

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

REC'D BY  
MBA

DEC 22 2014

**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 39 acres, the population in the subject area is 0, and the land use is currently zoned Commercial/Industrial. 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: \$1,700 per year payable on July 1 of each year for five years starting in 2015 for a total of (\$8,500). 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. 410<sup>th</sup> Street.** The Parties agree that the City shall be responsible for conducting routine inspection and maintaining (including but not limited to snow plowing according to its snow removal policy, pot hole repair, brushing, mowing, signing, weed and tree removal, etc.), repairing and construction to its respective design standards on all portions of 410<sup>th</sup> Street whether in the City or the Township as of the effective date of this Agreement. It is understood that the Township shall have no responsibility, fiscal, monetary or otherwise, for said 410<sup>th</sup> Street; provided, however, that the Township shall work with the property owners abutting said portion of 410<sup>th</sup> Street in resolving questions pertaining to said 410<sup>th</sup> Street to an extent that is practical and reasonable.

**10. Governing Law.** This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

**11. 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 14 to correct any such provision that was stricken.

**12. 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.

**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 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.

**14. 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.

**15. 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]*

**SAUK CENTRE TOWNSHIP**

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

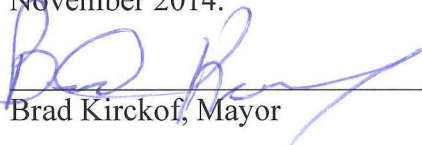
  
\_\_\_\_\_  
Jon Bosl, Town Board Chair

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 19<sup>th</sup> day of November 2014.

  
\_\_\_\_\_  
Brad Kirckof, Mayor

Attest:

  
\_\_\_\_\_  
Vicki Willer, City Administrator

**EXHIBIT "A"**

**Description of Subject Property**

Real property situated in Stearns County, Minnesota, described as follows:

That part of the South Half of the Southwest Quarter (S $\frac{1}{2}$  SW $\frac{1}{4}$ ) and that part of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 15, Township 126 North, Range 34 West; and that part of the North Half of the Northwest Quarter (N $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 22, Township 126 North, Range 34 West of the Fifth Principal Meridian, Stearns County, Minnesota, described as follows: Beginning at the southeast corner of SOUTHVIEW ADDITION PLAT 3, thence on a record bearing of North 00 degrees 15 minutes 19 seconds West, along the east line thereof a distance of 300.00 feet to the northeast corner of said SOUTHVIEW ADDITION PLAT 3, thence North 00 degrees 15 minutes 19 seconds East a distance of 618.30 feet to the south right of way line of Interstate Highway No. 94, said point being on a 1344.40 foot radius curve, concaved to the south, thence easterly along said right of way line, along said curve, having a central angle of 15 degrees 20 minutes 11 seconds, for a distance of 359.85 feet to a point of compound curvature, thence easterly and southeasterly, along said right of way line, along a curve concaved to the southwest, having a central angle of 03 degrees 17 minutes 00 seconds, a radius of 2776.79 feet, for a distance of 159.12 feet, thence South 64 degrees 21 minutes 03 seconds East, along said right of way line, a distance of 897.30 feet, thence South 64 degrees 44 minutes 08 seconds East, along said right of way line, a distance of 393.58 feet, thence South 25 degrees 15 minutes 52 seconds West, along said right of way line, a distance of 37.50 feet, thence South 64 degrees 44 minutes 08 seconds East, along said right of way line, a distance of 474.80 feet to the south line of said Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 15, thence South 89 degrees 44 minutes 52 seconds West, along said south line, a distance of 477.66 feet to the southwest corner of said Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ), thence South 00 degrees 02 minutes 12 seconds East, along the east line of said North Half of the Northwest Quarter (N $\frac{1}{2}$  NW $\frac{1}{4}$ ) of said Section 22, a distance of 660.29 feet, thence South 89 degrees 42 minutes 54 seconds West, parallel with the south line of said North Half of the Northwest Quarter (N $\frac{1}{2}$  NW $\frac{1}{4}$ ), a distance of 1395.60 feet to the east line of Lot 3 of SOUTHVIEW ADDITION PLAT 2, according to the recorded plat thereof on file and of record in the office of the County Recorder, Stearns County, Minnesota, thence North 00 degrees 15 minutes 19 seconds West, along the east line of said Lot 3, a distance of 200.00 feet to the northeast corner of said Lot 3, thence North 89 degrees 45 minutes 54 seconds East, along the south line of said SOUTHVIEW ADDITION PLAT 2, a distance of 100.00 feet, thence North 00 degrees 15 minutes 19 seconds West, along the east line of said SOUTHVIEW ADDITION PLAT 2, a distance of 486.47 feet, thence North 89 degrees 59 minutes 58 seconds West, along the north line of said SOUTHVIEW ADDITION PLAT 2, a distance of 300.00 feet to the point of beginning.

