

**TOWN OF LE RAY AND CITY OF MADISON LAKE
JOINT RESOLUTION FOR ORDERLY ANNEXATION**

**CITY RESOLUTION No. 2014-87
TOWN RESOLUTION No. 2014- 01**

**IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN
THE CITY OF MADISON LAKE AND LE RAY TOWNSHIP
PURSUANT TO MINNESOTA STATUTES § 414.0325**

WHEREAS, the City of Madison Lake ("City") and the Township of Le Ray ("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, by October 10, 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 Le Ray 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 Le Ray, 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). The City shall be responsible for preparing, and for making any corrections as may be needed, the legal descriptions and map of the areas being designated for orderly annexation pursuant to this Joint Resolution.
- 2. Designation of Annexation Area** -The City and Township hereby designate the following area described in Exhibit A and shown in Exhibit B in need of orderly annexation pursuant to Minnesota Statutes, Section 414.0325. The City and Township request the immediate annexation of all the property within the designated area upon the filing of this Joint Resolution with the MBAU.
- 3. Annexation of Designated Area**- The City may conduct an annexation of parcels within the Designated Area with the adoption of this joint resolution. The City shall file this Resolution with the

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Minnesota Municipal Boundary Authority Unit (MBAU), MN Office of Administrative Hearings, Township and the Blue Earth County Auditor.

- A. Township will not file any objection with the MN Office of Administrative Hearings concerning the annexation of any land within the designated area 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.
- 4. **Annexation Order** - 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 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.
- 5. **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.
- 6. **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, in 2014 this number is agreed to as \$300.00, as follows:

Year after Annexation	Percentage of Property Tax
1 – 2015	80% - \$240.00
2 – 2016	70% - \$210.00
3 – 2017	60% - \$180.00
4 – 2018	50% - \$150.00
5 - 2019	40% - \$120.00
Thereafter	0% - \$0.00

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

- 7. **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.

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8. **Municipal Services** – Nothing in this Joint Resolution 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 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 designated area 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.

9. **Binding Contract** – Pursuant to Minnesota Statutes, section 414.0325, subd. 6, this Joint Resolution constitutes a binding contract upon the parties and is enforceable in district court in Blue Earth County.
10. **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.
11. **Governing Law** -This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
12. **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.
13. **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

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parties hereto, superseding all prior agreements and negotiations regarding the properties described within. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.

14. **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.


Le Ray Township: Mrs. Karyn Block
61093 200th Street
Eagle Lake, MN

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

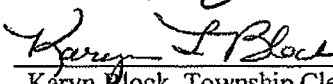
Adopted by the Le Ray Township Board this ¹³th day of November, 2014.

LE RAY TOWNSHIP

By:


Curt Kloss, Chair

By:


Karyn Block, Township Clerk

Approved by the Madison Lake City Council this 3rd day of November, 2014.

CITY OF MADISON LAKE

By:


Kenneth Reichel, Mayor

By:


Ari Klugman, City Administrator

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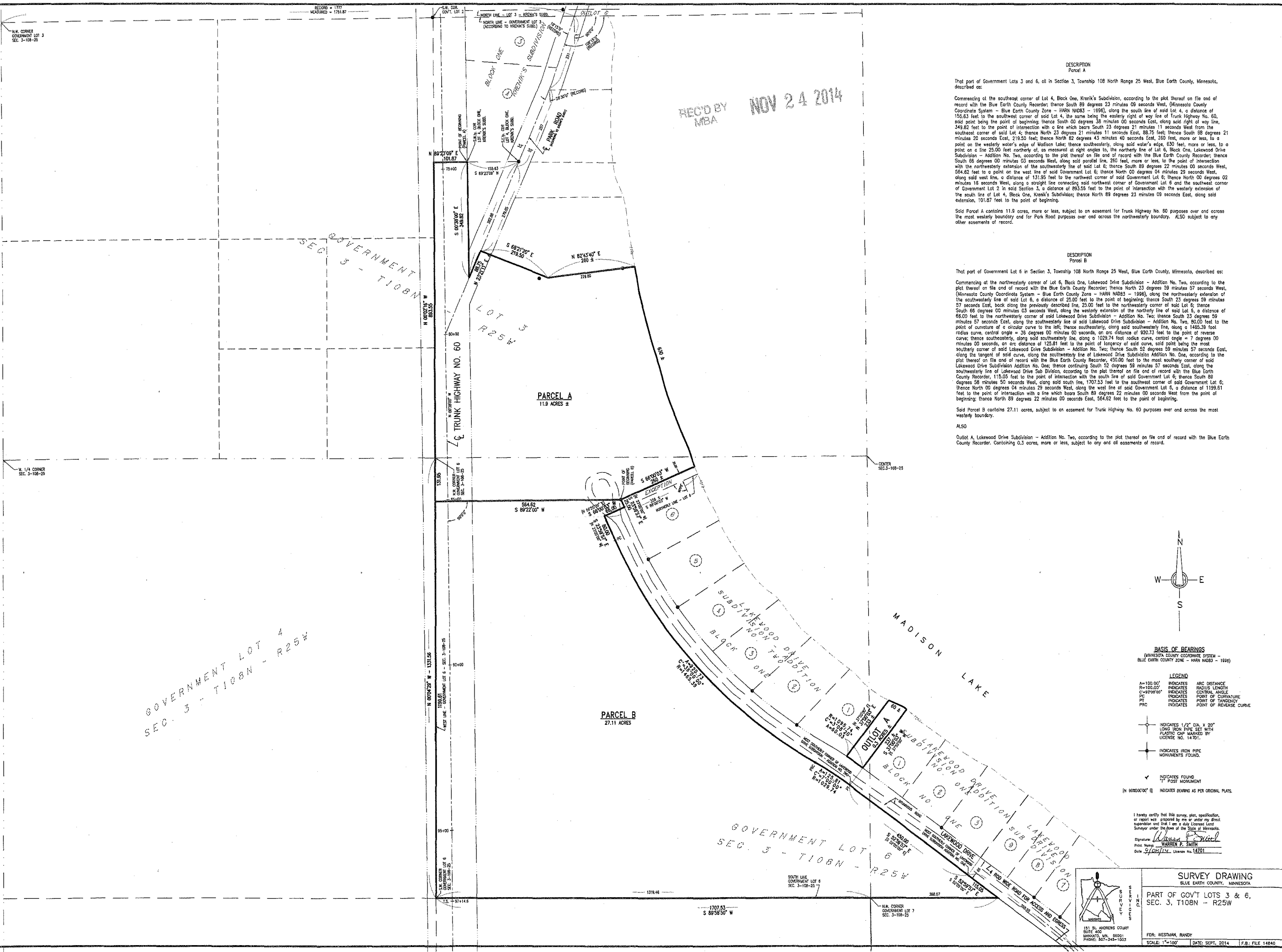
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EXHIBIT A: LEGAL DESCRIPTION

That part of Government Lots 3 and 6, all in Section 3, Township 108 North Range 25 West, Blue Earth County, Minnesota, described as:

Commencing at the southeast corner of Lot 4, Block One, Krenik's Subdivision, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence South 89 degrees 23 minutes 09 seconds West, (Minnesota County Coordinate System –Blue Earth County Zone – HARN NAD 83 -1996), along the south line of said Lot 4, a distance of 155.63 feet to the southwest corner of said Lot 4, the same being the easterly right of way line of Trunk Highway No. 60, said point being the point of beginning; thence South 00 degrees 38 minutes 00 seconds East, along said right of way line, 349.82 feet to the point of intersection with a line which bears South 23 degrees 21 minutes 11 seconds West from the south east corner of said Lot 4; thence North 23 degrees 21 minutes 11 seconds East, 88.75 feet; thence South 68 degrees 21 minutes 20 seconds East, 219.50 feet; thence North 82 degrees 43 minutes 40 seconds East, 260 feet, more or less, to a point on the westerly water's edge of Madison Lake; thence south easterly, along said water's edge, 630 feet, more or less, to a point on a line 25.00 feet northerly of, as measured at the right angles to, the northerly line of Lot 6, Block One Lakewood Drive Subdivision – Addition No. Two, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence South 66 degrees 00 minutes 03 seconds West, along said parallel line, 260 feet, more or less, to the point of intersection with the northwesterly extension of the southwesterly line of said Lot 6; thence South 89 degrees 22 minutes 00 seconds West 564.62 feet to a point on the west line of said Government Lot 6; thence North 00 degrees 04 minutes 29 seconds West, along said west line, a distance of 131.95 feet to the northwest corner of said Government Lot 6; thence North 00 degrees 02 minutes 16 seconds West, along a straight line connecting said northwest corner of Government Lot 6 and the southwest corner of Government Lot 2 in said Section 3, a distance of 893.55 feet to the point of intersection with the westerly extension of the south line of Lot 4, Block One, Krenik's Subdivision; thence North 89 degrees 23 minutes 09 seconds East, along said extension, 101.87 feet to the point of beginning.

Said Parcel A contains 11.9 acres, more or less, subject to an easement for Trunk Highway No. 60 purposes over and across the most westerly boundary and for Park Road purposes over and across the northwesterly boundary. ALSO subject to any other easements of record.



REC'D BY
MBA
NOV 24 2014

DESCRIPTION

Parcel A
That part of Government Lots 3 and 6, all in Section 3, Township 108 North Range 25 West, Blue Earth County, Minnesota, described as:
Commencing at the southeast corner of Lot 4, Block One, Kranik's Subdivision, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence South 89 degrees 23 minutes 09 seconds West, (Minnesota County Coordinate System - Blue Earth County Zone - NAD83 - 1996), along the south line of said Lot 4, a distance of 156.63 feet to the southwest corner of said Lot 4, the same being the easterly right of way line of Trunk Highway No. 60, said point being the point of beginning; thence South 00 degrees 38 minutes 00 seconds East, along said right of way line, 349.62 feet to the point of intersection with a line which bears South 23 degrees 21 minutes 11 seconds West from the southeast corner of said Lot 4; thence North 23 degrees 21 minutes 11 seconds East, 58.75 feet; thence South 58 degrees 21 minutes 20 seconds East, 219.50 feet; thence North 82 degrees 43 minutes 40 seconds East, 260 feet, more or less, to a point on the westerly water's edge of Madison Lake; thence southeasterly, along said water's edge, 630 feet, more or less, to a point on a line 25.00 feet northerly of, as measured at right angles to, the northerly line of Lot 6, Block One, Lakewood Drive Subdivision - Addition No. Two, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence South 66 degrees 00 minutes 03 seconds West, along said parallel line, 260 feet, more or less, to the point of intersection with the northerly extension of the southwesterly line of said Lot 6; thence South 69 degrees 22 minutes 00 seconds West, 564.62 feet to a point on the west line of said Government Lot 6; thence North 00 degrees 04 minutes 23 seconds West, along said west line, a distance of 131.95 feet to the northwest corner of said Government Lot 6; thence North 00 degrees 02 minutes 16 seconds West, along a straight line connecting said northwest corner of Government Lot 6 and the southwest corner of Government Lot 2, a distance of 93.55 feet to the point of intersection with the westerly extension of the south line of Lot 4, Block One, Kranik's Subdivision; thence North 89 degrees 23 minutes 09 seconds East, along said extension, 101.87 feet to the point of beginning.

Said Parcel A contains 11.9 acres, more or less, subject to an easement for Trunk Highway No. 60 purposes over and across the most westerly boundary and for Park Road purposes over and across the northeasterly boundary. ALSO subject to any other easements of record.

