

AMENDMENT TO THE JOINT

RESOLUTION BETWEEN THE TOWN

OF MARSHAN AND THE CITY OF HASTINGS

DESIGNATING AN AREA FOR ORDERLY ANNEXATION

The Township of Marshan and the City of Hastings hereby jointly agree that the area designated for orderly annexation in the Joint Resolution Between the Town of Marshan and the City of Hastings designating an Area for Orderly Annexation approved on May 3, 1986 be amended to include the following:

Both the Town and the City agree that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, both parties agree that no consideration by the Board is necessary. Upon receipt of the initiating resolutions passed and adopted by both Marshan Township and the City of Hastings, the Municipal Board may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the joint resolution.

Approved by the City of Hastings this 4TH day of August, 1986.

[Signature]
Mayor

[Signature]
City Clerk

Approved by the Town of Marshan this 19 day of Aug., 1986.

[Signature]
Town Board Chairman

[Signature]
Town Board Clerk

MAY 18 1984

TO THE MINNESOTA MUNICIPAL BOARD
Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

IN THE MATTER OF THE DESCRIPTION OF
AN UNINCORPORATED AREA IN MARSHAN
TOWNSHIP AS IN NEED OF ORDERLY ANNEX-
ATION TO THE CITY OF HASTINGS, AND
CONFERRING JURISDICTION OVER SAID
AREA IN THE MINNESOTA MUNICIPAL
BOARD PURSUANT TO MINNESOTA STATUTES,
§414.0325

JOINT RESOLUTION OF THE
TOWNSHIP OF MARSHAN AND
THE CITY OF HASTINGS FOR
ORDERLY ANNEXATION.

WHEREAS, the owners of certain property situated in the Township of Marshan, County of Dakota, State of Minnesota have filed petitions asking for the immediate annexation by ordinance to the City of Hastings, of said property; and

WHEREAS, the City of Hastings and the Township of Marshan, for the purpose of avoiding a dispute over the annexation of the property described in said petitions desire to enter into a joint resolution approving the immediate annexation of one of said properties and designating other property in the Township of Marshan as in need of orderly annexation to the City of Hastings.

NOW, THEREFORE, BE IT RESOLVED by the City of Hastings and BE IT RESOLVED by the Township of Marshan, as follows:

1. The property which is situated in the Township of Marshan, County of Dakota, State of Minnesota, described on Exhibit A which is attached hereto and incorporated herein is designated as unincorporated properties in need of orderly annexation pursuant to M.S.A. 414.0325 as the same may hereafter be amended or supplemented from time to time. Said property described on Exhibit A is herein referred to as the "orderly annexation area".

2. The parties to this agreement hereby confer jurisdiction upon the Minnesota Municipal Board over annexation in the orderly annexation area, and over the various provisions of agreement between the parties hereto as set forth in this Joint Resolution.

3. The parties agree that the property described in the pending Petition for Annexation by Hastings Construction Co., Inc., which property is described on Exhibit B attached hereto and incorporated herein may be immediately annexed to the City of Hastings. The Minnesota Municipal Board is, by the parties, authorized and requested to accomplish said annexation, upon approval by the Minnesota Municipal Board of this Joint Resolution, without further hearings.

4. That with reference to the property described on Exhibit C which is attached hereto and incorporated herein, known as the "Tuttle Farm" which is the subject of a pending petition by the owners thereof, the parties agree that the same shall not be immediately annexed to the City of Hastings and that said property described in said petition shall be subject to orderly annexation pursuant to the terms hereof.

5. The City of Hastings and the Township of Marshan agree that they will not, prior to July 1, 1988, initiate annexation proceedings for any of the property described in the orderly annexation area, absent a request or petition by the majority of the owners of any certain parcel in said orderly annexation area. The majority of property owners of a parcel within said orderly annexation area may, however, request or petition for annexation of said parcel, and upon any such request or petition as to a parcel within the orderly annexation area either party hereto may submit a resolution to the Minnesota Municipal Board and the matter shall proceed as provided in M.S.A. 414.0325. The term "parcel" as used herein may consist of one or more platted lots and/or one or more tracts of unplatted land. A "parcel" before it may be considered for annexation pursuant to this paragraph, however, shall have one or more boundary contiguous to the City of Hastings. Further, before said annexation shall be accomplished, it shall reasonably appear to the Minnesota Municipal Board that the City of Hastings will be able to provide water and sewer to the petitioned for area within one year of the time of anticipated completion of the annexation. This last stated requirement shall be met if the City Council of the City of Hastings has passed a resolution indicating its intent to promptly serve said area with sewer and water upon completion of annexation.

