

RECEIVED JUL 02 1993

REC'D BY JUL 07 1993
MMP

JOINT RESOLUTION FOR ORDERLY ANNEXATION
BETWEEN THE TOWN OF ROCKFORD AND THE CITY OF ROCKFORD

WHEREAS, the Town of Rockford ("Town") and the City of Rockford ("City") are in agreement as to the orderly annexation of land from the Town to the City, described in Exhibit A attached hereto and depicted as Parcels 1, 2, 3, and 4 on the map attached hereto as Exhibit B ("Subject Property"); and

WHEREAS, a portion of the Subject Property abuts the corporate limits of the City; and

WHEREAS, the Town and the City are willing to enter into a joint resolution and agreement to settle all issues and disputes concerning said annexation.

NOW, THEREFORE, be it jointly resolved and agreed by the Town of Rockford and the City of Rockford that:

1. The property described in Exhibit A attached hereto and incorporated herein ("Subject Property") is subject to orderly annexation pursuant to Minn. Stat. § 414.0325, and the parties hereto hereby designate said area for orderly annexation.

2. The Town does, upon passage of this resolution, and its adoption by the City, confer jurisdiction upon the Minnesota Municipal Board to approve the terms of this orderly annexation pursuant to Minn. Stat. § 414.0325.

3. The Subject Property is appropriate for orderly annexation. No alteration of its stated boundary is appropriate, nor is consideration by the Municipal Board necessary. Therefore, the Municipal Board may review and comment, but shall order the annexation within thirty (30) days in accordance with the terms of this resolution and agreement.

4. The following special terms and conditions shall also be a part of this orderly annexation resolution and agreement:

- A. The Dell-Co property included in the description of the Subject Property and designated as Parcel 1 on the map attached hereto as Exhibit B, shall be annexed to the City immediately upon approval of this orderly annexation resolution and agreement by the Minnesota Municipal Board.
- B. The portions of the Subject Property also known as the LaMere, Overholt, and Meier properties, contained in the description of the Subject Property attached hereto as Exhibit A and further described, respectively, as Parcels No. 2, 3, and 4 in the map attached hereto as Exhibit B,

shall not be immediately annexed into the City upon approval of this orderly annexation resolution and agreement by the Minnesota Municipal Board. Said properties shall remain part of the Town until January 1, 2001; at such time, said parcels shall automatically be annexed and become part of the City.

- C. The special assessments and interest payable thereon for the LaMere, Overholt, and Meier properties (Parcels 2, 3, and 4) shall be deferred by the City until the properties are annexed into the City as provided above. Upon such annexation, the owners of said properties shall start paying interest and installments on the special assessment. Said installment payments shall run for ten years from January 1, 2001; provided, however, that said property owners may prepay such special assessments as provided in Minnesota law.
 - D. The City shall be under no obligation to provide sewer or water services to any portions of the Subject Property until said portions of the Subject Property are annexed into the City. If One Hundred (100) percent of the respective owners of the properties designated as Parcels 2, 3, or 4 on Exhibit B request the City in writing for sewer and water services and annexation prior to January 1, 2001, the City may annex said property or portions thereof upon passage of an ordinance after written notice has been served upon the Town of such request, by said property owners.
 - E. Upon annexation of any of the parcels or portions thereof included in the Subject Property, the City shall be obligated to provide water and sewer services at the then current rates upon payment of the then current SAC and WAC charges by the property owners. As soon as said properties or portions thereof are annexed, interest on the special assessments shall begin to accrue and payments on the special assessments shall commence.
5. The principal amount of the special assessment for the LaMere property (Parcel No. 2) shall be \$4,000.00, and the principal amount of the special assessment for the Overholt property (Parcel No. 3) shall be \$4,000.00.
6. The City shall hire a certified and licensed real property appraiser to do a before and after appraisal of the Meier property (Parcel No. 4). If the appraisal indicates that the increase in market value of the property attributable to the City sewer and water improvements is equal to or greater than the amount of the proposed assessment, the City shall not reduce the amount of the special assessment. The owner(s) of the Meier property shall retain the right to hire their own appraiser and proceed with any

assessment appeal they may wish to file in court. If the appraiser determines that the increase in market value of the property attributable to the improvement was less than the amount of the proposed assessment, the assessment amount shall be reduced consistent with the appraiser's evaluation.

