

Updated 7/13/06

Henrietta Township Resolution No. 06- 05
City of Park Rapids Resolution No. 06- 140

In The Matter Of The Joint Resolution Of The City Of Park Rapids And The Town Of Henrietta Designating Certain Areas As In Need Of Orderly Annexation Pursuant To Minnesota Statutes, Section 414.0325	Joint Resolution for Orderly Annexation
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WHEREAS, The City of Park Rapids ("City") and the Township of Henrietta ("Township") 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 Township 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 Township 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 Township 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");

NOW, THEREFORE BE IT RESOLVED by the City of Park Rapids, Hubbard County, Minnesota, and the Township of Henrietta, Hubbard County, Minnesota, as follows:

1. **Filing of Joint Resolution:** Upon execution by the respective governing bodies of the City and Township, the City shall file this Joint Resolution with the Office of Administrative Hearings – Municipal Boundaries Adjustment Office, with the requisite filing fee contained in Minnesota Rules, part 6000.3400.
2. **Designation of Orderly 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 and this Joint Resolution. The OAA is legally described in Exhibit A and depicted on the Boundary Map marked as Exhibit B, both exhibits being attached hereto and incorporated herein by reference. 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 Office of Administrative Hearings, 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 the Office of Administrative Hearings as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution.

Acreage. The Township and City agree that the OAA legally described in Exhibit A and designated as in need of orderly annexation is approximately 1217 acres.

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

4. **Annexation 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 approximately ten (10) years from the effective date of this Joint Resolution as specified in paragraph 4.B. below. The Township 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 and orderly annexation as envisioned by the Joint Resolution would benefit the Township by phasing the impact of lost tax base on the remaining Township's 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 four (4) phases as legally described in Exhibit A.

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

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

1. Phase I property shall be annexed after January 1, 2007.
2. Phase II property shall be annexed after January 1, 2009.
3. Phase III property shall be annexed after January 1, 2012.
4. Phase IV property shall be annexed after January 1, 2017.

Upon receipt of an annexation Resolution from the City as provided herein, the Office of Administrative Hearings (or its successor agency) may review and comment thereon, but shall within thirty (30) days of receipt of said Annexation 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 Township agree that no alteration of the stated boundaries as described in the Joint Resolution or

Annexation Resolution is appropriate, that no consideration by the Office of Administrative Hearings is necessary and that all terms and conditions for annexation of the area legally described in the Annexation Resolution are provided for in this Joint Resolution. Upon receipt of an Annexation Order from the Office of Administrative Hearings for annexation of each phase of annexation identified in paragraph 4.B above, the City shall provide a copy thereof to the Hubbard County Auditor.

5. **Annexation Prohibition:** The City will not annex, attempt to annex, or support the annexation of any land located outside the OAA for ten years from the effective date of this resolution except by mutual agreement of the parties hereto. 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 the Township:** 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 the 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. For the five (5) years following the year of annexation, the City shall make a cash payment in each of these years to the Township within thirty (30) days of receipt of payment in an amount equal to the amount the Township received from property taxes in the year of annexation.

TAX SHARING CHART

Year of Annexation	Township Tax Receipt
1 st Year	100% of the township taxes levied in the year of annexation
2 nd Year	100% of the township taxes levied in the year of annexation
3 rd Year	100% of the township taxes levied in the year of annexation
4 th Year	100% of the township taxes levied in the year of annexation
5 th Year	100% of the township 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 Township, will be collected by the City under its assessment collection procedure and such payments will be reimbursed or paid to the Township for an appropriate levied assessment until said assessments are paid in full to the extent a covered property has been benefited by an improvement for which an assessment was levied by the Township in an area annexed by the City. The Township will provide the City such information as is necessary to ensure the recovery of assessments. The City will

reimburse the Township, to the extent it receives assessments, 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.

In the event the City agrees to extend municipal sewer and/or water service to properties in the area to be annexed, the township agrees to cooperate with the City in the assessment process. Also, the Township shall notify the City, prior to the establishment of assessments, of any reasonable administrative costs that the Township incurs as part of this process. The Township shall be reimbursed for these reasonable administrative costs. Reimbursement shall be made within thirty (30) days upon receipt.

