

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chair
Paul B. Double	Vice Chair
Lea De Souza Speeter	Vice Chair

IN THE MATTER OF THE JOINT
RESOLUTION OF THE TOWN
OF ROCKFORD AND THE CITY OF
ROCKFORD DESIGNATING AN
UNINCORPORATED AREA AS IN
NEED OF ORDERLY ANNEXATION
AND CONFERRING JURISDICTION
OVER SAID AREA TO THE MINNESOTA
MUNICIPAL BOARD PURSUANT TO
MINNESOTA STATUTES 414.0325.

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

File: OA-301

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 incorporated herein, and depicted 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 City have previously entered into a Joint Resolution for Orderly Annexation dated June 22, 1993, and an Amended Joint Resolution for Orderly Annexation dated August 24, 1993; and,

WHEREAS, a further amendment to the agreement is necessary to provide for the annexation of the Ebert Property, described as Parcel 5 on Exhibit B; and,

WHEREAS, the Town and the City are willing to enter into this Second Amended Joint Resolution and Agreement to settle all issues concerning said annexation, which is intended to replace and supersede all prior agreements;

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

1. The Subject Property is subject to orderly annexation pursuant to Minnesota Statutes Section 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 Minnesota Statutes Section 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, was annexed to the City immediately upon approval of the June 22, 1993 Orderly Annexation Resolution and Agreement by the Minnesota Municipal Board.

B. All other portions of the Subject Property including the portions 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 on 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 annexed as provided below.

C. Annexation of Parcel 2 on Exhibit B (LaMere Property) shall be deferred until January 1, 2001 unless LaMeres or their successors or assigns petition for earlier annexation.

D. Annexation of Parcel 3 on the attached Exhibit B (Overholt Property) shall be deferred until January 1, 2001 unless Overholts or their successors or assigns petition for earlier annexation.

E. Annexation of Parcel 4 (Meier Property) on the attached Exhibit B shall be deferred until the earliest of the following events: January 1, 2001; the property owners or their successors or assigns petition for earlier annexation; or the date of closing of the sale of the property to any party other than a member of the Meiers' immediate family. For purposes of this section, the phrase "Immediate Family" shall be defined to mean "any person other than a member of the Meiers' immediate family, limited to their parents, the parents' natural children (Meiers' siblings) and the spouses of those children."

F. The Ebert Property included in the description of the Subject Property and designated as Parcel 5 on the legal descriptions and map attached hereto as Exhibit B, shall be immediately annexed into the City.

G. Annexation of the Trunk Highway 55 right-of-way, Soo Line Railroad right-of-way, and any other portion of the Subject Property not specifically addressed by this Agreement, shall be deferred until annexation of the last of Parcels 1, 2, 3, 4, and 5. All remaining portions of the Subject Property shall be annexed into and become part of the City simultaneous with the annexation of the last of Parcels 1, 2, 3, 4, or 5 into the City.

5. The terms and conditions of payment of the special assessments and interest payable thereon for the LaMere, Overholt, and Meier properties (Parcels 2, 3 and 4) shall be governed by the Stipulations and Orders Approving Settlements previously approved and attached as Exhibits C, D and E to the Amended Joint Resolution for Orderly Annexation.

6. 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.

7. 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 was adopted by the Town of Rockford Board of Supervisors the 23rd day of July, 1996.

Town of Rockford



Karen McDougall, Town Chair

Attest:


James O. Taylor, Town Clerk

This resolution was adopted by the City of Rockford City Council the 23rd day of July, 1996.

City of Rockford


Lane Wilson, Mayor

Attest:


Nancy Evers, Clerk-Treasurer

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. St. 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.

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.

Legal Description

Parcel 5 (the "Ebert Property"):

That part of the West Half of the Northwest Quarter of Section 29, Township 119, Range 24, Wright County, Minnesota, described as follows: Beginning at a point on the west line of the East Half of said Northwest Quarter distant 1552.33 feet south of the northwest corner of said East Half of the Northwest Quarter (the west line of said East Half of the Northwest Quarter is assumed to bear North 00 degrees 11 minutes 06 seconds West); thence South 39 degrees 41 minutes 48 seconds West to the northerly right-of-way line of the Soo Line Railway; thence southeasterly along said northerly right-of-way line to its intersection with the west line of the East Half of the Northwest Quarter of said Section 29; thence northerly along said west line to the point of beginning, containing 0.33 acres more or less,

THE WRIGHT COUNTY OFFICE AND OTHER SOURCES.
THIS DRAWING IS TO BE USED FOR REFERENCE PURPOSES
AND THE COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES
HEREIN CONTAINED. THIS IS NOT A LEGALLY RECORDED PLAT.

