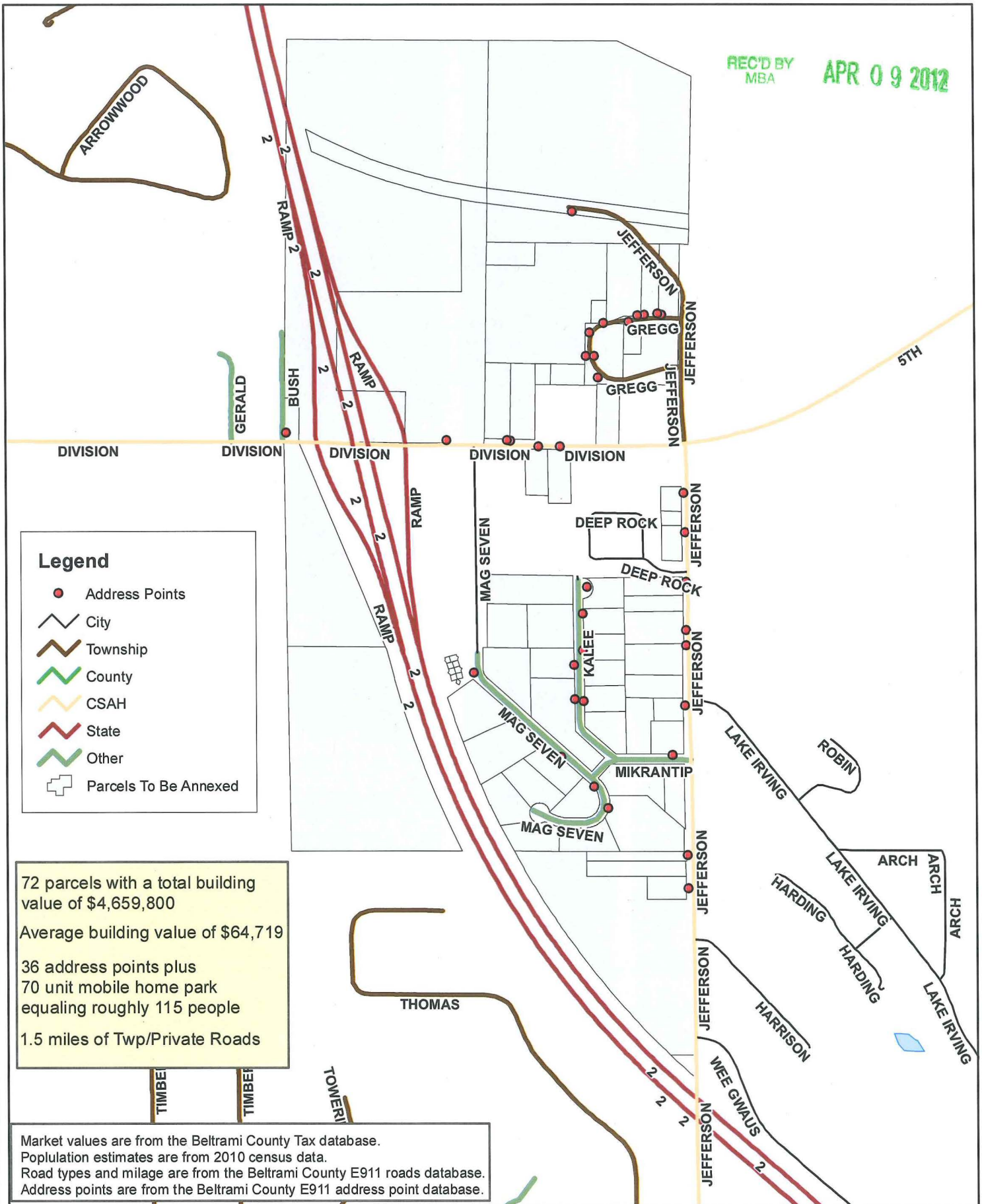
Market values are from the Beltrami County Tax database.
 Population estimates are from 2010 census data.
 Road types and mileage are from the Beltrami County E911 roads database.
 Address points are from the Beltrami County E911 address point database.



2012 Annexation Bemidji Twp - Map 1 of 4



REC'D BY
MBA APR 09 2012



72 parcels with a total building value of \$4,659,800
 Average building value of \$64,719
 36 address points plus 70 unit mobile home park equaling roughly 115 people
 1.5 miles of Twp/Private Roads

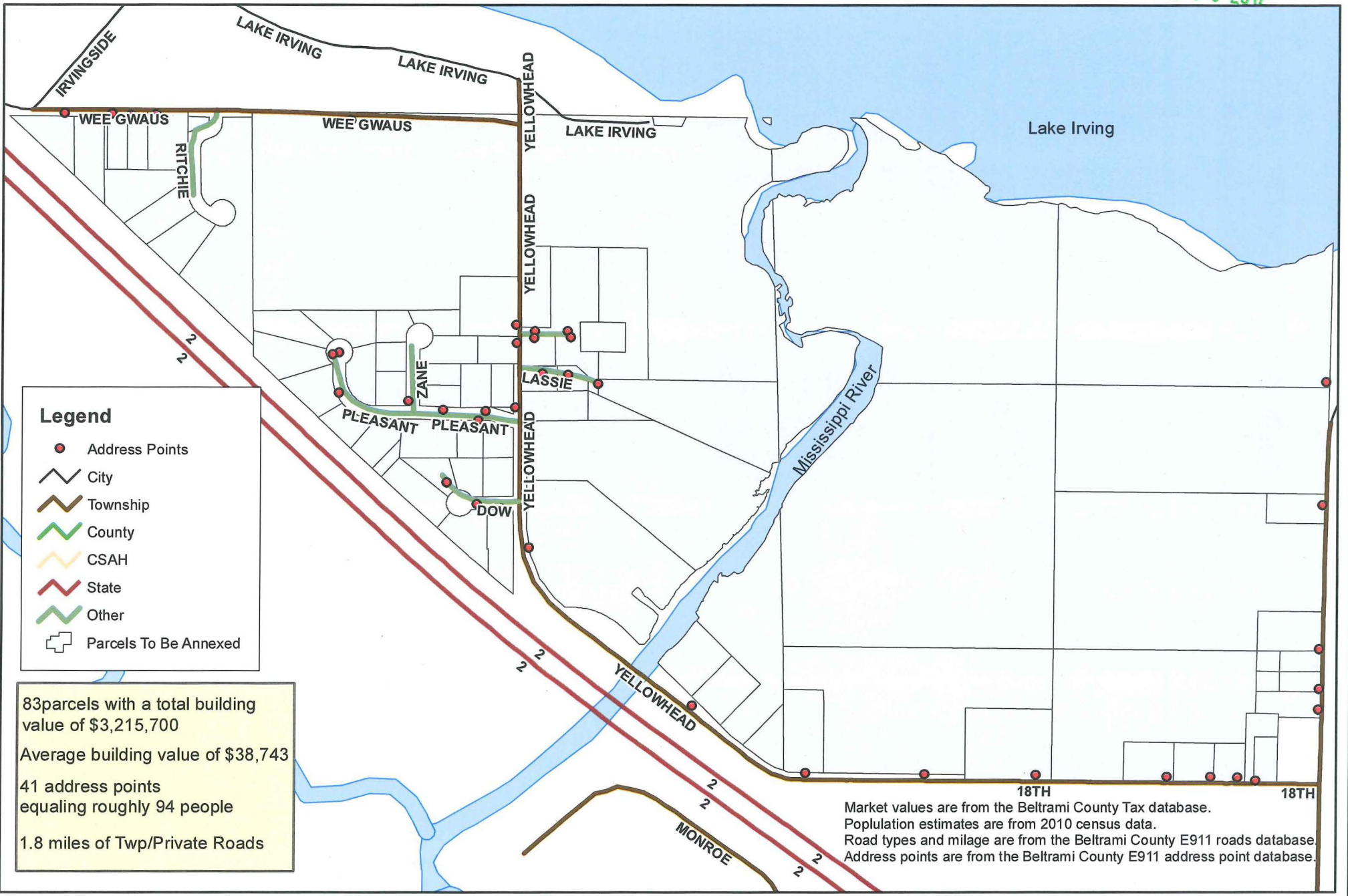
Market values are from the Beltrami County Tax database.
 Population estimates are from 2010 census data.
 Road types and milage are from the Beltrami County E911 roads database.
 Address points are from the Beltrami County E911 address point database.

