

**TOWN OF CHISAGO LAKE
CITY OF LINDSTROM
CHISAGO COUNTY, MINNESOTA**

REC'D BY
MAB

AUG 25 2008

**City Resolution No. 08-06-19-03
Town Resolution No.**

**JOINT RESOLUTION OF THE TOWN OF CHISAGO LAKE AND THE CITY OF
LINDSTROM DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF
ORDERLY AND CONFERRING JURISDICTION OVER SAID AREA TO THE OFFICE
OF ADMINISTRATIVE HEARINGS/MUNICIPAL BOUNDARY ADJUSTMENTS,
PURSUANT TO MINNESOTA STATUTES § 414.0325**

WHEREAS, the following properties located within the Town of Chisago Lake ("Properties") are completely surrounded by the City of Lindstrom:

A5 – South South Center Lake Property
PID #02.01070.10 (Donald M. & Mary A. Rickhoff) – 1.5 acres
Legal Description: See Exhibit A; and

WHEREAS, the Properties are completely surrounded by City property or existing areas of the City as shown on the map(s) attached as Exhibit B, contain approximately 1.5 acres; and

WHEREAS, the Properties lie entirely within the County of Chisago, State of Minnesota, and no portions thereof are currently included within the corporate limits of any incorporated municipality, and otherwise qualify under state law for annexation to the City; and

WHEREAS, it is in the best interest of the City, the Township and their respective residents for the City and Township to agree to orderly annexation of the Properties in furtherance of orderly growth, the efficient delivery of public services, and the protection of the public health, safety, and welfare; and

WHEREAS, the City and the Township, following due notice thereof and in accordance with Minnesota Statutes § 414.0325, conducted a joint informational meeting concerning this proposed orderly annexation agreement on December 19, 2007; and

WHEREAS, as a result of these processes, the City and the Township are in agreement as to the procedures and process for orderly annexation of said Properties and 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 Lindstrom and the Town of Chisago Lake that:

1. **Designation of Area to be Annexed.** That as a result of the City's proposed provision of urban services to, and urban development of the Properties, the previously described areas in Chisago Lake Township, Chisago County, are subject to orderly annexation pursuant to Minnesota Statutes § 414.0325, and the parties hereby designate these areas for immediate annexation to the City under this orderly annexation agreement.

2. **Timing of Annexation.** Upon execution and filing of this Joint Resolution, jurisdiction is hereby conferred upon the Office of Administrative Hearings/Municipal Boundary Adjustments (hereinafter "Office").

3. **Joint Planning.** Since the Properties will be immediately annexed to the City upon adoption of this Joint Resolution and approval of the State, joint planning pursuant to M.S. § 414.0325, Subd. 5 is not warranted. The City of Lindstrom will, upon annexation, serve as the reviewing agency and local government unit for the purpose of any land use, subdivision, and environmental review of the proposed development and the proposed development will be subject to and comply with the comprehensive plan and official controls of the City of Lindstrom.

4. **Electrical Service and Differential Taxation.** That the annexation of the properties will not result in any change of electrical service and that differential taxation under M.S. § 414.035 is not required.

5. **City Reimbursement to Township to Annex Taxable Property.** That the City and Township hereby agree that the Order effecting the annexation shall reference the obligation of the City to reimburse the Township for lost taxes from the annexed properties as required by Minnesota Statutes § 414.036 as detailed in Exhibit C and that there are no special assessments assigned by the Township to the annexed properties or any portion of debt incurred by the Township prior to the annexation and attributable to the properties but for which no special assessments are outstanding.

6. **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 (or its successor agency).

7. **Alteration of Boundaries Not Authorized.** That both the Township of Chisago Lake and the City of Lindstrom agree, pursuant to M.S. § 414.0325, Subd. 1(f), that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, each party agrees that pursuant to M.S. § 414.0325, Subd. 1(g) no consideration by the Office is necessary, and that upon receipt of this resolution and agreement, passed and adopted by each party, the Director of the Office may review and comment but shall, within thirty (30) days, immediately order the annexation in accordance with the terms of this Joint Resolution.