6. That with reference to the properties described in Exhibit D (which are a portion of the properties described in Exhibit A as the orderly annexation area): Any of said areas which have not prior to July 1, 1988 been annexed to the City of Hastings, shall on said date, July 1, 1988, be annexed to the City of Hastings. Provided, however, that said annexation shall not occur unless it reasonably appears that the City will be able to provide sewer and water to said areas to be annexed within one year of the time of completion of annexation. Said requirement shall be deemed met if the City Council of the City of Hastings has passed a resolution indicating its intent to promptly serve said area with sewer and water upon completion of annexation. Said annexation shall occur without action by or on behalf of either of the parties hereto, or the owners of said properties, and the parties to this agreement do hereby consent to said annexation as of said time, and grant to the Minnesota Municipal Board their approval to accomplish same in accordance herewith. The City and the Township agree that they will not oppose said annexation. The Minnesota Municipal Board is authorized and requested to take such action as may be appropriate to accomplish the intent of the parties, as set forth herein, as of July 1, 1988.

7. That with reference to any properties in the orderly annexation area which are annexed to the City of Hastings prior to July 1, 1988 pursuant to paragraph 5 hereof, or as of July 1, 1988 pursuant to paragraph 6 hereof:

- a. That except for the properties described on Exhibit B (Hastings Construction Co., Inc. property), Exhibit C ("Tuttle Farm"), the Greten property (described on Exhibit E), and the State Lands (described on Exhibit F), properties within the orderly annexation area annexed to the City, which are residential in character:

- i. Pursuant to M.S.A. 414.035, the Minnesota Municipal Board is requested to provide that the mill levy of the City of Hastings on the area annexed shall be increased in substantially equal proportions over four years, to achieve equality with the mill levy on the property already within the City of Hastings.
- ii. Pursuant to M.S.A. 414.036, it is agreed that there shall be a reimbursement from the City of Hastings to the Township of Marshan for taxable property annexed as part of Minnesota Municipal Board order so that in the first year of annexation there shall be reimbursement of 100%, in the second year reimbursement of 75%, in the third year reimbursement of 50% and in the fourth year reimbursement of 25% of the amount of tax that would have been received by the Township of Marshan but for said annexation.

8. That except for the properties described on Exhibits B, C, E & F (Hastings Construction Co., Inc., "Tuttle Farm", Greten Property and State Property), to the extent that said properties are commercial and/or industrial in character at the time of annexation: The Township of Marshan shall receive the real estate taxes due to the local government unit as would have been levied by the Township of Marshan in the year of annexation as well as in the subsequent year and thereafter all local unit of government real estate taxes shall remain the property of the City of Hastings.

9. That with reference to planning in the orderly annexation area for properties in said area prior to the time that said properties are annexed to the City of Hastings: Said planning shall be accomplished pursuant to M.S.A. 414.0325, subd. 5(c) with the parties hereby agreeing that they do not desire planning pursuant to M.S.A. 414.0325, subd. 5(a) and (b) but that the same shall be subject to joint planning and land use control by a three-member committee with one member appointed from the governing body of the City of Hastings, one from the governing body of the Township of Marshan and one from the governing body of the County of Dakota. Said joint planning and land use control shall provide that said committee of three persons so designated shall be the "government body" and "board of appeals and adjustments" for purposes of M.S.A. 462.357 and M.S.A. 462.358 within the orderly annexation area. Said committee, pursuant to said statutory authorization shall have all of the powers contained in sections M.S.A. 462.351 to 462.364 and shall have the authority to adopt and enforce the uniform fire code promulgated pursuant to section M.S.A. 299F.011 all in accordance with applicable statutory provisions regarding same.

