

RESOLUTION #2014-01**TOWN OF JAMESTOWN AND CITY OF MADISON LAKE
JOINT RESOLUTION FOR ORDERLY ANNEXATION****IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN
THE CITY OF MADISON LAKE AND JAMESTOWN TOWNSHIP
PURSUANT TO MINNESOTA STATUTES § 414.0325**

WHEREAS, the City of Madison Lake ("City") and the Township of Jamestown ("Township") desire to enter into an agreement for the orderly annexation of certain property, legally described herein, pursuant to Minnesota Statutes, Section § 414.0325; and

WHEREAS, the City and Township agree that the properties legally described herein meet the definition for annexation as contained in applicable Minnesota Statutes; and

WHEREAS, it is in the best interest of the City, the Township and their respective residents to agree to orderly annexation in furtherance of orderly growth and the protection of the public health, safety, and welfare; and

WHEREAS, the City and the Township are in agreement as to the procedures and process for orderly annexation of said property described herein for the purpose of orderly, planned growth; and

WHEREAS, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Joint Resolution for Orderly Annexation ("Joint Resolution"); and

WHEREAS, on March 26, 2014 a Notice of Intent to include property in an orderly annexation area was published pursuant to the requirements of Minnesota Statutes § 414.0325 Subd. 1b; and

WHEREAS, the City of Madison Lake and Jamestown Township have agreed to all the terms and conditions for the annexation of the above-described lands within this document 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 the resolution.

NOW, THEREFORE BE IT RESOLVED by the City of Madison Lake, Blue Earth County, Minnesota, and the Township of Jamestown, Blue Earth County, Minnesota, as follows:

1. **Filing of Joint Resolution** -Upon execution by the respective governing bodies of the City and Township, the City shall file this Joint Resolution with Minnesota Municipal Boundary Adjustment Unit (MBAU) of the Office of Administrative Hearings (or successor agency).
2. **Designation of Annexation Area** -The City and Township hereby designate the following area in need of orderly annexation pursuant to Minnesota Statutes, Section 414.0325.
 - A. **Described Area**: These properties will hereinafter be designated as the Jamestown Orderly Annexation Area One ("JOAA1"). The JOAA1 is illustrated as Exhibit A and described in Exhibit B, with the exhibit being attached hereto and incorporated herewith. In the event that there are errors, omissions or any other problems with the description or mapping provided in Exhibit A in the judgment of the Minnesota Municipal Boundary Adjustment Unit (MBAU) of the Office of Administrative Hearings, the parties agree to make such corrections and file any additional documentation, including a new Exhibit A making the corrections requested or required by Minnesota Municipal Boundary Adjustment Unit

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(MBAU) 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.

3. **Initiation Requirements-** The City may conduct an annexation of parcels within the Designated Area at any time after the adoption of this joint resolution.
- A. An annexation shall be uncontested by the Township provided any of the following conditions are met:
 - i. A majority of the property owners of a parcel of land contiguous to City and within the Annexation Area submit a petition for annexation to the City.
 - ii. A landowner of land which abuts the City limits submits a petition for annexation to City;
 - iii. Construction of local improvements benefits the property and permit assessments for all or a portion of the cost of the local improvements.
 - iv. City owns the land;
 - v. The land is owned by a private person and all surrounding land is within the City;
 - B. If the City intends to annex a parcel of land in the Annexation Area, City shall within 14 days of receipt of the petition to annex, submit to Township the following:
 - i. The legal description and a map of the property to be annexed;
 - ii. A description of the proposed use of the property to be annexed, if known; and
 - iii. Any general development plan for the property to be annexed, if one has been submitted to City.
 - C. The City will initiate annexation pursuant to this Agreement by resolution adopted by the City Council (the "Annexation Resolution"). The Annexation Resolution shall be filed with the Minnesota Municipal Boundary Authority Unit (MBAU), MN Office of Administrative Hearings, Township and the Blue Earth County Auditor. The Annexation Resolution shall identify one or more paragraphs of this Joint Resolution and Agreement which authorize such annexation.
 - D. Township will not file any objection with the MN Office of Administrative Hearings concerning the annexation of any land within the JOAA1 so long as the annexation complies with the terms and conditions of this Agreement. If Township has already filed such an objection with the MN Office of Administrative Hearings, the filing of this Joint Resolution and Agreement with the MN Office of Administrative Hearings shall constitute withdrawal of the objection.
 - E. The City and Township agree that no alteration of the stated boundaries as described in the Joint Resolution is appropriate, that no consideration by Minnesota Municipal Boundary Adjustment Unit (MBAU) of the Office of Administrative Hearings is necessary and that all terms and conditions for annexation are provided for in this Joint Resolution. The