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8. **Correction of Errors.** In the event that there are errors, omissions or any other problems with the legal descriptions, mapping, or tax reimbursement provided in the attached Exhibits the parties agree to make such corrections and file any additional documentation, including a new Exhibit making the corrections requested or required by the Office as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution, without the necessity of re-adopting this Joint Resolution.

CITY OF LINDSTROM

Passed and adopted by the City Council of the City of Lindstrom on this the 19th day of June, 2008.

By: Keith V. Carlson
Keith V. Carlson, Mayor

Attest: John Olinger
John Olinger, City Administrator

TOWN OF CHISAGO LAKE

Passed and adopted by the Town Board of the Town of Chisago Lake on this the 15th day of July, 2008.

By: Jim Froberg
Jim Froberg, Town Board Chair

Attest: Eleanor Trippler
Eleanor Trippler, Town Board Clerk

EXHIBIT "A"**Legal Description of Property****A5 – SOUTH SOUTH CENTER LAKE PROPERTY****PID #02.01070.10 (Donald M. & Mary A. Rickhoff)**

Lot Seven (7) of CHEROKEE HEIGHTS, as per the plat on file and of record in the office of the Register of Deeds, Chisago County, Minnesota, and the westerly 50 feet of Lot 6 of CHEROKEE HEIGHTS, according to the plat thereof on file and of record in the Office of the County Recorder in and for Chisago County, Minnesota, more particularly described as follows: Commencing at the Southwesterly corner of said Lot 6; thence running Easterly along the Southerly line of said Lot, which is the Northerly line of South Shore Drive, a distance of 50 feet; thence running Northeasterly and parallel with the Westerly line of said Lot 6 to South Center Lake; thence running Westerly along said Shore line to the Northwesterly corner of said Lot 6; thence running Southerly along the Westerly line of said Lot 6 to the point of commencement. This transfer is subject to the covenant and restriction that the parties of the second part, their heirs and assigns, are prohibited from selling the tract hereinabove described as a separate unit or any portion thereof. This restriction prohibits the sale of the above-described premises unless it is sold with Lot 7 of Cherokee Heights, owned by the parties of the second part. (Including that part of adjacent South Shore Drive lying within Chisago Lake Township, Minnesota.)

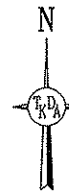
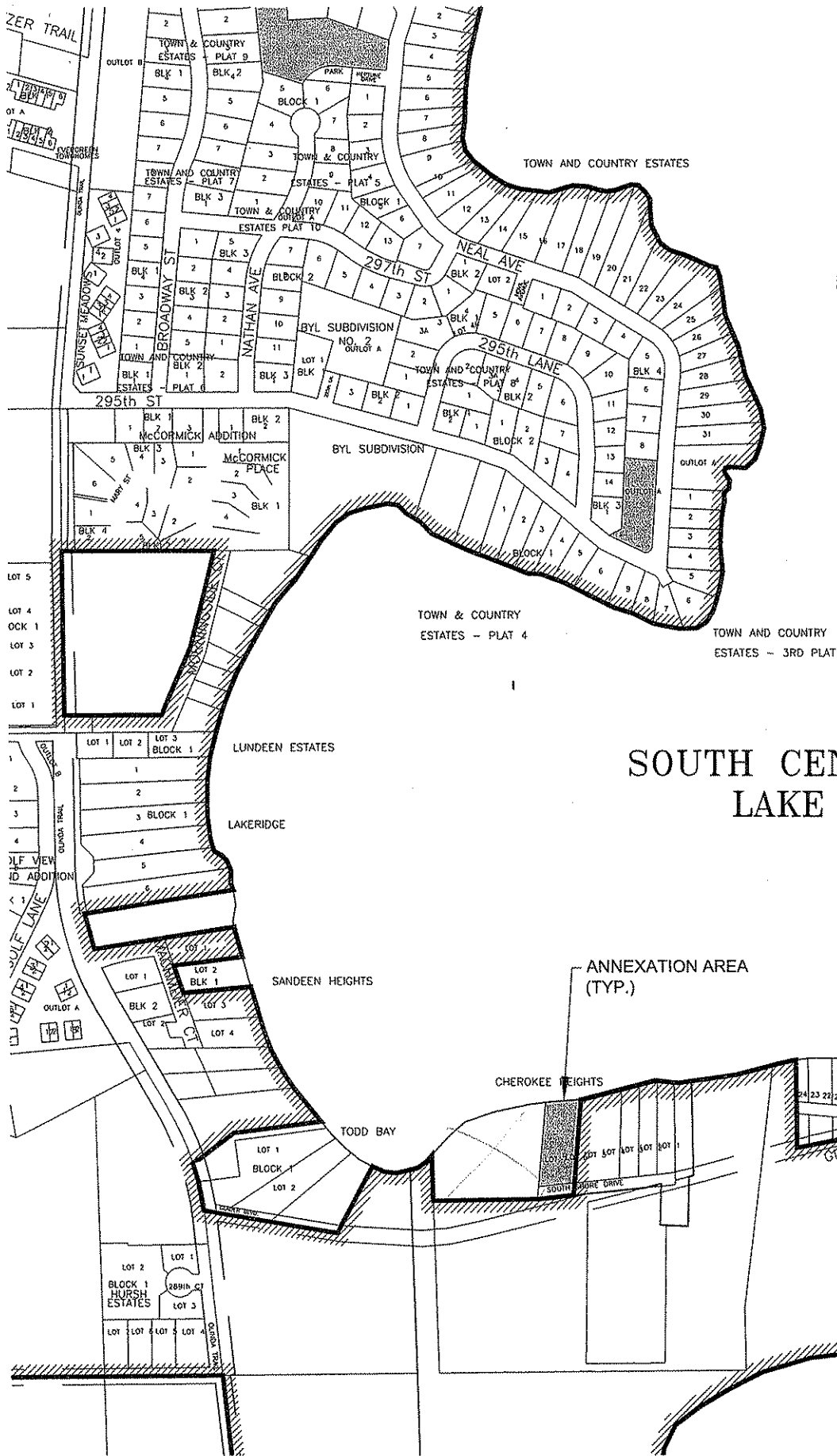
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EXHIBIT "B"

Corporate Boundary Map and More Detailed Map of Annexation Area

[Please have maps attached here when submitting to Town Board and state].



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SOUTH CENTER LAKE

ANNEXATION AREA
(TYP.)

EXHIBIT "C"

City Reimbursement to Town Pursuant to M.S. § 414.036

The City and Township agree that upon annexation of the Subject Area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed for the period and in accordance with the following schedule: 1) in the first year following the year the City could first levy on the annexed area, an amount equal to ninety (90) percent of the property taxes distributed to the Township in regard to the annexed area in the last year that property taxes from the annexed area were payable to the Township; 2) in the second year, an amount equal to seventy (70) percent; 3) in the third year, an amount equal to fifty (50) percent; 4) in the fourth year, an amount equal to thirty (30) percent, and; 5) in the fifth and final year, an amount equal to ten (10) percent/ Thereafter, the City will no longer reimburse the Township.

Year Payable	Current year	X	%	=	Amount	Date Paid	Check Number
2008	Tax Amount						
Year 1	\$613.50	X	90%	=	\$552.15		
Year 2	\$613.50	X	70%	=	\$429.45		
Year 3	\$613.50	X	50%	=	\$306.75		
Year 4	\$613.50	X	30%	=	\$184.05		
Year 5	\$613.50	X	10%	=	\$61.35		

Special Assessments - None.
Bonded Indebtedness - None.