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**JOINT RESOLUTION FOR ORDERLY ANNEXATION  
BETWEEN THE TOWN OF BROCKWAY AND THE CITY OF ST. STEPHEN**

ALPHONSE J. THEN AND ROSE M. THEN PROPERTY

**RECITALS**

A. The Town of Brockway (the "Town") and the City of St. Stephen ("City"), both of Stearns County, Minnesota, agree on the orderly annexation of certain real property described in this resolution for orderly and planned services to the community.

B. The property proposed to be annexed (as depicted on the map attached as **Exhibit A**) is not already part of another city, and it adjoins and is contiguous to the City.

C. All owners of the property proposed to be annexed have petitioned the City and the Town for annexation.

D. An orderly annexation of the proposed property is in the best interest of the area proposed for annexation.

**RESOLUTION**

In consideration of this resolution's mutual terms and conditions, the Town and the City jointly resolve and enter into this Joint Resolution for Orderly Annexation (the "Joint Resolution") as

follows:

1. **Designation of Orderly Annexation Area.** The Town and City designate the area set forth on the map attached as **Exhibit A** and as legally described below (the "Designated Property") as subject to orderly annexation pursuant to Minnesota Statutes § 414.0325.

**ALPHONSE J. AND ROSE M. THEN PROPERTY**

The East Ten (10) rods of the North Eleven (11) rods of the Northeast Quarter of the Northeast Quarter (NE¼ of NE¼) of Section Twenty-three (23), Township One Hundred Twenty-six (126), Range Twenty-nine (29), Stearns County, Minnesota. (Approximately three-quarters acre).

2. **Office of Administrative Hearings, Municipal Boundary Adjustments Unit Jurisdiction.** Upon approval by the Town Board and City Council, this Joint Resolution shall confer jurisdiction upon the Office of Administrative Hearings, Municipal Boundary Adjustments Unit to approve annexation of the Designated Property pursuant to Minnesota Statutes § 414.0325.

3. **No Alteration of Boundaries.** The Town and City agree and state that no alterations by the Office of Administrative Hearings, Municipal Boundary Adjustments of the Designated Property's stated boundaries is appropriate.

4. **Office of Administrative Hearings, Municipal Boundary Adjustments Unit Review and Comment.** The Town and City agree and state that this Joint Resolution sets forth all the conditions for annexation of the designated property, and no consideration by the Office of Administrative Hearings, Municipal Boundary Adjustments Unit is necessary. The Office of Administrative Hearings, Municipal Boundary Adjustments Unit may review and comment, but shall order the annexation of the Designated Property according to this Joint Resolution's terms within thirty (30) days of the Office of Administrative Hearings, Municipal Boundary Adjustments Unit's receipt of this Joint Resolution.

5. **Acreage and Population.** The Designated Property consists of approximately (3/4)

acre, more or less, and has a current population of zero.

6. **Authorization.** The Town and the City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.

7. **Planning and Land Use Control Authority.** Upon the annexation's effective date, the City's zoning regulations and land use controls shall govern the designated property. The City, by separate resolution, designates the Zoning District as Farm Residence District.

8. **Severability.** A determination by any court of competent jurisdiction that any provision of this Joint Resolution is invalid, illegal or unenforceable shall not affect the validity of this Joint Resolution's other provisions. If any of this Joint Resolution's provisions is inapplicable to any person or circumstance, it shall still remain applicable to all other persons or circumstances.

9. **Effective Date.** This Joint Resolution shall be effective from the date of the Office of Administrative Hearings, Municipal Boundary Adjustments Unit's order calling for the Designated Property's annexation to the City.

10. **Governing Law.** Minnesota law will govern this Agreement.


#### TOWN OF BROCKWAY

The Town of Brockway Board of Supervisors adopts this Joint Resolution on the first day of October, 2007.

Signed:

Attest:

x   
By  
Board of Supervisors Chairperson

x   
By  
Town Clerk

#### CITY OF ST. STEPHEN

The St. Stephen City Council adopts this Joint Resolution on October 3, 2007.

The City separately resolves that upon completion of the annexation, the annexed property shall be zoned as Farm Residence District.

Signed:

Attest:



James Dahl  
Mayor



Alice Supan  
City Administrator

**This document was drafted by:**

Rajkowski Hansmeier, Ltd.  
Thomas G. Jovanovich, Attorney at Law  
11 Seventh Avenue North  
St. Cloud, MN 56302-1433

REC'D BY  
MAB

MAY 28 2008

May 7, 2008

Christine M. Scotillo  
Municipal Boundary Adjustments  
P.O. Box 64620  
St. Paul, MN 55164-0620

RE: City of St. Stephen / Joint Resolution for Orderly Annexation Between the Town of  
Brockway and the City of St. Stephen (Alphonse J. Then and Rose M. Then Property)  
Our File No. 27186

Dear Ms. Scotillo:

The City of St. Stephen and Brockway Township both agree that no reimbursement to the  
Township is necessary regarding the above annexation. This letter is being sent pursuant to  
Minn. Stat. §414.036.

CITY OF ST. STEPHEN

By   
Mayor

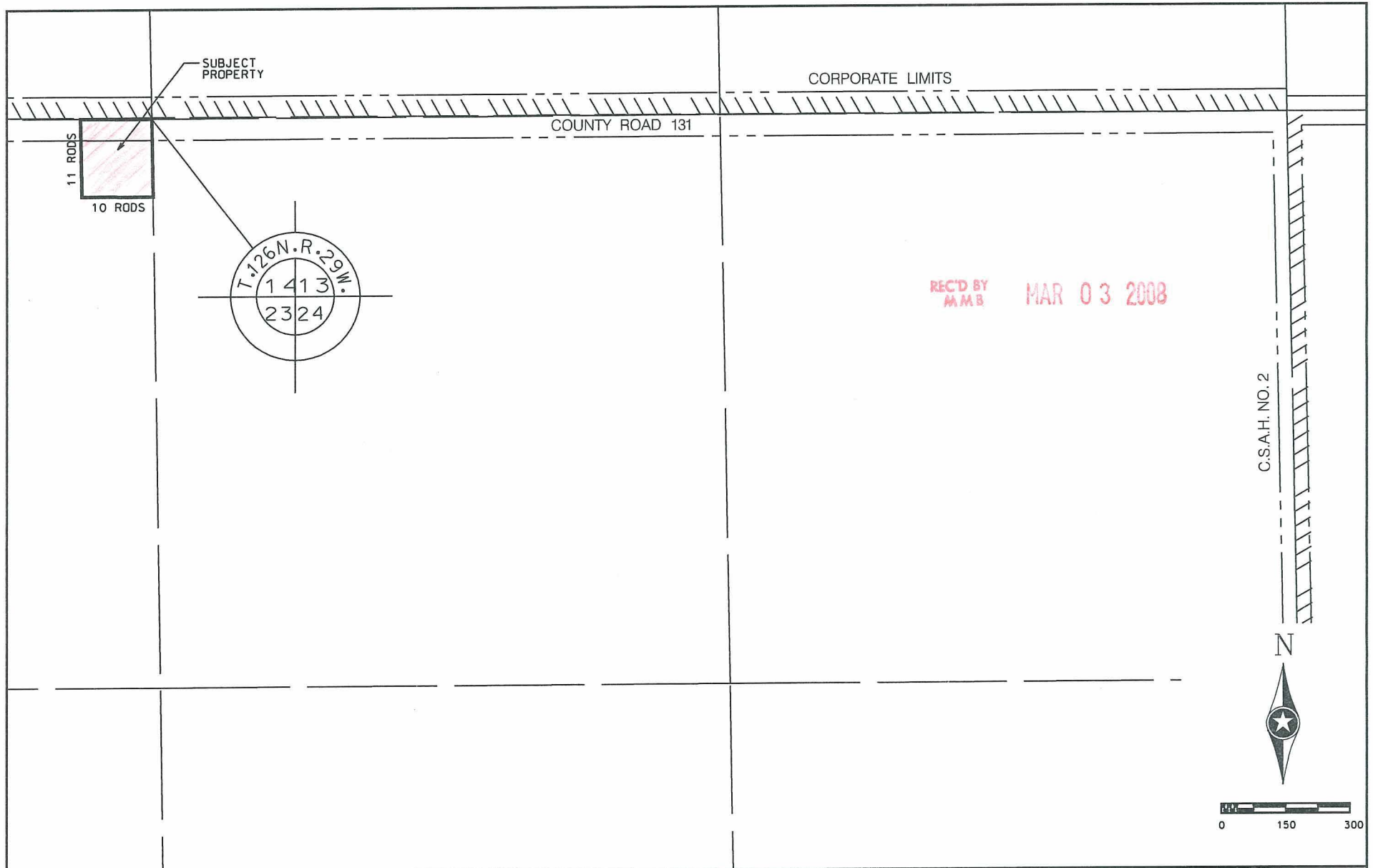
BROCKWAY TOWNSHIP

By   
Township Chairperson

11/7/2007

8:41:26 AM

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FILE NO.  
STSTE0801.00

DATE:  
11/07/07

ANNEXATION AREA  
THEN PROPERTY  
ST. STEPHEN, MINNESOTA

EXHIBIT  
A