

Township Resolution No. 06-15City Resolution No. 23-615

## JOINT RESOLUTION FOR 2015 ANNEXATION OF TRACTS PREVIOUSLY DESIGNATED FOR ORDERLY ANNEXATION

**WHEREAS**, the Board of Supervisors of the Township of Des Moines, Jackson County, Minnesota (the "Township"), the City Council of the City of Jackson, Minnesota (the "City"),  
**FIND:**

A. On March 11, 2008, the Township – and on April 1, 2008, the City – adopted and subsequently filed with Municipal Boundary Adjustments Division of the Minnesota Office of Administrative Hearings (hereinafter "MBAD") joint resolution 023-408 (the "Joint Resolution") designating tracts in the Township as being in need of orderly annexation (the "Annexation Area").

B. In a proceeding identified by MBAD as "OA-1406 Jackson/Des Moines Township", the Chief Administrative Law Judge accepted, considered, and approved of the Joint Resolution and entered an ORDER dated July 23, 2008, and an AMENDED ORDER dated July 30, 2008, for the orderly annexation of the Annexation Area (hereinafter together the "Orders").

C. The Joint Resolution contemplates that the following-described tracts (together the "2015 Annexation Area") in the Annexation Area be annexed to the City in 2015:

**In Section 25:** All that part of the SW¼ lying Westerly of the centerline of the Des Moines River and not already within the corporate limits of the City, comprised of the following:

**Jackson Cemetary Association ("JCA"):** Tax parcel 05.025.1100 (containing 16.5 acres; population 0)

**City of Jackson ("City"):** Tax parcel 05.025.0313 (containing 0.07 acres; population 0)

**Southwestern Rural Renovations LLC ("SWRR"):** Tax parcel 05.025.1500 (containing 6.66 acres; population 0).

**Willetts Gravel Company ("Willetts"):** Tax parcel 05.025.0300 (containing 2.0 acres; population 0).

**Josephine A. Fertig ("Fertig"):** Tax parcel 05.025.0315 (containing 1.3 acres; population 0).

**Michael T. & LeAnn K. Gruhlke ("Gruhlke"):** Tax parcels 05.025.0301, 05.025.0302, 05.025.0305, 05.025.0325, & 05.025.0335 (containing 66.14 acres; population 2)

**Troy W. & Jadee J. Menke ("Menke"):** Tax parcels 05.025.0310 & 05.025.0500 (containing 3.5 acres; population 2 adults and 3 children).

**Federated Rural Electric Association ("FREA"):** Tax parcels 05.025.0350, 05.025.0400, 05.025.0800, 05.025.0900, & 05.025.1000 (containing 7.68 acres; population 0).

**Great River Energy ("GRE"):** Tax parcels 05.025.0600 & 05.025.0700 (containing 3.10 acres; population 0).

**In Section 26:** That part of the E½SE¼ not already within the corporate limits of the City, comprised of the following:

**Jackson Cemetary Association ("JCA"):** Tax parcel 05.026.0600 (containing 13 acres; population 0).

**Clayton C., Bette J., Steven, & Diana Williams ("Williams"):** Tax parcels 05.026.0400 & 05.026.0500 (containing 58.59 acres; population 0).

**Jackson Congregation of Jehovah's Witnesses ("JCJW"):** Tax parcel 05.026.0550; containing 2.5 acres; population 0

**Enterprise Products Operating LLC ("EPO"):** Tax parcel 05.026.0800; containing 5.91 acres; population 0

**In Section 35:**

**Ag Forte LLC ("Ag Forte"):** Commencing on the east line of the NE¼ 1319.51 feet South of the northeast corner of Section 35, thence Southerly 1843.51 feet along the east lines of the NE¼ and SE¼ of said Section 35; thence Westerly 945.20 feet; thence Northerly 1842.91 to a point 945.20 feet Westerly of the point of commencement; thence Easterly 945.20 feet to the point of commencement (tax parcel 05.035.0100; containing 40 acres; population 0).