10. The parties to this agreement agree that should the owners of properties within the orderly annexation area request or petition for annexation of their parcel prior to July 1, 1988, that the same should not be annexed unless the City can reasonably be expected to be able to provide sewer and water to the areas proposed for annexation within one year of the time that annexation would be accomplished.

11. That with reference to the residential lots described on Exhibit G, referred to as "Sieben Lots": If the same are annexed that the City will not zone same for other than single-family dwelling, or park use, at any time in the next ten years.

12. It is understood that if the City extends any services to, on or through property in the City adjacent to property still in the Township of Marshan but within the orderly annexation area, that the property still within the Township of Marshan shall not be assessed for said improvements until said benefited properties are annexed to the City of Hastings.

13. That with reference to the Mutual Fire Protection Contract between the City of Hastings and the Township of Marshan (and other Townships), the allocation of costs of same shall be adjusted to take into account the valuation decrease in the Township and the valuation increase in the City, as a result of annexation pursuant to this orderly annexation agreement.

14. The City of Hastings agrees to pay to the Township of Marshan, upon receipt of same, any funds resulting from the disqualification of properties under the "Green Acres" law for the preceding three years, or for so many of said preceding three years as the properties were in the Township of Marshan. The amount that the Township of Marshan is to receive pursuant to this paragraph is equal to the amount that the Township of Marshan would have received had the property been disqualified or removed from "Green Acres" classification had the same been at said time in the Township of Marshan.

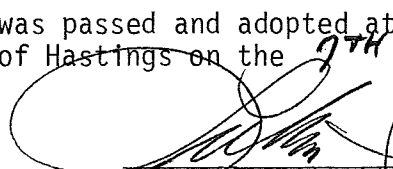
15. The City of Hastings agrees that it will not apply for any Township of Marshan general funds or other assets and that the Township of Marshan agrees that it will not apply for any City of Hastings general funds or other assets, as a result of this agreement.

16. It is understood that this Joint Resolution will not be effective until approved by the Minnesota Municipal Board.


17. If properties are annexed to the City of Hastings and prior to said annexation the Township of Marshan had sums receivable and to be collected at a time subsequent to said annexation, when such funds are received by the City of Hastings they will be forwarded by the City of Hastings to the Township of Marshan.

18. The foregoing, with the Exhibits referenced above and attached hereto, constitutes the entire agreement of the parties regarding the orderly annexation of properties designated and described as the orderly annexation area.


This Joint Resolution was passed and adopted at a duly called meeting of the City Council of the City of Hastings on the 3rd day of May, 1984.


LuAnn Stoffel, Mayor

ATTEST:


Gary Brown, City Administrator

This Joint Resolution was passed and adopted by the Board of Supervisors of the Township of Marshan at a regular called meeting of said Board on the 3 day of May 1984.


Roger Fox, Chairman

Attest:


Clerk

EXHIBITS TO JOINT RESOLUTION OF THE
TOWNSHIP OF MARSHAN AND THE CITY OF
HASTINGS FOR ORDERLY ANNEXATION,
APRIL, 1984

The following descriptions are intended to include all described properties (including any platted properties contained in the respective descriptions), all of which properties are in Marshan Township, Dakota County, Minnesota, according to the Government Survey thereof. Excluded are any properties already within the City of Hastings which might be included in any of the following descriptions.

EXHIBIT A - ORDERLY ANNEXATION AREA

The Northwest Quarter ($NW\frac{1}{4}$), and the North one-half of the Southwest Quarter ($N\frac{1}{2}$ of $SW\frac{1}{4}$) of Section Two (2); and

The Southeast Quarter ($SE\frac{1}{4}$), the West one-half of the Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$) and the Northwest Quarter ($NW\frac{1}{4}$), all in Section Three (3); and

That part of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section Four (4), (not heretofore annexed to the City of Hastings) described as follows: Beginning at the Northeast corner of said Section Four (4), thence West along the North line thereof 399 feet, thence South and parallel with the East line of said Section Four (4) a distance of 1320.89 feet, thence East 399 feet, more or less, to a point on the East line of said Section Four (4), said point being 1319.5 feet South of the point of beginning, thence North along said East line 1319.5 feet to the point of beginning, and the West 346 feet of the East 745 feet of said Northeast Quarter of Northeast Quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$) of said Section Four (4), except the North 140 feet thereof; and

