

**CITY OF CANNON FALLS
CANNON FALLS TOWNSHIP
GOODHUE COUNTY, MINNESOTA**

REC'D BY
MBA

SEP 10 2010

CITY RESOLUTION NUMBER 1846

TOWNSHIP RESOLUTION NUMBER 2010-04

**JOINT RESOLUTION FOR ORDERLY ANNEXATION OF CERTAIN PROPERTY,
KNOWN AS CF HOLDINGS LLC, TO THE CITY OF CANNON FALLS PURSUANT
TO MINNESOTA STATUTES 414.0325**

WHEREAS, the City and Town desire to accommodate growth in an orderly fashion;
and

WHEREAS, the City and Town agree that the property situated in Cannon Falls Township, Goodhue County, Minnesota, and legally described on the attached Exhibit "A" is in need of orderly annexation ("Property"); and

WHEREAS, the Property abuts City property or existing areas of the City as shown on the map(s) attached as Exhibit "B", containing approximately 25 acres; and

WHEREAS, the City and the Township are in agreement as to the orderly annexation of the Property and both believe it to be to their benefit and to the benefit of their respective residents in furtherance of orderly growth, the efficient delivery of public services, and the protection of the public health, safety, and welfare; and

WHEREAS, Minnesota Statutes § 414.0325 provides a procedure whereby the City of Cannon Falls and Cannon Falls Township may agree on a process of orderly annexation of a designated area; 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 May 18, 2010; and

WHEREAS, as a result of these processes, the City and the Township have agreed to all of the terms and conditions for the orderly annexation of the Property contained in this Joint Resolution and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Joint Resolution for Orderly Annexation ("Joint Resolution").

NOW THEREFORE BE IT RESOLVED JOINTLY BY THE TOWN BOARD OF SUPERVISORS OF CANNON FALLS TOWNSHIP AND THE CITY COUNCIL OF THE CITY OF CANNON FALLS AS FOLLOWS:

1. **Designation of Area to be Annexed.** That the Property legally described in the attached Exhibit "A" is subject to orderly annexation pursuant to Minnesota Statutes § 414.0325, and that the parties to this Joint Resolution designate the Property for orderly annexation.
2. **Acreeage/Population/Usage.** That the Property consists of approximately 25 acres, the population in the subject area is 0, and the land use is currently guided "urban reserve".
3. **Jurisdiction.** That the Cannon Falls Township and the City of Cannon Falls, by submission of this Joint Resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confers jurisdiction upon the Chief Administrative Law Judge so as to accomplish said orderly annexation in accordance with the terms of this Joint Resolution.
4. **Need.** That the Property is urban or suburban in nature or about to become so, and since the City of Cannon Falls is capable of providing services to the Property in a reasonable time, the annexation would be in the best interest of the area as a result of the City's proposed provision of urban services to, and urban development of the Property.
5. **Interim Status.** All Property shall remain in the Township until annexed to the City in accordance with the terms of this Joint Resolution.
6. **Annexation Procedure and Phasing.** All Property lying within the orderly annexation area shall be annexed to the City in accordance with the following procedures and upon meeting the following conditions:
 - A. **Annexation.** Annexation of all or any portion of the Property shall be at the initiation of the owners of the Property.
 - B. **Timing.** Annexation of all or any portion of the Property shall occur upon the City filing an Annexation Resolution with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings at any time after the following condition has been met:
 - i. Owners of all or any portion of the Property to be annexed have executed and submitted a complete application to the City for the annexation and paid all required fees; including an amount to pay applicable legal costs incurred by the Township.
7. **Joint Planning.** Upon execution of this Agreement all official controls affecting the area to be annexed shall be administered by the City of Cannon Falls. The City of Cannon Falls may apply its zoning and subdivision regulations to the area pursuant to Minnesota Statutes Sections 414.0325, Subd. 5, and 471.59 to the same extent as if the area to be annexed were already part of the City. The City will ensure that its zoning ordinance requirements for the

Property will provide appropriate requirements for landscaping, fencing and architectural controls.

