

**TOWN OF SAUK CENTRE
CITY OF SAUK CENTRE**

**IN THE MATTER OF THE JOINT
RESOLUTION OF THE TOWN OF
SAUK CENTRE AND THE CITY OF
SAUK CENTRE, DESIGNATING AN
UNINCORPORATED AREA AS IN NEED
OF ORDERLY ANNEXATION AND
CONFERRING JURISDICTION OVER
SAID AREA TO THE OFFICE OF
ADMINISTRATIVE HEARINGS,
PURSUANT TO M.S. §414.0325**

JOINT RESOLUTION

The Township of Sauk Centre and the City of Sauk Centre jointly agree to the following:

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 Chief Administrative Law Judge for the Office of Administrative Hearings. Upon receipt of an annexation Resolution as provided herein, the Chief Administrative Law Judge may review and comment, but shall within thirty (30) days of receipt of said Resolution and copy of this Joint Resolution, order the annexation of the area designated in the Annexation Resolution in accordance with the terms and conditions of this Joint Resolution. The City and Township agree that no alteration of the stated boundaries as described in the Joint Resolution is appropriate, that no consideration by the Chief Administrative Law Judge is necessary and that all terms and conditions for annexation are provided for in this Joint Resolution. Upon receipt of the Annexation Order, the City shall provide a copy to the Stearns County Auditor.

2. Petition. All of the property owners of the Property described herein have petitioned the City for annexation. The Subject Property lies entirely within Stearns County, State of Minnesota, and no portion thereof is currently included within the corporate limits of any incorporated municipality.

3. Acreage/Population/Usage. The Property described herein consists of approximately 59 acres, the population in the subject area is 0, and the land use is currently zoned Agricultural. The Property abuts the existing border of the City of Sauk Centre and is located within the anticipated growth area of the City of Sauk Centre.

4. Purpose. That the purpose of the annexation of the Subject Property is to facilitate the development of the property and to provide urban services, including city sewer and water services.

5. Designation of Orderly Annexation Area. That the following described land is subject to orderly annexation pursuant to Minnesota Statute §414.0325 and the parties hereto

designate the area for orderly annexation and agree that the land to be immediately annexed is legally described on the attached **Exhibit A**. See graphic depiction of OAA attached as **Exhibit B**. In the event that there are errors, omissions or any other problems with the legal description or mapping provided in Exhibits A and B in the judgment of Chief Administrative Law Judge, the parties agree to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the Chief Administrative Law Judge as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution.

6. Notice Requirements. In adopting the joint resolution, the City and Township have complied with all statutory requirements including the notice requirements of Minnesota Statutes § 414.0325.

7. Taxation. If the annexation becomes effective on or before August 1 of any year, the City may levy on the annexed area beginning with that year. If the annexation becomes effective after August 1 of any year, the Town may continue to levy on the annexed area for that year, and the City may not levy in the annexed area until the following year.

8. Tax Reimbursement. The Parties agree that the Order effecting the property to be annexed shall reference the obligation of the City to reimburse the Township for the lost taxes from the annexed property as required by Minnesota Statutes § 414.036 as follows: \$500 per year payable on July 1 of each year for five years starting in 2015 for a total of (\$2,500). The Parties agree that there are no special assessments assigned by the Township to the annexed property or any portion of debt incurred by the Township prior to the annexation and attributable to the property but for which no special assessments are outstanding.

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 13 to correct any such provision that was stricken.

11. Responsibility for Costs. The City and Township shall pay their own respective attorney and planner fees and any other costs related to the review of this document.

12. 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. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.

13. 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 following dispute resolution procedures in the sequence provided:

- 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.
- 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.

14. Heading and 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.

[Signature page to follow]

DEC 22 2014

SAUK CENTRE TOWNSHIP

Passed and adopted by the Town Board of Sauk Centre Township on this the 12th day of November 2014.



John Bosl, Town Board Chair

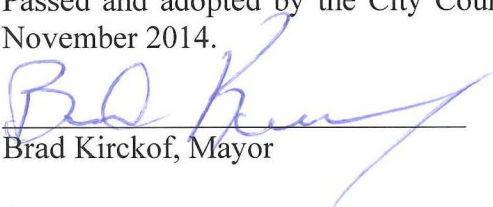
Attest:



Missy Schirmers, Town Board Clerk


CITY OF SAUK CENTRE

Passed and adopted by the City Council of the City of Sauk Centre on this the 19th day of November 2014.



