

## CITY OF STACY TOWNSHIP OF LENT

### CITY RESOLUTION NO. 2023-05-2 TOWN RESOLUTION NO. 2023-4

#### A JOINT RESOLUTION FOR ORDERLY ANNEXATION

**WHEREAS**, the City of Stacy (“City”) of Chisago County, Minnesota, and the Township of Lent (“Township” or “Town”) of Chisago County, Minnesota, are in agreement as to the orderly annexation of certain lands described herein for the purpose of creating orderly growth in the community; and

**WHEREAS**, the City and Township find that the Orderly Annexation Area (as described herein) is or is about to become urban or suburban in character and that the City is capable of and uniquely positioned to provide the requisite City services to the Township within a reasonable time; and

**WHEREAS**, the City is in the best position, relative to other, less enviable alternatives, to protect the public health, safety, and welfare of the Township’s residents going forward; and

**WHEREAS**, it is in the best interests of the City and Town that the Orderly Annexation Area be immediately and forthwith incorporated into the City of Stacy; and

**WHEREAS**, such annexation is of benefit to the City and the Township; and

**WHEREAS**, Minnesota Statutes 2021, section 414.0325, subdivision 1 (a) provides, in relevant part, that “[o]ne or more townships and one or more municipalities, by joint resolution, may designate an unincorporated area as in need of orderly annexation. . . .”

**NOW THEREFORE**, the City and Township desire to set forth such terms of orderly annexation by means of this resolution (“Agreement” or “Resolution”) as follows:

#### ARTICLE I: GENERAL

1. Orderly Annexation Area. All of the land presently situated in and located within the Township of Lent, Chisago County, Minnesota, as legally described on the attached Exhibit A, and graphically depicted on the attached Exhibit B, which exhibits are incorporated herein by this reference; the area so described and depicted on the exhibits is designated as an unincorporated area in need of immediate orderly annexation, pursuant to section 414.0325, as the same may hereafter be amended or supplemented from time to time. Said property described on Exhibit A and depicted on Exhibit B is herein referred to as the “Orderly Annexation Area”. It is the intention of the parties that the Orderly Annexation Area incorporate all of the lands presently located within the Town of Lent, such that upon completion of the annexation contemplated by this Agreement, the Town of Lent shall cease to exist as a separate entity but shall be fully incorporated within the City of Stacy. The Orderly Annexation Area is in need of City services, which the City of Stacy is uniquely capable of providing to the Orderly Annexation Area. All of the Orderly

Annexation Area is now or is about to become urban or suburban in character. Incorporation of the Orderly Annexation Area into the City of Stacy is in the Township's and City's best interests.

2. Exclusive Procedures. This Agreement provides the exclusive means and methods by which any land in Lent Township may be annexed to Stacy; Stacy will not attempt to annex any of the Orderly Annexation Area hereby designated by any other means or using any other methods. Minn. Stat. § 414.0325, subd. 6 (2021).
3. Immediate Annexation. The City and Township agree that the Orderly Annexation Area will be annexed into the City forthwith, upon confirmation by the Minnesota Office of Administrative Hearings – Municipal Boundary Adjustment Unit (“MBAU”). The parties to this Agreement hereby consent to said annexation as of the date of the request and grant the MBAU their approvals to accomplish the annexation in accordance with this Agreement. The City and Township agree they will not oppose said annexation. The MBAU is authorized and requested to take any and all such actions as may be necessary and appropriate to accomplish the annexation contemplated herein by the parties hereto.
4. Effective Date/Applicability. This Joint Resolution shall be effective upon adoption by the Town Board of Supervisors of Lent Township and the City Council of the City of Stacy and acceptance by the MBAU.
5. Requisite Election. Pursuant to section 414.031, subdivision 4a, an election shall be held between 45 and 60 days from the date this Agreement is approved and annexation ordered by the MBAU; the election shall be for the new City Council, Mayor, and any other elected City officials. The acting Clerk for the purposes of administering this ad hoc election is: Tanya Smolke. The three appointed election judges from the new, combined city shall be: Michelle Hayes, Veronica Schroeder, and Richard Stiers. If any of these persons becomes unavailable to perform their duties, the an alternate shall be selected by mutual agreement of the Town Board and City Council.
6. Structure of Government. The City government immediately post-annexation and until it may be changed in accordance with Minnesota law at some date in the future, shall be made up of a city council of four council members. Two of them shall be elected from a ward made up of the prior Township territory and two of them shall be elected from a ward made from the boundaries of the City of Stacy prior to annexation. For the initial election after annexation, each ward shall have a term that expires the first business day of January the next odd-numbered year and a term that expires the first business day of January of the second odd-numbered year. No candidate for council member shall run for a particular term but the number of years in the term of each successful candidate shall be determined by the relative standing among the candidates for office, the longest terms going to the candidate in each ward who received the highest number of votes. Additionally, the council shall have an at-large mayor, elected for a two-year term by all residents of the newly combined City. If the election occurs in the last four months of the even-numbered year, no election shall be held in the city on the annual city election day that year, and the next following year shall be disregarded in fixing the expiration of terms of officers chosen under this subdivision in the initial election. After the initial election after annexation, the City Council may abolish the ward system by resolution.