That part of the East one-half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of Section Four (4), described as follows: Commencing at a point on the South line of said Northwest Quarter ($NW\frac{1}{4}$), which point is 382.86 feet East of the Southwest corner of said East one-half ($E\frac{1}{2}$) of said Northwest Quarter ($NW\frac{1}{4}$), thence running in a Northeasterly direction, in a direct line, to a point on the North line of said Northwest Quarter ($NW\frac{1}{4}$), which point is 60 feet West of the Northeast corner thereof, thence East 60 feet to the Northeast corner thereof; thence running in a Southwesterly direction in a direct line to a point on the South line of said Northwest Quarter ($NW\frac{1}{4}$) which point is 442.86 feet East of the Southwest corner of said East half of said Northwest Quarter ($NW\frac{1}{4}$), thence West along said South line to the point of beginning; and

EXHIBIT A - ORDERLY ANNEXATION AREA CONTINUED

That part of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Four (4), Township One Hundred Fourteen (114) North, Range Seventeen (17) West, lying Southeasterly of the following described line to the extent said line exists across a portion of said Northeast Quarter ($NE\frac{1}{4}$) of Northwest Quarter ($NW\frac{1}{4}$): Said line commences at a point on the South line of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Four (4), which point is 442.86 feet East of the Southwest corner of said East half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), said line thence proceeds in a Northeasterly direction, in a direct line, to the Northeast corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Four (4) and there terminates, in Section Four (4), Township One Hundred Fourteen (114) North, Range Seventeen (17) West.

All of the foregoing being in Township One Hundred Fourteen (114) North, Range Seventeen (17) West, according to the Government Survey thereof.

EXHIBIT B - PROPERTY INCLUDED IN PENDING
HASTINGS CONSTRUCTION CO., INC. PETITION

All that part of the West one-half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Three (3), Township One Hundred Fourteen (114) North, Range Seventeen (17) West lying Northeast of State Aid Road No. 8 except the North 417.42 feet of the West 417.42 feet thereof; and further excepting that part thereof platted as Windy Acres, and further excepting that part thereof platted as Sunny Acres, and further excepting the South 150 feet of the North 1078 feet of the West 150 feet of the East 360 feet thereof, except the following described tract, to-wit:

Beginning at a point on the West line of said West one-half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) distant 417.42 feet South of the Northwest corner thereof; thence East and parallel with the North line of said West one-half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) a distance of 417.42 feet; thence South and parallel with said West line to an intersection with the extension Northeasterly of the Southeasterly line of Outlot "A", Windy Acres, Dakota County, Minnesota; thence Southwesterly along said extension to the most easterly corner of said Outlot "A"; thence Northwesterly along the Northeasterly line of said Outlot "A" a distance of 267.2 feet to the said West line of the West one-half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$); thence North along said West line to the point of beginning.

EXHIBIT C
PROPERTY INCLUDED IN "TUTTLE FARM" PETITION

The West half ($W\frac{1}{2}$) of the North half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Two (2), Township One Hundred Fourteen (114), Range Seventeen (17), according to the Government Survey thereof.

The Southeast quarter ($SE\frac{1}{4}$) of Section Three (3), Township One Hundred Fourteen (114), Range Seventeen (17), according to the Government Survey thereof, EXCEPTING THEREFROM that part described as follows: Beginning at a point which point is the Northwest corner of said Southeast Quarter ($SE\frac{1}{4}$); thence South on said West line 240.29 feet; thence South $89^{\circ} 07' 53''$ East for a distance of 1213.35 feet, more or less, to the centerline of State Trunk Highway No. 316; thence Northwesterly along said centerline for 319.40 feet, more or less, to the North line of said Southeast Quarter ($SE\frac{1}{4}$); thence North $89^{\circ} 51' 53''$ West along said North line for 1018.80 feet to the point of beginning.