Brad Kirckof, Mayor

Attest:



Vicki Willer, City Administrator

EXHIBIT "A"

Description of Subject Property

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 16, Township 126 North, Range 34 West, Stearns County, Minnesota.
LESS AND EXCEPT:

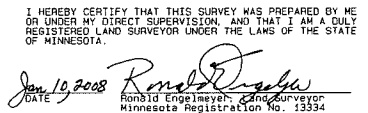
1) All that part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 16 which lies northeasterly of a line running parallel with and distant 190.00 feet southwesterly of the following described line: From a point on the east line of said Section 16 distant 995.60 feet south of the east quarter corner thereof. Thence run northwesterly at an angle of 64 degrees 24 minutes with said east section line for 1227.38 feet to a point designated as point "A"; thence continuing northwesterly along the last described course for 554.50 feet to the point of beginning of the line to be described; thence run southeasterly to a point which is 37.00 feet southwesterly (measured at right angles) from the above described point "A" described above; thence deflecting to the right on a 3 degree 00 minutes curve (delta angle 11 degrees 00 minutes) for 356.67 feet, thence on a tangent to said curve for 1400 feet and there terminating. Together with the easterly 50 feet of the Northerly 225 feet of the Southerly 900 feet of the above described tract: Also: together with that part of the easterly 70 feet of the above described tract lying Northerly of the last described strip and Southerly of the first described strip; the said land excepting herefrom being that land conveyed to the State of Minnesota by that certain deed recorded in Book 310 of Deeds on page 497, in the Office of the County Recorder, Stearns County, Minnesota.

2) A part of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 16 described as follows: Commencing at the southeast corner of said Section 16; thence on an assumed bearing of North 00 degrees 21 minutes East and along the east line of said Section 16, a distance of 375.00 feet; thence North 89 degrees 28 minutes West a distance of 33.00 feet to the point of beginning; thence from the point of beginning and continuing on the last course North 89 degrees 28 minutes West a distance of 500.00 feet; thence North 00 degrees 21 minutes East and parallel with said east line of Section 16 a distance of 953.40 feet to the north line of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 16; thence easterly along the north line thereof a distance of 140.30 feet to the intersection with the right of way line of Interstate Highway 94; thence following said right of way line thus: South 49 degrees 11 minutes 10 seconds East, a distance of 423.15 feet; thence South 00 degrees 21 minutes West a distance of 155.5 feet; thence south 89 degrees 28 minutes East a distance of 20.00 feet; thence South 00 degrees 21 minutes West, a distance of 225.00 feet; thence South 89 degrees 28 minutes East, a distance of 17.00 feet; thence south 00 degrees 21 minutes West, a distance of 300.00 feet to the point of beginning.

3) That part of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 16, Township 126 North, Range 34 West, described as follows: Commencing at the southeast corner of said Section 16; thence on an assumed bearing of North 00 degrees 21 minutes East, and along the east line of said Section 16, a distance of 375 feet; thence North 89 degrees 28 minutes West, a distance of 533.00 feet to the point of beginning of the land to be described; thence continuing on the last course North 89 degrees 28 minutes West, a distance of 456.90 feet; thence North 00 degrees 21 minutes East and parallel with the said east line of Section 16, a distance of 951.92 feet, more or less to the north line of said S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 16; thence easterly along the north line thereof a distance of 456.90 feet; thence South 00 degrees 21 minutes 00 seconds West, a distance of 952.25 feet to the point of beginning, containing 9.99 acres, more or less.