The Township and City shall discuss capital improvement project plans that may impact areas adjacent to or within the OAA and may negotiate subsequent agreements providing for the sharing of 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 to the extent such services are needed in the judgment of the City or have been requested by property owners. 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 upon annexation.

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 "City of Park Rapids Special Assessment Policy" adopted by the Park Rapids City Council on June 11, 2002. The parties 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 Henrietta Town Board before any formal action to revise the policy manual is considered by the City Council. Proposed revision(s) shall be submitted to Henrietta Township a minimum of sixty (60) days prior to any scheduled formal decision by the Council. The Council will give serious consideration to the recommendations of the Henrietta Town Board. The sanitary sewer and water provision policies 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.

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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 borne by each for the maintenance of the line road. Line road agreements shall be subject to approval by each affected jurisdiction's governing body.

Township maintenance of services. The Township agrees that it will be responsible for normal and regular maintenance of all township roads, streets, bridges, drainage facilities and other public rights of way that it is currently maintaining within the OAA prior to annexation thereof. Maintenance of Township infrastructure within the designated OAA by the Township shall be consistent with other standard maintenance practices employed by the Township elsewhere in the Township.

9. **Planning and Zoning in the Areas to be Annexed.** In accordance with Minnesota Statutes § 414.0325, Subd. 5(d)1, the Township hereby gives authorization to the City to extend its zoning and subdivision regulations to the entire OAA area designated herein for orderly annexation. In order to develop modifications to the City's Comprehensive Plan, zoning ordinance and subdivision regulations to cover this area, a Task Force of City and Township representatives will be formed to guide the process. This Task Force shall make recommendations to the Park Rapids City Council. Before these amendments are adopted by the City, the Township shall approve the amendments. OAA property shall retain the zoning classification(s) as set forth under the Township's zoning ordinance, until reclassified by the City. The amendments to the City's Plan, Zoning Ordinance and Subdivision Regulations that have been approved by the Township shall be adopted by the City no later than April 1, 2007.

In the event an agreement has not been passed on changes to the City's Comprehensive Plan and ordinances by April 1, 2007, then this resolution hereby establishes a joint board to exercise planning and land use control authority within any area designated as an orderly annexation area pursuant to this section, in the manner prescribed by section 471.59, subdivisions 2 to 8, inclusive. This Board shall adopt a plan, and ordinances in the area to be annexed no later than October 1, 2007.

10. **State Building Code.** In accordance with Minnesota Statutes Section § 16B.62, Subd. 1, the Township hereby gives the City permission to extend the enforcement of the State Building Code to the entire OAA area designated herein for orderly annexation. The City will commence with the enforcement of the State Building Code on the day this agreement takes effect.

11. **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 IV 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

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Joint Resolution may be terminated earlier by mutual, written joint resolution of the City and Township. Similarly, this Joint Resolution also may be amended or changed upon mutual, written agreement of all the parties hereto. 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.

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

13. **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 Township agree to implement the procedures under Paragraph 16 to correct any such provision that was stricken.

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

15. **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 Township.

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

A. **Negotiation:** Representatives of the City and Township 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 or the parties are unable to agree on a mediator, 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

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reasonable attorney fees, costs and expenses to a party found to be in violation of the terms of this agreement.

17. **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.

Exhibit A

Legal Descriptions of Annexation Areas

Phase I

(2007) All those un-annexed parcels located in the South Half (S ½) of Section Nineteen (19), Township One Hundred Forty (140), Range Thirty-four (34) lying West of the East line of the West 525 feet of the West Half of the Southeast Quarter (W ½ SE ¼) and North of State Highway 34,

AND

All those un-annexed parcels located in the North Half of the Northwest Quarter (N ½ NW ¼) of Section Thirty (30), Township One Hundred Forty (140), Range Thirty-four (34) lying immediately North and adjacent to the plat of Green Acres.

