

MN Municipal Board Docket No. _____

Lynden Township Resolution No. 07-04
City of St. Cloud Resolution No. 2007-6-135

JOINT RESOLUTION AS TO ORDERLY ANNEXATION
BY AND BETWEEN THE CITY OF ST. CLOUD AND
THE TOWN OF LYNDEN

WHEREAS, the City of St. Cloud (the "City") and the Town of Lynden (the "Town") desire to provide for the orderly development of areas of the Town that are or are about to become urban or suburban in character; and

WHEREAS, the City and the Town have reached an agreement which is in the best interest of citizens of the City and Town.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF ST. CLOUD AND THE BOARD OF SUPERVISORS OF THE TOWN OF LYNDEN, THAT THE TOWN AND CITY DO JOINTLY AGREE TO THE FOLLOWING:

1. Description of Area to be Annexed. That the following described areas are properly subject to orderly annexation under and pursuant to Minnesota Statutes §414.0325, and the parties do hereby designate these areas for orderly annexation as provided by statute:

a. That area set forth on the attached map (Exhibit A) and legally described by Exhibit B.

2. Municipal Board Jurisdiction. That upon approval by the parties, this agreement shall confer jurisdiction upon the Department of Administration-Municipal Boundary Adjustments (the "Department") so as to accomplish said orderly annexation in accordance with the terms of this agreement.

3. No Alterations of Boundaries. The City and the Town mutually state that no alteration by the Department of the boundaries of those areas designated herein for orderly annexation is appropriate.

4. Conditions for Annexation. The City and the Town mutually state that this resolution sets forth all of the conditions for annexation of the areas designated herein for orderly annexation and that no consideration by the Department is necessary. The Department may review and comment, but shall, within thirty (30) days, order annexation.

5. Property Taxes Step-Up. A rural tax district shall be established for properties existing within the Town immediately prior to annexation. The tax capacity rate for the rural district will be adjusted to the mid-point between the rate in the present City and the most recent Town tax rate for taxes payable 2007. Thereafter, the differential between the Town tax rate and City tax rate will remain constant. Redesignation from rural tax district to urban tax district occurs upon platting; whenever application is made for a permit for the construction of a commercial, industrial, or residential development; or construction of other physical improvements on the property.

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6. Reimbursement of Taxes. The City hereby agrees to annually reimburse the Town for a portion of the taxes it collects for a 6-year period. The City shall make its payment to the Town once each year, prior to December 1st of each year, based on the monies the City has collected. The following will be used to determine the amount of reimbursement:

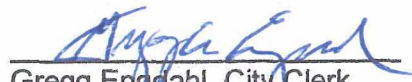
- a. For properties where Tax Increment Financing, tax abatement or similar development tools are used, the Town's present tax capacity rate of 14.175% shall be applied to the City's share of the base tax to calculate the dollars to be returned to the Town.
- b. For all other properties, the dollars to be returned to the Town shall be calculated by multiplying the assessor's market value for the annexed property by the current capacity rates. The assessor's determination of market value shall be determined annually in accord with the normal process. The result of this calculation is a determination of the individual tax capacity value for each property. The tax capacity value for each property will then be multiplied by the Town's present tax capacity rate of 14.175%. The result equals the dollars to be returned to the Town.

7. Road Maintenance. The City assumes the responsibility and obligation for Franklin Road to the southern most extent of the orderly annexation area.

This resolution is adopted by the St. Cloud City Council the 4th day of JUNE, 2007.


Dave Kleis, Mayor

Attest:


Gregg Engdahl, City Clerk

This resolution is adopted by the Lynden Town Board of Supervisors the 7th day of May, 2007.


Anne Ackerman, Chair

Attest:


Del Moeller, Town Clerk

Exhibit B

The North Half of the Northwest Quarter East of the Great Northern Railway Company (now owned by Stearns County) right of way as now located and constructed over and across said tract in Section 20, Township 123 North, Range 27 West, Stearns County, Minnesota. Containing 54.05 acres, more or less.

And

The North 396.00 feet of Government Lot 2, Section 20, Township 123 North, Range 27 West, Stearns County, Minnesota. Containing 5.67 acres, more or less.

And

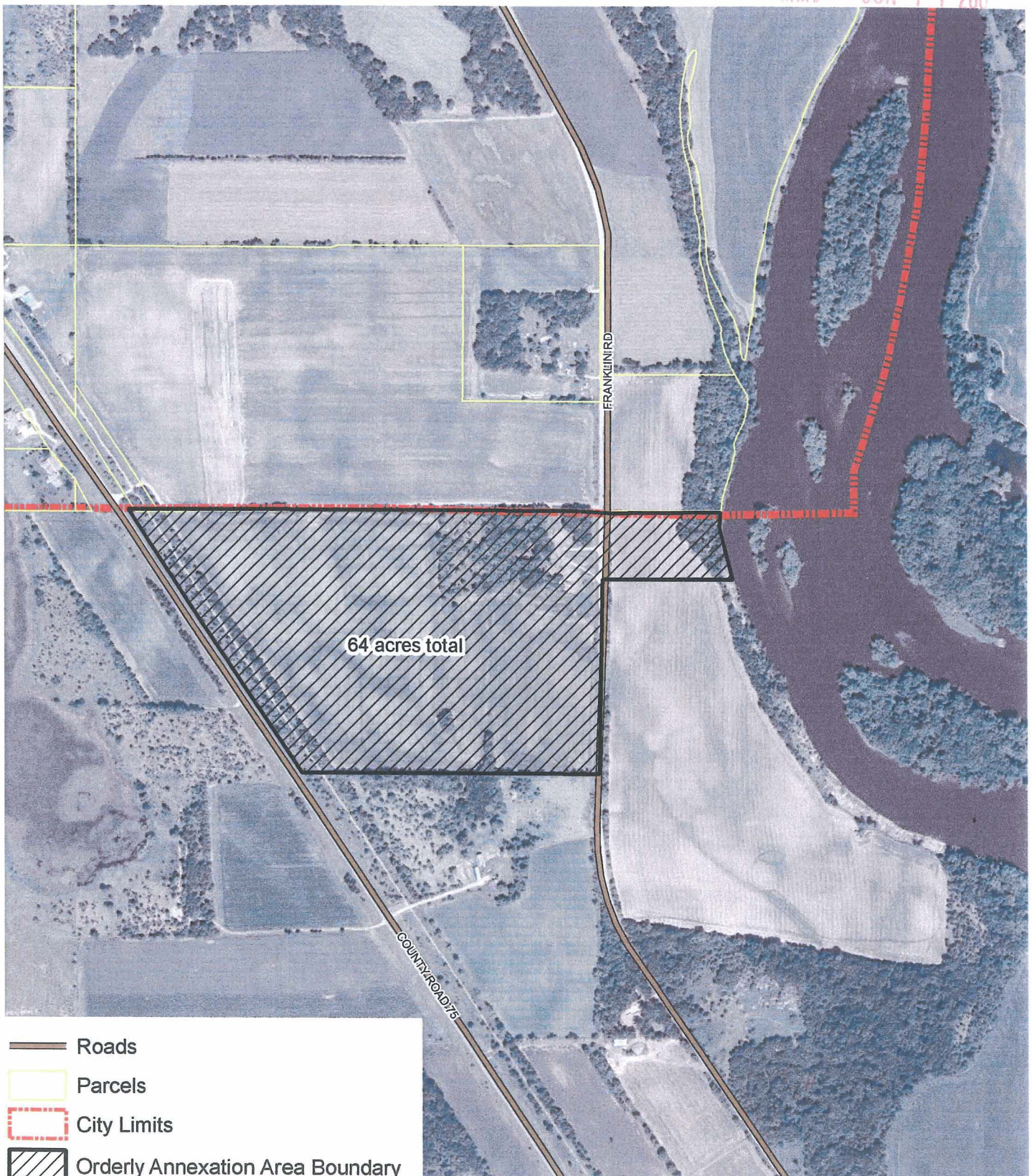
That part of the former Great Northern Railroad, now owned by Stearns County, Minnesota, that lies within the North Half of the of the Northwest Quarter of Section 20, Township 123 North, Range 27 West, Stearns County, Minnesota. Containing 3.63 acres, more or less, and is subject to easements of record.

City of St. Cloud / Town of Lynden Orderly Annexation Area Map

Exhibit A

REC'D BY
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This map is neither a legally recorded map nor survey and is to be used only for reference purposes. The City of St. Cloud assumes no responsibility for actual or consequential damage incurred as a result of using this data.

Map prepared by the St. Cloud Community Development Dept., 05/07.
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