

EXHIBIT D**JOINT RESOLUTION ESTABLISHING AN
ORDERLY ANNEXATION AGREEMENT BETWEEN
THE CITY OF ORTONVILLE AND ORTONVILLE TOWNSHIP**

City of Ortonville Resolution No. 2013-099
Ortonville Township Resolution No. 2013-1

WHEREAS, the City of Ortonville ("City") and Ortonville Township ("Township") hereby designate for orderly annexation the lands shown on the attached **Exhibit A** and legally described in the attached **Exhibit B** (collectively referred to herein as the "Designated Area"), all located within Ortonville Township, County of Big Stone, Minnesota; and

WHEREAS, the City and Township are in agreement as to the orderly annexation of the Designated Area and each determines the annexation is in their best respective interests; and

WHEREAS, Minn. Stat. § 414.0325 provides a procedure whereby the City and Township may agree on a process for the orderly annexation of the Designated Area; and

WHEREAS, on October, 3, 2013, all of the property owners of the Designated Area submitted a joint petition for orderly annexation to the City and Township pursuant to Minn. Stat. § 414.0325, subd. 1b, a copy of which is attached hereto as **Exhibit C** ("Joint Petition"); and

WHEREAS, the Joint Petition provides that the property owners of the Designated Area waived the electric utility service notice requirements set forth in Minn. Stat. § 414.0325, subd. 1a; and

WHEREAS, it is not necessary for the City and Town to provide notice of intent to designate an area for orderly annexation under Minn. Stat. § 414.0325, subd. 1d because the Joint Petition and the fact this agreement provides for the immediate annexation of the Designated Area.

NOW, THEREFORE, in consideration of the mutual terms and conditions that follow, the City and Township hereby jointly resolve to enter into this agreement to provide for the immediate annexation of the Designated Area into the City upon the following terms and conditions:

1. **Designated Area.** The Designated Area is hereby designated for, and is in need of, orderly annexation pursuant to Minn. Stat. § 414.0325. The designated area consists of approximately 330 acres, the population in the subject area is 0, and the land use type is agricultural and industrial.

2. **Annexation of Designated Area.** The City and Township request the immediate annexation of the Designated Area to the City upon submission of this agreement to the Chief Administrative Law Judge ("Chief Judge").

3. **Jurisdiction.** The Township and City, by submission of this agreement to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confer

jurisdiction upon the Chief Judge so as to accomplish the annexation of the Designated Area in accordance with the terms of this agreement.

4. **Review and Comment by the Chief Judge.** City and Township mutually agree and state that this agreement sets forth all the conditions for annexation and that no consideration by the Chief Judge is necessary for the annexation of the Designated Area to occur as provided in this agreement. Additionally, no alteration of the boundaries of the Designated Area by the Chief Judge is appropriate. The Chief Judge may review and comment, but shall, within 30 days, order the annexation of the property within the Designated Area.

5. **Binding Contract.** Pursuant to Minn. Stat. § 414.0325, subd. 6, this Agreement is a binding contract upon the parties and is enforceable in district court in the county containing the Designated Area.

6. **Need.** The Designated Area is, or is about to become, urban or suburban, the City is capable of providing services to this area within a reasonable time, and the annexation would be in the best interest of the area.

7. **Conditions.** The Designated Area shall become immediately annexed into the City of Ortonville upon the execution of the Chief Administrative Law Judge's order pursuant to Minn. Stat. § 414.0325, subd. 1(h) and subd. 4.

8. **Municipal Reimbursement.** Pursuant to Minn. Stat. § 414.036, the City and Town hereby agree as follows:

a. Reimbursement to Township for lost taxes on annexed property.

The City shall pay the Township a total of \$560 as reimbursement for lost taxes. The City may either pay the total amount in a single payment or may make two payments in substantially equal amounts. If the City makes a single lump sum payment, such payment shall be made within 60 days of the effective date of the annexation of the Designated Area. If the City elects to instead make two payments, the first payment shall be paid to the Township by December 31, 2013 and the second by July 1, 2014.

b. Assessments and Debt.

The Township has assigned no special assessments to the Designated Area and no portion of debt is attributable to the Designated Area for which reimbursement is required under Minn. Stat. § 414.063.

9. **Levying Authority.** Because the annexation proposed by this agreement becomes effective after August 1, the Township will continue to levy property taxes on the Designated Area in the year of annexation to be collected in the following year. The City then becomes the levying authority for the Designated Area in the year following annexation with the taxes it assesses being collected by the City in the second year following annexation.

10. **Road Maintenance.** The Designated Area is not adjacent to any Township roads and, therefore, the annexation will not result in the creation of any City/Township line roads or new City streets for the purposes of Minn. Stat. § 414.038.

11. **Costs.** The City shall be responsible for all costs associated with filing this agreement with the Boundary Adjustments Unit including, but not limited to, paying the filing fees and for making any corrections, if necessary, to the attached legal description or map of the Designated Area. The parties shall each be responsible for their own legal costs.

Adopted on this 4th day of Oct 2013.