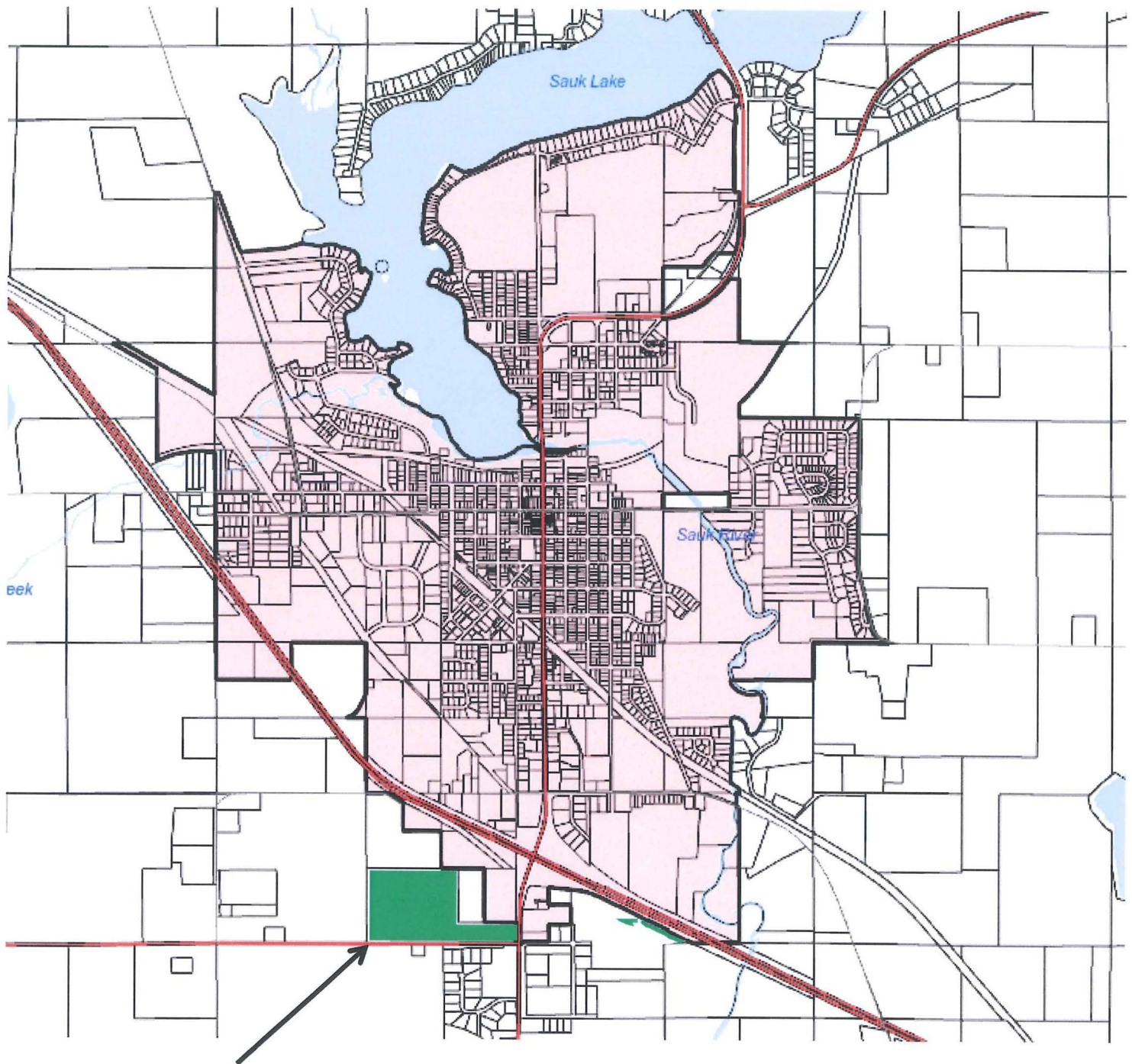
EXHIBIT "B"

Map of Subject Property



Engelmeyer Surveying P.A.	
PREPARED FOR: WILLIAM H. UNGER & MERCEDES A. UNGER	
Certificate of Survey	
cc: unger-kevin2.pro	Job No: 1-08
Date: 1-10-2008	P-2-1572 FB:
ENGELMEYER SURVEYING P. A. 3074 EAST MAIN STREET MELROSE, MN 56353 PHONE: (320) 266-7298 FAX: (320) 266-5171 email: engelsur@aol.net	

City of Sauk Centre
Existing and Proposed Boundary



Annexation Area

City of Sauk Centre

Section 16, Township 126 North, Range 34 West, Stearns County, Minnesota