EXHIBIT D
PROPERTY TO BE ANNEXED NO LATER THAN JULY 1, 1988

The Northwest Quarter of Section Two (2); and

The West one-half of the Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$), and the Northwest Quarter ($NW\frac{1}{4}$), (except property contained in Hastings Construction Co., Inc. Petition, Exhibit B, if annexed prior thereto) in Section Three (3); and

That part of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section Four (4), (not heretofore annexed to the City of Hastings) described as follows: Beginning at the Northeast corner of said Section Four (4), thence West along the North line thereof 399 feet, thence South and parallel with the East line of said Section Four (4), a distance of 1320.89 feet, thence East 399 feet, more or less, to a point on the East line of said Section Four (4), said point being 1319.5 feet South of the point of beginning, thence North along said East line 1319.5 feet to the point of beginning, and the West 346 feet of the East 745 feet of said Northeast Quarter of Northeast Quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$) of said Section Four (4), except the North 140 feet thereof; and

That part of the East one-half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of Section Four (4), described as follows: Commencing at a point on the South line of said Northwest Quarter ($NW\frac{1}{4}$), which point is 382.86 feet East of the Southwest corner of said East one-half ($E\frac{1}{2}$) of said Northwest Quarter ($NW\frac{1}{4}$), thence running in a Northeasterly direction, in a direct line, to a point on the North line of said Northwest Quarter ($NW\frac{1}{4}$), which point is 60 feet West of the Northeast corner thereof, thence East 60 feet to the Northeast corner thereof; thence running in a Southwesterly direction in a direct line to a point on the South line of said Northwest Quarter ($NW\frac{1}{4}$) which point is 442.86 feet East of the Southwest corner of said East half of said Northwest Quarter ($NW\frac{1}{4}$), thence West along said South line to the point of beginning; and

That part of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Four (4), Township One Hundred Fourteen (114) North, Range Seventeen (17) West, lying Southeasterly of the following described line to the extent said line exists across a portion of said Northeast Quarter ($NE\frac{1}{4}$) of Northwest Quarter ($NW\frac{1}{4}$); Said line commences at a point on the South line of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Four (4), which point is 442.86 feet East of the Southwest corner of said East half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), said line thence proceeds in a Northeasterly direction, in a direct line, to the Northeast corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Four (4) and there terminates, in Section Four (4), Township One Hundred Fourteen (114) North, Range Seventeen (17) West.

All of the foregoing being in Township One Hundred Fourteen (114) North, Range Seventeen (17) West, according to the Government Survey thereof.

EXHIBIT E
THE "GRETEN" PROPERTY

That part of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Four (4), Township One Hundred Fourteen (114) North, Range Seventeen (17) West, lying Southeasterly of the following described line to the extent said line exists across a portion of said Northeast Quarter ($NE\frac{1}{4}$) of Northwest Quarter ($NW\frac{1}{4}$):

Said line commences at a point on the South line of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Four (4) which point is 442.86 feet East of the Southwest corner of said East half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), said line thence proceeds in a Northeasterly direction, in a direct line, to the Northeast corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Four (4) and there terminates, in Section Four (4), Township One Hundred Fourteen (114) North, Range Seventeen (17) West.

EXHIBIT F
"STATE" PROPERTY

The Northwest Quarter ($NW\frac{1}{4}$) of Section Two (2), Township One Hundred Fourteen (114) North, Range Seventeen (17) West, according to the Government Survey thereof.

EXHIBIT G
"SIEBEN LOTS"

All of the vacated First Street and the vacated North 140 feet of Williamson Street and Lot 1, except the South 48 feet thereof, and Lot 9, except the South 86 feet thereof, all in Power's Place, according to the recorded plat thereof on file and of record in the office of the County Recorder for Dakota County, Minnesota.

EXHIBIT A

Sec 2 All of NW $\frac{1}{4}$ & the N $\frac{1}{2}$ of SW $\frac{1}{4}$

Sec 3 The W $\frac{1}{2}$ of NE $\frac{1}{4}$ & All of NW $\frac{1}{4}$
& All of SE $\frac{1}{4}$

Sec 4 All of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Except
City Land. All of NE $\frac{1}{4}$ of NW $\frac{1}{4}$
Except City Land & A 60 Ft
wide strip of Land East of
the present City Corporate
Line Lying within the SE $\frac{1}{4}$
of NW $\frac{1}{4}$

