

IN THE MATTER OF THE JOINT RESOLUTION OF THE TOWN OF PAYNESVILLE AND THE CITY OF PAYNESVILLE DESIGNATING AN UNINCORPORATED AREA WITHIN PAYNESVILLE TOWNSHIP AS IN NEED OF IMMEDIATE ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE OFFICE OF ADMINISTRATIVE HEARINGS, MUNICIPAL BOUNDARY ADJUSTMENTS BOARD PURSUANT TO M.S.A. 414.0325.

### JOINT RESOLUTION 2012-19 FOR ORDERLY ANNEXATION

The Township of Paynesville and the City of Paynesville hereby jointly agree to the following:

1. The following described property in Paynesville Township is subject to orderly annexation pursuant to Minnesota Statute §414.0325, and the parties hereto designate the area for immediate orderly annexation, which area is described as follows, to-wit:

*That part of the Southeast Quarter (SE ¼) of Section 9, Township 122, Range 32 that lies Southerly of the North Branch of the Crow River and lies West of a line drawn Northerly at an angle of 89°33'00" with the South line of said SE ¼ as measured from West to North, from a point thereon distant 1341.75 feet West of the Southeast corner of said Section 9 and East of the West 58 rods of the SE ¼ of Section 9, Township 122, Range 32, Stearns County, Minnesota.*

Said parcel containing 11.00 acres, more or less.

2. The Township of Paynesville does, upon the passage of this Resolution and its adoption by the City Council of the City of Paynesville, Minnesota, and upon acceptance by the Office of Administrative Hearings, Municipal Boundary Adjustments Board, confer jurisdiction on the Office of Administrative Hearings, Municipal Boundary Adjustments Board, over the various provisions contained in this agreement.

3. That the property described in Paragraph 1 abuts upon and, in fact, is surrounded by property within the City limits of the City of Paynesville, and is presently urban or suburban in nature or is about to become so. Further, the City of Paynesville is capable of providing services to this area within a reasonable time after annexation and annexation would be in the best interest of the area proposed to be annexed. Specifically, annexation is appropriate because the property owners have requested access to a water supply required for a sprinkler system in a commercial building, and while such services cannot be provided by the Township, the City is capable of providing such service and, in fact, City sewer and City

water is available from Minnie Street abutting this property. Therefore, this property should be annexed to the City of Paynesville. The current population residing within the property described above is zero (0).

4. The effect of annexation on population shall be that the population of the area annexed pursuant to this Resolution shall be treated for all purposes as part of the population of the City of Paynesville immediately upon approval of annexation by the Office of Administrative Hearings, Municipal Boundary Adjustments Board.

5. The taxes due and or/delinquent on the date of annexation with regard to the above property remain the property of Paynesville Township. All taxes and assessments accrued after the date of annexation are the property of the City of Paynesville, subject only to the provisions of Paragraph 7 below. The City of Paynesville, upon annexation, becomes the owner or beneficiary of all roads, easements and rights of way, or other interests in property within the annexed area previously held by Paynesville Township and shall bear the responsibility associated with those rights.

6. Any persons with an ownership interest in the land described in Paragraph 1 above shall have the following rights with regard to the payment of assessments and hook-up charges on projects previously completed by the City which have been assessed against said annexed property:

- a) Hook-up charges shall be payable upon hook-up to municipal services.
- b) Hook-up charges will be based on costs to the City determined by the City Council from time to time.
- c) Any assessment for existing improvements benefiting annexed properties shall be payable over the same number of years and at the same interest rate as the original project provided for.

7. As to those lands which are annexed to the City pursuant to this agreement, of the base tax payable to the Township at the time of annexation, the following shall occur:

The Township shall receive 100% of the base tax until the annexed property has been serviced by municipal services, including City sewer and water, for up to a maximum of eight (8) years. If City



services are installed on the annexed property after annexation, but prior to the expiration of the eight (8) year time period, then after the installation of City services, the Township shall receive 50% of base tax in each year after the City services have been installed, through and including the eighth year after annexation. Thereafter, all taxes collected, if any, shall belong to the City of Paynesville.

It is anticipated by all parties that services here will be provided and available immediately upon annexation as services exist in Minnie Street adjacent to the above premises and are, therefore, available upon annexation.

8. The parties hereto acknowledge that this Joint Resolution for Orderly Annexation has been triggered by the request of 100% of the owners of the parcel of property described above, and the Paynesville Township Board and the City Council of the City of Paynesville agree that annexation is desirable and that the City can provide the services needed by the property owner.

9. No consideration by the Office of Administrative Hearings, Municipal Boundary Adjustments Board is necessary. The Board may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Resolution. No alteration of the stated boundaries is appropriate.

10. Any alterations, variations, modifications or waivers of the provisions of this Joint Resolution for Orderly Annexation shall only be valid if they have been reduced to writing and signed by authorized representatives of the parties.

11. The provisions of this Joint Resolution for Orderly Annexation shall be deemed to be severable. If any part of this contract is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of the contract unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire contract with respect to either party.

The parties further agree to substitute for any invalid provision a valid provision that most closely approximates the economic effect and intent of the invalid provision.

12. This Joint Resolution for Orderly Annexation is the final expression of the agreement of the parties and the complete and exclusive statement of the terms agreed upon and shall supersede all prior negotiations, understandings and agreement. There are no representations, warranties or stipulations, either oral or written, not herein contained.

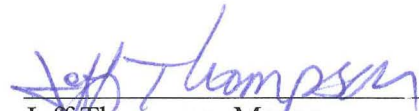
13. It is specifically acknowledged and understood that the parties are represented by and have available to them independent counsel. As a matter of convenience, one party to this agreement may have taken on the bulk of the task of drafting this agreement. This agreement shall not be construed against the drafting party merely because of its role in drafting this agreement.

CITY OF PAYNESVILLE

Passed and adopted by the City Council of the City of Paynesville this 9<sup>th</sup> day of May, 2012.

Attest:

  
Renee Eckerly, City Administrator

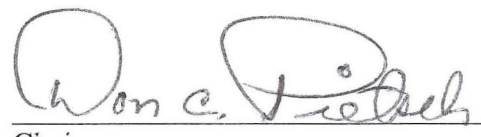
  
Jeff Thompson, Mayor

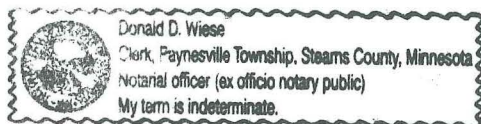
PAYNESVILLE TOWNSHIP

Passed and adopted by the Town Board of the Town of Paynesville this 14 day of May, 2012.

Attest:

  
Town Clerk

  
Chairman



**CERTIFICATE OF ADMINISTRATION**

I, Renee Eckerly, the duly appointed, qualified and acting Administrator of the City of Paynesville, do hereby certify that the records of the City Council indicate that the attached Resolution is a true and correct copy of said Resolution of the City of Paynesville.

That present at the meeting were the following council members:

Jeff Thompson, Jean Soine, Dennis Zimmerman, Gene Beavers, and Jeff Bertram.

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The following members were absent: \_\_\_\_\_

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The vote with respect to the Resolution was as follows:

          All                           in favor of the Resolution.


          None                       against the Resolution.

          None                       abstained from voting.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 9<sup>th</sup> day of  
May, 2012.

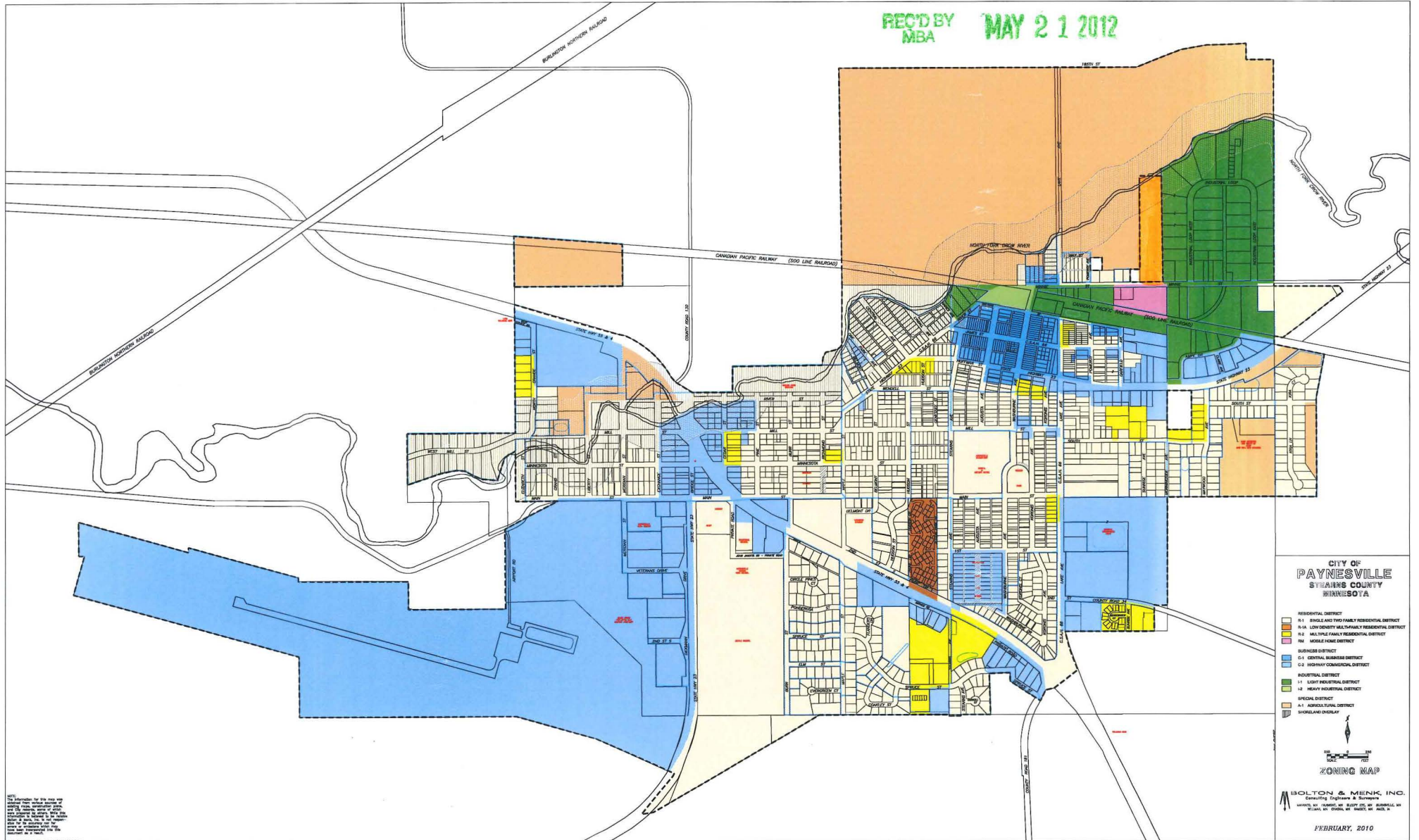
  
Renee Eckerly, City Administrator  
City of Paynesville

ATTEST:

  
Jeff Thompson, Mayor  
City of Paynesville



REC'D BY  
MBA MAY 21 2012



 *Annexation Area*