7. The respective owners of the Subject Property shall not be obligated to connect to City sewer and water services until one of the following events occurs: (1) their private, on-site sewer or water systems fail; (2) such systems need repairs costing in excess of \$1,000.00; or (3) January 1, 2005. Whenever one of the foregoing events occurs, the respective owners of the Subject Property shall immediately connect to City services, pay then-current utility fees, and comply with then-current utility regulations.

8. The Town, City, and owners of the Subject Property shall each pay their own respective attorney's fees, costs, and disbursements herein. The City shall also pay the Municipal Board fees and the County Recorder's fee to record the documents against the titles.

9. The Town and the City hereby agree that the terms and conditions of this resolution and agreement shall govern in the event that state law is amended to provide for alternative methods of annexation not addressed by this instrument.

This resolution adopted by the Town of Rockford Board of Supervisors the 22nd day of June, 1993.

Karen Mc Dougall
Chair, Town Board of Supervisors

Attest:

James O. Taylor
Town Clerk

This resolution adopted by the City of Rockford City Council the 22nd day of June, 1993.

Lane Wilson
Mayor, City of Rockford

Attest:

Nancy Evers
City Clerk (Acting)

EXHIBIT A

All that part of the Northwest Quarter of Section 29, Township 119, Range 24, Wright County, Minnesota, which lies outside of the City of Rockford corporate limits and is approximately described as follows:

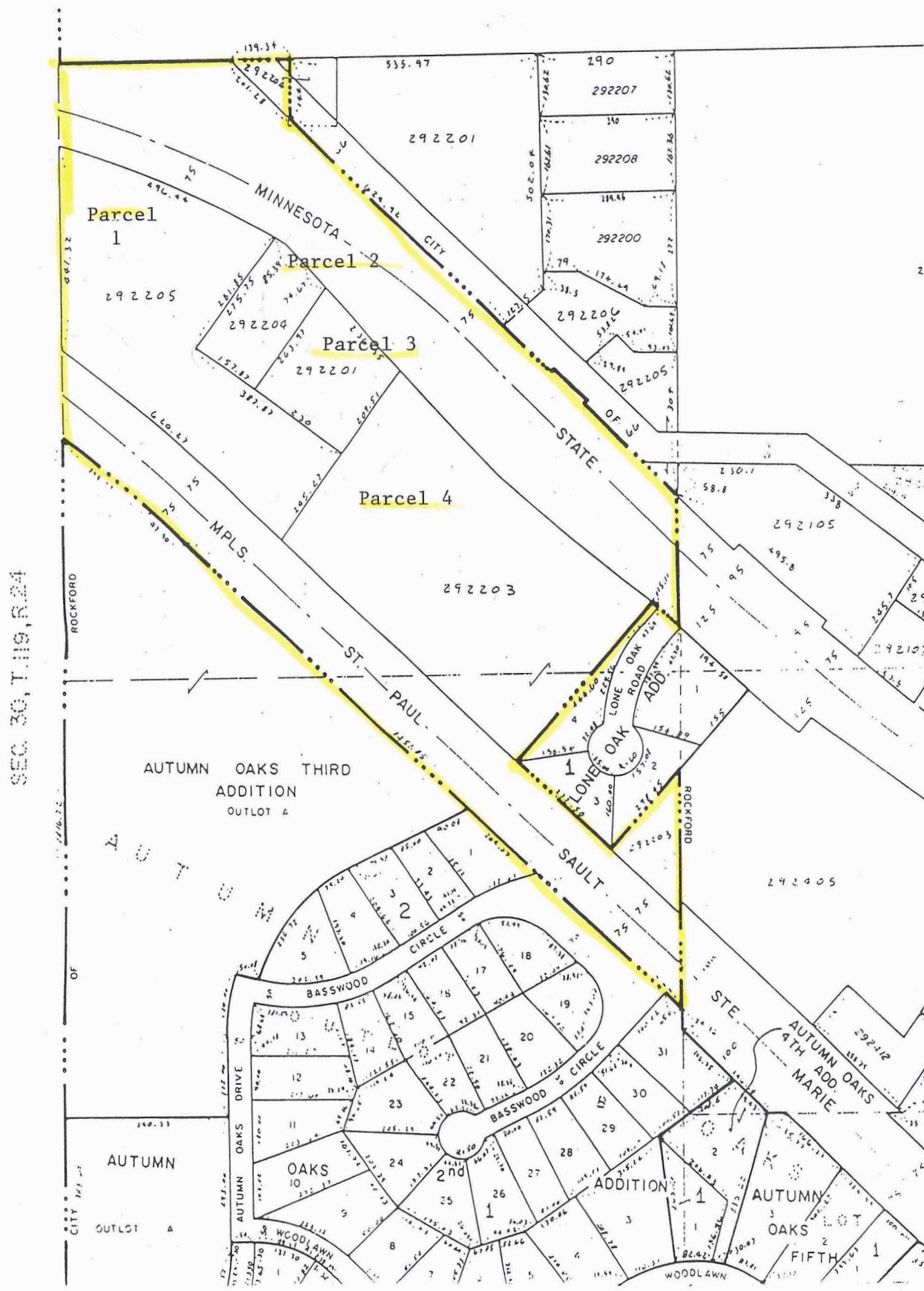
Beginning at the Northwest corner of the Northwest Quarter of said Northwest Quarter; thence East, along the North line of said Northwest Quarter of the Northwest Quarter, a distance of 354.66 feet to the Northeasterly right-of-way line of Minnesota State Highway No. 55; thence continuing East, along said North line, a distance of 139.34 feet; thence deflecting to the right 89 degrees 29 minutes 09 seconds, a distance of 144.00 feet to the intersection with said Northeasterly right-of-way line of Minnesota State Highway No. 55; thence Southeasterly along said Northeasterly right-of-way line to the intersection with the East line of said Northwest Quarter of the Northwest Quarter; thence Southerly, along said East line of the Northwest Quarter of the Northwest Quarter to the Southeast corner of said Northwest Quarter of the Northwest Quarter; thence Southerly, along the East line of the Southwest Quarter of said Northwest Quarter to the intersection with the Southwesterly right-of-way line of the Minneapolis, St. Paul, Sault Ste. Marie Railroad; thence Northwesterly along said Southwesterly right-of-way line to the intersection with the West line of said Northwest Quarter of the Northwest Quarter; thence Northerly along said West line of the Northwest Quarter of the Northwest Quarter, to the point of beginning. Except that part which lies within the plat of Lone Oak Addition, according to said plat on file and of record in the office of the County Recorder, Wright County, Minnesota.

THIS IS A COMPILED RECORD AS THEY APPEAR IN THE WRIGHT COUNTY OFFICES AND OTHER SOURCES. THIS DRAWING IS TO BE USED ONLY FOR REFERENCE PURPOSES AND THE COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED. THIS IS NOT A LEGALLY RECORDED PLAT.

N. 11

EXHIBIT B

REC'D. BY JUL 07 1993
M.M.B.



ROCKFORD ANNEXATION

EXHIBIT B

PARCEL 1 (Dell-Co.)

