

TO THE MINNESOTA MUNICIPAL BOARD
3475 Suite 475
McColl Building
St. Paul, MN 55101

IN THE MATTER OF THE
DESCRIPTION OF AN
UNINCORPORATED AREA IN
NININGER TOWNSHIP AS IN NEED
OF ORDERLY ANNEXATION TO THE
CITY OF HASTINGS, AND
CONFERRING JURISDICTION OVER
SAID AREA IN THE MINNESOTA
MUNICIPAL BOARD PURSUANT TO
MINNESOTA STATUTES, 414.0325

JOINT RESOLUTION OF THE CITY
OF HASTINGS
AND THE
TOWNSHIP OF NININGER
FOR ORDERLY ANNEXATION

WHEREAS, the Duane R. Wallin and Winston R. Wallin Limited Partnership, a Minnesota Limited Partnership comprised of Duane R. Wallin and Winston R. Wallin, the owner of certain property situated in the Township of Nininger, Dakota County, Minnesota, has filed a petition asking for the annexation to the City of Hastings, of said property, herein described below; and

WHEREAS, the City of Hastings and the Township of Nininger, for the purpose of avoiding a dispute over the annexation of the property described in said petition, desire to enter into a Joint Resolution approving the annexation of the property.

NOW, THEREFORE, BE IT RESOLVED, by the City of Hastings and BE IT RESOLVED by the Township of Nininger as follows:

1. Orderly Annexation Area. The property which is situated in the Township of Nininger, Dakota County, Minnesota, legally described on Exhibit A, which is attached hereto and incorporated herein, is designated as unincorporated property in need of orderly

annexation pursuant to Minnesota Statute 414.0325 as the same may hereafter be amended or supplemented from time to time. Said property described on Exhibit A is herein referred to as the "Orderly Annexation Area." The orderly annexation area needs City utilities and services so that it can be developed.

2. Jurisdiction. The parties to this agreement hereby confer jurisdiction upon the Minnesota Municipal Board over annexation in the Orderly Annexation Area, and over the various provisions of agreement between the parties hereto as set forth in this Joint Resolution. Notwithstanding the foregoing, the parties specifically state that no alteration of the boundaries of the Orderly Annexation Area may be made by the Minnesota Municipal Board and further that no consideration by the Minnesota Municipal Board is necessary regarding the conditions set forth in this Joint Resolution.

3. Immediate Annexation. The City and Township agree that the Orderly Annexation Area will be annexed into the City immediately upon confirmation by the Minnesota Municipal Board. The parties to this agreement do hereby consent to said annexation as of the date of the request and grant the Minnesota Municipal Board their approval to accomplish the annexation in accordance with this agreement. The City and Township agree they will not oppose said annexation. The Minnesota Municipal Board is authorized and requested to take such actions as may be appropriate to accomplish the intent of the parties as set forth herein.

4. Green Acres. The City of Hastings agrees to pay to the

Township of Nininger, upon receipt of same, any funds resulting from the disqualifications of properties under the "Green Acres" law, but only for as many of the preceding three years that this qualified property was in the Township.

5. Real Estate Taxes. It is agreed that in the year the Orderly Annexation Area is annexed to the City, that portion of the real estate taxes normally allocated to the Township shall be paid to the City. To reimburse the Township for this lost revenue, the property owners of the Orderly Annexation area will pay Nininger Township an amount equal to twice the amount of tax revenue Nininger Township received from all of Wallin's property in 1992. Nininger Township's portion of the 1992 real estate taxes from Wallin's property was \$376.14. Therefore, the total amount due from Wallin's to Nininger Township will be twice that amount or \$752.28. This shall be paid to Nininger Township by the property owners within 30 days after the annexation is ordered by the Minnesota Municipal Board. Thereafter, Nininger Township shall not be entitled to any tax revenue from property in the Orderly Annexation area described in this Joint Resolution.

6. Property South of the Vermillion River. The City of Hastings hereby agrees that properties lying south of the Vermillion River and west of the present City limits, and east of the property described on Exhibits A and B, will not be annexed unless one of the following two conditions exist:

- a) A majority of the owners of such parcels petition for or consent to such annexation; or

- b) Such parcels are completely surrounded by the City limits.

Nininger Township consents to the use of the County Road 47 and 48 right-of-way; provided, however, use of such right-of-way shall not be considered in determining whether or not the subject parcels are "surrounded" by the City limits. Nininger Township will not object to the City providing sanitary sewer, storm sewer or other utilities within the County Road 47 and 48 right-of-way, provided the abutting parcels will not be assessed for such utilities so long as the parcels remain in Nininger Township.

