

MINNESOTA MUNICIPAL BOUNDARY ADJUSTMENT DIVISION  
OFFICE OF STRATEGIC AND LONG RANGE PLANNING AS  
SUCCESSOR TO THE MINNESOTA MUNICIPAL BOARD

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REC'D BY  
MMB

APR 08 2002

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 TO  
THE MUNICIPAL BOUNDARY  
ADJUSTMENT DIVISION OF THE OFFICE  
OF STRATEGIC AND LONG RANGE  
PLANNING AS A SUCCESSOR TO THE  
MINNESOTA MUNICIPAL BOARD

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

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WHEREAS, the Duane R. Wallin and Winston R. Wallin Limited Partnership, a Minnesota limited partnership, the fee owner of certain property situated in the Township of Nininger, Dakota County, Minnesota, has filed a petition seeking the annexation to the City of Hastings of certain real property, described on attached Exhibit A; and

WHEREAS, the City of Hastings ("City") and the Township of Nininger ("Township") desire to enter into a Joint Resolution approving the annexation of the said Property.

NOW, THEREFORE, be it resolved by the City of Hastings and the Township of Nininger as follows:

1. **Orderly Annexation Area.** The Property which is situated within the Township of Nininger, Dakota County, Minnesota, legally described on Exhibit A which is attached hereto and incorporated herein, is designated as unincorporated and in need of orderly annexation pursuant to Minn. Stat. §414, as the same may hereinafter be amended and supplemented from time to time.

Said Property legally described on Exhibit A is herein described as the "Orderly Annexation Area."

The Orderly Annexation Area is in need of City utilities so that it can be developed.

**2. Jurisdiction.** The parties to this Agreement hereby confer jurisdiction upon the Minnesota Municipal Board over the annexation in the Orderly Annexation Area, and over the various provisions of this Agreement between the parties hereto as set forth in this Joint Resolution. The parties to this instrument acknowledge legislative changes dissolving the Minnesota Municipal Board and transferring its responsibilities to the Office of Strategic and Long Range Planning, and that despite such action the provision of Minn. Stat. §414 have not been modified to reflect such changes. The purposes of this instrument, therefore, references to the Minnesota Municipal Board and to Minn. Stat. §414 shall mean and refer to the Municipal Boundary Adjustment Division of the Office of Strategic and Long Range Planning as in the successor of the Minnesota Municipal Board and administration of State law regarding orderly annexation agreements and to subsequent amendments to State law. Notwithstanding the foregoing, the parties specifically state that no alteration of the stated boundaries of the Orderly Annexation Area is appropriate and 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 to the City upon confirmation by the Minnesota Municipal Board. 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 action as may be appropriate to accomplish the intent of the parties as set forth herein.

4. **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 will 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 would have received from the annexed Property in 2002. Nininger Township's portion of the 2002 real estate taxes from the subject property is the sum of \$6.82. Therefore, the total amount due from the Property owners to Nininger Township will be two times that amount for the sum of \$13.64. This shall be paid to Nininger Township by the Property owners within thirty days after the annexation is ordered by the Minnesota Municipal Board. Thereafter, the Township shall not be entitled to any real estate revenue from the Property in the Orderly Annexation Area described in this Joint Resolution.

5. **Mutual Fire Protection Contract.** The allocation of costs in the mutual fire protection contract between the City, Township and other townships, shall be adjusted to take into account the valuation decrease of the Township and the valuation of the increase of the City as a result of this annexation.

6. **Tax Capacity Rate.** Pursuant to Minn. Stat. §414.035, the Minnesota Municipal Board has a request 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 of the Property currently situate within the City.

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

8. **Entire Agreement.** The foregoing, with the exhibit referenced above and attached hereto constitutes the entire agreement of the parties regarding the Orderly Annexation of the Orderly Annexation Area described in attached Exhibit A.

This Joint Resolution was duly passed and approved by the Township of Nininger on the 19 day of March, 2002.

**TOWNSHIP OF NININGER**

Robert Potty  
\_\_\_\_\_, Town Board Chair

**ATTEST:**

Judith Krupich  
\_\_\_\_\_, Town Clerk

This Joint Resolution was duly passed and approved at a duly called meeting of the City Council of the City of Hastings on the 19th day of FEBRUARY, 2002.

**CITY OF HASTINGS**

[Signature]  
\_\_\_\_\_, Mayor

**ATTEST:**

David M. Osberg  
\_\_\_\_\_, City Clerk *(DEATH)*

**EXHIBIT A**  
**LEGAL DESCRIPTION**

REC'D BY  
MMB

APR 08 2002

All that part of the Southwest Quarter of the Southwest Quarter of Section 32, Township 115, Range 17, Dakota County, Minnesota, lying South of the center line of the Vermillion River.

**JOINT RESOLUTION OF THE CITY OF HASTINGS  
AND THE TOWNSHIP OF NININGER  
RELATING TO THE PREVIOUSLY  
APPROVED JOINT RESOLUTION AUTHORIZING THE  
ANNEXATION OF LAND OWNED BY  
DUANE R. WALLIN AND WINSTON R. WALLIN  
A LIMITED PARTNERSHIP**

**WHEREAS**, Nininger Township approved on March 19, 2002 and the City of Hastings approved on February 19, 2002 a Joint Resolution authorizing the annexation of land owned by Duane R. Wallin and Winston R. Wallin, a Limited Partnership; and

**WHEREAS**, The Minnesota Office of Planning has stated that an additional sentence must be added at the end of *Section 2. Jurisdiction* which states as follows:

"MINNESOTA PLANNING (FORMER MUNICIPAL BOARD) MAY REVIEW AND COMMENT, BUT SHALL, WITHIN, 30 DAYS ORDER THE ANNEXATION IN ACCORDANCE WITH THE TERMS OF THE RESOLUTION."

**NOW, THEREFORE BE IT RESOLVED**; That the Township of Nininger and the City of Hastings hereby authorize the insertion of the above mentioned sentence in the original Joint Resolution, and direct that a copy of this Resolution be submitted to the Minnesota Office of Planning.

This Resolution was duly passed and approved by the Township of Nininger this 16<sup>th</sup> Day of April, 2002.

**Township of Nininger**

Robert Rotty  
**Robert Rotty**  
Town Board Chair

**ATTEST:**

Judith Krupich  
**Judith Krupich**  
Town Board Clerk

-seal-

This Resolution was duly passed and approved by the City Council of the City of Hastings this 15<sup>th</sup> Day of April, 2002.

**City of Hastings**

Michael D. Werner  
**Michael D. Werner, Mayor**

**ATTEST:**

Melanie Mesko Lee  
**Melanie Mesko Lee, City Clerk**

-seal-

# Wallin Property Annexation

REC'D BY  
AMB  
APR 10 2002

Requested Area  
for Annexation

**Legend**

	City Limits		R-5
	Water		R-6
	City Parcels		COMMERCIAL
	Township Parcels		C-1
<b>Zoning</b>			
<b>NATURAL RESOURCES</b>			
	A		C-2
	F-W		C-3
	WAT		C-4
<b>RESIDENTIAL</b>			
	R-1		C-1
	R-2		INDUSTRIAL
	R-3		I-1
	R-4		I-2
<b>OTHER</b>			
			P-1
			ROW