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Municipal Boundary Adjustment Unit of the Office of Administrative Hearings may review and comment but shall within 30 days order the annexation of the designated area. Upon receipt of the Annexation Order, the City shall provide a copy to the Blue Earth County Auditor.

4. **Zoning of Annexed Property** -Property annexed to the City shall be either zoned at the time of annexation or automatically zoned as Agricultural, the City will rezone of the property to an applicable zoning within six months of annexation.
5. **Property Tax Reimbursement** -In regards to property tax reimbursement, in the year of annexation the Township shall retain 100% of the property taxes payable in the year of annexation (levied by the Township the previous year) which would have been distributed to the Township but for annexation.

In the years following the year of annexation, the City shall make cash payments to the Township equal to the percentage set out below of the property taxes levied by the Township in the year of annexation on the properties described in Exhibit B, as follows:

Year after Annexation	Percentage of Property Tax
1	80%
2	70%
3	60%
4	50%
5	40%
Thereafter	0%

Payments shall be made twice a year within 30 days of the County's property tax reconciliation distribution to the City.

6. **Assessments & Capital Improvements** -Any assessments for public improvements benefiting the annexed property which are still due to the Township will be collected by the City under its assessment collection procedure and such payments will be reimbursed to the Township until said assessments are paid in full. The Township will provide the City such information as is necessary to ensure the recovery of assessments. The City will reimburse the Township said assessment payments within thirty (30) days of City's receipt of the County's property tax reconciliation distributions. In the event that payment is received prior to the County property tax reconciliation distribution date to the City, the City will reimburse within thirty (30) days.
7. **Municipal Services** – Nothing in this Agreement shall relieve Township of its governmental responsibilities for the Annexation Area, including but not limited to the regular and normal maintenance of the existing infrastructure of roads, drainage facilities, and street signs. Township's continuing governmental responsibilities for an annexed area shall continue until the date of the MN Office of Administrative Hearing's order approving the annexation.

Upon annexation, the City shall provide the annexed properties the same services entitled to similarly situated properties within the jurisdiction of the City. Available city services include, but are not limited to the following:

- A. Law enforcement and Fire protection services-Law enforcement and fire protection services shall be available to all property owners within the annexed areas under the same terms

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conditions and policies as are available to all city property owners.

If a property is annexed into the City limits, the City will amend its Fire Contract with the Township the subsequent year to remove the annexed properties' values from the Township's valuation in the fire service formula. The property values as set by the Blue Earth County Assessor's Office shall be used for purposes of determining the amount to be removed from the Township's valuation. The required Fire Service payment from the Township to the City will be adjusted accordingly and reflected in the formula used in the Fire Service Agreement.

- B. Sewer & Water –Upon annexation all properties in the JOAA1 shall have sewer and water services extended or available.
- C. Streets & Roads - Unless otherwise agreed to in the annexation resolution, the City will be responsible for the road maintenance upon annexation approval by the Minnesota Municipal Boundary Adjustment. Road maintenance shall include sign maintenance, road repairs as well as snow and ice removal.

After the first 5 years from annexation the City boundary shall be the sole responsibility of the City of Madison Lake. At such time, the City shall be responsible for the maintenance of all other public roads contained within the annexation area.