0 500 1,000 2,000 3,000 4,000 5,000 Feet

2012 Annexation Bemidji Twp - Map 2 of 4

REC'D BY
MBA

APR 09 2012



Legend

- Address Points
- City
- Township
- County
- CSAH
- State
- Other
- ⊕ Parcels To Be Annexed

83 parcels with a total building value of \$3,215,700
 Average building value of \$38,743
 41 address points equaling roughly 94 people
 1.8 miles of Twp/Private Roads

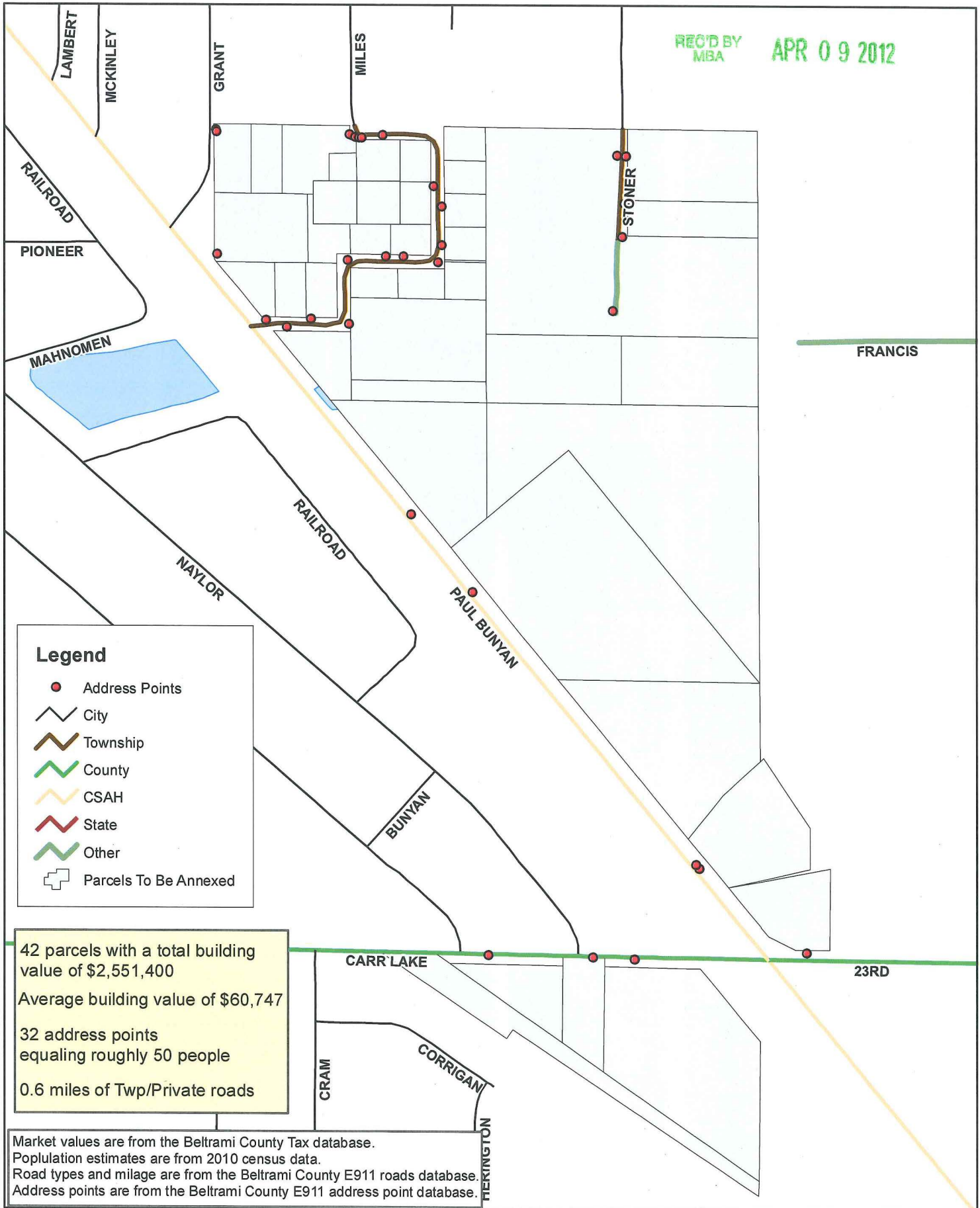
Market values are from the Beltrami County Tax database.
 Population estimates are from 2010 census data.
 Road types and mileage are from the Beltrami County E911 roads database.
 Address points are from the Beltrami County E911 address point database.



