

IN THE MATTER OF THE JOINT RESOLUTION OF THE TOWN OF PAYNESVILLE AND THE CITY OF PAYNESVILLE DESIGNATING AN UNINCORPORATED AREA WITHIN PAYNESVILLE TOWNSHIP AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE DEPARTMENT OF ADMINISTRATION, MUNICIPAL BOUNDARY ADJUSTMENTS BOARD PURSUANT TO M.S.A. 414.0325.

**JOINT RESOLUTION 2008-28
FOR ORDERLY ANNEXATION**

The Township of Paynesville and the City of Paynesville hereby jointly agree to the following:

1. The property in Paynesville Township described on Exhibit A attached hereto and incorporated herein by reference, is subject to orderly annexation pursuant to Minnesota Statute §414.0325 and the previous agreement of the parties hereto (RE: OA-1220, Joint Resolution 2005-38) and the parties hereto designate said area for orderly annexation, which area is legally described on Exhibit A attached hereto and incorporated herein by reference, consisting of 23.665 acres, more or less.

2. The Township of Paynesville does, upon the passage of this Resolution and its adoption by the City Council of the City of Paynesville, Minnesota, and upon acceptance by the Department of Administration, Municipal Boundary Adjustments Board, confer jurisdiction on the Department of Administration, Municipal Boundary Adjustments Board over the various provisions contained in this agreement.

3. That the property described on Exhibit A attached hereto abuts the City of Paynesville and is presently urban or suburban in nature or is about to become so. Further, the City of Paynesville is capable of providing services to this area within a reasonable time after annexation and annexation would be in the best interest of the area proposed to be annexed. Therefore, this property should be annexed to the City of Paynesville. The current population residing with the property described above is zero.

4. The effect of annexation on population shall be that the population of the area annexed pursuant to this Resolution shall be treated for all purposes as part of the population of the City of

Paynesville immediately upon approval of annexation by the Department of Administration, Municipal Boundary Adjustments Board.

5. The taxes due and or/delinquent on the date of annexation with regard to the above property remain the property of Paynesville Township. All taxes and assessments accrued after the date of annexation are the property of the City of Paynesville, subject only to the provisions of Paragraph 7 below. The City of Paynesville, upon annexation, becomes the owner or beneficiary of all roads, easements and rights of way, or other interests in property within the annexed area previously held by Paynesville Township and shall bear the responsibility associated with those rights.

6. Any person owning the land described on Exhibit A attached hereto shall have the following rights with regard to the payment of assessment and hook-up charges on projects previously completed by the City which may be assessable against said annexed property:

- a) Hook-up charges shall be payable upon hook-up to municipal services.
- b) Hook-up charges will be based on costs to the City determined by the City Council from time to time.
- c) Any assessment for existing improvements benefiting annexed properties shall be payable over the same number of years and at the same interest rate as the original project provided for.

The land in question is all owned by the City.

7. As to those lands which are annexed to the City pursuant to this agreement, of the base tax payable to the Township at the time of annexation, the following shall occur:

The Township shall receive 100% of the base tax until the annexed property has been serviced by municipal services, including City sewer and water, for up to a maximum of eight (8) years. If City services are installed on the annexed property after annexation, but prior to the expiration of the eight (8) year time period, then after the installation of City services, the Township shall receive 50% of base tax in

each year after the city services have been installed, through and including the eighth year after annexation. Thereafter, all taxes collected, if any, shall belong to the City of Paynesville.

It is anticipated by all parties that services here will be provided in 2008.

8. The parties hereto acknowledge that this Joint Resolution for Orderly Annexation has been triggered by a request from the owner of the parcel of property described above, which complies with the prior agreement entered into by and between the City of Paynesville and Paynesville Township and the City Council has agreed that annexation is desirable and that the City can provide the required services within two (2) years after the date of annexation.

9. No consideration by the Department of Administration, Municipal Boundary Adjustments Board is necessary. The Board may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Resolution.

10. Any alterations, variations, modifications or waivers of the provisions of this Joint Resolution for Orderly Annexation shall only be valid if they have been reduced to writing and signed by authorized representatives of the parties.

11. The provisions of this Joint Resolution for Orderly Annexation shall be deemed to be severable. If any part of this contract is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of the contract unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire contract with respect to either party.

