

REC'D BY
MMB

APR 30 2009

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF MINNESOTA LAKE AND
TOWNSHIP OF DANVILLE DESIGNATING CERTAIN
AREAS AS IN NEED OF IMMEDIATE ANNEXATION
PURSUANT TO MINNESOTA STATUTES SECTION 414.0325
AND AREAS FOR ORDERLY ANNEXATION PURSUANT TO
MINNESOTA STATUTES, SECTION 414.0325

JOINT RESOLUTION FOR ORDERLY ANNEXATION

WHEREAS, the City of Minnesota Lake (hereinafter the "City") and the Township of Danville (hereinafter "Township") have reached an agreement regarding an orderly annexation and desire to proceed in accordance with Minn. Stat. §414.0325; and

WHEREAS, the City and Township agree that municipal government most effectively provides services in areas which are developed for residential, commercial, industrial, and governmental purposes, and that the Township government most effectively provides services in areas or uses developed for agricultural, open space and rural residential purposes; and

WHEREAS, the City and Township agree that orderly extension of municipal sanitary sewer and water services to areas needing such services would benefit the public health, safety, and welfare of the entire community; and

WHEREAS, the City and Township agree that the areas proposed to be annexed to the City are now or are about to become urban in character and the City is capable of providing the services required within a reasonable time; and

WHEREAS, the City and Township agree that certain areas proposed to be annexed to the City are now requesting City services immediately.

WHEREAS, the City and Township agree that immediate annexation of the areas designated herein is one way to promote the public health, safety, and welfare of the entire community by

proceeding for the logical development of the community and the extension of municipal services as urban development occurs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Minnesota Lake and the Town Board of Supervisors of Danville Township as follows:

1. **Designation of Areas for Annexation.**

A. The parties hereby designate all of the following areas as in need of immediate annexation pursuant to Minnesota Statutes, Section 414.0325.

See Legal Description listed as "Area 1" attached hereto.

2. **Exhibits Incorporated by Reference.** The Annexation Areas referred to herein are legally described on Exhibit A and depicted on the map attached as Exhibit B and both exhibits are incorporated herein by reference.

3. **Immediate Annexation.**

The lands included in Area 1 shall be immediately considered annexed into the City upon Order of the Department of Administration-Municipal Boundary Adjustments ("the Agency"). The City and Township agree that no alteration to the boundaries described herein is appropriate, that no consideration by the Agency is necessary, and that all terms and conditions for annexation of the area are provided for in this resolution. Pursuant to Minnesota Statutes, Section 414.0325, the Agency may review and comment, but shall within thirty (30) days of receipt, order the annexation of Area 1 in accordance with the terms and conditions of this Joint Resolution.

4. **Orderly Annexation.**

The lands included in Area 2, legally described as "Area 2" and attached hereto as

"Exhibit A" shall be designated as approved for future annexation upon the following conditions:

- A. A request for the extension of Municipal water and sewer services by a property owner within said area.
- B. The development of any land in the designated area in a manner which is urban or commercial in character where the development calls for construction of a commercial and/or industrial building and/or more than one residential home on an area smaller than 2 acres in size.
- C. Upon the Petition of a property owner within the orderly annexation area which has been approved by both the City Council and the Town Board. The approval of such a petition shall not be unreasonably withheld by either the City or Township so long as there is indication by the property owner that the property will be developed for non farm purposes. Failure to approve within 60 days of such a request by a property owner shall cause said petition to be heard before the office of strategic and long range planning as set forth in MN Stat. §414.0325, Subd. 3.