That part of the West one-half of the Northwest Quarter of Section 29, Township 119, Range 24, Wright County, Minnesota, described as follows:

Commencing at the northwest corner of said West one-half of the Northwest Quarter; thence South, assumed bearing, along west line of said West one-half of the Northwest Quarter, a distance of 194.28 feet to the actual point of beginning, said point being on the southerly right of way line of Minnesota State Highway Number 55, thence continuing on a bearing South along said west line, a distance of 441.32 feet to the northeasterly right of way line of the Soo Line Railroad; thence southeasterly along said northeast right of way line, being a circular curve, not tangent to the last described curve, concave to the southwest having a radius of 3445.46 feet and a central angle of 10 degrees 19 minutes 17 seconds, a distance of 620.67 feet to the intersection of the southwesterly extension of the southeasterly line of a tract of land described in Book 278 of Deeds, pages 478-479, the chord of said curve bears South 49 degrees 30 minutes 23 seconds East; thence North 35 degrees 06 minutes 26 seconds East along said southwesterly extension, not tangent to the last described curve, a distance of 245.27 feet to the southeasterly corner of said tract of land described in Book 278 of Deeds, pages 478-479; thence North 54 degrees 53 minutes 34 seconds West, a distance of 387.87 feet; thence North 35 degrees 06 minutes 26 seconds East, a distance of 281.85 feet to said southerly right of way line of Minnesota State Highway Number 55; thence northwesterly along said southerly right of way line, being a circular curve, not tangent to the last described course, concave to the southwest having a radius of 1840.96 feet and a central angel of 15 degrees 27 minutes 02 seconds, a distance of 496.44 feet, to the point of beginning, the chord of said curve bears North 67 degrees 29 minutes 05 seconds West.

PARCEL 2 (La Mere)

That part of the West Half of the Northwest Quarter of Section 29, Township 119, Range 24, Wright County, Minnesota described as follows: Commencing at the Northwest corner of the said West Half of the Northwest Quarter; thence South along the West line of said West Half of the Northwest Quarter a distance of 638.50 feet; thence Southeasterly deflecting 50 degrees 38 minutes 38 seconds left a distance of 391.39 feet; thence Northeasterly deflecting 93 degrees 57 minutes 22 seconds left along a line, a distance of 214.23 feet to the actual point of beginning of the tract of land to be described (said line is assumed to bear North 35 degrees 24 minutes East) thence North 54 degrees 36 minutes West, a distance of 157.87 feet; thence North 35 degrees 24

minutes East, a distance of 275.75 feet to the Southerly right of way line of Minnesota Trunk Highway Number 55; thence Southeasterly along said Southerly right of way line, a distance of 85.39 feet on a curve not tangent to last described course, concave to the Southwest, having a radius of 1834.86 feet, a central angle of 2 degrees 39 minutes 59 seconds and a chord bearing of South 58 degrees 14 minutes 33 seconds East; thence South 41 degrees 16 minutes 45 seconds East along said Southerly right of way line, a distance of 74.67 feet to its intersection with a line bearing North 35 degrees 24 minutes East from the point of beginning thence South 35 degrees 24 minutes West, a distance of 263.97 feet to the point of beginning.

PARCEL 3 (Overholt)

That part of the West Half of the Northwest Quarter of Section 29, Township 119, Range 24, Wright County, Minnesota, described as follows: Commencing at the Northwest corner of the said West Half of the Northwest Quarter; thence South along the West line of said West Half of the Northwest Quarter a distance of 638.50 feet; thence Southeasterly deflecting 50 feet 38 minutes 38 seconds left a distance of 391.39 feet; thence Northeasterly deflecting 93 feet 57 minutes 22 seconds left along a line hereinafter referred to as Line A, a distance of 214.23 feet to the actual point of beginning; thence Southeasterly deflecting 90 degrees right a distance of 230.00 feet; thence Northeasterly deflecting 90 degrees left a distance of 209.51 feet to the Southerly right-of-way line of Minnesota Trunk Highway Number 55; thence Northwesterly along the said right-of-way line a distance of 236.35 feet to the Northeasterly extension of said line A from the point of beginning; thence Southwesterly along said extension a distance of 263.97 feet to the point of beginning

PARCEL 4 (Meier)

That part of the West Half of the Northwest Quarter of Section 29, Township 119, Range 24, lying between Minnesota State Highway No. 55 and the Northerly line of the Railroad right of way which lies Northwesterly of the plat of LONE OAK ADDITION, except tracts conveyed in Book 247 of Deeds, pages 605-606, Book 277 of Deeds, pages 33-34 and Book 311 of Deeds, page 879.