## ARTICLE II: JURISDICTION AND APPROVALS

1. Municipal Boundary Adjustment Unit of the Minnesota Office of Administrative Hearings. Upon approval by the Township Board and City Council, this joint Resolution shall confer jurisdiction upon the MBAU, or its designated successor, so as to accomplish the orderly annexation contemplated hereby, in accordance with the terms and conditions of this Joint Resolution.
2. MBAU Review, Comment. The Township and city mutually agree and state that this Agreement sets forth all the conditions for annexation, and that no further or separate consideration by the MBAU is necessary. The MBAU may review and comment on this Agreement, but shall, within 30 days, order the annexation as contemplated herein, in accordance with the terms of this Agreement.
3. Alteration of Boundaries. The Township and City mutually agree and state that no alterations by the MBAU of the stated boundaries of the area designated for orderly annexation in this Agreement is necessary, permissible, or appropriate.
4. Authorization. The governing bodies of the Township and City, as well as the MBAU, are hereby authorized and directed to give full force and effect to the terms of this Agreement.
5. Apportioned Assets and Obligations. Upon the effective date of this annexation, all money, claims, or properties, including real estate owned, held, or possessed by the Township, and any proceeds or taxes levied by the Township, collected or uncollected, shall be, and be the property of the City, with full power and authority to use and dispose of the same for public purposes as the council may deem appropriate, subject to the same restrictions and limitations under which the Township held the money, claim, or property. The City shall also succeed the Township as to any financial obligations owed by the Township, except that any bonded debt of the Township shall be apportioned only to the properties in the Orderly Annexation Area, in accordance with section 414.067 Subdivision 2. Notwithstanding the foregoing, the Township and City shall maintain separate books and will immediately begin working towards integrating all of the finances and obligations of each respective government unit upon annexation, while anticipating that full integration shall only occur after the new City Council is elected.

## ARTICLE III: FIRE SERVICE; MAINTENANCE/OFFICE; BUILDING PERMITS; ACCESS TO CITY FACILITIES AND PROGRAMS; CONTRACTS/FINANCES; EMPLOYEES

1. Fire Service. Until January 1, 2024, the Stacy-Lent Fire Department shall continue to provide fire protection services to the Orderly Annexation Area at the same rate and extent such services are presently being provided for by the City, and thereafter to the same extent and character as provided to other property within the City.

2. Building Permits. All building permits are processed by Chisago County. All structures must be in compliance with the applicable zoning code. The zoning administrator will provide a Certificate of Compliance for structures that comply with the applicable zoning code. After the election provided for in Article I, Section 5, the City Council may provide for integrated permitting and administration or change the process for permitting and administration.
3. Comprehensive Plans/Land Use (Zoning). Until such time that a new Council is seated and has implemented a new comprehensive plan, land-use controls, and other administrative measures, the plans and controls in place at the time prior to the annexation shall remain in effect for the respective areas (City/Township). Within 6 months of the effective date of the annexation contemplated hereby, the City Council and Planning Commission of the combined city shall begin review of the Comprehensive Plan and Zoning Ordinances of the City.
4. Utilization of Buildings, Facilities, Vehicles and Equipment. As soon as reasonably practicable after the annexation contemplated hereby, the City Council shall begin work on a detailed plan for the utilization of all buildings, facilities, vehicles, and equipment owned by it, so as to make maximum efficient use of the assets of the newly combined City.
5. Rights and Privileges. All parcels of land in the Orderly Annexation Area shall retain the rights and privileges currently enjoyed by those parcels, regardless of new ordinances, for the longer of the following:
  - a. 180 months from the date of the order of annexation contemplated hereby, or
  - b. The date on which the primary use of the parcel shall change from its primary use as of the date of this Agreement.

Activities protected include, but are not limited to:

- a. Lawful outdoor burning; and
- b. Legal hunting, shooting, and trapping; and
- c. Legal use of all terrain vehicles (ATVs) snowmobiles, and other off-road vehicles on private property; and
- d. Legal keeping of pets and livestock; and
- e. All other reasonable uses currently permitted under local and county ordinances, state and federal laws.

