

September 12, 2023

CITY OF PARK RAPIDS RESOLUTION NUMBER 2023-131**TODD TOWNSHIP RESOLUTION NUMBER 2023-14**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARING

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF PARK RAPIDS AND
TODD TOWNSHIP DESIGNATING
CERTAIN AREAS AS IN NEED OF ORDERLY
ANNEXATION PURSUANT TO MINNESOTA
STATUTES, SECTION 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, individual property owners, James Girtz and Pamela Girtz, husband and wife, with property located within the Todd Township (“Township”) and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, petitioned the City of Park Rapids (“City”) seeking annexation of the above-referenced property to the City and connection to City services due to high nitrate levels in the private well located on the property; and

WHEREAS, for ease of reference, the area of the Township proposed for annexation in accordance with this Joint Resolution and legally described in Exhibit A (hereinafter referred to as the “Subject Area”) is shown on the map, Exhibit B, which is also attached hereto and incorporated herein by reference; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the Subject Area legally described in Exhibit A; and

WHEREAS, the City and Township agree that orderly annexation of the Subject Area is in the best interest of the property owners and would benefit the public health, safety, and welfare of the Subject Area and community; and

WHEREAS, the City and Township agree that the Subject Area legally described in Exhibit A is in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the Subject Area without the need for any further hearing before the Office of Administrative Hearings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Park Rapids and the Board of Supervisors of the Todd Township as follows:

1. Designation of Subject Area. The Township and City hereby designate the Subject Area legally described in Exhibit A for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325.

2. Acreege of Subject Area. The Subject Area is approximately 0.77 acres.
3. Population of Subject Area. The population of the Subject Area is 2.
4. Map of Subject Area. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B and is hereby incorporated herein by reference.
5. No Hearing Required / Review and Comment Jurisdiction Only. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the Office of Administrative Hearings is necessary. Upon the execution and filing of this Joint Resolution, the Office of Administrative Hearings may review and comment hereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Tax Reimbursement. Pursuant to Minnesota Statutes, Section 414.036, the City and Township agree that upon annexation of the area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed in an amount equal to one hundred (100) percent of the property taxes distributed to the Township in regard to the annexed area in the last year that property taxes from the annexed area were payable to the Township for the period of two years and in accordance with the following schedule: (a) In the first year following the year the City could first levy on the annexed area, an amount equal to \$105; and (b) In the second and final year, an amount equal to \$105.
7. Notice of Intent Not Applicable. This Joint Resolution is not subject to the notice and publication requirements of Minn. Stat. § 414.0325, subd. 1b since this Joint Resolution designates the Subject Area for immediate annexation and all of the property owners of the Subject Area have petitioned the City to be annexed.
8. Termination. This Joint Resolution shall remain in full force until such time as the Office of Administrative Hearings issues an order effectuating the annexation of the Subject Area to the City, and until completion of tax reimbursement to the Township in accordance with paragraph 6 of this Joint Resolution.
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. Headings and Captions. Headings and captions contained in this Joint Resolution are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
11. Entire Agreement. The terms, covenants, conditions and provisions of this Joint Resolution shall constitute the entire agreement between the parties hereto superseding

all prior agreements and negotiations with respect to the Subject Area. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the Township and City.

12. Legal Description and Mapping. The Township and City agree, in the event there are errors, omissions or any other problems with the legal description provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the Office of Administrative Hearings, the City and Township 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 Office of Administrative Hearings as necessary to make effective the annexation of the Subject Area in accordance with the terms of this Joint Resolution.

13. Notice. Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by U.S. mail, postage prepaid, as follows:

<p>If to the City:</p> <p>City Clerk Park Rapids City Hall</p>	<p>If to the Township:</p> <p>Township Clerk Todd Township</p>
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14. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.

15. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the State of Minnesota Office of Administrative Hearings / Municipal Boundary Adjustments Unit and pay the required filing fee(s).

Passed, adopted, and approved by the Township Board of Supervisors of the Todd Township, Hubbard County, Minnesota, this 14 day of August, 2023.

ATTEST:

TODD TOWNSHIP

By: Patricia A. Cadreau
Pat Cadreau, Town Clerk

By: James Schauer
James Schauer, Chair

Passed, adopted, and approved by the City Council of the City of Park Rapids, Hubbard County, Minnesota, this 12th day of September, 2023.