- 8. **Term of Joint Resolution/Amendment** -This Joint Resolution shall be in full force and effect immediately upon the document being fully executed by all parties hereto. The Joint Resolution may be terminated or amended by mutual written joint resolution of the City and Township.
- 9. **Governing Law** -This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
- 10. **Severability** -In the event that any portion of this Joint Resolution is declared null and void or unenforceable by a court of law, the validity of the remaining terms and provisions shall not be affected and the Joint Resolution shall be construed and enforced as if the Joint Resolution did not contain the particular term or provision held to be invalid. The City and Township agree to implement the procedures under Paragraph 12 to correct any such provision that was stricken.
- 11. **Entire Agreement** -The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future attachments or exhibits, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations regarding the properties depicted on Exhibit A and described on Exhibit B. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.
- 12. **Resolution of Disputes** –If there is a disagreement as to the interpretation or implementation of the Joint Resolution, the City and Township shall implement the below outlined dispute resolution procedures in the following sequence:
 - A. **Negotiation** -Representatives of the City and Township will meet a minimum of one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.

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- B. Mediation -If negotiation is not successful, parties shall participate in a minimum of one (1) mediation session with a mutually agreed upon mediator to resolve the dispute.
- C. Binding Arbitration/Adjudication -If mediation is not successful, the parties may agree to submit their respective grievances to binding arbitration or may seek relief through initiation of an action in a court of competent jurisdiction, which may include, but not be limited to specific performance to compel the performance as outlined in this Joint Resolution. In addition to the remedies afforded to the parties through law and equity, the Court shall have the authority to award reasonable attorney fees, costs and expenses to a party found to be in violation of the terms of this agreement.

12. **Heading & Captions** -Headings and Captions are for convenience only and are not intended to alter any of the provisions of this joint resolution for orderly annexation.


Any notices required under this agreement shall be in writing and sufficiently given if delivered in person or sent by certified or registered mail to the following persons or their successors.

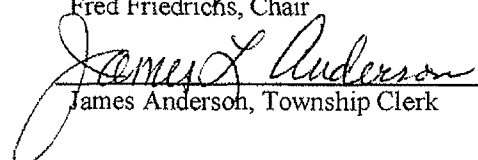
Jamestown Township: Mr. James Anderson
60392 239th Street
Madison Lake, MN

City of Madison Lake: Ms. Ari Klugman
525 Main Street, PO Box 295
Madison Lake, MN 56063

Adopted by the Jamestown Township Board this 8th day of April, 2014.


JAMESTOWN TOWNSHIP

By: 
Fred Friedrichs, Chair

By: 
James Anderson, Township Clerk

Approved by the Madison Lake City Council this 7th day of April, 2014.

