

# **JOINT RESOLUTION FOR ORDERLY ANNEXATION**

## **JOINT RESOLUTION BETWEEN THE CITY OF NEW AUBURN AND THE TOWNSHIP OF NEW AUBURN DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF IMMEDIATE ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER THE AREA TO THE CITY OF NEW AUBURN, SIBLEY COUNTY, MINNESOTA, PURSUANT TO MINNESOTA STATUTES SECTION 414.0325**

City of New Auburn Resolution No. 20070417  
Township of New Auburn Resolution No. 1-05-07

WHEREAS, the below described property is currently maintained by the City of New Auburn as an access roadway and new expanded spray site for the City of New Auburn; and

WHEREAS, the private landowner below named wishes to be formally annexed to the City; and

WHEREAS, the City of New Auburn and the Township of New Auburn have met, conferred, considered and reached agreement relating to the immediate annexation of an area located adjacent to the City of New Auburn and in the Township of New Auburn, Sibley County, Minnesota; and

WHEREAS, the area proposed for immediate annexation is owned by the City of New Auburn and Myrna F. Frauendienst;

WHEREAS, THE TOWNSHIP OF NEW AUBURN has no objection to immediate annexation, and believes it to be in the best interests of both City and Township;

WHEREAS, the City of New Auburn and Township of New Auburn desire to designate a certain unincorporated area as in need of immediate orderly annexation pursuant to Minnesota Statutes Section 414.0325 and have agreed upon certain terms and conditions relating to the annexation of said property; and,

WHEREAS, the City of New Auburn and New Auburn Township wish to confer jurisdiction on the Director over annexations in the designated area and over the various resolution provisions by submission of said Joint Resolution to the Director;

WHEREAS, This Joint Resolution designates an area as in need of immediate orderly annexation, provides for the conditions for its annexation, and **specifically states that no consideration by the Director is necessary, the Director may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of this resolution.**

NOW, THEREFORE, BE IT RESOLVED AND AGREED between the City of New Auburn and the Township of New Auburn as follows:

1. That the City of New Auburn (hereinafter "City") is a City pursuant to the laws of the State of Minnesota and that the Township of New Auburn (hereinafter "Township") is a Township pursuant to the laws of the State of Minnesota, and that both parties are fully authorized and empowered to enter into this resolution.
2. That the following unincorporated area is in need of orderly annexation, lies wholly within New Auburn Township, Sibley County, Minnesota, and is described as follows:
  - a. Parcel A – Existing Municipal Wastewater Treatment System (MWTS). The NE ¼ of NW ¼ of Section 19, Township 114, Range 28, Sibley County, Minnesota (40 acres).
  - b. Parcel B - Expansion Municipal Wastewater Treatment System (MWTS). The NW ¼ of NE ¼ and the W ½ of NE ¼ of NE ¼ of Section 19, Township 114, Range 28, Sibley County, Minnesota (60 acres).
  - c. Parcel C – Tenth Avenue Street Expansion. The East 33 feet of the E1/2 of NE ¼ of NE ¼ of Section 19, Township 114, Range 28, Sibley County, Minnesota (1 acre); and the East 33 feet of the E1/2 of SE ¼ of NE ¼ of Section 19, Township 114, Range 28, Sibley County, Minnesota (1 acre).
  - d. Parcel D - Frauendienst. The E1/2 of NE ¼ of NE1/4, except the East 33 feet hereof, of Section 19, Township 114, Range 28, Sibley County Minnesota (19 acres).
3. That the jurisdiction over annexation within the Property and over the various provisions contained in this Resolution is hereby conferred upon the Director over Annexations, Office of Administrative Hearings (hereinafter "Director").
4. No consideration by the Director is necessary, the Department may review and comment, but shall within 30 days order the annexation in accordance with the terms of the Resolution.
5. The City and Township have agreed pursuant to Minnesota Statute Section 141.036 to share the tax revenues on the described property over the next five

years following the annexation. In the year following annexation all (100%) such tax revenue will be paid by the City to the Township and will step down in 20% increments over the next five years.

6. The annexation will not impair the ability of the Township to carry on the function of government without undue hardship.
7. That every provision of the Resolution will be and hereby is declared severable, and if any part or portion is held invalid, it will not affect or invalidate the remaining portions of the Resolution.
8. This Resolution is subject to the laws of the State of Minnesota.
9. This Resolution shall be effective upon approval and adoption by both the Board of Supervisors of the Township of New Auburn and the City Council of the City of New Auburn and by the Order of the Director.

Adopted by the Board of Supervisors of the Township of New Auburn this 3 day of MAY, 2007.

Melvin Dahlke  
Melvin Dahlke, Chairman

Attest: Donald Wolff  
Donald Wolff, Clerk

Adopted by the City Council of the City of New Auburn this 17<sup>th</sup> day of April, 2007.

Roger H. Becker  
Roger H. Becker, Mayor

Attest: Wendy L Becker  
Wendy L Becker, Clerk

1. The City of New Auburn (hereinafter called the "City") is the owner of real property in Sibley County, Minnesota, legally described as follows:

Parcel A – Existing Municipal Wastewater Treatment System (MWTS)  
The NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 19, Township 114, Range 28, Sibley County, Minnesota (40 acres).

Parcel B – Expansion Municipal Wastewater Treatment System (MWTS)  
The NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  and the W  $\frac{1}{2}$  of NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 19, Township 114, Range 28, Sibley County, Minnesota (60 acres).

Parcel C – Tenth Avenue Expansion  
The East 33 feet of the E  $\frac{1}{2}$  of NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 19, Township 114, Range 28, Sibley County, Minnesota (1 acre); and

The East 33 feet of the E  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 19, Township 114, Range 28, Sibley County, Minnesota (1 acre).

2. Myrna F. Frauendienst (hereafter called the "private owner") is the owner of real property in Sibley County, Minnesota, legally described as follows:

Parcel D – Frauendienst  
The E  $\frac{1}{2}$  of NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , except the East 33 feet thereof, of Section 19, Township 114, Range 28, Sibley County Minnesota (19 acres)

The tax reimbursement to the Township of New Auburn by the City of New Auburn For the land that is annexed is as follows. The first year the township receives 100%, the second is 80%, the third is 60% the fourth is 40% and the fifth is 20%. This was agreed to by the township and was listed in there resolution 1-05-07.

Sine Die  
Attest *Donald Wolff*, Clerk  
Donald Wolff