Phase II

(2009) All that part of the South Half of Section Nineteen (19), Township One Hundred Forty (140), Range Thirty-four (34) lying South of State Highway 34,

AND

The Southeast Quarter (SE ¼) of Section Nineteen (19), Township One Hundred Forty (140), Range Thirty-four (34), EXCEPT the West 525 feet thereof lying North of State Highway 34 and EXCEPT the North Half of the Northeast Quarter of the Southeast Quarter (N ½ NE ¼ SE ¼) thereof.

Phase III

(2012) The North Half of the Northeast Quarter of the Southeast Quarter (N ½ NE ¼ SE ¼) of Section Nineteen (19), Township One Hundred Forty (140), Range Thirty-four (34),

AND

The North Half of the Northwest Quarter (N ½ NW ¼) of Section Thirty, Township One Hundred Forty (140), Range Thirty-four (34) (including the Plat of Green Acres, but not excepting those parcels previously annexed),

AND

The North Half of the Northeast Quarter (N ½ NE ¼) of Section Thirty, Township One Hundred Forty (140), Range Thirty-four (34),

AND

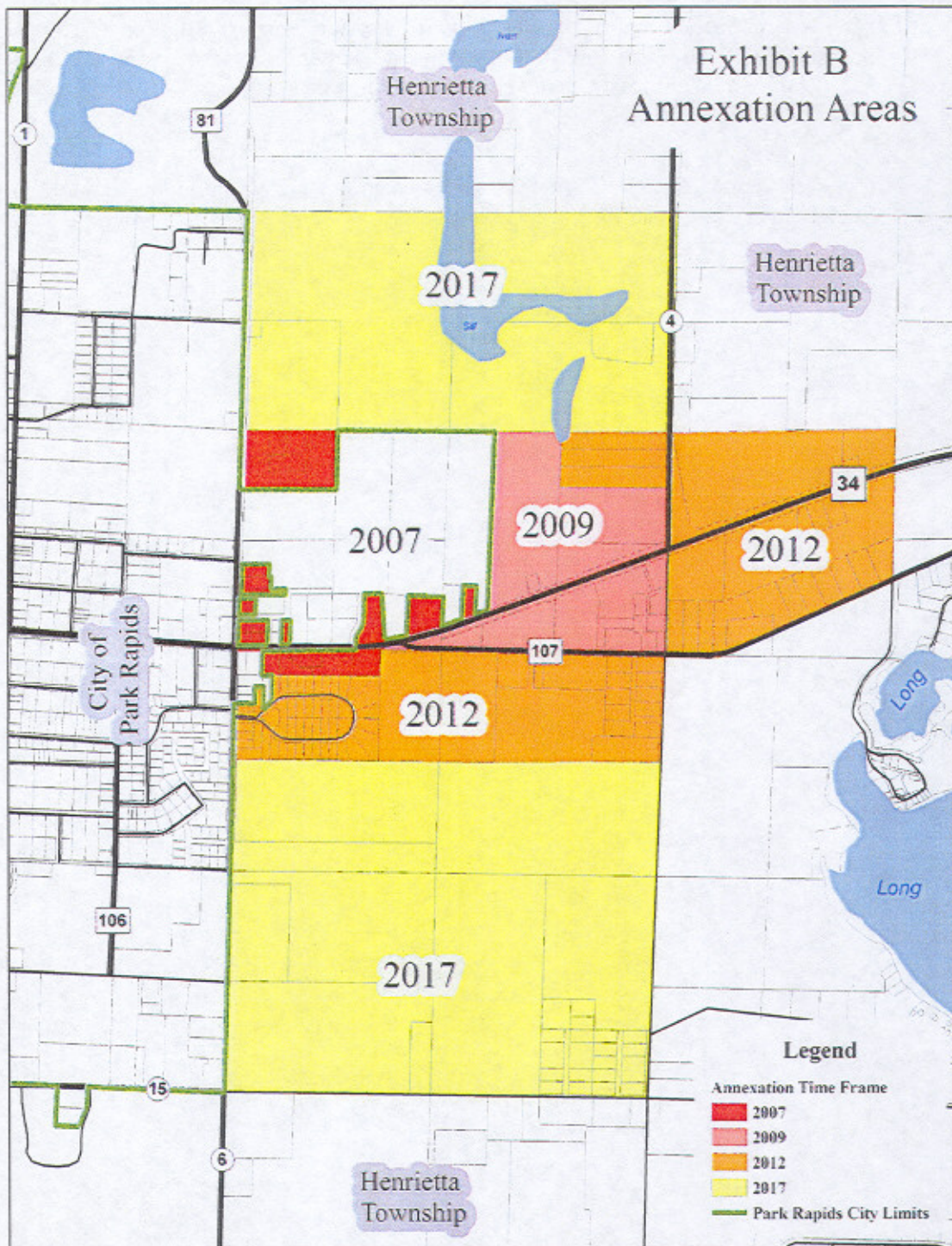
The Southwest Quarter (SW ¼) of Section Twenty (20), Township One Hundred Forty (140), Range Thirty-four (34), EXCEPT those parts lying Southerly of County Road 107

Phase IV

(2017) All of Section Thirty, Township One Hundred Forty (140), Range Thirty-Four (34), EXCEPT the North Half of the Northwest Quarter ($N \frac{1}{2} NW \frac{1}{4}$) and EXCEPT the North Half of the Northeast Quarter ($N \frac{1}{2} NE \frac{1}{4}$) thereof,

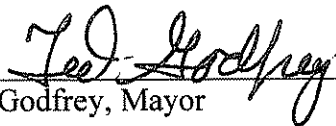
AND

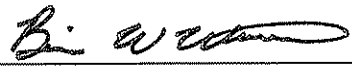
The North Half ($N \frac{1}{2}$) of Section Nineteen (19), Township One Hundred Forty (140), Range Thirty-Four (34).



City Of Park Rapids, Minnesota

ADOPTED by the City Council of the City of Park Rapids this 25th day of
July, 2006.


Ted Godfrey, Mayor


Brian Weuve, City Administrator

ATTEST:



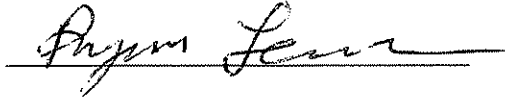
Margie Vik, City Clerk

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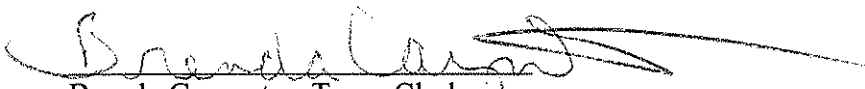
Henrietta Township, Minnesota

ADOPTED by the Township Board of Supervisors for the Township of Henrietta this
27th day of July, 2006.



Ryan Leckner, Town Board Chair

ATTEST TO:


Brenda Carpenter, Town Clerk

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OA-1288 Park Rapids/Henrietta Township Joint Agreement

**Henrietta Township Resolution No. 2007-02
City of Park Rapids Resolution No. 2007-131**

In The Matter Of The Joint Resolution Of
The City Of Park Rapids And The Town Of
Henrietta Designating Certain Areas As In
Need Of Orderly Annexation Pursuant To
Minnesota Statutes, Section 414.0325

**Amendment to
Joint Resolution for
Orderly Annexation**

WHEREAS, the City of Park Rapids (hereinafter the "City") and Henrietta Township (hereinafter the "Township") entered into a Joint Resolution for Orderly Annexation, dated July 27, 2006 (hereinafter referred to as the "Joint Agreement"), describing the procedures and process for orderly annexations of certain designated areas of the Township, referred to as the "Orderly Annexation Area" (the "OAA"), for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, section 414.0325; and

WHEREAS, the Joint Agreement was filed with the Office of Administrative Hearings Municipal Boundary Adjustments Office (hereinafter "OAH-MBAO") and is referenced as Office of Administrative Hearings File No. OA-1288 Park Rapids/Henrietta Township Joint Agreement by OAH-MBAO; and

WHEREAS, the Joint Agreement is attached hereto and incorporated herein by reference as Exhibit (herinafter "Exh.") A; and

WHEREAS, the Joint Agreement, provides, in part, that the City and Township agree that the City shall extend its zoning and subdivision regulations within the OAA (Exh. A ¶ 9) following execution of the Joint Agreement; and

WHEREAS, it was the intent of the parties to the Joint Agreement that the extension of the above-mentioned land use controls would be in accordance with Minnesota Statutes, section 414.0325, subd. 5(d)(1), which requires Hubbard County (hereinafter the "County") to agree to the extension of such land use controls within the OAA, based on the understanding of the City and Township at the time that the County would not needlessly and without basis withhold its third party approval of the City's and Township's agreement for the extension of City land use controls within the OAA (See Exh. A ¶ 9); and

WHEREAS, the County, as of the date of this joint resolution, has failed to agree to the extraterritorial extension of the above-mentioned land use controls by the City pursuant to the Joint Agreement resulting in the City and Township not being able to move forward with their mutual agreements and understandings as contained in the Joint Agreement; and

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WHEREAS, Minnesota Statutes, section 414.0325, subd. 5(a) specifically provides for an alternate procedure to section 414.0325, subd. 5(d)(1) for the extension of land use controls that conforms with and is consistent with the mutual intent, agreements and understandings of the City and Township contained in the Joint Agreement notwithstanding the acts or omissions of the County with respect thereto; and

WHEREAS, the City and Township have express statutory authority pursuant to Minnesota Statutes, section 414.0325, subd. 5(a) and Minnesota Statutes, section 471.59 to exercise planning and land use control authority in accordance with Minnesota Statutes, sections 462.351 to 462.364 within the designated OAA stated in the Joint Agreement without any agreement or involvement required from the County; and

WHEREAS, the City has adopted the Task Force recommended amendments to its comprehensive plan, zoning ordinances, and subdivision regulations for application within the designated OAA as provided for in the Joint Agreement; and

WHEREAS, the Joint Agreement may be modified and amended upon the mutual, written agreement of the City and Township (See Exh. A ¶ 11); and

WHEREAS, the City and Township hereby desire to modify and amend the Joint Agreement as provided herein in the best interests of the community and in keeping with the stated intent and purpose and mutual agreements and understanding contained in the Joint Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Board of Supervisors of the Township of Henrietta, Hubbard County, Minnesota, and the City Council of the City of Park Rapids, Hubbard County, Minnesota, as follows:

1. This joint resolution between the City and Township shall modify and amend the above-referenced Joint Agreement as provided herein and shall be referred to as the "Amendment to Joint Agreement."
2. Pursuant to Minnesota Statutes, sections 414.0325, subd. 5(a), and 471.59, and notwithstanding Paragraph 9 or any other provision of the Joint Agreement, the parties agree as follows:
 - a. The City and Township hereby establish a board to exercise planning and land use control authority within the OAA (hereinafter the "Board");
 - b. The City and Township agree the City Council shall constitute the Board and the Township hereby delegates and transfers to the Board all duties and responsibilities to carry out planning and zoning activities within the OAA;
 - c. The Board shall have all of the powers contained in Minnesota Statutes, Sections 462.351 to 462.364 within the OAA, subject to the terms and conditions of the Amended Joint Agreement;