ORTONVILLE TOWNSHIP

ATTEST:

By: Bruce Ham
Chairperson

By: Harold R. Rustey III
Township Clerk

Adopted this 7th day of October 2013.

CITY OF ORTONVILLE

ATTEST:

By: Michael Dary
Mayor Pro Tem

By: Charles Roseman
City Administrator/Clerk

Exhibit A - Page 1 of 3 Corporate Boundary Map

City of Ortonville, MN.

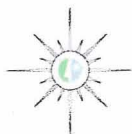
REC'D BY
MRA

OCT 21 2013

MUNICIPALITIES OF
BIG STONE CO.
PREPARED BY THE
MINNESOTA DEPARTMENT OF TRANSPORTATION
OFFICE OF TRANSPORTATION DATA & ANALYSIS
IN COOPERATION WITH
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

800 0 800 1600 FEET
250 0 250 500 METERS

2011
BASIC DATA - 2010



LEGEND

INTERSTATE TRUNK HIGHWAY.....
U.S. TRUNK HIGHWAY.....
STATE TRUNK HIGHWAY.....
COUNTY STATE AID HIGHWAY.....
COUNTY ROAD.....
PUBLIC ROAD.....
PRIVATE ROAD.....
CORPORATE LIMITS.....

**2013 Orderly Annexation
of Lots J, K, L, M & N
(highlighted in yellow)
to the City of Ortonville**

Note: Scale and registration of
Orderly Annexation Areas (Lots) overlaid
on top of City Map is approximate and
intended only to illustrate the proximity
of Orderly Annexation Areas to current
Corporate Boundaries of City.

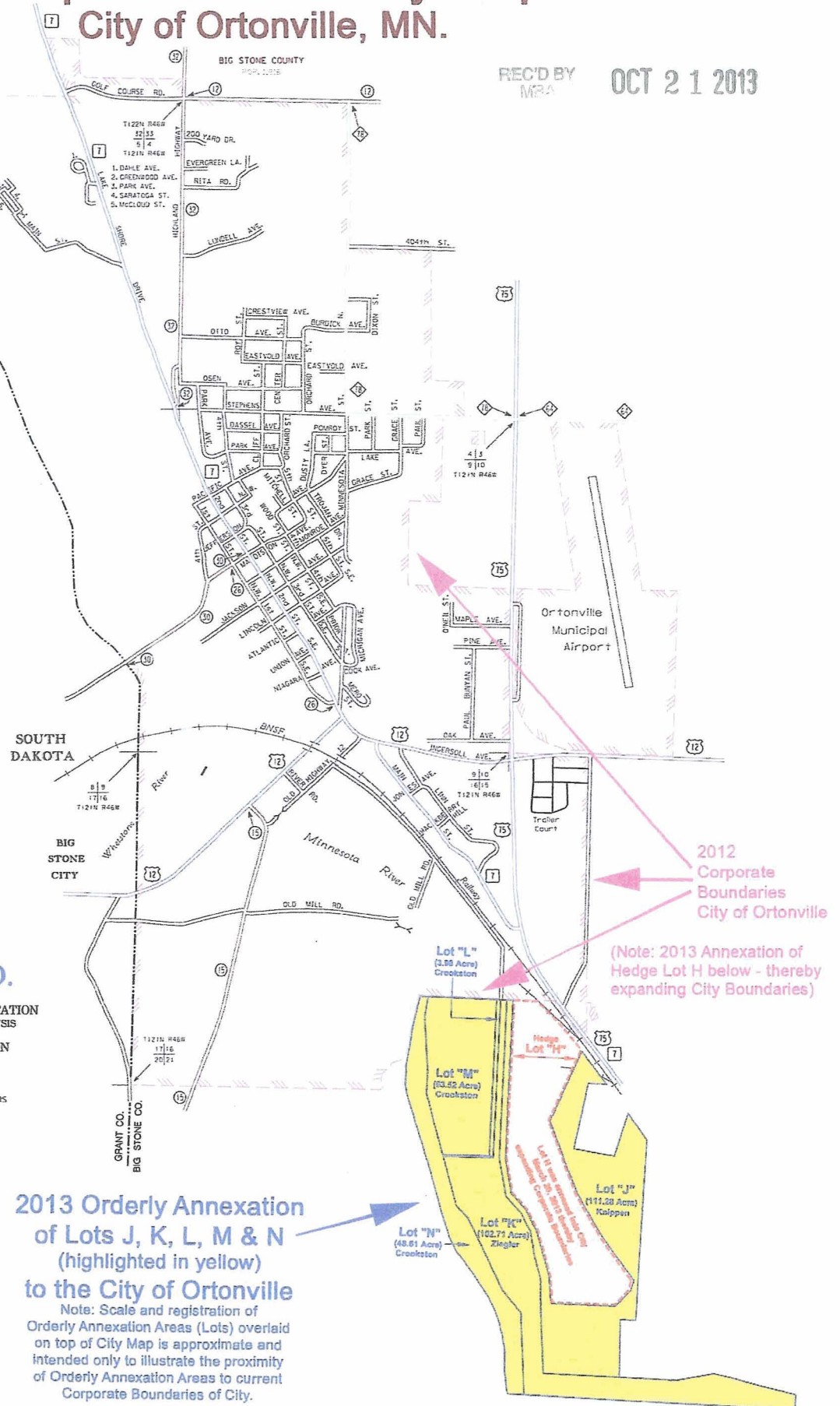
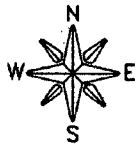