7. Remaining Property Owned by Wallins. The parties acknowledge that the Wallins own an additional parcel of property located within the Township of Nininger, which property is described on Exhibit B attached hereto and made a part hereof ("Remaining Property"). The parties further acknowledge that the Wallins have agreed not to petition for annexation of the Remaining Property to the City of Hastings prior to March 1, 1998. The Township of Nininger agrees that from March 1, 1998 and after, it will not object to any Petition or Petitions for annexation of the Wallins or their successors or assigns regarding the Remaining Property, brought under any of the applicable Minnesota Annexation Statutes.

8. Mutual Fire Protection Contract. The allocation of costs in the Mutual Fire Protection Contract between the City of Hastings, Nininger Township and other townships, shall be adjusted to take into account the valuation decrease of the Township and the

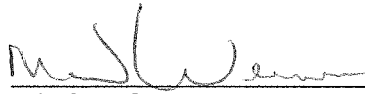
valuation increase of the City, as a result of this annexation.

9. Tax Capacity Rate. Pursuant to Minn. Stat. §414.035, the Minnesota Municipal Board is requested to provide in its Order that in the calendar year following annexation, the tax capacity rate of the orderly annexation area be increased to equality with the tax capacity rate on property already within the City of Hastings.

10. General Funds. The City of Hastings agrees that it will not apply for any Township of Nininger general funds or other assets and that the Township of Nininger agrees that it will not apply for any City of Hastings general funds or other assets, as a result of this Agreement.

11. Entire Agreement. The foregoing, with the exhibits referenced above and attached hereto, constitutes the entire agreement of the parties regarding the orderly annexation of the Orderly Annexation Area described on Exhibit A and the Remaining Property on Exhibit B.

This Joint Resolution was passed and adopted at a duly called meeting of the City Council of the City of Hastings on the 15th day of FEBRUARY, 1993.


Michael D. Werner, Mayor

ATTEST:


Barbara C. Thompson, City Clerk

(SEAL)

This Joint Resolution was passed and adopted by the Board of Supervisors of the Township of Nininger at a meeting of the Board of Supervisors on the 19 day of January, 1993.

Robert Rotty
Robert Rotty, Chairman

ATTEST:

Judy Krupich
Judy Krupich, Town Clerk

EXHIBIT A

The Northwest Quarter, except the East One Half of the East One Half thereof, and the West One Half of the Southwest Quarter, and the Northeast Quarter of the Southwest Quarter, and that part of the Southeast Quarter of the Southwest Quarter lying northerly of the center line of the Vermillion River, all in Section 32, Township 115 N., Range 17 W., Dakota County, Minnesota, except that part described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence southerly, along the west line of said Northwest Quarter, a distance of 982.95 feet to the point of beginning of the land to be described; thence easterly, parallel with the north line of said Northwest Quarter, a distance of 555.65 feet; thence southerly, parallel with the west line of said Northwest Quarter and the west line of said West One Half of the Southwest Quarter, to the center line of the Vermillion River; thence easterly, southeasterly, and northeasterly to the east line of said West One Half of the Southwest Quarter; thence southerly, along said east line, to the southeast corner of said West One Half of the Southwest Quarter; thence westerly, along the south line of said West One Half of the Southwest Quarter, to the southwest corner of said West One Half of the Southwest Quarter; thence northerly, along the west line of said West One Half of the Southwest Quarter and along the west line of said Northwest Quarter, to the point of beginning.

Containing 188.0 acres, more or less.

Subject to that part taken for 15th Street West and easements of record, if any.

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Those parts of the Northwest Quarter and the West One Half of the Southwest Quarter, all in Section 32, Township 113 N., Range 17 W., Dakota County, Minnesota, described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence southerly, along the west line of said Northwest Quarter, a distance of 982.95 feet to the point of beginning of the land to be described; thence easterly, parallel with the north line of said Northwest Quarter, a distance of 555.65 feet; thence southerly, parallel with the west line of said Northwest Quarter and the west line of said West One Half of the Southwest Quarter, to the center line of the Vermillion River; thence easterly, southeasterly, and northeasterly to the east line of said West One Half of the Southwest Quarter; thence southerly, along said east line, to the southeast corner of said West One Half of the Southwest Quarter; thence westerly, along the south line of said West One Half of the Southwest Quarter, to the southwest corner of said West One Half of the Southwest Quarter; thence northerly, along the west line of said West One Half of the Southwest Quarter and along the west line of said Northwest Quarter, to the point of beginning.

Containing 62.3 acres, more or less.

Subject to that part taken for County State Aid Highway No. 48 and easements of record, if any.