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

9. **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 Property 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 Property or any portion of debt incurred by the Township prior to the annexation and attributable to the Property but for which no special assessments are outstanding.

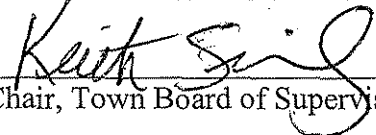
10. **Filing of Joint Resolution.** Upon execution by the respective governing bodies of the City and Township, the City shall file this Joint Resolution with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings.

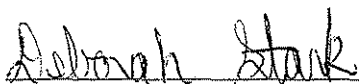
11. **Alteration of Boundaries Not Authorized.** That both the Township and the City agree, pursuant to M.S. § 414.0325, Subd. 1(f), that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, each party agrees that upon receipt of this resolution and agreement, passed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

12. **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 Municipal Boundary Adjustment Unit of the Office of Administrative Hearings 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.

ADOPTED this 18th day of May, 2010 by the Town Board of Supervisors of Cannon Falls Township, Goodhue County.

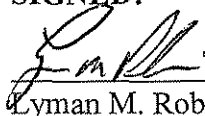
CANNON FALLS TOWNSHIP


Chair, Town Board of Supervisors


Town Clerk

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CANNON FALLS ON THIS
18th DAY OF MAY, 2010.

SIGNED:



Lyman M. Robinson, Mayor

ATTEST:



Aaron S. Reeves, City Administrator

City of Cannon Falls

Motion By: Newes

Second By: Duncan

Bauer: Aye

Duncan: Aye

Hammes: Aye

• Johnson: Aye

McCusker: Aye

Newes: Aye

Cannon Falls Township

Motion By: Hendrickson

Second By: Otto

Hendrickson: Aye

Otto: Aye

Smiley: Aye

EXHIBIT "A"**Legal Description of Property**

That part of the following described Parcels 1 and 2, lying easterly of the following described line:

Commencing at the northwest corner of Government Lot 4, Section 30, Township 112 North, Range 17 West, Goodhue County, Minnesota; thence on an assumed bearing of North 89°56'03" East along the north line of said Government Lot 4 a distance of 1499.01 feet to the point of beginning of the line to be described; thence southeasterly 219.94 feet along a non tangential curve concave to the east, said curve has a radius of 626.75 feet, a central angle of 20°06'23", and the chord of said curve bears South 19°45'20" East 218.81 feet; thence South 29°48'32" East tangent to said curve 92.19 feet; thence South 00°05'56" East 684.15 feet to the north line of the South 350.00 feet of Government Lot 4 and there terminating.

The above described parcel contains 24.62 acres, more or less, and is subject to any easements, covenants and restrictions of record.

PARCEL 1 LAND DESCRIPTION:

Government Lot 4, Section 30, Township 112, Range 17, Goodhue County, Minnesota EXCEPT the South 350.00 feet thereof and ALSO EXCEPT the West 989.08 feet thereof.

Together with that part of Government Lot 5, Section 30, Township 112, Range 17, Goodhue County, Minnesota, lying westerly of the centerline of State Trunk Highway No. 52, EXCEPT the South 350.00 feet thereof, and ALSO EXCEPT THE FOLLOWING:

That part of Government Lots 4 and 5, Section 30, Township 112, Range 17, Goodhue County, Minnesota described as follows: Commencing at the intersection of the north line of the South 350.00 feet of Government Lot 4, said Section 30 and the west line of said Government Lot 4; thence South 89 degrees 33 minutes 18 seconds East, assumed bearing, along said north line of the South 350.00 feet of Government Lots 4 and 5 a distance of 2031.41 feet; thence North 0 degrees 18 minutes 50 seconds East 570.13 feet to the point of beginning of land to be described; thence North 89 degrees 33 minutes 18 seconds West 300 feet; thence North 0 degrees 18 minutes 50 seconds East 400 feet to the north line of Government Lot 4; thence South 89 degrees 39 minutes 05 seconds East 300 feet along said north line of Government Lot 4; thence South 0 degrees 18 minutes 50 seconds West 400 feet to the point of beginning.