- 5. **Differential Taxation.** Pursuant to Minn Stat. §414.035, the parties agree that the tax rate of the City on the areas annexed shall be increased in substantially equal proportions over not more than five (5) years to equality with the tax rate on the property already within the City. The appropriate period may be shortened based on the time reasonably required to effectively provide municipal services to the annexed areas.

last
step

6. **Governing Law.** This Joint Resolution is made pursuant to and shall be construed in accordance with the laws of the State of Minnesota.
7. **Reimbursement of Taxes.** Pursuant to Minnesota Statute Section 414.036, the City and Township hereby agree that the City shall not provide reimbursement to the Township for all or part of the taxable property annexed as part of any resolution for annexation hereunder. The City shall reimburse the Township for all special assessments assigned by the Township to the annexed property, and any portion of the debt incurred by the Township prior to annexation and attributable to the property to be annexed for which no special assessments are outstanding in substantially equal payments over a period of eight (8) years.
8. **Modification/Amendment.** This Joint Resolution shall not be modified, amended, or altered except upon the written joint resolution of the City and Township duly executed adopted by the City Council and the Township Board of Supervisors and filed with the Agency.
9. **Entire Agreement.** The terms, covenants, conditions, and provisions of this Joint Resolution, including the present and all future attachments, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and respective successors and assigns of the City and Township.
10. **Severability.** In the event that any provision of this Joint Resolution is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect, and the parties hereto shall negotiate in good faith and agree

in full force and effect, and the parties hereto shall negotiate in good faith and agree to such amendments or modifications or to this Joint Resolution or other appropriate actions as shall, to the maximum extent practicable in light of such determination, implement and give effect to the intentions of the parties.

11. **Notice.** Any notices required under the provision of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by certified or registered mail, return receipt requested as follows:

Approved by the City of Minnesota Lake this 8th day of April, 2009.

CITY OF MINNESOTA LAKE

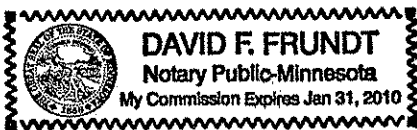
By: Bruce C. Beyer
Its Mayor

By: Sharon Gruenke
Its City Clerk

STATE OF MINNESOTA)
)SS.
COUNTY OF Faribault)

The foregoing instrument was acknowledged before me this 8th day of April, 2009, by Bruce Beyer and Sharon Gruenke the mayor and city clerk, respectively, of the City of Minnesota Lake, a municipal corporation under the laws of Minnesota, on behalf of the municipal corporation.

David F. Frundt
Notary Public



REC'D BY
MAB

APR 30 2009

Approved by the Township of Danville this 8th day of April, 2009

DANVILLE TOWNSHIP

By:

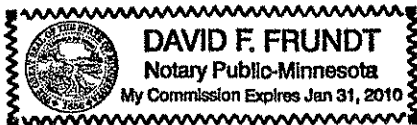
Ronald Attenberger
Its Chair

By:

Laurie H. Stenzel
Its Town Clerk

STATE OF MINNESOTA)
COUNTY OF Fairbault)SS.

The foregoing instrument was acknowledged before me this 8th day of April, 2009, by Ronald Attenberger and Laurie H. Stenzel, the chair and town clerk, respectively, of Danville Township, on behalf of the Township.



[Signature]
Notary Public

EXHIBIT "A"

Area 1:

The Southerly 429.0 feet of the East one-half ($\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-three (33), Township One Hundred Five (105) North, Range Twenty-five (25) West, Blue Earth County, Minnesota.

and

The West 33.0 feet of the Southerly 429.0 feet of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-four (34) Township One Hundred Five (105) North, Range Twenty-five (25) West, Blue Earth County, Minnesota.

Area 2:

That part of the Southwest Quarter of Section Thirty-three (33), Township One Hundred Five (105) North, Range Twenty-five (25) West, Blue Earth County, Minnesota, lying Northerly and Easterly of the East line of the State Highway 22 right-of-way running through said Southwest Quarter.

and

That part of the West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-three (33), Township One Hundred Five (105) North, Range Twenty-five (25) West, Blue Earth County, Minnesota, lying North of the East line of the State Highway 22 right-of-way.

