

**CITY OF ELKO NEW MARKET
(Resolution No. 18-48)**

**NEW MARKET TOWNSHIP
(Resolution No. 2018-007)**

**JOINT RESOLUTION ESTABLISHING AN ORDERLY ANNEXATION
AGREEMENT BETWEEN THE CITY OF ELKO NEW MARKET AND NEW MARKET
TOWNSHIP PURSUANT TO MINNESOTA STATUTES, SECTION 414.0325 TO
PROVIDE FOR THE IMMEDIATE ANNEXATION OF CERTAIN PROPERTY**

WHEREAS, the City of Elko New Market, Scott County, Minnesota (“City”) and New Market Township, Scott County, Minnesota (“Town”) both desire to accommodate growth in a cooperative, planned, and orderly fashion; and

WHEREAS, the City and Town are in agreement as to the orderly annexation of the unincorporated land described herein, and both determine such annexation will be to their benefit and to the benefit of their respective residents; and

WHEREAS, Minnesota Statutes, section 414.0325 provides a procedure whereby the City and the Town may agree on a process of orderly annexation of a designated area; and

WHEREAS, the City and the Town are in agreement as to the immediate annexation of the designated area in accordance with the provisions of this orderly annexation agreement (“Agreement”) in order to promote orderly and planned residential growth; and

WHEREAS, the subject property is urban or suburban or about to become so, and since the City is capable of providing services to this area within a reasonable time, the annexation would be in the best interest of the area; and

WHEREAS, the owners of the property have waived the electric utility service notice under Minnesota Statutes, section 414.0325, subdivision 1a as the provider of such service will not change as a result of the annexation; and

WHEREAS, the notice requirements prescribed by Minnesota Statutes, section 414.0325, subdivision 1b do not apply because the Agreement provides for the immediate annexation of the designated property and all of the owners of the property have petitioned for the annexation; and

WHEREAS, this Agreement sets out all of the terms and conditions for the annexation of the property described within this document and the signatories hereto agree that no consideration by the Chief Administrative Law Judge of the Office of Administrative Hearings is necessary.

NOW, THEREFORE, the City Council of the City of Elko New Market and the Town Board of New Market Township hereby resolve and agree to the immediate annexation into the City of the property herein described upon the following terms and conditions:


1. **Designated Area.** The unincorporated property designated for orderly annexation by this Agreement consists of the land legally described in the attached Exhibit A and shown on map attached hereto as Exhibit B ("Property").
2. **Immediate Annexation.** It is agreed that the Property be immediately annexed to the City. Upon its adoption by both the City and the Town, the City shall file this Agreement with the Chief Administrative Law Judge for processing and an order providing for the immediate annexation of the Property pursuant to its terms. This City shall be responsible for providing any additional information that may be required to accomplish the annexation provided for herein.
3. **Acreage/Population/Usage/Zoning.**
 - a. The Property consists of approximately 10 acres.
 - b. The population of the Property is currently two.
 - c. The Property is owned by Ted A. Oakland and Pamela S. Oakland, as joint tenants, who both signed a petition for this annexation as part of a desire to subdivide and develop this land into single-family residential lots.
 - d. The Property abuts the west boundary line of the main City limits and is not included within any other municipality.
 - e. Upon annexation, the Property will be included in the City's urban reserve district, subject to an anticipated rezoning request by the petitioners and/or any other prospective developer.
4. **Roads.** This annexation will have no effect on the jurisdiction over, or maintenance of, any public roads.
5. **Jurisdiction.** Pursuant to Minnesota Statutes, section 414.0325, the Town and the City, upon passage of this joint resolution, confer jurisdiction upon the Chief Administrative Law Judge so as to accomplish orderly annexation in accordance with the terms of this Agreement.
6. **Tax Reimbursement.** Taxes payable to the Town in 2018 on the Property total \$743.43 and those 2018 taxes shall be paid to the Town. Pursuant to Minnesota Statutes, section 414.036, the City and the Town agree that upon annexation of the Property, the City shall reimburse the Town for the equivalent of 5 years of property taxes associated with the Property, determined by the 2018 taxes. Therefore, the City shall pay the Town a lump sum of \$3,717.15 on or before January 1, 2019. There are no special assessments assigned by the Town to the Property, nor is there any debt incurred by the Town attributable to the Property.


7. **Review and Comment.** The City and the Town agree that upon receipt of this Agreement, as passed and adopted by each party, the Chief Administrative Law Judge may review and comment but shall, within 30 days, order the annexation in accordance with the terms of this Agreement. The City and Town agree that no alteration of the stated boundaries of the orderly annexation area as shown and described in the attached exhibits is appropriate, that no consideration by the Chief Administrative Law Judge is necessary, that all terms and conditions for annexation are provided for in this Agreement, and that no alteration of the terms and conditions of this Agreement by the Chief Administrative Law Judge is appropriate.
8. **Binding Contract.** Pursuant to Minnesota Statutes, section 414.0325, subdivision 6, this Agreement is a binding contract upon the parties and is enforceable in district court in the county containing the Property.
9. **Costs Associated with the Orderly Annexation Agreement.** Each party shall pay its own costs incurred in the negotiation, development and implementation of this Agreement, with the exception that the City shall pay for the recording and filing fees, and costs incurred to make any needed corrections.
10. **Entire Agreement.** The terms, covenants, conditions, and provisions of this Agreement, including Exhibits A and B, which are attached hereto and incorporated herein by reference, shall constitute the entire agreement between the parties. No amendment to this Agreement shall be effective unless mutually agreed to by the City and Town. Any prior joint resolutions or agreements regarding all or any portion of the Property are superseded by, and shall not interfere with or otherwise control, the terms of this Agreement.
11. **Effective Date/Applicability.** This Agreement is effective upon its adoption by the respective governing bodies of both the Town and the City. The annexation of the Property shall be effective upon the issuance of the order by the Chief Administrative Law Judge. This Agreement is only meant to apply to the Property and not to any other property or area within the Town.
12. **Adopt and Enforce Regulations.** The City's zoning and subdivisions regulations shall apply to the Property annexed pursuant to this Agreement upon the effective date of the Chief Administrative Law Judge's order approving the annexation. Until such time as the annexation is effective, the Property shall remain subject to the Town's ordinances and regulations.
13. **Authorization.** The appropriate officers of the City and the Town are hereby authorized to carry the terms of this Agreement into effect.
14. **Governing Law.** This Agreement is made pursuant to, and shall be construed in accordance with, the laws of the State of Minnesota.

[signature pages to follow]

Adopted by affirmative vote of the New Market Town Board this 4 day of Sept 2018,
2018.

NEW MARKET TOWNSHIP

By: 
Town Chairperson

By: 
Town Clerk

Adopted by affirmative vote of the City Council of the City of Elko New Market, this 18 day of September, 2018.

CITY OF ELKO NEW MARKET

By: 

Robert Crawford, Mayor

By: 

Sandra Green, City Clerk

EXHIBIT A

Legal Description of the Property Being Annexed

The East 1/2 of the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 29, Township 113, Range 21, according to the United States Government Survey Thereof and situate in Scott County, Minnesota.

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EXHIBIT B
Map of the Property