Exhibit A (Continued - Plat Map - Page 2 of 3)

Orderly Annexation of Lots J, K, L, M & N

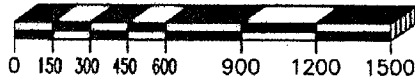
LOTS H, J, K, L, M AND N OF SECTIONS 15, 16, 21 AND 22,
TOWNSHIP 121 NORTH, RANGE 46 WEST, ORIGINAL, BIG STONE COUNTY, MINNESOTA



LEGEND

- = FOUND CORNER MONUMENT
- = SET 5/8" REBAR WITH CAP STAMPED "RLS 19092"
- () = RECORD DATA

SCALE: 1" = 600'



DOC. NO. 170714
FILED September 26, 2012
AT 4:25 P.M. AND RECORDED
IN BOOK 5 OF Plats
ON PAGE 424

ELAINE MARTIG

COUNTY RECORDER
BIG STONE COUNTY, MINNESOTA
BY Laura Berger DEPUTY

Surveyors Certificate

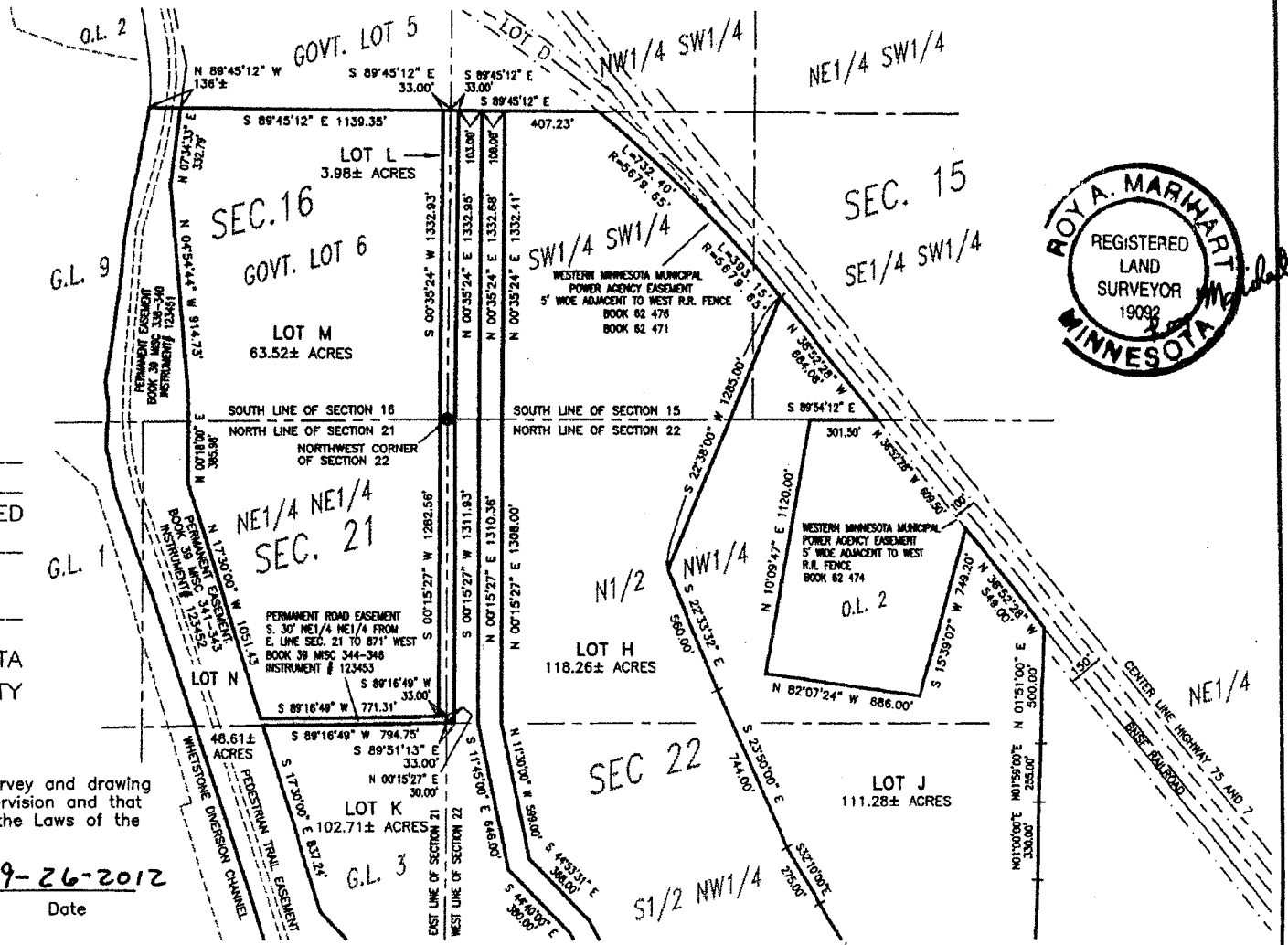
I, Roy Marhart, do hereby certify that this survey and drawing was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the Laws of the State of Minnesota.