ALSO EXCEPT THE FOLLOWING:

That part of Government Lot 5, Section 30, Township 112, Range 17, Goodhue County, Minnesota described as follows: Commencing at the intersection of the north line of the South 350.00 feet of Government Lot 4, said Section 30, and the west line of said Government Lot 4; thence South 89 degrees 33 minutes 18 seconds East (assumed bearing) along said north line of the south 350.00 feet of Government Lots 4 and 5 a distance of 2253.37 feet to the point of beginning of the land to be described; thence

North 0 degrees 26 minutes 42 seconds East 195.00 feet; thence South 89 degrees 33 minutes 18 seconds East, parallel with said north line of the South 350.00 feet of Government Lots 4 and 5 a distance of 707.41 feet to the centerline of the north bound lane of U.S. Highway No. 52; thence South 5 degrees 59 minutes 27 seconds West along said centerline 195.92 feet to said north line of South 350.00 feet of Government Lot 5; thence North 89 degrees 33 minutes 18 seconds West along said north line of the South 350.00 feet of Government Lot 5 a distance of 688.48 feet to the point of beginning.

AND

PARCEL 2 LAND DESCRIPTION:

That part of Government Lots 4 and 5, Section 30, Township 112, Range 17, Goodhue County, Minnesota, described as follows:

Commencing at the intersection of the north line of the South 350.00 feet of Government Lot 4, said Section 30, and the west line of said Government Lot 4; thence South 89 degrees 33 minutes 18 seconds East, assumed bearing, along said north line of the South 350.00 feet of Government Lots 4 and 5 a distance of 2031.41 feet; thence North 0 degrees 18 minutes 50 seconds East 570.13 feet to the point of beginning of land to be described; thence North 89 degrees 33 minutes 18 seconds West 300 feet; thence North 0 degrees 18 minutes 50 seconds East 400 feet to the north line of Government Lot 4; thence South 89 degrees 39 minutes 05 seconds East 300 feet along said north line of Government Lot 4; thence South 0 degrees 18 minutes 50 seconds West 400 feet to the point of beginning.

ALSO, a roadway and utility easement for the benefit of the above-described property in perpetuity described as follows:

A strip of land 66 feet in width located in Government Lots 4 and 5 of Section 30, Township 112, Range 17, Goodhue County, the centerline of which is described as follows: Beginning at the northwest corner of said Government Lot 5; thence South along the West line thereof a distance of 70.00 feet; thence deflecting 85 degrees 09 minutes 30 seconds left a distance of 911 feet, more or less, to its intersection with the westerly right of way line of State Highway No. 52 and said centerline there terminating.

AND

Together with a strip of land 66.00 feet in width lying west of and adjacent to the westerly right of way line of State Highway No. 52 which lies north of the north line of the above described 66 foot strip and south of the north line of said Government Lot 5.

The sidelines of said strips are to be lengthened or shortened to terminate at the westerly right of way line of State Highway No. 52 and the north line of said Government Lot 5.

EXHIBIT "B"