2012 Annexation Bemidji Twp - Map 3 of 4



REC'D BY
MBA
APR 09 2012



Legend

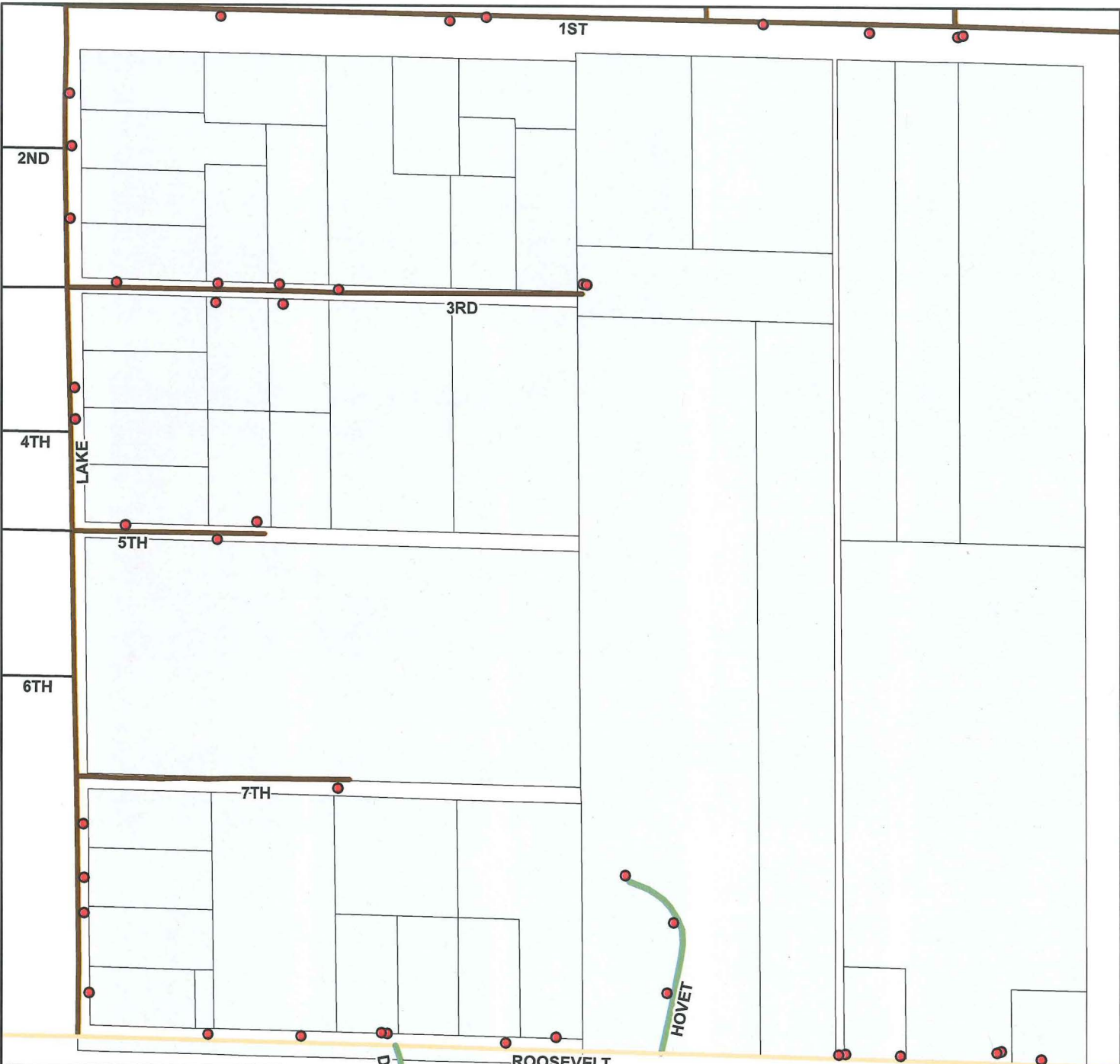
- Address Points
- City
- Township
- County
- CSAH
- State
- Other
- Parcels To Be Annexed

42 parcels with a total building value of \$2,551,400
 Average building value of \$60,747
 32 address points equaling roughly 50 people
 0.6 miles of Twp/Private roads

Market values are from the Beltrami County Tax database.
 Population estimates are from 2010 census data.
 Road types and mileage are from the Beltrami County E911 roads database.
 Address points are from the Beltrami County E911 address point database.



2012 Annexation Bemidji Twp - Map 4 of 4



Legend

- Address Points
- City
- Township
- County
- CSAH
- State
- Other
- Parcels To Be Annexed

47 parcels with a total building value of \$2,831,600
 Average building value of \$60,246

43 address points
 equaling roughly 90 people

1 mile of Twp/Private roads

Market values are from the Beltrami County Tax database.
 Population estimates are from 2010 census data.
 Road types and mileage are from the Beltrami County E911 roads database.
 Address points are from the Beltrami County E911 address point database.



LITTLE NORWAY

**BEMIDJI TOWNSHIP RESOLUTION NO. 04-29
NORTHERN TOWNSHIP RESOLUTION NO. 04-04
CITY OF BEMIDJI RESOLUTION NO. 5185**



<p>IN THE MATTER OF THE JOINT RESOLUTION OF THE CITY OF BEMIDJI AND THE TOWNS OF NORTHERN AND BEMIDJI DESIGNATING CERTAIN AREAS AS IN NEED OF ORDERLY ANNEXATION PURSUANT TO MINNESOTA STATUTES, SECTION 414.0325</p>	<p align="center">JOINT RESOLUTION FOR ORDERLY ANNEXATION</p>
---	--

WHEREAS, The City of Bemidji ("City") and the Townships of Northern and Bemidji ("Townships") desire to enter into an agreement for the orderly annexation of certain property, legally described herein, pursuant to Minnesota Statutes, Section § 414.0325; and

WHEREAS, the City and Townships agree that the properties legally described herein meet the definition for annexation as contained in applicable Minnesota Statutes; and

WHEREAS, it is in the best interest of the City, the Townships and their respective residents to agree to orderly annexation in furtherance of orderly growth and the protection of the public health, safety, and welfare; and

WHEREAS, the City and the Townships are in agreement as to the procedures and process for orderly annexation of said property described herein for the purpose of orderly, planned growth; and

WHEREAS, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Joint Resolution for Orderly Annexation ("Joint Resolution"); and

WHEREAS, this Joint Resolution is contingent upon the simultaneous passage of a joint resolution establishing the Greater Bemidji Area Joint Powers Agreement ("Joint Powers Agreement") between the City and the Townships to implement and administer joint municipal planning, zoning and subdivision authority within the entire area of the three (3) jurisdictions; and

WHEREAS, The Joint Powers Agreement, which is attached hereto and incorporated within this resolution by reference, is intended to ensure that all three municipalities remain viable and thriving through comprehensive and cooperative planning for growth and development.