Roy Marhart

Roy Marhart - MN Reg. No. 19092
Marhart Surveying, P.A.

9-26-2012

Date



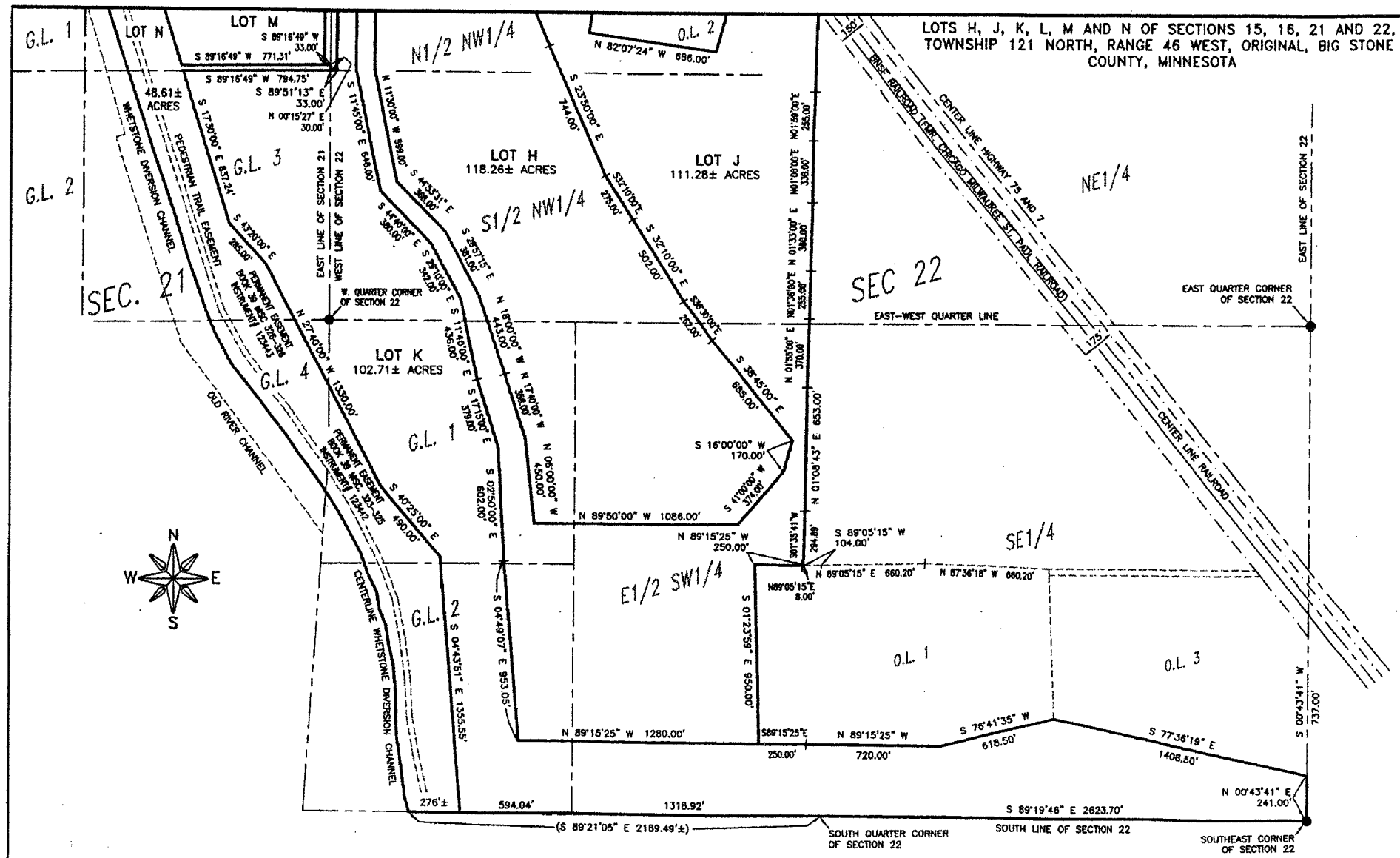
REC'D BY
MDA

OCT 21 2013

5-424

Exhibit A (Continued - Plat Map - Page 3 of 3)

Orderly Annexation of Lots J, K, L, M & N



REC'D BY
MBA

OCT 21 2013

5-424

EXHIBIT B (Legal Descriptions)

Lands designated for Orderly Annexation

"DESIGNATED AREA":

Lot J (Alan Thomas Knippen and Kimberly Ann McClelland-Knippen, owners)(±111.28 Acres): Lot J of the South Half of the Southwest Quarter (S1/2 SW1/4) of Section Fifteen (15) and of the West Half (W1/2) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.

Lot K (June Joann Ziegler, owner)(±102.71 Acres): Lot K of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Fifteen (15), of Government Lots Three (3) and Four (4) of Section Twenty-one (21), of the West Half (W1/2) of Section Twenty-two (22), and of the South Half of the Southeast Quarter (S1/2 SE1/4) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.