CITY OF MADISON LAKE

By: 
Kenneth Reichel, Mayor

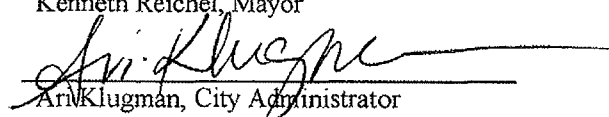
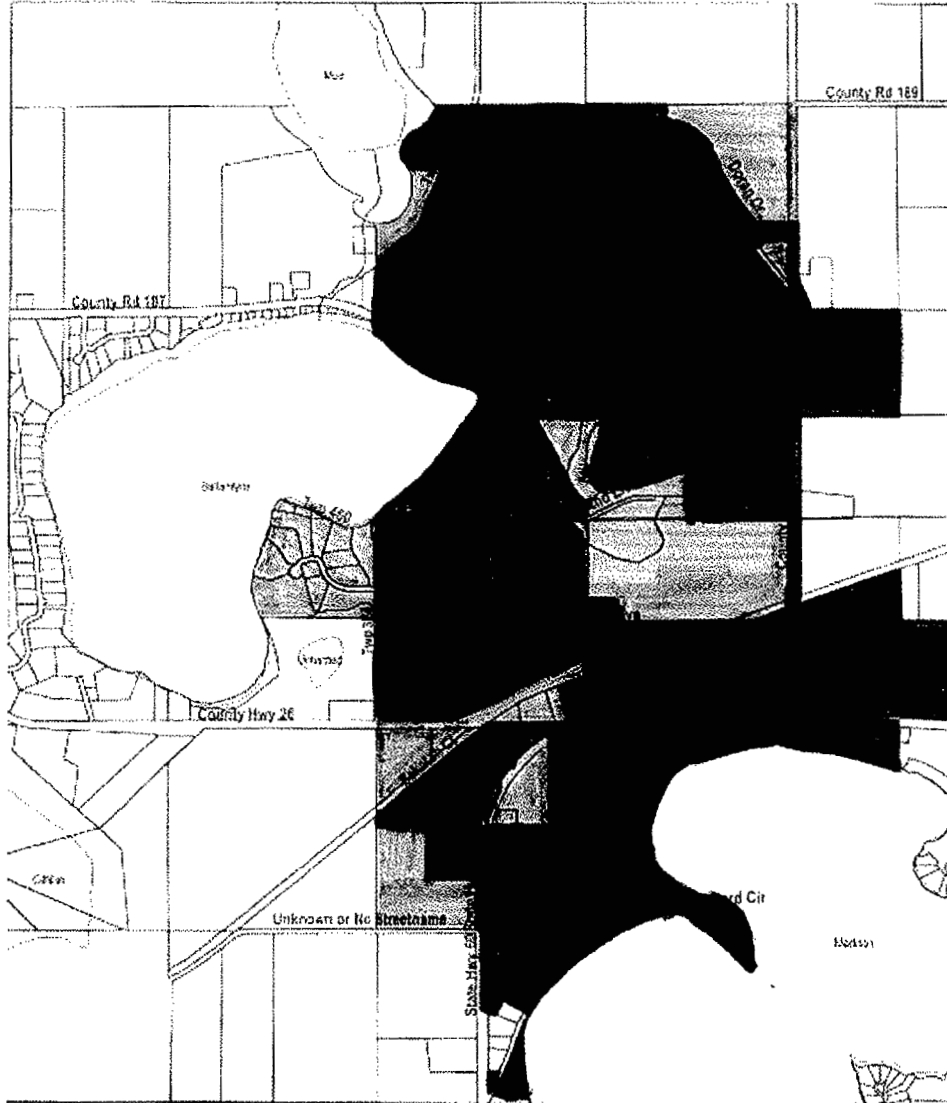
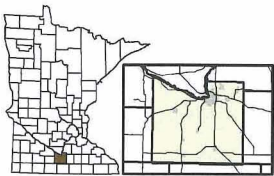
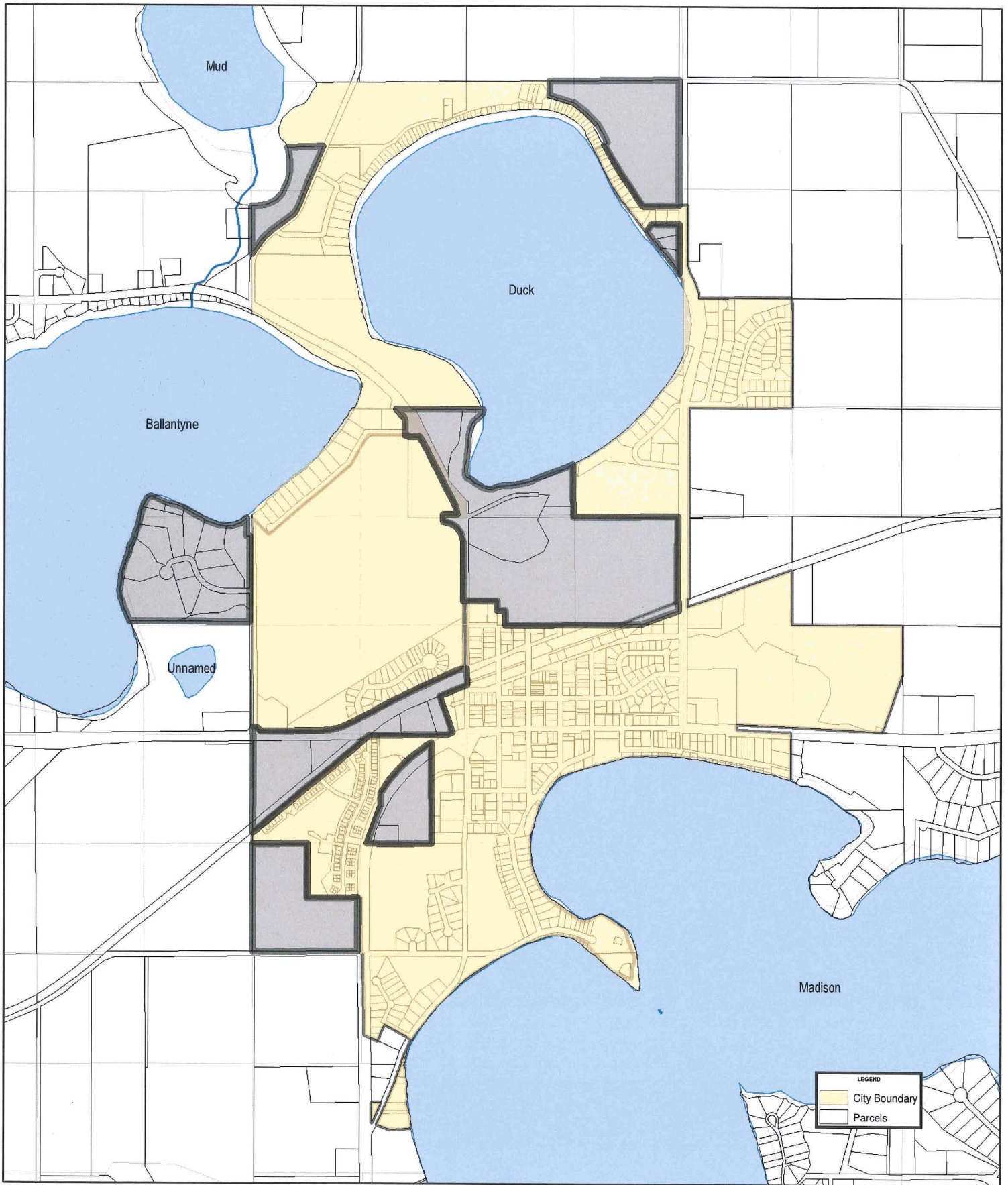
By: 
Ari Klugman, City Administrator