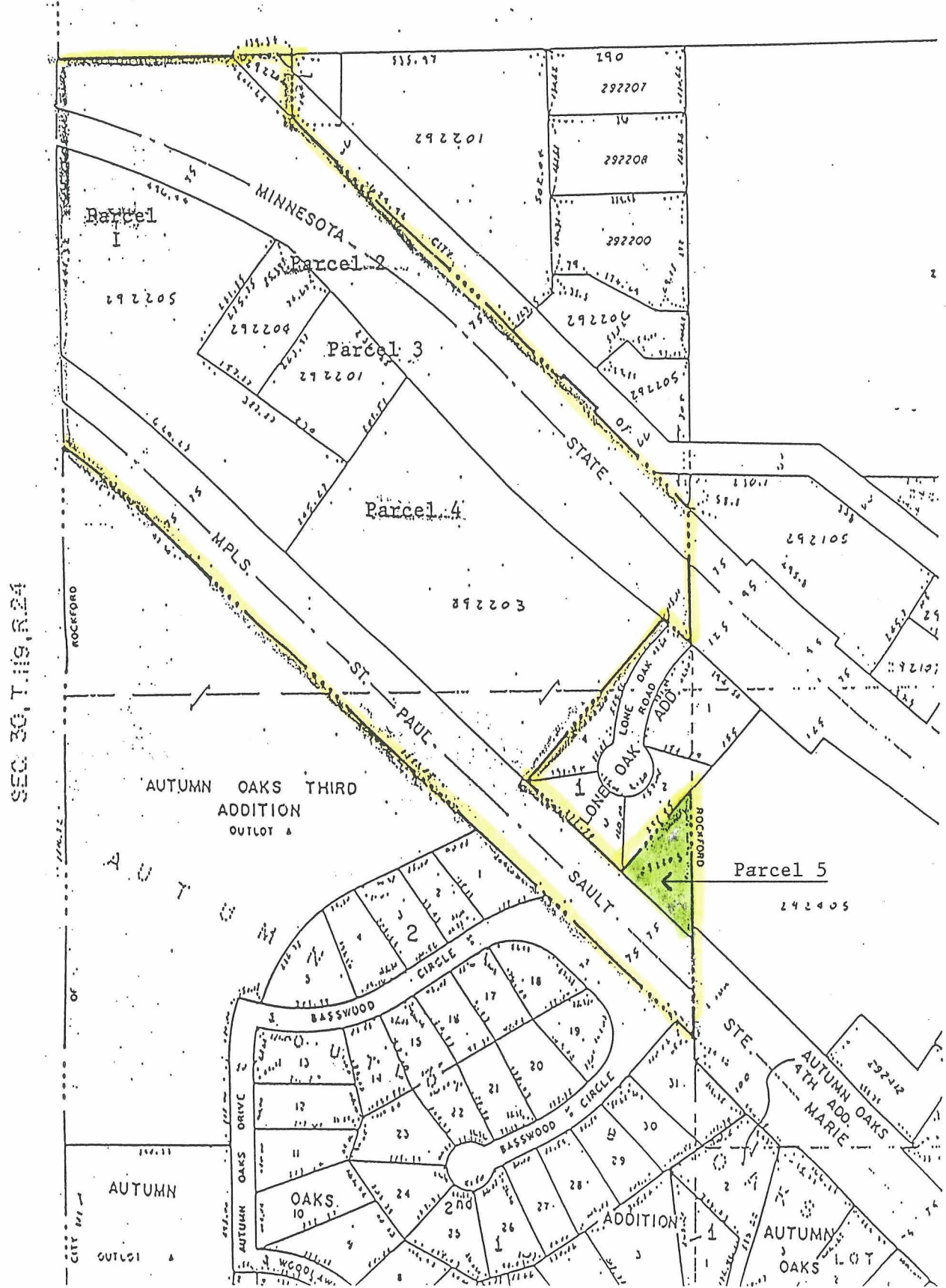
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EXHIBIT B

REC'D. BY JUL 30 1996
M M R

Area subject to Orderly Annexation

Parcel 5 - Ebert Property



SEC 30, T. 119, R. 24

ROCKFORD

ROCKFORD

ROCKFORD

CITY

OUTLOT

AUTUMN OAKS

WOOD

ADDITION

AUTUMN OAKS LOT

AUTUMN OAKS 4TH ADD MARIE

AUTUMN OAKS THIRD ADDITION OUTLOT A

AUTUMN OAKS

BASSWOOD CIRCLE

BASSWOOD CIRCLE

BASSWOOD CIRCLE

BASSWOOD CIRCLE

BASSWOOD CIRCLE

BASSWOOD CIRCLE

BASSWOOD CIRCLE

BASSWOOD CIRCLE

Parcel 4

Parcel 3

Parcel 2

Parcel 1

Parcel 5

STATE

ST. PAUL

SAULT

MINNESOTA

MPLS.