NOW, THEREFORE BE IT RESOLVED by the City of Bemidji, Beltrami County, Minnesota, and the Townships of Bemidji and Northern, Beltrami County, Minnesota, as follows:

- Filing of Joint Resolution:** Upon execution by the respective governing bodies of the City and Townships, the City shall file this Joint Resolution with Minnesota Planning (or successor agency).
- Designation of Annexation Area:** The following described lands will hereinafter be designated as the Orderly Annexation Area ("OAA") and said property is properly subject to orderly annexation pursuant to Minnesota Statute Section § 414.0325, Subdivision 1 and detachment pursuant to Minnesota Statute Section § 414.06. The OAA is legally described in Exhibit A and illustrated on a Boundary Map marked as Exhibit B, both exhibits being attached hereto and incorporated herewith. In the event that there are errors, omissions or any other problems with the legal description or mapping provided in Exhibits A and B in the judgment of Minnesota Planning, the parties agree to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by Minnesota Planning as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution.

3. **Interim Status:** All properties within the OAA shall remain in the Townships until annexed to the City in accordance with the terms of this Joint Resolution.

4. **Annexation/Detachment Procedure & Phasing:** Property lying within the OAA shall be annexed by the City in accordance with the procedures outlined in this paragraph:

A. **Annexation:** All the area within the OAA designated in Paragraph 2 shall be annexed over a period of fifteen (15) years. The Townships and City agree that phasing annexation and assimilation of the growth envisioned to occur within the OAA would benefit the City by reducing the financial risk of extending core facilities and municipal services into the OAA by extending such facilities all at one time. In turn, the parties mutually agree that a phased development, orderly annexation and detachment plan as envisioned by the Joint Resolution would benefit the Townships by phasing the impact of lost tax base on the remaining Townships' government and easing financial and lifestyle impacts that an immediate annexation of the area could impose on Township residents. For the purposes of this Joint Resolution, the OAA is divided into three (3) phases as legally described in Exhibit A.

Phase I: See Exhibit A
Phase II: See Exhibit A
Phase III: See Exhibit A

B. **Detachment:** Upon annexation of Phase I properties in the OAA, and in accordance with Minn. Stat. § 414.06, Subd. 1, the City shall by petition filed with Minnesota Planning or its successor entity, initiate a proceeding to detach from the City the four (4) properties situated in Bemidji Township and described in Exhibit C attached hereto and incorporated herewith, hereinafter referred to as the "detached property."

For purposes of taxation, property taxes payable on the detached property shall continue to be paid to the City in the year in which the detachment becomes effective. If the detachment becomes effective on or before August 1st of a levy year, Bemidji Township may levy on the detached property beginning with the year of detachment. However, if detachment becomes effective after August 1st of a levy year, the City may continue to levy on the detached property for that levy year (i.e., property taxes payable and collected the following year), and Bemidji Township may not levy on the detached property until the following levy year.

In the event of an objection to detachment, City and Bemidji Township representatives agree to meet and cooperate in regards to any required formal response to such objection, and to negotiate any allocation of responsibility and/or cost necessary to resolve a contested detachment proceeding.

C. **Timing:** The OAA shall be annexed in phases as set forth below with the City filing an Annexation Resolution with Minnesota Planning (or its successor agency) at any time after the following:

1. Phase I property shall be annexed after January 1, 2010.
2. Phase II property shall be annexed after January 1, 2015.
3. Phase III property shall be annexed after January 1, 2020.

Upon receipt of an annexation Resolution as provided herein, Minnesota Planning may review and comment, but shall within thirty (30) days of receipt of said resolution and copy of this Joint Resolution, order the annexation of the area designated in the Annexation Resolution in accordance with the terms and conditions of this Joint Resolution. The City and Townships agree that no alteration of the stated boundaries as described in the Joint Resolution is appropriate, that no consideration by the Minnesota Planning is necessary and that all terms and conditions for annexation are provided for in this Joint Resolution. Upon receipt of the Annexation Order, the City shall provide a copy to the Beltrami County Auditor.

5. **Annexation Prohibition:** The City will not annex, attempt to annex, or support the annexation of any land lying within or outside the OAA except for those properties owned by the City and except by mutual agreement of the parties herein. It is anticipated that this Joint Resolution will have the full force and effect as is referenced in Minnesota Statute Section § 414.0325, Subd. 6.

6. **Taxes:**

A. **Tax Levy Phase – in for property owners:** When property is annexed, the City shall proportionally equalize any difference that may exist between the tax rate of the City and the tax rate of the Township so that the owners of the property annexed will pay an increased phase-in tax rate in substantially equal proportions over a period of five (5) years to equality with the tax rate on property already within the City in the same tax classification.

B. **Taxes to be Distributed to Townships:** OAA property annexed to the City shall retain the zoning classification(s) as legislated under the originating Township's zoning ordinance, unless and until reclassified by the City acting through the Greater Bemidji Area Joint Planning and Zoning Board or its successor planning and zoning agency. The City shall complete each phase of annexation prior to August 1st of the year of annexation, thereby enabling the City to levy against the annexed property in the year of annexation. However, in regards to property tax distribution, in the year of annexation each Township shall retain 100% of the property taxes payable in the year of annexation (levied by the Township the previous year) which would have been distributed to the Township but for annexation. In the first year following the year of annexation, the City shall make a cash payment to each Township in an amount equal to 80% of the property taxes levied by the City against the annexed area within that Township in the year of annexation; in the second year, the City shall make a cash payment in an amount equal to 60% of the property taxes levied by the City in the year of annexation; in the third year an amount equal to 40%; and, finally, in the fourth year following the year of annexation, an amount equal to 20% of the property taxes levied by the City in the year of annexation. Property tax redistribution will cease after the fourth calendar year following the year of annexation. Payments shall be made twice a year within 30 days of receipt thereof.