The parties further agree to substitute for any invalid provision a valid provision that most closely approximates the economic effect and intent of the invalid provision.

12. This Joint Resolution for Orderly Annexation is the final expression of the agreement of the parties and the complete and exclusive statement of the terms agreed upon and shall supersede all prior

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negotiations, understandings and agreement. There are no representations, warranties or stipulations, either oral or written, not herein contained.

13. It is specifically acknowledged and understood that the parties are represented by and have available to them independent counsel. As a matter of convenience, one party to this agreement may have taken on the bulk of the task of drafting this agreement. This agreement shall not be construed against the drafting party merely because of its role in drafting this agreement.

CITY OF PAYNESVILLE

Passed and adopted by the City Council of the City of Paynesville this 8th day of October, 2008.

Attest:

Renee Eckerly
Renee Eckerly, City Administrator

Jeff Thompson
Jeff Thompson, Mayor

PAYNESVILLE TOWNSHIP

Passed and adopted by the Town Board of the Town of Paynesville this 28 day of July, 2008.

Attest:

Harold Wine
Town Clerk

Don C. Vietsch
Chairman



EXHIBIT A

The Northwest Quarter of the Southeast Quarter (NW ¼ SE ¼), Section 16, Township 122, Range 32, Stearns County, Minnesota.

LESS AND EXCEPT:

A part of the Southeast Quarter (SE ¼) of Section Sixteen (16), Township One Hundred Twenty-two (122) North, Range Thirty-two (32) West, Stearns County, Minnesota, described as follows: Beginning at the center of said Section 16; thence along the North line thereof East 50.0 feet to the right of way line of Minn. T.H.#124; thence along said highway right of way line South 488.2 feet to the point of beginning of the tract herein described; thence East 300.0 feet; thence South 180.0 feet; thence West 300.0 feet to the East 50 foot right of way line of Minnesota Trunk Highway #124; thence along said highway right of way line North 180.0 feet to point of beginning, Stearns County, Minnesota.

AND LESS AND EXCEPT:

A part of the Southeast Quarter (SE ¼) of Section Sixteen (16), Township One Hundred Twenty-two (122) North, Range Thirty-two (32) West, described as follows: Beginning at the center of said Section 16; thence along the North line thereof East 50.0 feet to the right of way line of Minn. T.H. #124; thence along said highway right of way line South 308.20 feet to the point of beginning of the tract herein described; thence East 300.00 feet; thence South 180.00 feet; thence West 300 feet to the East 50 foot right of way line of Minnesota Trunk Highway #124; thence along said highway right of way line North 180.00 feet to point of beginning, Stearns County, Minnesota.

AND LESS AND EXCEPT:

A part of the Northwest One Quarter of the Southeast One Quarter (NW ¼ SE ¼) of Section Sixteen (16), Township One Hundred Twenty-two (122) North, Range Thirty-two (32) West, Stearns County, Minnesota, described as follows, to-wit: Commencing at a point which is six hundred sixty-eight and two-tenths (668.2) feet due South of, and three hundred ten (310) feet due East of the Northwest corner of the Northwest One Quarter of the Southeast One Quarter (NW ¼ SE ¼) of said Section Sixteen (16); thence due East One Hundred Fifty-one (151) feet; thence due South five hundred eighty-two and forty-three hundredths (582.43) feet to the centerline of Township Road as now existing; thence North 87°37' West along the centerline of said Township road one hundred fifty-one and thirteen hundredths (151.13) feet; thence due North five hundred seventy-six and fifty-five hundredths (576.55) feet to the point of beginning of the tract herein described.

AND LESS AND EXCEPT:

A part of the Southeast Quarter (SE ¼) of Section Sixteen (16), Township One Hundred Twenty-two (122), Range Thirty-two (32), described as follows: Commencing at a point on the Easterly 50 foot right of way line of Minnesota Trunk Highway #4, which point is 668.2 feet due South of, and 50 feet due East of the center of Section Sixteen (16) thence due East 260 feet; thence due South 576.55 feet to the center of Township Road; thence North 87°37' West along the centerline of Township Road 260.23 feet to the Easterly 50 foot right of way line of Minnesota Trunk Highway #4; thence North along said right of way line 565.73 feet to the place of beginning. Tract contains 3.41 acres, more or less, and said tract being subject to 33 foot right of way road along the South line thereof.