and

That part of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-two (32), Township 105 North, Range 25 West, described as: Beginning at a found iron pipe monument designating the east quarter corner of Section 32; thence South 90 degrees 00 minutes 00 seconds West, (assumed bearing) along the east-west centerline of Section 32, a distance of 927.21 feet; thence North 00 degrees 00 minutes 00 seconds East, 859.24 feet to a point on the southwesterly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 49 degrees 58 minutes 12 seconds East, along said right-of-way line, 1210.30 feet to the point of intersection with the east line of the Northeast quarter of Section 32; thence South 00 degrees 20 minutes 12 seconds East, along said East line, 80.79 feet to the point of beginning. Said tract contains 10.00 acres, more or less, subject to an easement for township road purposes over and across the southerly 33.00 feet.

DANVILLE TWP

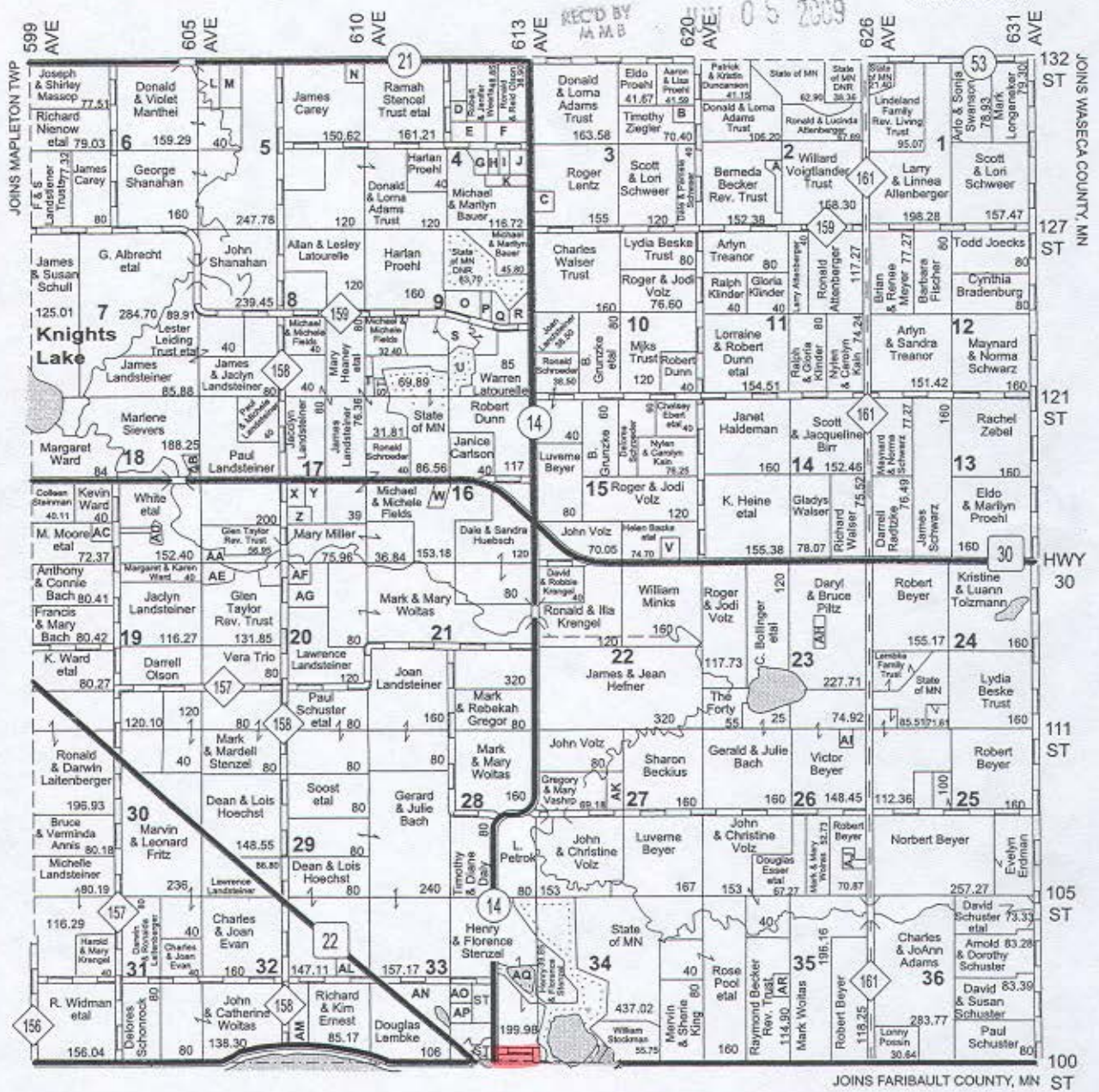
T 105 N

LAND OWNER

R 25 W

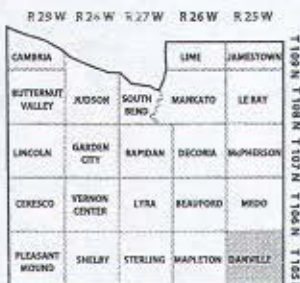
JOINS MEDO TWP

LAND OWNER AND RURAL RESIDENT MAPS



Area 1

Area 2



Small Tracts

- | | | | |
|--------------|---------------------------------------|---------------|-------------------------------------|
| Section 2 A | Charles & Terriane Traynor - 7.82 | Section 16 W | Adelbert & Karren Annunson - 8.82 |
| Section 3 B | Vera Lachelt - 9.60 | Section 17 X | Lawrence & James Landsteiner - 7.37 |
| Section 4 C | Wayne & Ann Eckart - 5 | Section 18 Y | Paul Landsteiner - 21.05 |
| Section 5 D | Christopher & Bobbie Miller - 5 | Section 19 Z | Paul & James Landsteiner - 10.01 |