Lot L (Geraldine Ann Crookston, owner)(±3.98 Acres): Lot L of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Fifteen (15), of Government Lot Six (6) of Section Sixteen (16), of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Twenty-one (21), and of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.

Lot M (Geraldine Ann Crookston, owner)(±63.52 Acres): Lot M of Government Lot Six (6) of Section Sixteen (16) and of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Twenty-one (21), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.

Lot N (Geraldine Ann Crookston, owner)(±48.61 Acres): Lot N of Government Lot Six (6) of Section Sixteen (16), of Government Lots One (1), Three (3) and Four (4) and the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Twenty-one (21), and of Government Lots One (1) and Two (2) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.



EXHIBIT C

REC'D BY
MBA

OCT 21 2013

**JOINT PETITION FOR ORDERLY ANNEXATION
PURSUANT TO MINNESOTA STATUTES § 414.0325**

TO: The City Council of the City of Ortonville, Minnesota
The Board of Supervisors of the Township of Ortonville, Minnesota

PETITIONERS STATE:

All of the property owners of the area described on the attached **Exhibit A** presently lying in the Township of Ortonville to the City of Ortonville, County of Big Stone, Minnesota, hereby jointly request that the City of Ortonville and the Township of Ortonville adopt a joint resolution for orderly annexation of the properties described in **Exhibit A** into the City of Ortonville pursuant to Minn. Stat. § 414.0325, subd. 1.

1. There are a total of four property owners in the area proposed for annexation described in **Exhibit A**.
2. The area proposed for annexation abuts the City, is approximately 330 acres, and is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available.
3. The area proposed for annexation is unincorporated, abuts on the City's southern boundary, and is not included within any other municipality.
4. The reasons for the requested annexation include, but are not limited to one or more of the following:
 - A) The area proposed for annexation is now, or is about to become, urban or suburban in character;
 - B) The property owners desire to have available to them and their property the many services that are most efficiently provided by the City, including, but not limited to, administrative, planning, environmental controls, water, sewer and electrical utility services, better fire rating and protection, police protection, and recreational facilities. These services are not currently available or offered to a sufficient degree by Ortonville Township. As an example, County Sheriff or Rural Fire services currently would have to travel through the City, using City streets, in order to gain access to the area proposed for annexation;
 - C) The area proposed for annexation is contiguous to City along its northern boundary and can only be accessed from the City. Without such access to the City, the area proposed for annexation is severed from access to nearby highways or county roads. Inherent obstacles restricting other access include private property owned by others, the BNSF Railway to the northeast, the Big Stone

National Wildlife Refuge to the south, and the Whetstone Diversion Channel (Minnesota River) to the west; and

- D) The area proposed for annexation is a natural and logical extension to those adjoining properties already within the City.
- E) Annexation would be in the best interests of the area proposed for annexation.

PETITIONERS REQUEST: That pursuant to Minnesota Statutes § 414.0325, the property described herein on **Exhibit A** attached hereto be immediately annexed to and included within the City of Ortonville, Minnesota by adoption of a Joint Resolution for Orderly Annexation by and between the City of Ortonville and the Township of Ortonville.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

REC'D BY
MPS

OCT 21 2013

SIGNED BY OWNERS OF LOT J:

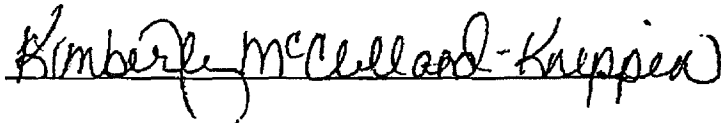
Dated: 9-25-13, 2013

Alan Knippen

A handwritten signature in cursive script, reading "Alan Knippen", written over a horizontal line.

Dated: 9-25-13, 2013

Kimberly McClelland-Knippen

A handwritten signature in cursive script, reading "Kimberly McClelland-Knippen", written over a horizontal line.

REC'D BY
MB/

OCT 21 2013

SIGNED BY OWNER OF LOT K:

Dated: Sept 27, 2013

June Ziegler

June J. Ziegler

SIGNED BY OWNER OF LOTS L, M, AND N:

REC'D BY
MBA

OCT 21 2013

Dated: September 27, 2013

Geraldine Crookston

Geraldine Crookston

WITHOUT WAIVING THEIR RIGHTS, GAYLE AND COLLEEN HEDGE ALSO SIGN THIS JOINT PETITION TO THE EXTENT THEY ARE CONSIDERED PROPERTY OWNERS OF LOTS J, K, L, M, AND N FOR PURPOSES OF CHAPTER 414 OF THE MINNESOTA STATUTES IN LIGHT OF THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARING'S ORDER AND MEMORANDUM DATED MARCH 14, 2013:

Dated: 9/23/13, 2013

Gayle E. Hedge

Gayle E. Hedge

Dated: 9/23/13, 2013

Colleen M. Hedge

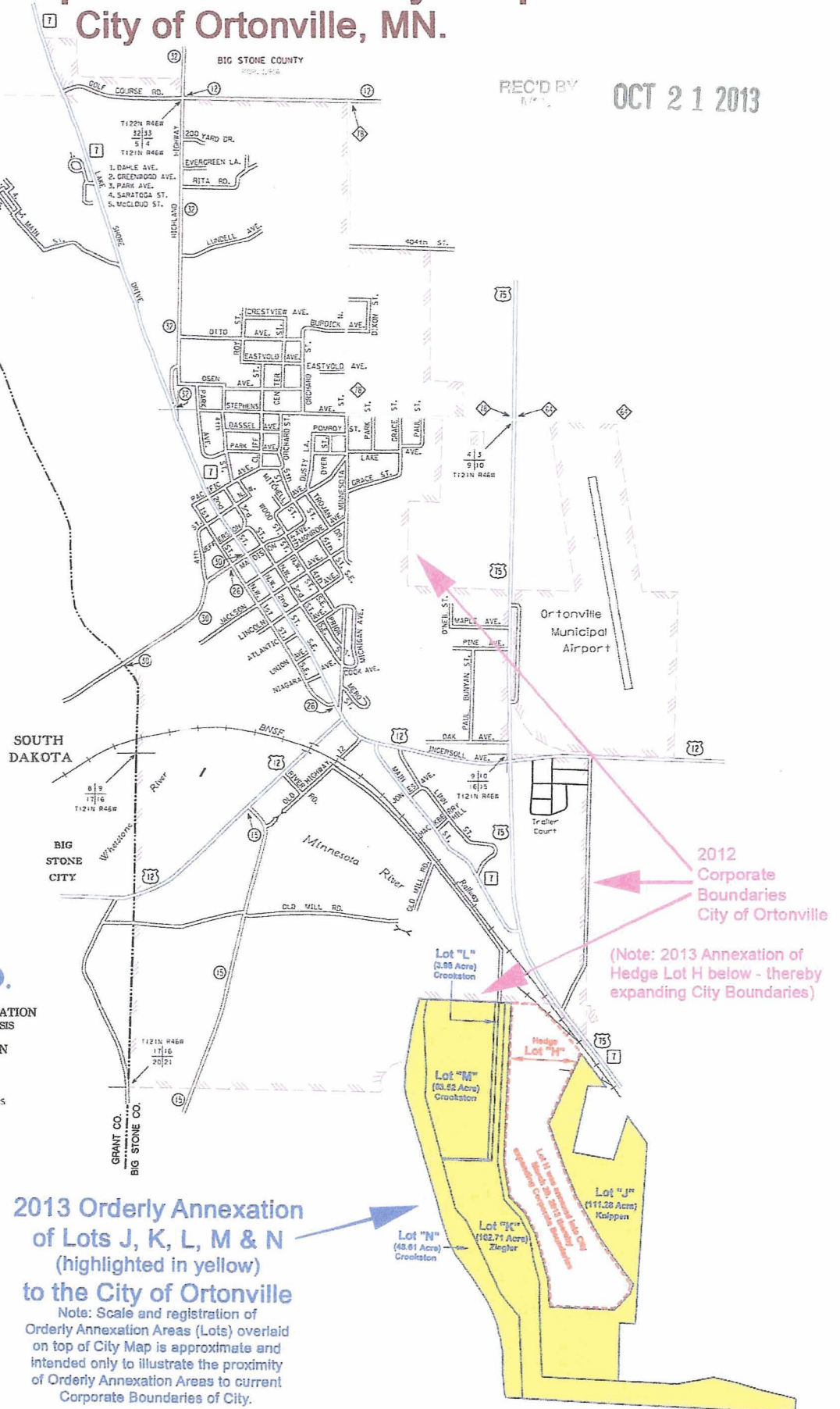
Colleen M. Hedge

Exhibit A - Page 1 of 3 Corporate Boundary Map

City of Ortonville, MN.

REC'D BY
10/21/13

OCT 21 2013



MUNICIPALITIES OF
BIG STONE CO.

PREPARED BY THE
MINNESOTA DEPARTMENT OF TRANSPORTATION
OFFICE OF TRANSPORTATION DATA & ANALYSIS
IN COOPERATION WITH
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

SCALE
800 0 800 1600 FEET
250 0 250 500 METERS

2011
BASIC DATA - 2010



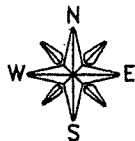
LEGEND

INTERSTATE TRUNK HIGHWAY.....
U.S. TRUNK HIGHWAY.....
STATE TRUNK HIGHWAY.....
COUNTY STATE AID HIGHWAY.....
COUNTY ROAD.....
PUBLIC ROAD.....
PRIVATE ROAD.....
CORPORATE LIMITS.....

Exhibit A (Continued - Plat Map - Page 2 of 3)

Orderly Annexation of Lots J, K, L, M & N

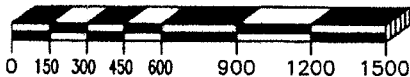
LOTS H, J, K, L, M AND N OF SECTIONS 15, 16, 21 AND 22,
TOWNSHIP 121 NORTH, RANGE 46 WEST, ORIGINAL, BIG STONE COUNTY, MINNESOTA



LEGEND

- = FOUND CORNER MONUMENT
- = SET 5/8" REBAR WITH CAP
STAMPED "RLS 19092"
- () = RECORD DATA

SCALE: 1" = 600'



DOC. NO. 170714
FILED September 26, 2012
AT 4:25 P.M. AND RECORDED
IN BOOK 5 OF Plats
ON PAGE 424

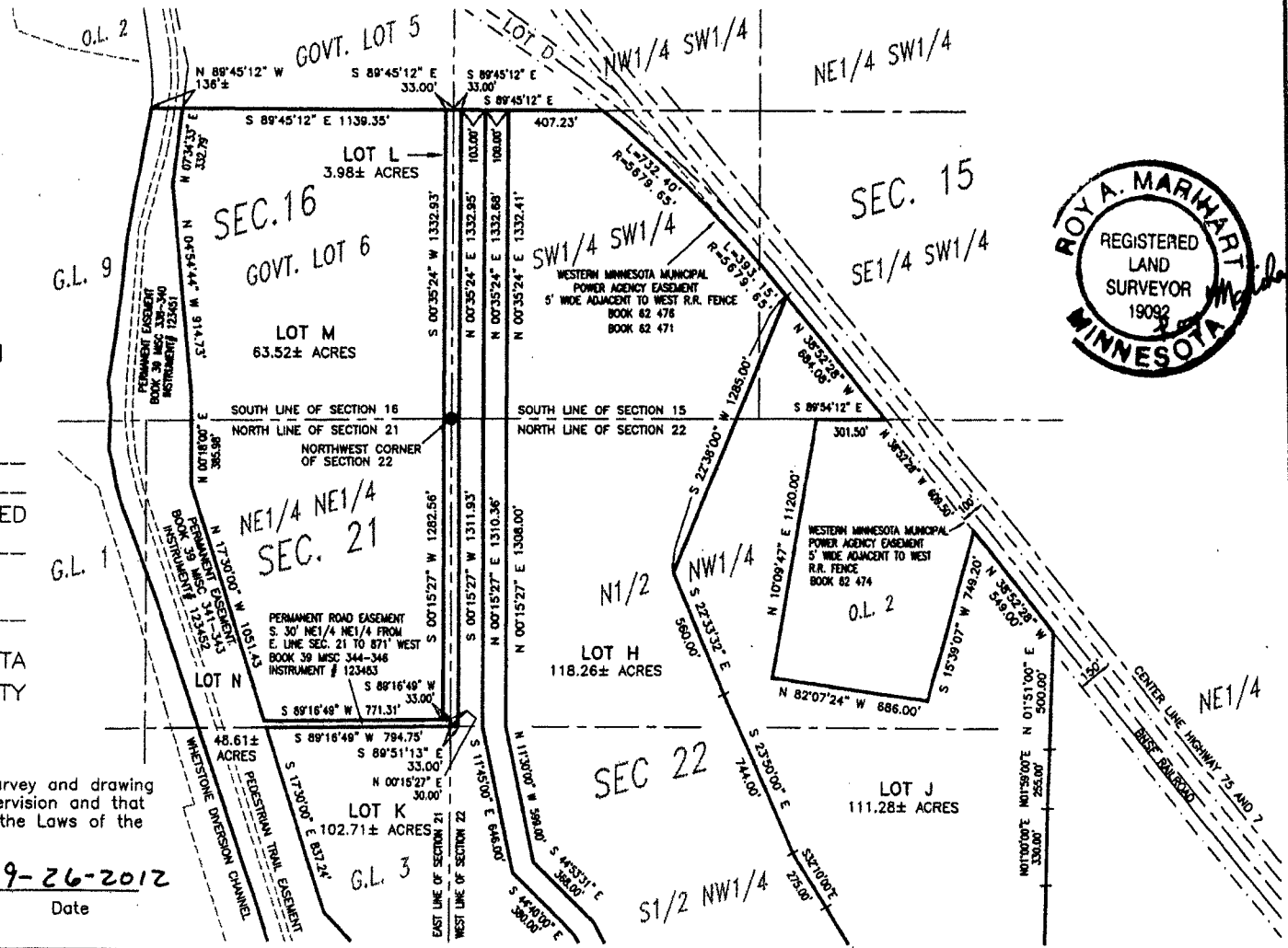
ELAINE MARTIG
COUNTY RECORDER
BIG STONE COUNTY, MINNESOTA
BY Laura Berger DEPUTY

Surveyors Certificate

I, Roy Marihart, do hereby certify that this survey and drawing was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the Laws of the State of Minnesota.

Roy Marihart
Roy Marihart - MN Reg. No. 19092
Marihart Surveying, P.A.