TAX SHARING CHART

Year of Annexation	Township Tax Receipt
1 st Year	100% of Township property taxes in the year of annexation
2 nd Year	80% of City property taxes levied in the year of annexation
3 rd Year	60% of City property taxes levied in the year of annexation
4 th Year	40% of City property taxes levied in the year of annexation
5 th Year	20% of City property taxes levied in the year of annexation

7. **Assessments & Capital Improvements:** Any assessments for public improvements benefiting the annexed property which are still due the Townships will be collected by the City under its assessment collection procedure and such payments will be reimbursed to the Townships until said assessments are paid in full. The Township will provide the City such information as is necessary to ensure the recovery of assessments. The City will reimburse the Townships said assessment payments within thirty (30) days of City's receipt of the County's property tax reconciliation distributions. In the event that payment is received prior to the County property tax reconciliation distribution date to the City, the City will reimburse within thirty (30) days. The Townships and City shall share and discuss capital improvement project plans that may impact areas adjacent to or within the OAA and may negotiate the payment for capital improvements, reimbursement and/or sharing of costs.

8. **Municipal Services:** Upon Annexation, the City shall provide the annexed properties the same services entitled to similarly situated properties within the jurisdiction of the City. Available city services include, but are not limited to the following:

A. **Law enforcement and Fire protection services:** Law enforcement and fire protection services shall be available to all property owners within the annexed areas under the same terms conditions and policies as are available to all city property owners.

B. **Sewer & Water:** When this Joint Resolution has been fully executed by all parties hereto, any resident within the OAA is eligible to petition the City for extension of Municipal sanitary sewer and/or water utility services, subject, however, to the written manual of "Policies for Public Improvements" adopted by the Bemidji City Council on April 6, 1998, and as revised March 2001, including, specifically, the water and sewer connection or payment deferral policy(ies) set forth therein. The parties hereto understand and agree that sanitary sewer and water utility extension requests are typically subject to project specific adjustments to achieve project feasibility and a more equitable distribution of special assessments. However, in the event there is a proposal to revise the actual written policy manual language pertaining to the connection and/or payment deferral policy, the proposed revision shall be reviewed by the Greater Bemidji Area Joint Planning Board before any formal action to revise the policy manual is considered by the City Council. Proposed

revision(s) shall be submitted to the Joint Planning Board a minimum of sixty (60) days prior to any scheduled formal decision by the Council. The Council will seriously consider the recommendations of the Board. The sanitary sewer and water connection and payment deferral policy(ies) shall be uniformly administered within the City and the OAA.

C. **Parks:** The City's Park Department will assume responsibility and authority for public parks located within each phase of annexation immediately upon completion of annexation.

D. **Streets & Roads:** In the event that annexation results in a new border of the City abutting one side of a Township road, that road shall be treated as a line road. Thereafter, City and Township representatives shall meet to develop agreements for equitable division of the costs and responsibilities to be born by each for the maintenance of the line road. Line road agreements shall be subject to approval by each affected jurisdiction's governing body.

9. **Joint Planning and Zoning Powers Agreement:** Under a Joint Powers Agreement, initiated by resolution of each participating jurisdiction, the City and Townships shall create the Greater Bemidji Area Joint Planning Board for the purpose of exercising planning, zoning and subdivision controls within the OAA as well as the entire area encompassing the three municipalities. The resolution initiating the joint powers agreement shall be adopted at the same time as this Joint Resolution.

10. **Term of Joint Resolution/Amendment:** This Joint Resolution shall be in full force and effect immediately upon the document being fully executed by all parties hereto, and shall terminate upon annexation of Phase III properties in the OAA. The on-going obligations for tax levy phase-in, property tax distribution and assessment reimbursement set forth under Paragraphs 6 and 7 herein, shall survive and remain in full force and effect until those obligations are fully satisfied. The orderly annexation agreement memorialized in this Joint Resolution may be terminated earlier by mutual, written joint resolution of the City and Townships. Similarly, this Joint Resolution also may be amended or changed upon mutual, written agreement of all the parties. City and Township representatives agree to meet from time to time and no less than at least once annually, to discuss requested or necessary modifications and amendments to this Joint Resolution. Participation of other townships within the Greater Bemidji Area, may be joined under this Joint Resolution upon mutual written agreement of all the parties.

11. **Governing Law:** This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

12. **Severability:** In the event that any portion of this Joint Resolution is declared null and void or unenforceable by a court of law, the validity of the remaining terms and provisions shall not be affected and the Joint Resolution shall be construed and enforced as if the Joint Resolution did not contain the particular term or provision held to be invalid. The City and Townships agree to implement the procedures under Paragraph 15 to correct any such provision that was stricken.

13. **Responsibility for Costs.** The City and Townships agree to share equally all fees related to the drafting and filing of this document. The City and Townships shall pay their own respective attorney and planner fees and any other costs related to the review of this document.

14. **Entire Agreement:** The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future attachments or exhibits, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Townships.

15. **Resolution of Disputes:** If there is a disagreement as to the interpretation or implementation of the Joint Resolution, the City and Townships shall implement the below-outlined dispute resolution procedures in the following sequence:

A. **Negotiation:** Representatives of the City and Townships will meet a minimum of one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.

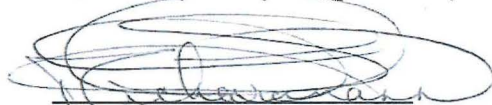
B. **Mediation:** If negotiation is not successful, parties shall participate in a minimum of one (1) mediation session with a mutually agreed upon mediator to resolve the dispute.

C. **Binding Arbitration/Adjudication:** If mediation is not successful, the parties may agree to submit their respective grievances to binding arbitration or may seek relief through initiation of an action in a court of competent jurisdiction, which may include, but not be limited to specific performance to compel the performance as outlined in this Joint Resolution. In addition to the remedies afforded to the parties through law and equity, the Court shall have the authority to award reasonable attorney fees, costs and expenses to a party found to be in violation of the terms of this agreement.

16. **Heading & Captions:** Headings and Captions are for convenience only and are not intended to alter any of the provisions of this joint resolution for orderly annexation.

CITY OF BEMIDJI, MINNESOTA

ADOPTED by the City Council of the City of Bemidji this 1st day of November, 2004.


Richard Lehmann, Mayor


David J. Minke, City Manager

ATTEST:


Shirley Sherman, City Clerk

BEMIDJI TOWNSHIP, MINNESOTA

ADOPTED by the Township Board of Supervisors for the Township of Bemidji this 8th
day of November, 2004.