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- d. The Board shall be solely responsible for administering and enforcing the City's official controls, as amended to apply within the OAA, utilizing the City's planning agency, staff, and following the same procedures as if the OAA was within the City. The City agrees to defend, indemnify, and hold the Township, its officers, employees, and agents, harmless for any and all claims, liability, loss, damages, and costs, including attorney fees, arising out of or by reason of any act or omission of the Board or City in implementing or carrying out any planning and zoning activities within the OAA;
 - e. Without limiting the ability of the Board to amend its comprehensive plan or official controls, it is the intent of the parties that any changes made to those portions of the plan or official controls amended specifically to apply within the OAA and relating to unsewered areas and the R1-A Single-Family Residential in Annexation Area District will, to the extent practicable and as determined by the Board, continue to reflect the original adopted recommendations of the Task Force for unsewered areas and the R1-A Single-Family Residential in Annexation Area District. The Board shall provide the Township written notice at least 15 days before a hearing of any proposed amendments to the plan or official controls directly affecting the OAA with respect to the above-identified districts. The Township Board may provide the Board written comments on the proposed amendment, including whether the proposed amendment constitutes a substantial deviation from the original recommendations of the Task Force prior to the Board's hearing on the matter. The Board shall consider the Township's comments and recommendations in determining the need for the proposed amendment and whether it would constitute a substantial deviation; and
 - f. Nothing in the Joint Agreement or this Amendment to Joint Agreement shall be construed as constituting agreement, permission or authority from the Township for the City to extend application of its zoning ordinances, subdivision regulations, the building code, or any other authority outside the limits of the City except within the OAA as expressly provided for in the Joint Agreement as amended.
3. This Amendment to Joint Agreement is not subject to the notice, publication and informational meeting requirements of Minnesota Statutes, sections 414.0325, subd. 1b or 414.0333 because the Joint Agreement, Exhibit A, previously designated the OAA.
 4. This Amendment to Joint Agreement is effective the date of the latest signature and attestation affixed hereto.
 5. Upon adoption and execution of this Amendment to Joint Agreement by the Township and City, the City shall thereafter and as soon as practicable, file the same with the Township and the OAH-MBAO along with any applicable filing fee.

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6. This Amendment to Joint Agreement shall hereby modify and amend the Joint Agreement. It is the intent of the parties hereto that this Amendment to Joint Agreement be read together with the Joint Agreement, but shall supersede the Joint Agreement only to the extent that any term or condition in the Joint Agreement is inconsistent or in conflict with this Amendment to Joint Agreement. This Amendment to Joint Agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.

City of Park Rapids, Minnesota

Passed, adopted, and approved by the City Council of the City of Park Rapids, Hubbard County, Minnesota, this 12th day of June, 2007.

CITY OF PARK RAPIDS

By: Nancy Carroll
Nancy Carroll, Mayor

ATTEST:

By: Margie Vilk
Margie Vilk, City Clerk

Henrietta Township, Minnesota

Passed, adopted, and approved by the Township Board of Supervisors for the Township of Henrietta, Hubbard County, Minnesota, this 14th day of June, 2007.

HENRIETTA TOWNSHIP

By: Ryan Leckner
Ryan Leckner, Town Board Chair

ATTEST:

By: Brenda Carpenter
Brenda Carpenter, Town Clerk

EXHIBIT A

Joint Resolution for Orderly Annexation Between the City of Park Rapids and Township of Henrietta, dated July 27, 2006 – Office of Administrative Hearings File No. OA-1288 Park Rapids/Henrietta Township.

**HENRIETTA TOWNSHIP RESOLUTION NO. 2011-05
CITY OF PARK RAPIDS RESOLUTION #2011-126**

In The Matter Of The Joint Resolution Of
The City Of Park Rapids And The Town Of
Henrietta Designating Certain Areas As In
Need Of Orderly Annexation Pursuant To
Minnesota Statutes, Section 414.0325

**Second Amendment to
Joint Resolution for
Orderly Annexation**

WHEREAS, the City of Park Rapids (hereinafter the "City") and Henrietta Township (hereinafter the "Township") (collectively the "Parties") entered into a Joint Resolution for Orderly Annexation (Henrietta Township Resolution No. 06-05 and City of Park Rapids Resolution No. 06-140), dated July 27, 2006 (hereinafter referred to as the "Joint Agreement"), describing the procedures and process for orderly annexations of certain designated areas of the Township, referred to as the "Orderly Annexation Area" (the "OAA"), for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, section 414.0325; and

WHEREAS, the Joint Agreement was filed with the Office of Administrative Hearings Municipal Boundary Adjustments Unit (hereinafter "OAH-MBAU") on August 16, 2006 and is referenced as Office of Administrative Hearings File No. OA-1288 Park Rapids/Henrietta Township Joint Agreement by OAH-MBAU; and

WHEREAS, the Joint Agreement is incorporated herein by reference; and

WHEREAS, the Parties subsequently amended the Joint Agreement by a joint resolution (Henrietta Township Resolution No. 2007-02 and City of Park Rapids Resolution No. 2007-131), dated June 14, 2007, (hereinafter referred to as the "First Amendment to Joint Agreement"), and filed with OAH-MBAU on June 15, 2007; and