9-26-2012
Date

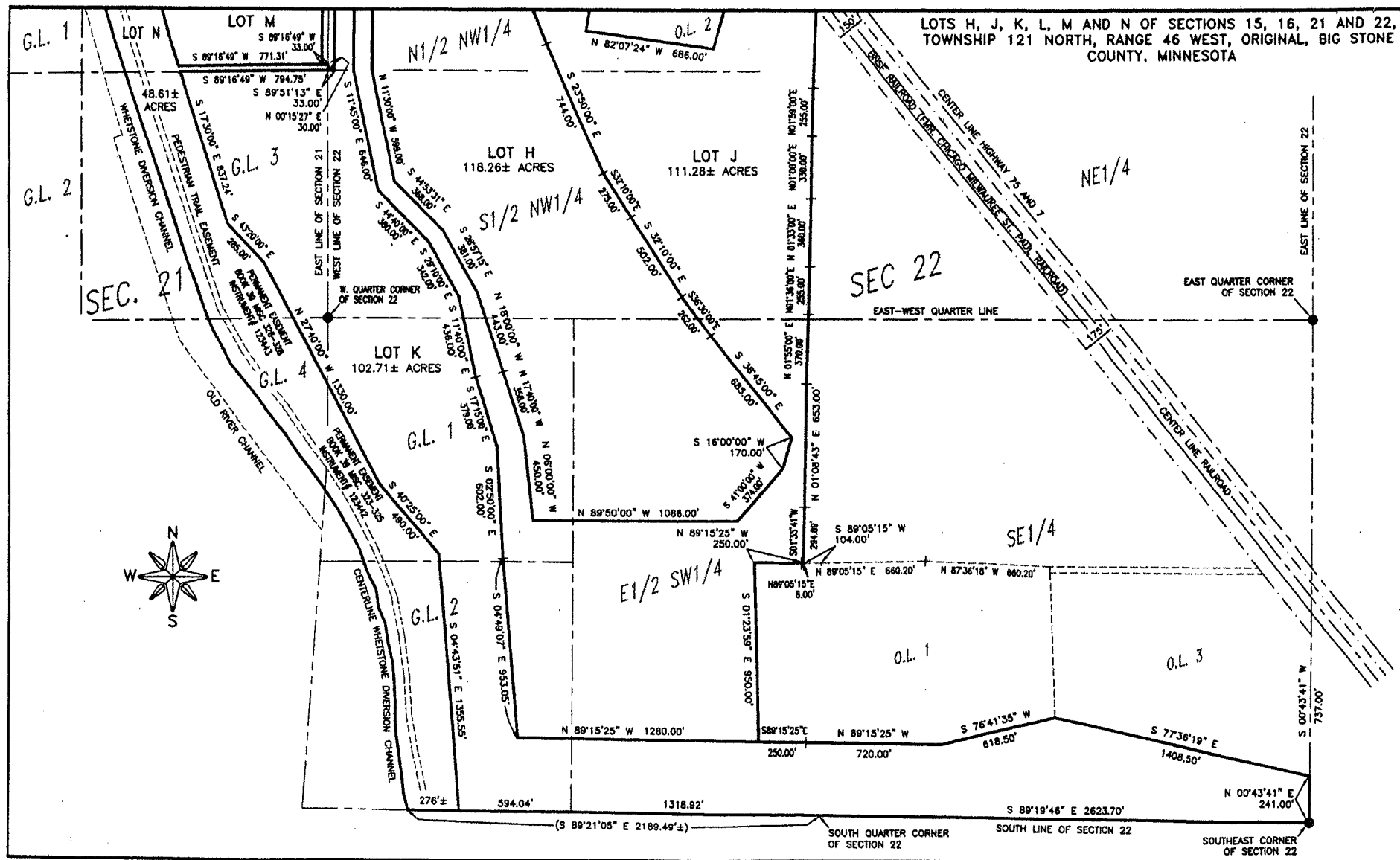


REC'D BY
MBA

OCT 21 2013

5-424

Orderly Annexation of Lots J, K, L, M & N



5-424

REC'D BY
MBA

OCT 21 2013

EXHIBIT B (Legal Descriptions)

Lands designated for Orderly Annexation

"DESIGNATED AREA":

Lot J (Alan Thomas Knippen and Kimberly Ann McClelland-Knippen, owners)(±111.28 Acres):

Lot J of the South Half of the Southwest Quarter (S1/2 SW1/4) of Section Fifteen (15) and of the West Half (W1/2) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.

Lot K (June Joann Ziegler, owner)(±102.71 Acres):

Lot K of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Fifteen (15), of Government Lots Three (3) and Four (4) of Section Twenty-one (21), of the West Half (W1/2) of Section Twenty-two (22), and of the South Half of the Southeast Quarter (S1/2 SE1/4) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.

Lot L (Geraldine Ann Crookston, owner)(±3.98 Acres): Lot L of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Fifteen (15), of Government Lot Six (6) of Section Sixteen (16), of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Twenty-one (21), and of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.

Lot M (Geraldine Ann Crookston, owner)(±63.52 Acres): Lot M of Government Lot Six (6) of Section Sixteen (16) and of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Twenty-one (21), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.

Lot N (Geraldine Ann Crookston, owner)(±48.61 Acres): Lot N of Government Lot Six (6) of Section Sixteen (16), of Government Lots One (1), Three (3) and Four (4) and the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Twenty-one (21), and of Government Lots One (1) and Two (2) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.