Absent
Ken Howe, Town Chairperson

Becky Livermore
Becky Livermore, Town Supervisor

Absent
Lowell Vagel, Town Supervisor

John Rowles
John Rowles, Town Supervisor

Mark Paulson
Mark Paulson, Town Supervisor

ATTEST:

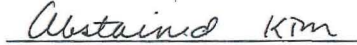
Lanee Paulson
Lanee Paulson, Town Clerk


NORTHERN TOWNSHIP, MINNESOTA

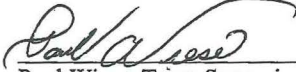
ADOPTED by the Township Board of Supervisors for the Township of Northern this 8th
day of November, 2004.


Dan Bahr, Town Chairperson


Dale Hoosier, Town Supervisor


Kristi Miller, Town Supervisor


Nathan Ringgenberg, Town Supervisor


Paul Wiese, Town Supervisor

ATTEST:

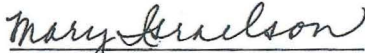

Mary Isaelson, Town Clerk

EXHIBIT A - LEGAL DESCRIPTIONS
Northern Township
Annexation Parcels

5 year - Phase 1

1. South one-half (S 1/2) of Section 33, Township 147N, Range 33W, less previously annexed tracts.

10 year - Phase 2

1. Section 28, Township 147N, Range 33W, less North one-half of the Northwest Quarter (N 1/2 of NW 1/4), and less Government Lot 1.
2. North one-half (N 1/2) of Section 33, Township 147N, Range 33W, less previous annexed tracts.

15 year - Phase 3

1. That part of South one-half (S 1/2) of Section 20, Township 147N, Range 33W, lying southeasterly of US Trunk Highway 71.
2. South one-half (S 1/2) of Section 21, Township 147N, Range 33W.
3. North one-half of the Northwest Quarter (N 1/2 of NW 1/4), and Government Lot 1, all in Section 28, Township 147N, Range 33W.
4. Section 29, Township 147N, Range 33W.
5. East one-half (E 1/2) of Section 30, Township 147N, Range 33W.
6. North one-half (N 1/2) of Section 32, Township 147N, Range 33W, less previously annexed tracts.

EXHIBIT A – LEGAL DESCRIPTIONS CONTINUED
Bemidji Township
Annexation Parcels

5 year - Phase 1

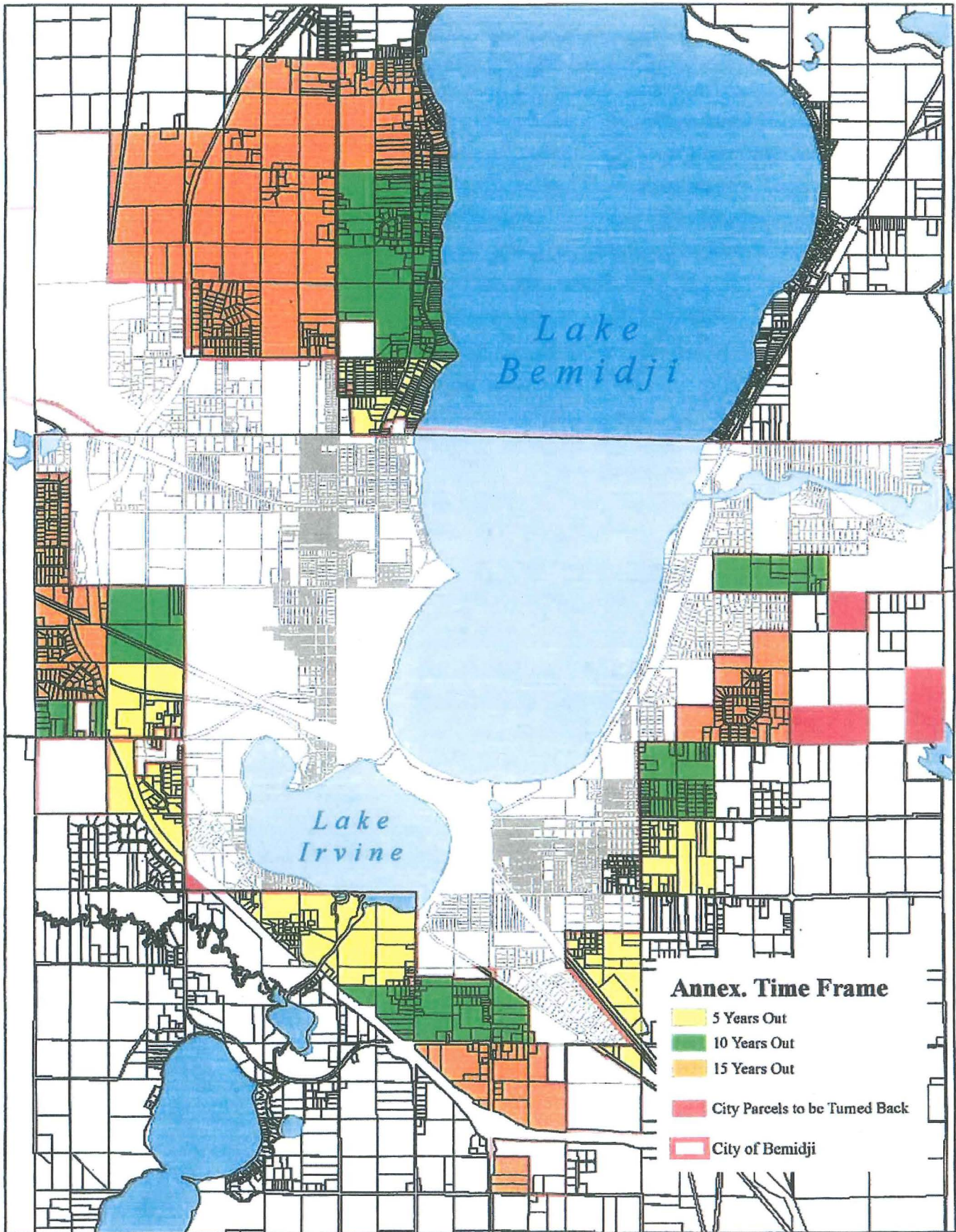
1. Southeast Quarter (SE 1/4), Section 7, Township 146N, Range 33W, less previously annexed tracts.
2. Southwest Quarter (SW 1/4), Section 14, Township 146N, Range 33W.
3. Northeast Quarter (NE 1/4), Section 18, Township 146N, Range 33W, less previously annexed tracts.
4. That part of the Southeast Quarter (SE 1/4), Section 18, Township 146N, Range 33W, lying northeasterly of Trunk Highway 2 and 71.
5. That part of Section 20, Township 146N, Range 33W, lying northeasterly of US Trunk Highway 2 and 71.
6. Northwest Quarter (NW 1/4), Section 21, Township 146N, Range 33W.
7. North one-half of the North one-half of the Southwest Quarter (N 1/2 of N 1/2 of SW 1/4), Section 21, Township 146N, Range 33W, less previously annexed tracts.
8. South one-half of the Northeast Quarter (S 1/2 of NE 1/4), Section 22, Township 146N, Range 33W.
9. That part of the Southeast Quarter (SE 1/4), Section 22, Township 146N, Range 33W, lying northeasterly of the BNSF Railroad right-of-way.
10. That part of the Northeast Quarter (NE 1/4), Section 27, Township 146N, Range 33W, lying northeasterly of the abandoned former M&I Railroad right-of-way.