**AND ALSO**, the Easterly 66 feet of the following described parcel (as measured Westerly from the Northeast corner of SOUTHVIEW ADDITION PLAT 3 along the North line of said plat): All that part of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 15, Township 126 North, Range 34 West of the Fifth Principal Meridian, Stearns County, Minnesota, described as follows: Commencing at the southeast corner of SOUTHVIEW ADDITION PLAT 3, according to the recorded plat thereof on file and of record in the office of the County Recorder, Stearns County, Minnesota, thence on a record bearing of North 00 degrees 15 minutes 19 seconds West, along the east line thereof a distance of 300.00 feet to the northeast corner of said SOUTHVIEW ADDITION PLAT 3, and to the point of beginning of the land to be described, thence North 89 degrees 59 minutes 58 seconds West, along the north line of said SOUTHVIEW ADDITION PLAT 3, a distance of 469.47 feet to its intersection with a line which bears North 00 degrees 20 minutes 08 seconds West from Point "A";

said Point "A" being a point on the south line of said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ), distant 581.00 feet easterly of the southwest corner of said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ), thence North 00 degrees 20 minutes 08 seconds West, along said line, a distance of 662.51 feet to the south right of way line of Interstate Highway No. 94, thence South 84 degrees 41 minutes 47 seconds East, along said right of way line, a distance of 472.65 feet, thence continue along said right of way line, along a tangential curve, concaved to the south having a central angle of 00 degrees 14 minutes 04 seconds, a radius of 1344.40 feet, for a distance of 5.50 feet to its intersection with a line which bears North 00 degrees 15 minutes 19 seconds East from the point of beginning, thence South 00 degrees 15 minutes 19 seconds West along said line a distance of 618.30 feet to the point of beginning.

**EXCEPTING THEREFROM** that part of the North Half (N 1/2) of the Northwest Quarter (NW 1/4) of Section 22, Township 126 North, Range 34 West, of the Fifth Principal Meridian, Stearns County, Minnesota, described as follows: Beginning at the Northeast corner of Lot 3 of SOUTHVIEW ADDITION PLAT 2, as of public record, Stearns County, Minnesota; thence on an assumed bearing of South 0 degrees 15 minutes 19 seconds East, along the East line of said Lot 3, a distance of 200.00 feet; thence North 89 degrees 42 minutes 52 seconds East, parallel to the South line of said N 1/2 of the NW 1/4, a distance of 1395.60 feet to a point on the East line of said N 1/2 of the NW 1/4 said point being 663.20 feet North of the Southeast corner of said N 1/2 of the NW 1/4 as measured along the East line of said N 1/2 of the NW 1/4; thence North 0 degrees 02 minutes 42 seconds West, 200.00 feet; thence South 89 degrees 42 minutes 38 seconds West, 1296.33 feet to the Southeast corner of Lot 2 of said SOUTHVIEW ADDITION PLAT 2; thence South 89 degrees 45 minutes 54 seconds West along the South line of said Lot 2, a distance of 100.00 feet to the point of beginning.