WHEREAS, the First Amendment to Joint Agreement is incorporated herein by reference; and

WHEREAS, the Joint Agreement may be modified and amended upon the mutual, written agreement of the City and Township (See Joint Agreement ¶ 11); and

WHEREAS, the Joint Agreement divides the land designated for orderly annexation into four phases and establishes a date after which the property within each of the phases becomes eligible for annexation (See Joint Agreement ¶ 4 and Joint Agreement Exhibits A and B); and

WHEREAS, the Parties desire to amend the Joint Agreement to extend the date after which a certain portion of the Phase III property identified herein shall be annexed from after January 1, 2012 to after January 1, 2017; and

WHEREAS, the Phase III property to which this amendment relates is limited to the portion of Phase III lying to the east of County Highway 4 and north of County Road 107 as shown on the map attached hereto as Exhibit A, which is incorporated herein by reference, and which is more particularly described as follows (hereinafter referred to as the "Identified Property"):

The Southwest Quarter (SW1/4) of Section Twenty (20), Township One Hundred Forty (140), Range Thirty four (34), EXCEPT those parts lying Southerly of County Road 107; and

WHEREAS, the City and Township hereby desire to modify and amend the Joint Agreement as provided herein in keeping with the stated intent and purpose and mutual agreements and understanding contained in the Joint Agreement and First Amendment thereto; and

WHEREAS, the Parties agree the following amendment is consistent with the original intent of the Joint Agreement, furthers the cooperative working relationship existing between the Parties, and is in the best interests of the communities involved.

NOW, THEREFORE, BE IT RESOLVED by the Township Board of Supervisors of the Township of Henrietta, Hubbard County, Minnesota, and the City Council of the City of Park Rapids, Hubbard County, Minnesota, as follows:

1. **Second Amendment to Joint Agreement.** This Joint Resolution between the City and Township shall modify and amend the above-referenced Joint Agreement as provided herein and shall be referred to as the "Second Amendment to Joint Agreement."
2. **Eligibility for Annexation.** Notwithstanding anything to the contrary in the Joint Agreement and First Amendment thereto, the Identified Property shall not be eligible for annexation by the City of Park Rapids until after January 1, 2017 and such Identified Property shall be treated as being in Phase IV for all purposes under the Joint Agreement and First Amendment thereto.
3. **Intent.** The Parties intend this Second Amendment to Joint Agreement modify and amend the Joint Agreement and First Amendment thereto, but only to the extent of changing the date after which the Identified Property becomes eligible for annexation under the Joint Agreement. No other changes to the Joint Agreement are intended by this amendment.
4. **Filing.** Following adoption and execution, the Parties agree the Township will be responsible for filing this Second Amendment to Joint Agreement with the OAH-MBAU and for paying any required filing fees.
5. **Effective Date.** This Second Amendment to Joint Agreement shall be effective the date of the latest signature and attestation affixed hereto and following immediately upon its receipt and acceptance by the OAH-MBAU.

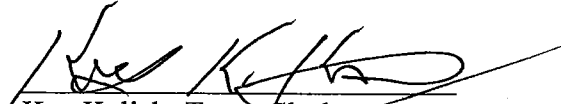
SEP 19 2011

HENRIETTA TOWNSHIP

Adopted by the Town Board of Henrietta Township, Hubbard County, Minnesota, this 11th day of August 2011.


David De La Hunt, Chairperson

ATTEST:

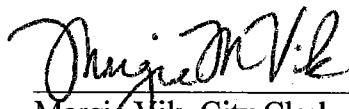

Ken Kalish, Town Clerk

CITY OF PARK RAPIDS

Adopted by the City Council of the City of Park Rapids, Hubbard County, Minnesota, this 23rd day of August 2011.


Nancy Carroll, Mayor

ATTEST:


Margie Vik, City Clerk

REC'D BY
MBA

SEP 19 2011

EXHIBIT A

Map showing portion of Phase III property to which this amendment relates lying to the east of County Highway 4 and north of County Road 107, as legally described in the Second Amendment Joint Agreement to which this Exhibit A is attached.