10 year - Phase 2

1. Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4), Section 1, Township 146N, Range 33W.
2. South one-half of the Southeast Quarter (S 1/2 of SE 1/4), Section 2, Township 146N, Range 33W.
3. Northeast Quarter (NE 1/4), Section 7, Township 146N, Range 33W.
4. South one-half of the Southwest Quarter (S 1/2 of SW 1/4), Section 7, Township 146N, Range 33W, less previously annexed tracts.
5. Northwest Quarter (NW 1/4), Section 14, Township 146N, Range 33W.
6. Southeast Quarter (SE 1/4), Section 21, Township 146N, Range 33W, less previously annexed tracts.
7. That part of the South one-half of the North one-half of the Southwest Quarter (S 1/2 of N 1/2 of SW 1/4), and the Southeast Quarter of the Southwest Quarter (SE 1/4 of SW 1/4), all in Section 21, Township 146N, Range 33W, lying northeasterly of Trunk Highway 2 and 71 bypass.
8. Southwest Quarter (SW 1/4), Section 22, Township 146N, Range 33W, less previously annexed tracts.

15 year - Phase 3

1. Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4), and the West one-half of the Southwest Quarter (W 1/2 of SW 1/4), all in Section 6, Township 146N, Range 33W.
2. Northwest Quarter (NW 1/4), and North one-half of the Southwest Quarter (N 1/2 of SW 1/4), all in Section 7, Township 146N, Range 33W.
3. Section 11, Township 146N, Range 33W, less previously annexed tracts.
4. West one-half (W 1/2) of Section 27, Township 146N, Range 33W, less previously annexed tracts.
5. That part of the Northeast Quarter (NE 1/4), Section 28, Township 146N, Range 33W, lying northeasterly of Trunk Highway 2 and 71.



REC'D BY
MBA

APR 09 2012

EXHIBIT C
Properties Proposed for Detachment
Bemidji Township

1. East one-half of the Southeast Quarter (E 1/2 of SE 1/4), Section 12, T146N, R33W.
2. South one-half of the Southwest Quarter (S 1/2 of SW 1/4), Section 12, T146N, R33W.
3. Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4), Section 12, T146N, R33W.
4. That part of the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4), Section 17, T146N, R33W, lying southwesterly of Trunk Highway 2 and 71.



REC'D BY
MBA

APR 09 2012

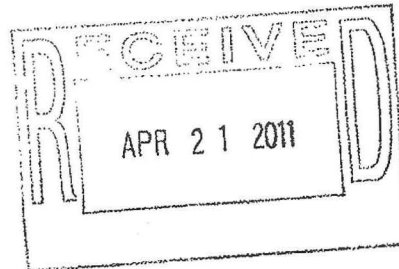
MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 361-7936

April 18, 2011



Mel Milender
Planning Administrator
Greater Bemidji Area Joint Planning Board
P.O. Box 1100
Bemidji, MN 56619


Re: OA-1117 Bemidji/Northern Township/Bemidji Township
(Joint Resolution No. 5655/2010-8/2010-7 amending
Joint Resolution No. 5189/04-04/04-29)

Dear Mr. Milender:

The Office of Administrative Hearings acknowledges receipt of the Joint Resolution No. 5655/2010-8/2010-7 amending Joint Resolution No. 5189/04-04/04-29 between the City of Bemidji, Northern Township, and Bemidji Township. Please refer to the above-referenced docket number in any future correspondence relating to this proceeding.

If you have any questions, please contact me or Star Holman at 651-361-7909 or star.holman@state.mn.us.

Sincerely,


Timothy J. O'Malley
Assistant Chief Administrative Law Judge
Municipal Boundary Adjustment Unit

TJO:kjl

c: Kay Murphy, Bemidji City Clerk (via E-mail)
Mary Israelson, Northern Township Clerk
Kathleen Paulson, Bemidji Township Clerk

BEMIDJI TOWNSHIP RESOLUTION NO. 2010-7
NORTHERN TOWNSHIP RESOLUTION NO. 2010-8
CITY OF BEMIDJI RESOLUTION NO. 5655

A JOINT RESOLUTION AMENDING THE ORDERLY ANNEXATION
AGREEMENT (OA-1117) ENTERED INTO BY THE COMMUNITIES IN 2004

WHEREAS, Bemidji Township, Northern Township, and the City of Bemidji (collectively the "Parties") entered into an orderly annexation agreement by joint resolution (Bemidji Township Resolution No. 04-29; Northern Township Resolution No. 04-04; City of Bemidji Resolution No. 5185) adopted in 2004 and filed in the Municipal Boundary Adjustments Unit of the Office of Administrative Hearings in February 2005 as document number OA-1117 (the "Orderly Annexation Agreement");

WHEREAS, the Parties have recognized a need to amend the Orderly Annexation Agreement in order to accommodate a sanitary sewer and water extension project that occurred in a portion of the designated area and the related special assessments being imposed as part of that project, to clarify the equalization of property tax rates on annexed properties, and adjust the property tax reimbursement payments to the Townships; and

WHEREAS, the Parties agree the following amendments are consistent with the original intent of the Orderly Annexation Agreement, they further the cooperative working relationship that has continued to develop among the Parties, and are in the best interests of the communities involved.