All of the foregoing must comply with state and federal laws and regulations, and nothing about this Agreement shall be interpreted as intending to excuse compliance with such laws and regulations.

6. Employment. The City of Stacy, post annexation, will employ all employees from the Township and the City, and will ensure no positions are eliminated for one calendar year of the effective date of the annexation. Nothing about the foregoing shall prevent the City of Stacy from terminating an employee for cause. But, during the aforementioned 12-

month period no employee will be eliminated for redundancy or based on a determination that their job is no longer necessary.

#### **ARTICLE V: MISCELLANEOUS**

1. Minnesota Law. The terms and conditions of this Agreement are created as an addition or complement to the requirements for annexation, as required by Minnesota law. The language herein contained shall in no way be deemed to circumvent or reduce the requirements established by law. Nothing contained in this Agreement is intended to confer or expand upon any power or authority that the MBAU does not have under Minnesota law.
2. Severability and Repealer. A determination by a court or agency of competent jurisdiction that a provision of this Agreement is unlawful or unenforceable shall not affect the validity or enforceability of other provisions herein.

**TOWNSHIP OF LENT:**

All those in favor:

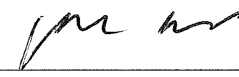
Rick Keller  
Troy Nelson  
Carolyn Cagle  
Brian Seaton  
Jeff Barrett

All those opposed:

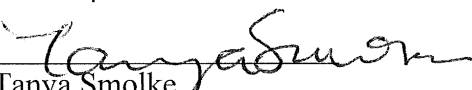
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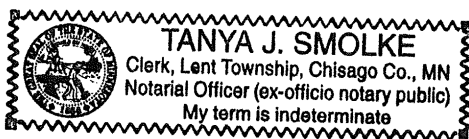
Adopted this 23 day of May, 2023

**BY THE BOARD**

  
Richard Keller,  
Township Chairperson

Motion passes X or fails \_\_\_\_\_

Attest:   
Tanya Smolke,  
Township Clerk



**CITY OF STACY:**

All those in favor:

mark Utecht

Dennis Thieling

Tim Sawatzky

Marie Lawrence

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All those opposed:

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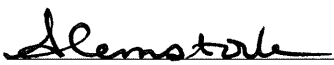
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Motion passes X or fails \_\_\_\_\_

Adopted this 23 day of May, 2023 by the Stacy City Council.

  
Mark Utecht, Mayor

Attest:   
Angie Comstock,  
Deputy City Clerk



This Document was drafted by:  
**CAMPBELL KNUTSON, P.A.**  
860 Blue Gentian Road, Suite 290  
Eagan, Minnesota 55121  
Telephone: (651) 452-5000  
[JJM]

Exhibits:

Exhibit A – Legal description of Orderly Annexation Area

Exhibit B – Boundary Map



## EXHIBT A

### **Legal Description of Orderly Annexation Area**

The Subject Area to be annexed in the attached Joint Resolution is legally described as follows:

Township 34, Range 21, Chisago County, Minnesota: The entirety of Sections 1, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 33, and 34.

AND

The South Half of the Southwest Quarter and the South Half of the Southeast Quarter of Section 2, Township 34, Range 21, Chisago County, Minnesota.

AND

The South Half of the Northwest Quarter, the Northwest Quarter of the Southwest Quarter, and the South Half of the Southwest Quarter of Section 3, Township 34, Range 21, Chisago County, Minnesota.

AND

Township 34, Range 21, Chisago County, Minnesota: The entirety of Section 4, excepting therefrom the Northeast Quarter of the Northeast Quarter and that part of the Northwest Quarter of the Northeast Quarter, described as follows:

Beginning at the Northeast corner of said Northwest Quarter of the Northeast Quarter; thence West 630 feet; thence South 350 feet; thence East, parallel with described first course, 630 feet to the East line of said Northwest Quarter of the Northeast Quarter; thence North 350 feet to the point of beginning.

AND

The northern one-half of Section 13, Township 34, Range 21, Chisago County, Minnesota.

AND

Township 34, Range 21: The entirety of Sections 28, 29, 30, 31, and 32, excluding those portions thereof that are already contained within the municipal boundaries of the City of Stacy, Chisago County, Minnesota.

## **EXHIBIT B**

### **Boundary Map**

The following is a municipal boundary map as referenced in the attached Joint Resolution, showing the current City of Stacy and its relation to the Orderly Annexation Area to be annexed, legally described in Exhibit A:

