

✓ OA-125

MAY 17 1977

JOINT RESOLUTION AS TO ORDERLY ANNEXATION
CITY OF GAYLORD - DRYDEN AND SIBLEY TOWNSHIPS

WHEREAS, the City of Gaylord, Town of Dryden and Town of Sibley, Sibley County, Minnesota, are in agreement as to the Orderly Annexation of certain lands described herein for the purpose of orderly, planned growth; and

WHEREAS, such orderly and planned growth is of benefit to the City of Gaylord, the Township of Dryden and Township of Sibley; and

WHEREAS, the parties hereto desire to set forth such terms of Orderly Annexation by means of this Resolution,

NOW, THEREFORE, be it resolved by the City of Gaylord, Township of Dryden and Township of Sibley as follows:

1. That the following described area in Dryden Township and Sibley Township is properly subject to Orderly Annexation under and pursuant to Minnesota Statutes 414.032, and the parties hereto do hereby designate this areaas in need of Orderly Annexation as provided by statute:

- Government Lots 1 and 2, Southwest Quarter and West Half of the Southeast Quarter, all in Section 27;
- all of Section 28 and 29;
- the East Half of the Southwest Quarter and the Southeast Quarter Section 31;
- all of Section 32;
- all of Section 33 except the Southeast Quarter thereof;
- the West Half of the Northwest Quarter of Section 34;
- all of the above located in Dryden Township, Township 113 North, Range 28 West, Sibley County, Minnesota.

- Also:
- the West Half of the Northwest Quarter of Section 4;
- the Northeast Quarter and the Northwest Quarter of Section 5;
- all of the above located in Sibley Township, Township 112 North, Range 28 West, Sibley County, Minnesota.

Excepting from all of the above described real estate the land located within the present City limits of the City of Gaylord.

And further, that the Township of Dryden and Township of Sibley do, upon passage of this resolution and its adoption by the City Council of Gaylord, confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish said Orderly Annexation in accordance with the terms of this Resolution.

2. No annexations shall take place anywhere within the area designated as in need of Orderly Annexation unless the area involved is or is about to become urban or suburban in character and unless the City has available and may be capable of providing municipal services such as water, sanitary sewer and storm sewers.

3. On any property annexed to the City pursuant to this Resolution, the mill levy of the City for the area annexed will be increased from the township mill levy in substantially equal proportions over a period of three to five years to

equality with the mill levy on the property already within the City, as follows: The township mill rate for the first year after annexation will be subtracted from the City mill rate for the first year after annexation and the difference will be divided by the number of years; this amount will be added each year to the township mill rate for the first year after annexation until equality with the city mill rate is reached. For this purpose any increases in the city mill rate will be added to the total but any increases in the township mill levy will not. (see illustration I). The Minnesota Municipal Commission shall determine the exact time period on the basis of the time required to effectively provide full municipal services to the area.

4. That in the case of annexation of developed property, the City agrees to compensate the townships for lost tax revenue over a five-year period to ease the financial adjustment burden on the remainder of the township. Cash payments will be made to the townships based on the assessed value of the annexed properties as of the date of annexation as applied to the townships mill rate for the year of payment, in accordance with the following schedule:

<u>Year After Actual Annexation</u>	<u>Percent of Above Computed Tax to Be Returned to the Townships</u>
1	100%
2	80%
3	60%
4	40%
5	20%

Payments are to be made semi-annually and within thirty days after receipt of revenues from the county treasurer. (see illustration II.)

5. Unless and until a further orderly annexation resolution is negotiated, the City of Gaylord will not attempt any annexations outside of the orderly annexation area for twenty years unless there is an unanimous petition of the landowners involved.

6. The City of Gaylord shall have full power of planning and zoning within the orderly annexation area. Notice shall be sent to the chairman of the township involved on any zoning hearing regarding property (1) in the orderly annexation area and (2) not yet annexed to the City.

7. The said Orderly Annexation Commission shall review this Joint Orderly Annexation Resolution at least once every calendar year.

8. If at any time an involved unit of government fails to honor any portion of this agreement, or if there is a breach of contract, the Minnesota Municipal Commission shall make a decision as to the validity of the annexation agreement.

The Minnesota Municipal Commission shall have the option of declaring the agreement void and shall terminate its provisions. If all involved units of government mutually agree to discontinue this annexation agreement, a joint resolution terminating the agreement shall be adopted. At the time of adoption of the resolution, the orderly annexation agreement shall be considered void.

9. In the annexations within the orderly annexation area, the parties agree to the following divisions of financial assets and obligations:

a. Per Capita Aids

The Municipal Commission will determine the ratio of the population annexed to the total population of the Town on the date of its order. This ratio will be further modified by the proportion of the year remaining in which the annexation takes place. This modified ratio shall be applied to all quarterly or other subsequent payments of state per capita aids to the Town and divide the payment accordingly. Per capita aids received by the Town in the year of annexation, prior to the date of annexation, would be shared by the same modified ratio as explained above.

Unless and until the entitlement of the Town to federal revenue sharing aids is adjusted pursuant to federal regulations relating to boundary changes (31 CFR Section 51.23), the Town agrees to apply the above determined modified population ratio to any federal revenue sharing checks received and to forward the City portion within thirty (30) days of receipt of the funds.

b. Town General Funds and Other Assets

The City agrees not to apply for any division of the Town's General Funds or other assets.

10. Should any section or provision of this agreement be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the agreement as a whole or any part thereof other than the part so declared to be invalid.

11. That it is agreed and understood by the parties that the terms of this joint Resolution will not take effect until they have been approved by the Minnesota Municipal Commission in the form approved by the City and the Townships.

CITY OF GAYLORD:

Passed and adopted by the Gaylord City Council this 4th day of MAY, 1977.

ATTEST: Mark Schuster By Lee K Lick

TOWNSHIP OF DRYDEN:

Passed and adopted by the Dryden Township Board this 12 day of May, 1977.

ATTEST: Ray Sylvestre By Willmer Schwarzsok

TOWNSHIP OF SIBLEY:

Passed and adopted by the Sibley Township Board this 5 day of May, 1977.

ATTEST: Howard M. Hanson By Karl S. Johnson

Attached: map indicating present City boundary and Orderly Annexation boundary.