NOW, THEREFORE, BE IT RESOLVED, the Parties hereby amend the Orderly Annexation Agreement as follows:

Article I. Amending Section 4. Section 4, Paragraph C of Orderly Annexation Agreement is amended by adding the underlined language and deleting the ~~stricken~~ language as follows:

C. **Timing:** The OAA shall be annexed in phases as set forth below with the City filing an Annexation Resolution with Minnesota Planning (or its successor agency) at any time after the following:

- 1 Phase I property shall be ~~annexed~~ eligible for annexation after January 1, 2010 2012. Phase I property shall become eligible for annexation prior to that date if Northern Township files written notice with the City, which the Township shall not unreasonably withhold, informing it that the Township's process to impose special assessments for the extension of water and sanitary sewer services to certain properties within Phase I is completed and all applicable appeal periods have expired.

2. Phase II property shall be ~~annexed~~ eligible for annexation after January 1, 2015.
3. Phase III property shall be ~~annexed~~ eligible for annexation after January 1, 2020.

Upon receipt of an annexation Resolution as provided herein, Minnesota Planning may review and comment, but shall within thirty (30) days of receipt of said resolution and copy of this Joint Resolution, order the annexation of the area designated in the Annexation Resolution in accordance with the forms and conditions of this Joint Resolution. The City and Townships agree that no alteration of the stated boundaries as described in the Joint Resolution is appropriate, that no consideration by the Minnesota Planning is necessary and that all terms and conditions for annexation are provided for in this Joint Resolution. Upon receipt of the Annexation Order, the City shall provide a copy to the Beltrami County Auditor.

Article II. Amending Section 6. Section 6 of Orderly Annexation Agreement is amended by adding the underlined language and deleting the ~~stricken~~ language as follows:

6. Taxes:

- A. **Tax Levy Phase-in for property owners:** When property is annexed, the City shall proportionally equalize any difference that may exist between the tax rate of the City and the tax rate of the Township so that the owners of the property annexed will pay an increased phase-in tax rate in substantially equal proportions over a period of four (4) years for Phase I property and five (5) years for Phase II & III property to equality with the tax rate on property already within the City in the same tax classification. The equalization of tax rates shall begin in the first year the City levies property taxes on the annexed property and the proportionate increase in that first year shall be on top of the last tax rate imposed on the property by the Township. The City shall continue to apply the proportionate tax rate increase, with any adjustments as may be needed, so that the tax rate on properties annexed within Phase I are the same as the City's then current tax rate in the fifth (5th) year after the City begins levying property taxes on that property and the tax rate on properties annexed within Phase II & Phase III are the same as the City's then current tax rate in the sixth (6th) year after the City begins levying property taxes on that property.
- B. **Taxes to be Distributed to Townships:** OAA property annexed to the City shall retain the zoning classification(s) as legislated under the originating Township's zoning ordinance, unless and until reclassified by the City acting through the Greater Bemidji Area Joint Planning and Zoning Board or its successor planning and zoning agency. The City shall complete each phase of annexation prior to August 1st of the year of annexation, thereby enabling the City to levy against the annexed property in the year of annexation. However, in

regards to property tax distribution, in the year of annexation each Township shall retain 100% of the property taxes payable in the year of annexation (levied by the Township the previous year) which would have been distributed to the Township but for annexation. In the first year following the year of annexation, the City shall receive 100% of the property taxes payable in that year (levied by the City in the previous year) and shall then make a cash payment to each Township in an amount equal to 80% a percentage of the property taxes levied by the City against the annexed area within that Township in the year of annexation and for a period of years thereafter; in the second year, the City shall make a cash payment in an amount equal to 60% of the property taxes levied by the City in the year of annexation; in the third year an amount equal to 40%; and, finally, in the fourth year following the year of annexation, an amount equal to 20% of the property taxes levied by the City in the year of annexation. The percentage of property taxes levied on annexed property to be paid by the City to the Townships, and the period of years over which those payments are required to be made, shall be as established in the charts below. ~~Property tax redistribution will cease after the fourth calendar year following the year of annexation.~~ Payments shall be made twice a year within 30 days of receipt thereof.

TAX SHARING CHART FOR PHASE I PROPERTY

<u>Year of Annexation</u>	<u>Township Tax Receipt</u>
1 st Year	100% of Township property taxes in the year of annexation
2 nd Year	75 % of City property taxes levied in the year of annexation
3 rd Year	50% of City property taxes levied in the year of annexation
4 th Year	25% of City property taxes levied in the year of annexation
5 th Year and thereafter	0% of City property taxes levied in the year of annexation

TAX SHARING CHART FOR PHASE II & PHASE III PROPERTY

<u>Year of Annexation</u>	<u>Township Tax Receipt</u>
1 st Year	100% of Township property taxes in the year of annexation
2 nd Year	80% of City property taxes levied in the year of annexation
3 rd Year	60% of City property taxes levied in the year of annexation
4 th Year	40% of City property taxes levied in the year of annexation
5 th Year	20% of City property taxes levied in the year of annexation
6 th Year and thereafter	0% of City property taxes levied in the year of annexation

Article III. Intent. No annexations have occurred pursuant to the Orderly Annexation Agreement and the Parties intend these amendments to be incorporated into the agreement as if they were part of its original language. No other changes are intended to the language or effect of the Orderly Annexation Agreement.

Article IV. Effective Date. These amendments shall be effectively immediately upon its receipt

and acceptance by the Office of Administrative Hearings.

BE IT FINALLY RESOLVED, the staff of the Greater Bemidji Area Joint Planning Board is hereby authorized and directed to file this Resolution with the Municipal Boundary Adjustment Unit and to take such other steps as may be necessary to complete these amendments to the Orderly Annexation Agreement.

BEMIDJI TOWNSHIP

Adopted by the Town Board on this 16th day of March, ~~2010~~ 2011.


Town Chairperson

Attest: 
Town Clerk

NORTHERN TOWNSHIP

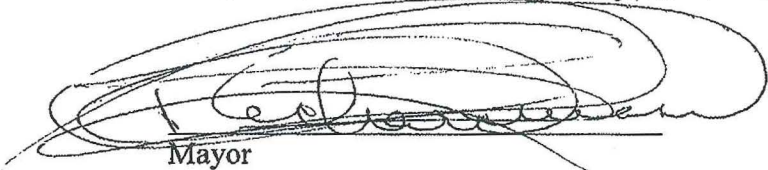
Adopted by the Town Board on this 13th day of December, 2010.

Ronald Hangeress
Town Chairperson

Attest: Mary Israelson
Town Clerk

CITY OF BEMIDJI

Adopted by the City Council on this 21st day of December, 2010.



Mayor



City Manager

Attest: Kay M. Murphy
City Clerk