Exhibit A:

The areas shown in darker shade on the attached map are areas already within the City. The lighter shade are the areas covered in the orderly annexation agreement.





JOAA1

MADISON LAKE, MINNESOTA

Data provided by **IS GROUP**
One firm. - not to touch™

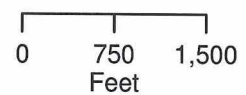


Exhibit B:

The following parcels and the streets within are included in the JOAA1:

Description	Parcel ID
Duck Lake County Park	R37.05.27.400.006
Dauk Triangle Property	R37.05.27.378.005
Dauk Farmstead	R37.05.34.226.007
Dauk Small Lot	R37.05.27.400.008
State of MN (Sakatah)	R37.05.34.226.002
State of MN 1	R37.05.27.400.003
State of MN 2	R37.05.34.201.002
Point Wild Lot 1	R37.05.33.226.012
Point Wild Lot 2	R37.05.33.226.010
Point Wild Lot 3	R37.05.33.226.007
Point Wild Lot 4	R37.05.33.226.006
Point Wild Lot 5	R37.05.33.226.005
Point Wild Lot 6	R37.05.33.226.004
Point Wild Lot 7	R37.05.33.226.008
Point Wild Lot 8	R37.05.33.226.013
Point Wild Lot 9	R37.05.33.226.014
Point Wild Lot 10	R37.05.33.226.015
Point Wild Outlot A	R37.05.33.226.011
Point Wild Outlot B	R37.05.33.226.016
Point Wild Park	R37.05.33.226.009
Night Owl Lot 1	R37.05.28.476.009
Night Owl Lot 2	R37.05.28.476.008
1 Duck Lake	R37.05.272.76.007
2 Duck Lake	R37.05.27.276.009
3 Duck Lake	R37.05.27.276.008
230 th Street 1	R37.05.34.176.001
230 th Street 2	R37.05.34.176.002
230 th Street 3	R37.05.34.176.003
Frederick	R37.05.34.301.001
Worrell	R37.05.34.301.002
Trnka	R37.05.34.327.010
Everett	R37.05.34.327.007
Layman	R37.05.34.353.001
Brunz	R37.05.27.151.001
Doran	R37.05.27.226.002