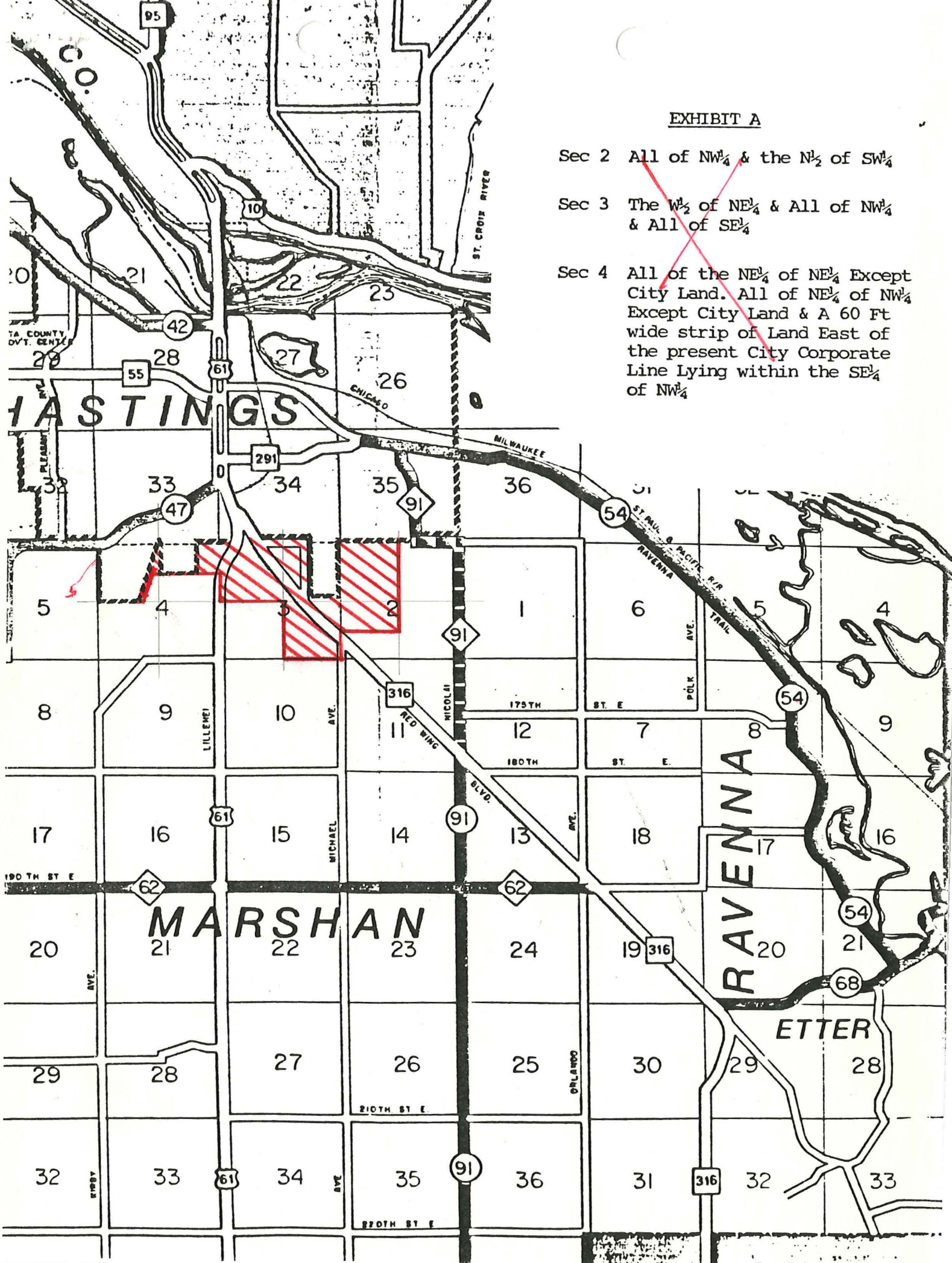


EXHIBIT D

- Sec 2 All of NW $\frac{1}{4}$
- Sec 3 The W $\frac{1}{2}$ of NE $\frac{1}{4}$ & All of the NW $\frac{1}{4}$ Except Hastings Const. Land
- Sec 4 All of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Except City Land & a 60 Ft Wide Strip of Land E of the Present City Corporate Line Lying Within the E $\frac{1}{2}$ of NW $\frac{1}{4}$