| Section 6 E | John Ziegler - 24.75 | Section 20 AA | Christopher Carey - 22.17 |
| Section 7 F | State of MN - 25.50 | Section 21 AB | Douglas & Geniel Kopischke - 9.60 |
| Section 8 G | Hoffman & Laurie Stenzel - 9.86 | Section 22 AC | Jeffrey & Barbara Moore - 8 |
| Section 9 H | Laune Stenzel - 5.89 | Section 23 AD | Cynthia Merrill - 7.80 |
| Section 10 I | Dennis & Corinne Hammerschmidt - 5.12 | Section 24 AE | Christopher Carey - 25.11 |
| Section 11 J | Jeffrey & Tricia Buslack - 8.07 | Section 25 AF | Joshua Schull - 9.17 |
| Section 12 K | Larry & Rita Caron - 12.17 | Section 26 AG | Joan Landsteiner - 30.27 |
| Section 13 L | John & Katherine McCarthy - 13.26 | Section 27 AH | Aaron & Lisa Proehl - 5.37 |
| Section 14 M | Mary McCarthy - 26.52 | Section 28 AI | Brian & Michelle Stearns - 8.82 |
| Section 15 N | Patrick Carey - 9.74 | Section 29 AJ | Donald & Brian Neegaard - 6.33 |
| Section 16 O | Allan & Lesley Latourelle - 74.82 | Section 30 AK | Brian Schoemaker - 10.82 |
| Section 17 P | James Wakefield - 5 | Section 31 AL | Mankato Implement Inc. - 12.90 |
| Section 18 Q | Larry Stenzel - 10.83 | Section 32 AM | Kim Ernest - 47.42 |
| Section 19 R | Lonnie & Kristi Stenzel - 16.60 | Section 33 AN | Henry & Florence Stenzel - 57.09 |
| Section 20 S | Glen & Amy Huber - 21 | Section 34 AO | Burnell & Neva Hamann - 8.25 |
| Section 21 T | Mary Heaney et al - 6.66 | Section 35 AP | James Kain et al - 11.20 |
| Section 22 U | State of MN DNR - 24.80 | Section 36 AQ | State of MN - 23 |
| Section 23 V | Heleen Baske - 5.30 | | |