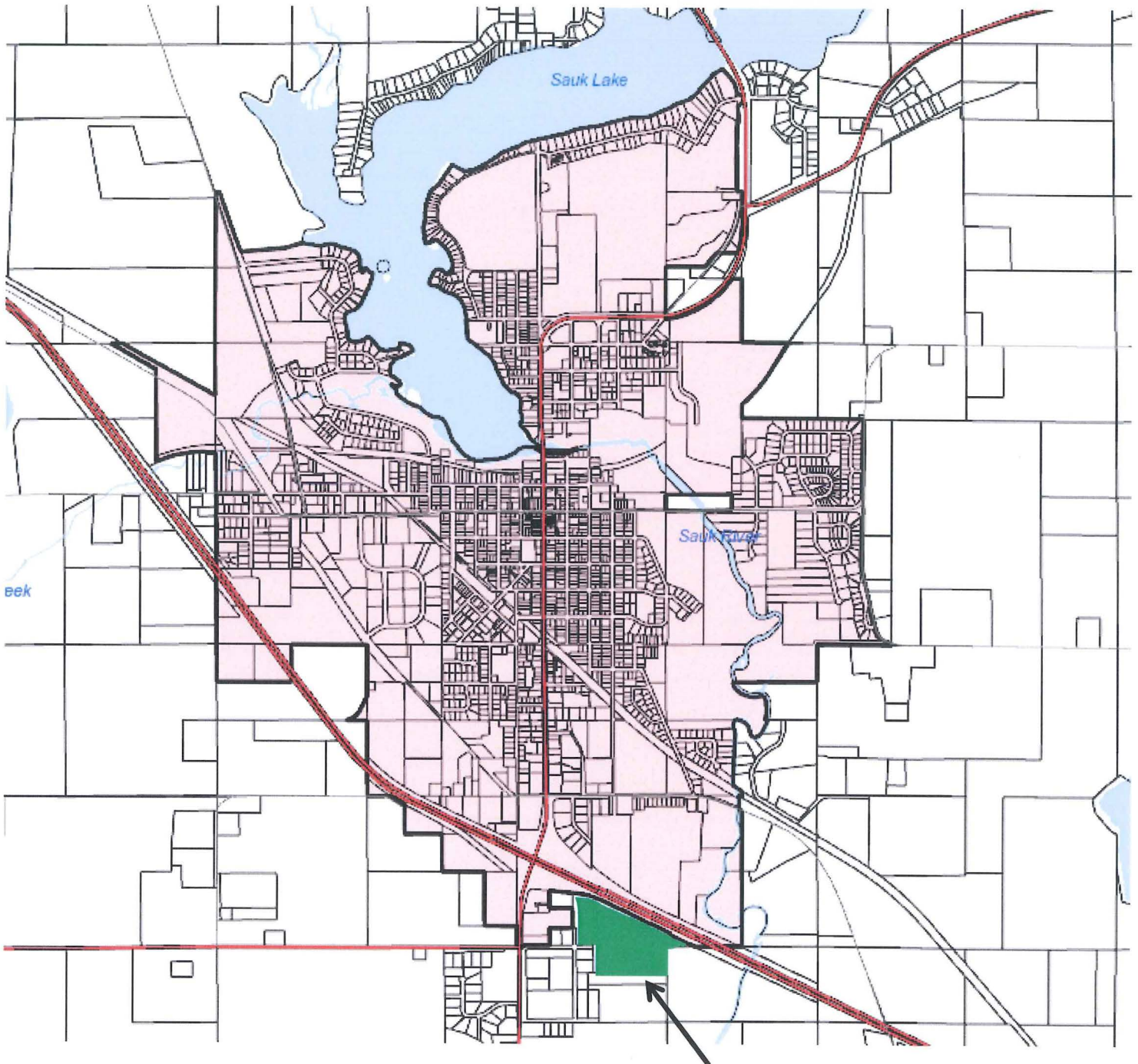
Together with and subject to the rights of the public in the public roads, and easements and rights-of-way of record.

**EXHIBIT "B"**

**Map of Subject Property**



City of Sauk Centre  
Existing and Proposed Boundary



Annexation Area

City of Sauk Centre – Stearns County

Section 15, Twp 126N, Range 34W

Section 22, Twp 126N, Range 34W