ATTEST:

CITY OF PARK RAPIDS

By: Berit Score
Berit Score, City Clerk

By: Ryan Leckner
Ryan Leckner, Mayor

EXHIBIT A

Legal Description

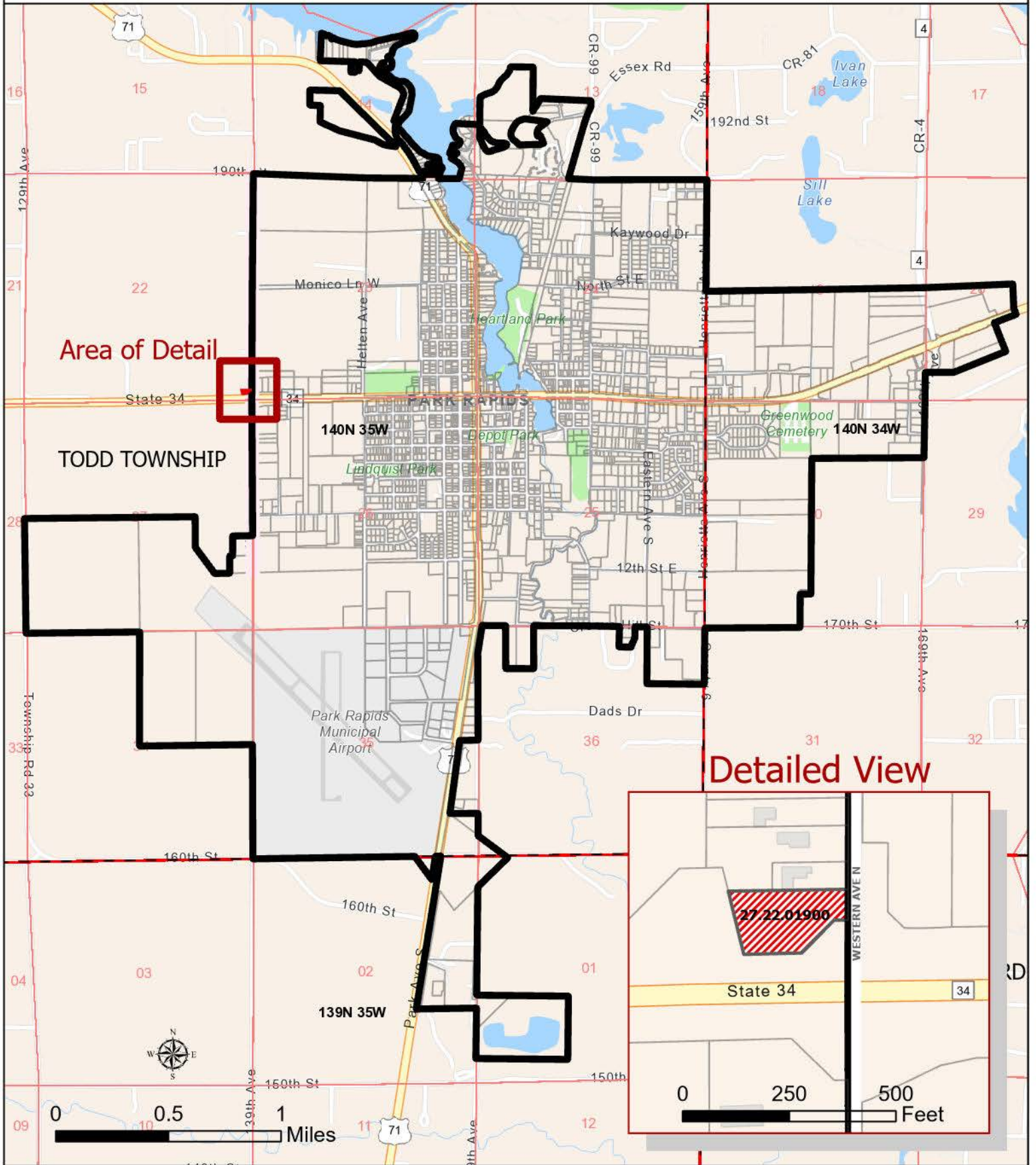
The Subject Area to be annexed in the attached Joint Resolution is legally described as follows:

That part of the Southeast Quarter (SE1/4) of Section Twenty-two (22), Township One Hundred Forty (140), Range Thirty-five (35), bounded and described as follows: Commencing at the point of intersection of the East line of said Section 22 and the North right of way boundary of Highway No. 34 as now located; thence North and along the section line a distance of 165 feet; thence West parallel to the North boundary of Highway No. 34 a distance of 333 feet; thence South parallel with the East line of Section 22, 165 feet; thence East on the North boundary Highway No. 34 to the point of beginning.

LESS AND EXCEPT that parcel conveyed to The State of Minnesota in Warranty Deed dated April 26, 1972 and filed May 24, 1972 in Book 126 of Deeds on page 325.

AND LESS AND EXCEPT that parcel acquired by the State of Minnesota in Final Certificate dated June 3, 2009 and filed July 2, 2009 as Document #340256.

Annexation Parcel - City Location



-  Annexation Parcel
-  Corporate Boundary
-  Parcels

LEGAL
T140N R35W S27

Data Sources: Hubbard County:
Parcels, Corporate Limits, Roads,
Townships, ESRI Street Map



DATE: 10/13/2023