**Douglas Lucht ("D. Lucht"):** The E½NE¼, except the Ag-Forte tract (tax parcel 05.035.0100; containing 51 acres; population 1)

**In Section 36:**

**Nasby Family Farms LLP ("Nasby"):** The W½NW¼ and the North 524.00 feet of the NW¼SW¼ (tax parcel 05.36.0100; containing 95.88 acres; population 0)

- D. The 2015 Annexation Area comprises approximately 372.53 acres, more or less.
- E. The 2015 Annexation is urban or suburban in character or about to become so and has mixed uses for residential, industrial, institutional, and agricultural purposes..
- F. The Township is unable to provide utility and municipal services to or to protect the public health, safety, and welfare in the Annexation Area.
- G. The City is capable of providing the services required by the 2015 Annexation Area within a reasonable time; has already extended municipal water and sanitary sewer services

along Trunk Highway 71 in the 2015 Annexation Area; and the 2015 Annexation Area has benefited from the extension of such improvements and services.

**H.** There are three (3) households in the 2015 Annexation Area, and its population is nine (9).

**I.** Part of the 2015 Annexation Area is in the City's assigned territory and part is in Federated Rural Electric Association's assigned territory for electric utility service; and no change in electric utility service (including rate changes and assessments) is contemplated as a result of this annexation.

**J.** Immediate annexation of the 2015 Annexation Area is in its best interest.

**K.** Pursuant to the Joint Resolution and the Orders, the City paid to the Township the sum of Forty Thousand and no/100ths (\$40,000) to offset lost tax revenues from all annexations contemplated by the Joint Resolution, including annexation of the 2015 Annexation Area.

**NOW, THEREFORE, IT IS JOINTLY RESOLVED AND AGREED** by the Township and the City as follows:

**1. Immediate annexation without hearing:** The City and the Township hereby request that an order be entered directing that the 2015 Annexation Area be annexed to and become a part of the City immediately, without further notice or hearing pursuant to Minn. Stat. § 414.09, which is hereby waived.

**2. Jurisdiction.** MBAD has jurisdiction over annexation of the Annexation Area, including the Torgerson Farm, as is evident from the Orders.

**3. No alteration of boundaries, conditions, or consideration.** No alteration of the stated boundaries of the 2015 Annexation Area is appropriate, no conditions for the annexation are required, and no consideration by MBAD is necessary.

**4. Map.** A copy of the City's corporate boundary map delineating the 2015 Annexation Area is attached hereto as "EXHIBIT A"; and the City shall file with MBAD a separate copy of said map.

**5. Collection of property taxes.** Property taxes on the 2015 Annexation Area due and payable in 2014 shall be paid to the Township; property taxes payable thereafter shall be paid to the City; and the City shall not be required to make any reimbursement to the Township after the City can first levy on the Annexation Area.

**6. Tax rates.** Upon annexation the tax rate of the City on each tract in the 2015 Annexation Area shall be increased from the Township rate to the City rate immediately.

**7. Road maintenance.** After annexation in 2015, City will provide gravel as needed for, and the Township will otherwise maintain, approximately ¼ mile of gravel road that will be annexed to the City between Sections 26 and 35. At such time as that road or a portion of it is hard-surfaced, the City will assume responsibility for maintenance, repair, and replacement of that part of the road that is hard-surfaced and lies within the City.

**8. Review and comment.** MBAD may review and comment but within 30 days should order the annexation in accordance with the terms of this agreement and the Statute.

JUN 29 2015

9. **Initial land use/zoning.** Upon annexation to the City, part of the Torgerson Farm shall be classified as a "General Industrial District – GI", part shall be classified as "Service Business – SB", part shall be designated as "Multi-Family Residential – R3", and part shall be designated as "Single and Two-Family Residential – R2", as indicated on the map attached hereto and made a part hereof as "EXHIBIT B", under the City's zoning ordinance, and on the City's zoning map, subject to amendment as provided by the ordinance.

**Duly adopted** at meetings of [i] the Board of Supervisors of Des Moines Township, Jackson County, Minnesota, held on June 9, 2015, ad [ii] the City Council of the City of Jackson, Minnesota, held on June 26, 2015.

**CITY OF JACKSON, MINNESOTA****TOWNSHIP OF DES MOINES**

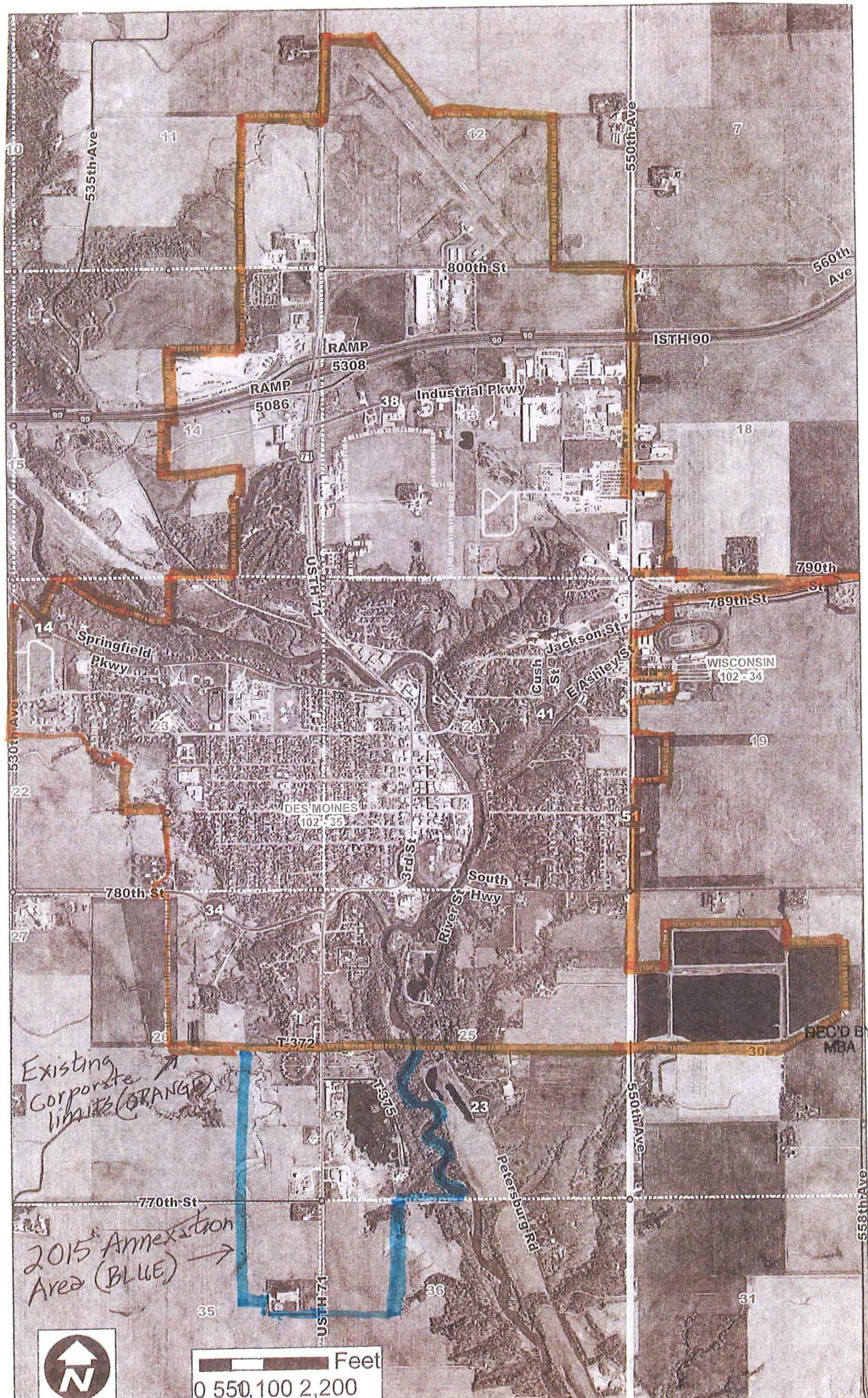
By: Wayne Walter  
Wayne Walter, Mayor

By: Ronald E. Erickson  
~~Mark Goede, Chairman~~  
Ron Berdick

Attest: Jennifer J. Bromeland  
Jennifer J. Bromeland, City Administrator

Attest: Mark Eggmann  
Mark Eggmann, Clerk



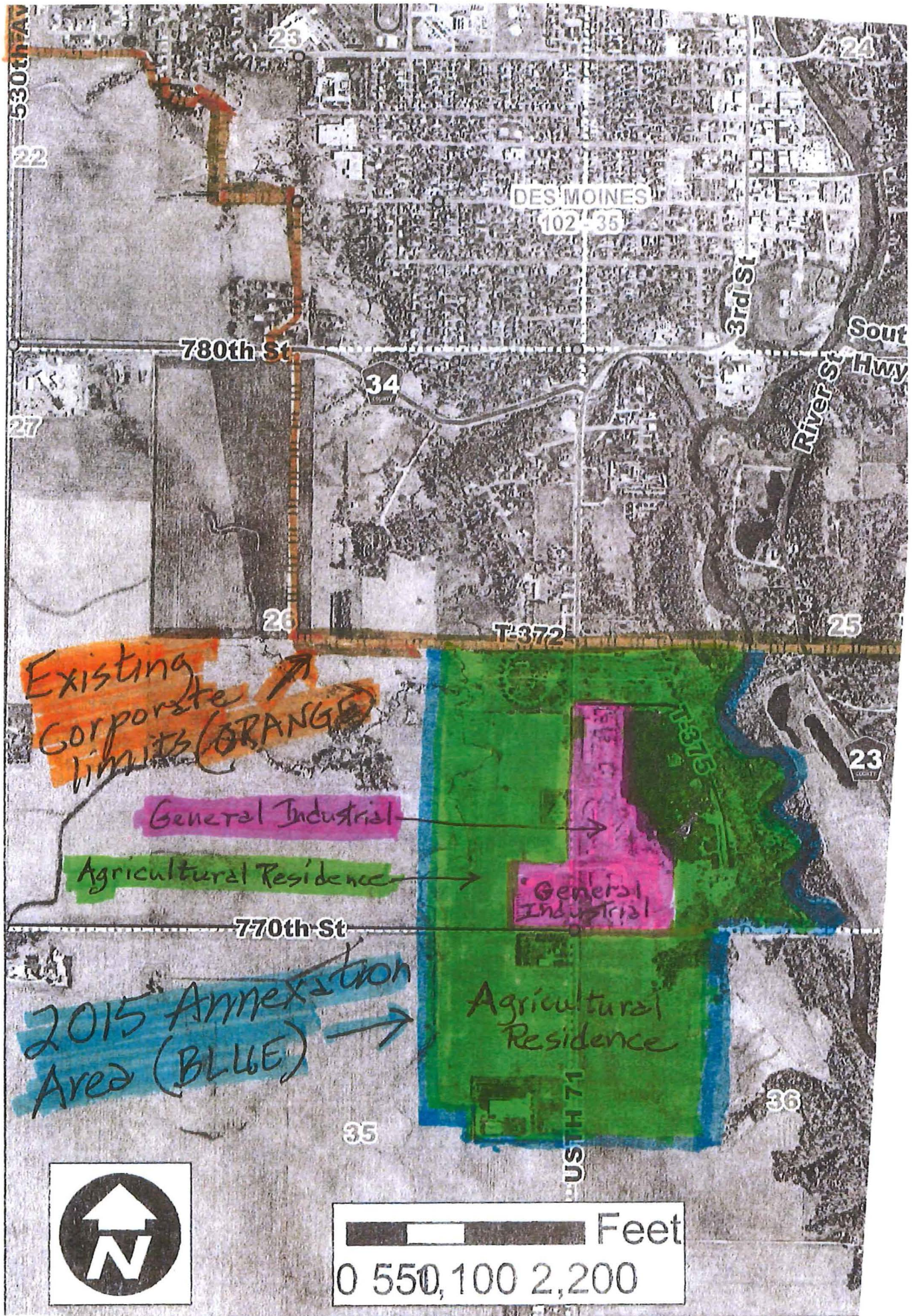


JUN 29 2015

REC'D BY  
MBA

EXHIBIT A





REC'D BY  
MBA

JUN 29 2015

EXHIBIT B