ALSO LESS: That part of the NW ¼ SE ¼ of Section 16, Township 122, Range 32, described as follows: Commencing at the center of Section 16, Township 122, Range 32; thence due East 50 feet; thence due South 668.2 feet; thence due East 411 feet to the point of beginning; thence due East 375 feet; thence due South 588 feet to the center of Township Road No. 34; thence Westerly 375.5 feet along the centerline of Township Road No. 34; thence due North 582.43 feet to the point of beginning of the tract herein described.

ALSO LESS: All that part of the NW ¼ SE ¼ of Section 16, Township 122, Range 32, which lies to the South and West of the centerline of Stearns County Road No. 34.

Said parcel containing 23.665 acres, more or less.

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CERTIFICATE OF ADMINISTRATION

I, Renee Eckerly, the duly appointed, qualified and acting Administrator of the City of Paynesville, do hereby certify that the records of the City Council indicate that the attached Resolution is a true and correct copy of said Resolution of the City of Paynesville.

That present at the meeting were the following council members:

Jeff Thompson, Gene Beavers, Jeff Bertram, Tom Lindquist, and Jean Soine.

The following members were absent: None

The vote with respect to the Resolution was as follows:

All in favor of the Resolution.

None against the Resolution.

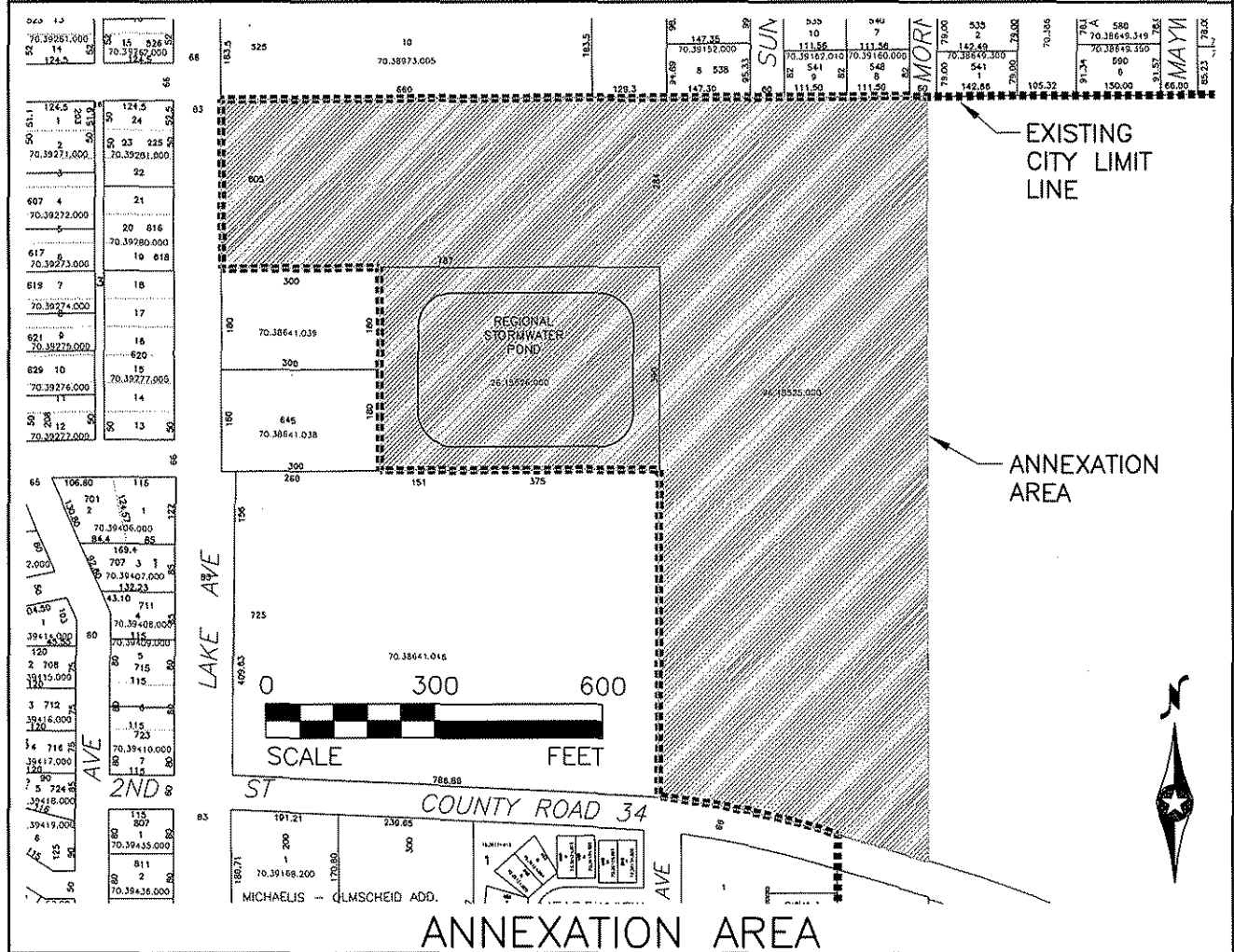
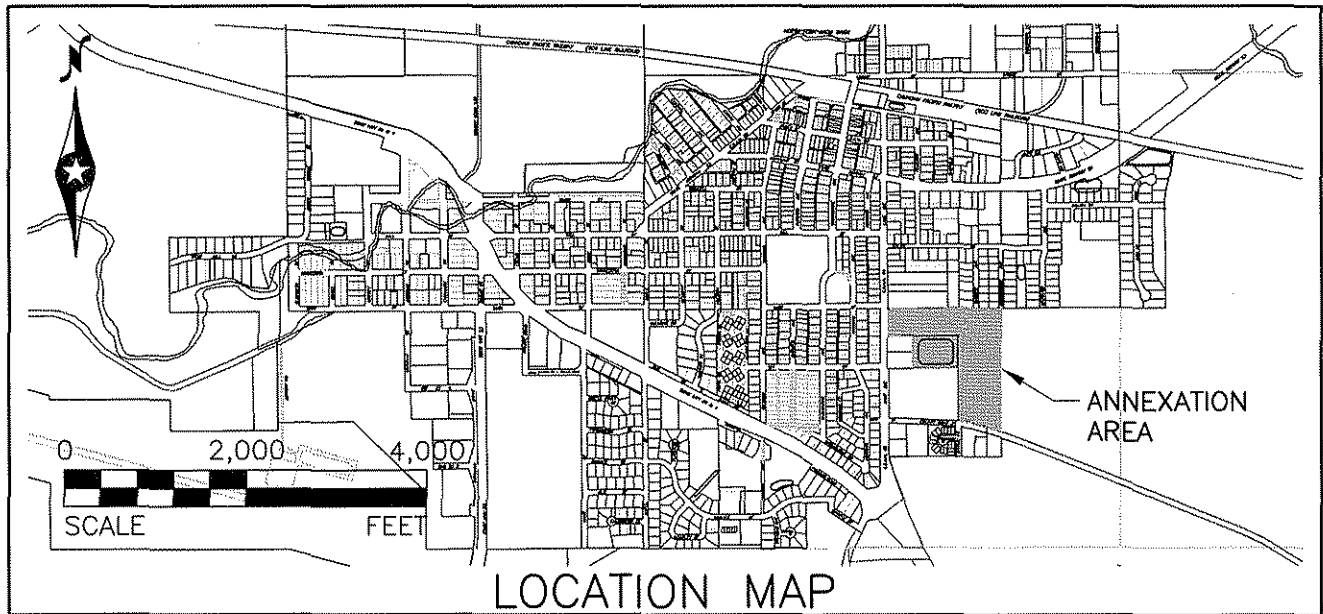
None abstained from voting.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 8th day of October, 2008.

Renee Eckerly
Renee Eckerly, City Administrator
City of Paynesville

ATTEST:

Jeff Thompson
Jeff Thompson, Mayor
City of Paynesville



BOLTON & MENK, INC.
Consulting Engineers & Surveyors

MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN WILLMAR, MN
BURNSVILLE, MN CHASKA, MN RAMSEY, MN AMES, IA

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CITY OF PAYNESVILLE
ANNEXATION EXHIBIT
LOCATION MAP

NOVEMBER, 2008

FIGURE NO.1