DESCRIPTION

Parcel B
That part of Government Lot 6 in Section 3, Township 108 North Range 25 West, Blue Earth County, Minnesota, described as:
Commencing at the northerly corner of Lot 6, Block One, Lakewood Drive Subdivision - Addition No. Two, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence North 23 degrees 59 minutes 57 seconds West, (Minnesota County Coordinate System - Blue Earth County Zone - NAD83 - 1996), along the northeasterly extension of the southwesterly line of said Lot 6, a distance of 23.00 feet to the point of beginning; thence South 23 degrees 59 minutes 57 seconds East, back along the previously described line, 25.00 feet to the northerly corner of said Lot 6; thence South 66 degrees 00 minutes 03 seconds West, along the westerly extension of the northerly line of said Lot 6, a distance of 66.00 feet to the northwesterly corner of said Lakewood Drive Subdivision - Addition No. Two; thence South 23 degrees 59 minutes 57 seconds East, along the southwesterly line of said Lakewood Drive Subdivision - Addition No. Two, 80.00 feet to the point of curvature of a circular curve to the left; thence southeasterly, along said southwesterly line, along a 1465.39 foot radius curve, central angle = 36 degrees 00 minutes 00 seconds, on an arc distance of 920.73 feet to the point of reverse curve; thence southeasterly, along said southwesterly line, along a 1029.74 foot radius curve, central angle = 7 degrees 00 minutes 00 seconds, on an arc distance of 125.81 feet to the point of tangency of said curve, said point being the most southerly corner of said Lakewood Drive Subdivision - Addition No. Two; thence South 52 degrees 59 minutes 57 seconds East, along the tangent of said curve, along the southwesterly line of Lakewood Drive Subdivision Addition No. One, according to the plat thereof on file and of record with the Blue Earth County Recorder, 450.00 feet to the most southerly corner of said Lakewood Drive Subdivision Addition No. One; thence continuing South 52 degrees 59 minutes 57 seconds East, along the southwesterly line of Lakewood Drive Sub Division, according to the plat thereof on file and of record with the Blue Earth County Recorder, 115.05 feet to the point of intersection with the south line of said Government Lot 6; thence South 88 degrees 58 minutes 50 seconds West, along said south line, 1707.53 feet to the southwest corner of said Government Lot 6; thence North 00 degrees 04 minutes 29 seconds West, along the west line of said Government Lot 6, a distance of 1199.61 feet to the point of intersection with a line which bears South 88 degrees 22 minutes 00 seconds West from the point of beginning; thence North 89 degrees 22 minutes 00 seconds East, 564.62 feet to the point of beginning.

Said Parcel B contains 27.11 acres, subject to an easement for Trunk Highway No. 60 purposes over and across the most westerly boundary.

ALSO

Outlot A, Lakewood Drive Subdivision - Addition No. Two, according to the plat thereof on file and of record with the Blue Earth County Recorder. Containing 0.3 acres, more or less, subject to any and all easements of record.

BASIS OF BEARINGS

(MINNESOTA COUNTY COORDINATE SYSTEM - BLUE EARTH COUNTY ZONE - NAD83 - 1996)

LEGEND
A=100.00' INDICATES ARC DISTANCE
R=100.00' INDICATES RADIUS LENGTH
C=9700.00" INDICATES CENTRAL ANGLE
PC INDICATES POINT OF CURVATURE
PT INDICATES POINT OF TANGENCY
PVC INDICATES POINT OF REVERSE CURVE

INDICATES 1/2" DIA. X 20" LONG IRON PIPE SET WITH PLASTIC CAP MARKED BY LICENSE NO. 14701.

INDICATES IRON PIPE MONUMENTS FOUND.

INDICATES FOUND "T" POST MONUMENT

(N 60°00'00" E) INDICATES BEARING AS PER ORIGINAL PLATS.

I hereby certify that this survey, plat, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signature: *Warren P. Smith*
Print Name: WARREN P. SMITH
Date: 9/26/14 License No. 14701

SURVEY DRAWING

BLUE EARTH COUNTY, MINNESOTA

PART OF GOV'T LOTS 3 & 6, SEC. 3, T108N - R25W

FOR: WESTMAN, RANDY
SCALE: 1"=100' DATE: SEPT. 2014 F.B. FILE 14840