Corporate Boundary Map and More Detailed Map of Annexation Area

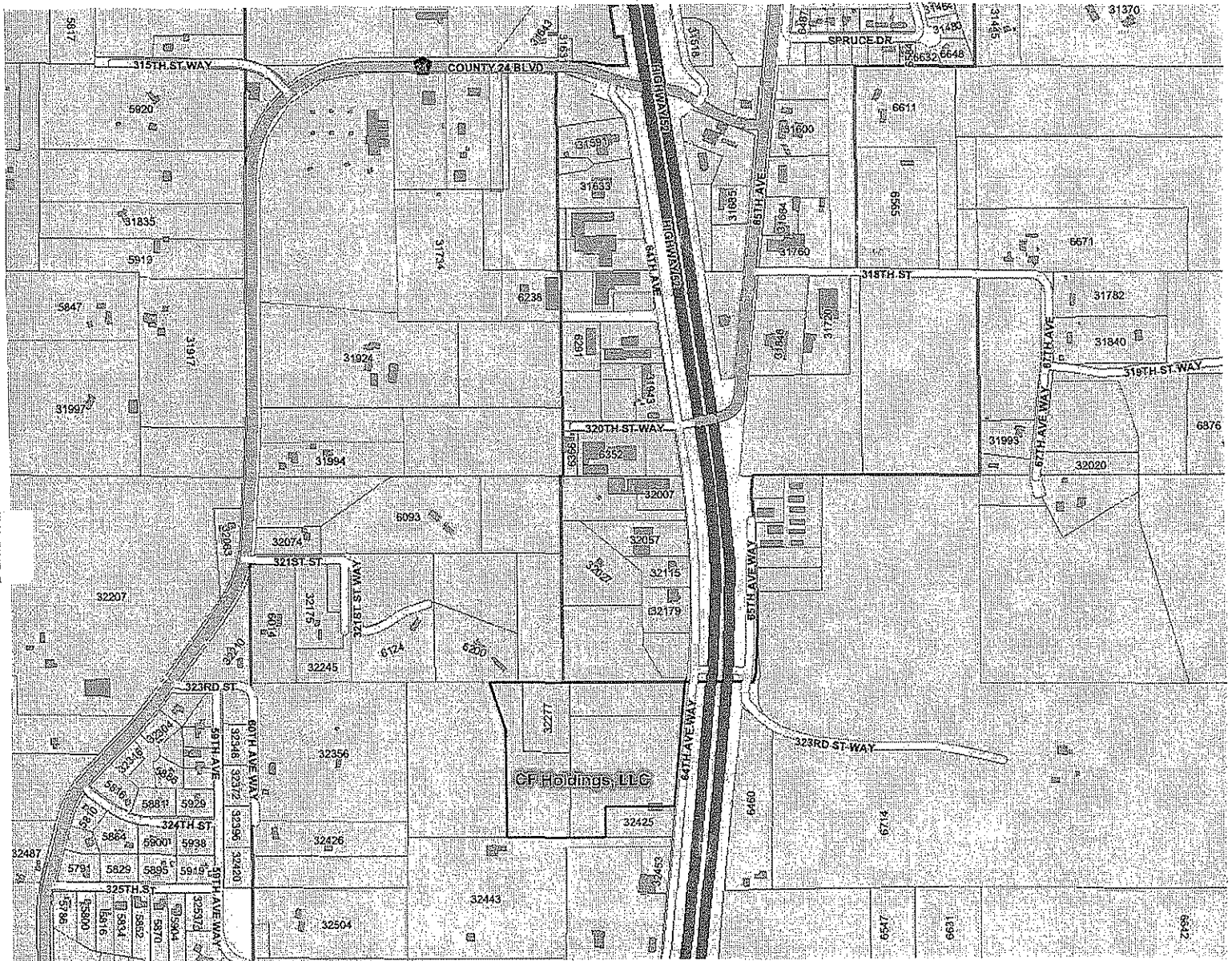


EXHIBIT "C"

REC'D BY
MBA

SEP 10 2010

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.

2010	Current year Tax Amount	\$780	100%	= \$780	Amount	Date Paid	Check Number
Year 1	2012	\$780	90%	= \$702			
Year 2	2013	\$780	70%	= \$546			
Year 3	2014	\$780	50%	= \$390			
Year 4	2015	\$780	30%	= \$234			
Year 5	2016	\$780	10%	= \$ 78			

Special Assessments - None.
Bonded Indebtedness - None.

NOTES:

1. The annexed area is assumed to equal 24.62 acres.
2. For taxes payable 2010, the total taxes due the Township for the entire property owned by CF Holdings, LLC (41.49 acres/Goodhue County records) amounts to \$1,315 which is the equivalent of \$31.69 per acre.
3. 24.62 acres x \$31.69 per acre equals \$780.