LOVE OAK ROAD ADD

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LOVE OAK

LOVE OAK

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TO: THE MINNESOTA MUNICIPAL BOARD
165 METRO SQUARE BUILDING
ST. PAUL, MN 55101

REC'D. BY JUL 30 1996
M M R

IN THE MATTER OF THE JOINT
RESOLUTION OF THE TOWN
OF ROCKFORD AND THE CITY OF
ROCKFORD DESIGNATING AN
UNINCORPORATED AREA AS IN
NEED OF ORDERLY ANNEXATION
AND CONFERRING JURISDICTION
OVER SAID AREA TO THE MINNESOTA
MUNICIPAL BOARD PURSUANT TO
MINNESOTA STATUTES 414.0325.

JOINT RESOLUTION
TO AMEND ORDERLY
ANNEXATION AGREEMENT

File: OA-301

WHEREAS, the Township of Rockford (the "Township") and the City of Rockford (the "City") entered into an Orderly Annexation Agreement regarding the terms and conditions of annexation of certain territory into the City of Rockford; and,

WHEREAS, the territory subject to the Orderly Annexation Agreement included, among others, a parcel which is shown as Parcel 5 on the attached legal description and map (hereinafter known as the " Ebert Property"), and,

WHEREAS, the Town and City entered into an Amended Joint Resolution for Orderly Annexation on August 24, 1993, which provided that specific parcels would be annexed on specific dates, but that annexation of the rest of the territory in the designated area, including the Ebert Property described above, would be deferred until after annexation of the last of the specific parcels; and,

WHEREAS, the Minnesota Municipal Board approved the Amendment to the Agreement on October 13, 1993; but,

WHEREAS, the City has received a Petition from the owner of the Ebert Property requesting that it be immediately annexed into

the City, ahead of the schedule set forth in the Amended Orderly Annexation Agreement; and,

WHEREAS, the reason for the immediate annexation is to permit the Developer to attach this property to other property located within the City and use all the property for purposes of building a Planned Unit Development which will include a gas station/convenience store, professional office building, and 40 townhomes; and,

WHEREAS, the Town and City agree to permit the Ebert Property to be immediately annexed; and,

WHEREAS, Minn. Stat. 414.0325, Subd. 1 provides that annexation of territory within an orderly annexation area may be initiated by resolution of any signatory to the joint resolution; and,

WHEREAS, the Town and City agree to accomplish the amendment to the Orderly Annexation Agreement by entering into a Second Amended Joint Resolution for Orderly Annexation Between the Town of Rockford and the City of Rockford;

NOW, THEREFORE the Township and the City hereby jointly resolve and agree as follows:

1. A Second Amended Joint Resolution for Orderly Annexation Between the Town of Rockford and the City of Rockford shall be prepared by the City Attorney. Paragraph 4. F. of the Second Amended Joint Resolution for Orderly Annexation Between the Town of Rockford and the City of Rockford, should read as follows:

F. The Ebert Property included in the description of the Subject Property and designated as Parcel 5 on the legal descriptions and map attached hereto as Exhibit B, shall be immediately annexed into the City.

2. A new paragraph 4. G. should be added to the Second Amended Joint Resolution for Orderly Annexation Between the Town of Rockford and the City of Rockford, and should read as follows:

G. Annexation of the Trunk Highway 55 right-of-way, Soo Line Railroad right-of-way, and any other portion of the Subject Property not specifically addressed by this Agreement, shall be deferred until annexation of the last of Parcels 1, 2, 3, 4, and 5. All remaining portions of the Subject Property shall be annexed into and become part of the City simultaneous with the annexation of the last of Parcels 1, 2, 3, 4, or 5 into the City.

3. The City shall submit the Second Amended Joint Resolution for Orderly Annexation Between the Town of Rockford and the City of Rockford to the Minnesota Municipal Board for review, comment, and boundary line adjustment pursuant to Minn. Stat. 414.0325, Subd. 1.

4. All other terms and conditions of the Amended Joint Resolution for Orderly Annexation Between the Town of Rockford and the City of Rockford which are not specifically addressed herein shall remain in full force and effect.

TOWN OF ROCKFORD:

The foregoing Resolution was passed and adopted by the Town Board of the Town of Rockford on the 23rd day of July, 1996.

Town of Rockford:

By *Karen McDougall*
Karen McDougall, Town Chair

ATTEST:

By *James O. Taylor*
James O. Taylor, Town Clerk

CITY OF ROCKFORD:

The foregoing Resolution was adopted by the City Council of the City of Rockford on the 23rd day of July, 1996.

City of Rockford:

By *Lane Wilson*
Lane Wilson, Mayor

ATTEST:

By *Nancy Evers*
Nancy Evers, Clerk-Treasurer

REC'D BY JUL 30 1996
M M R

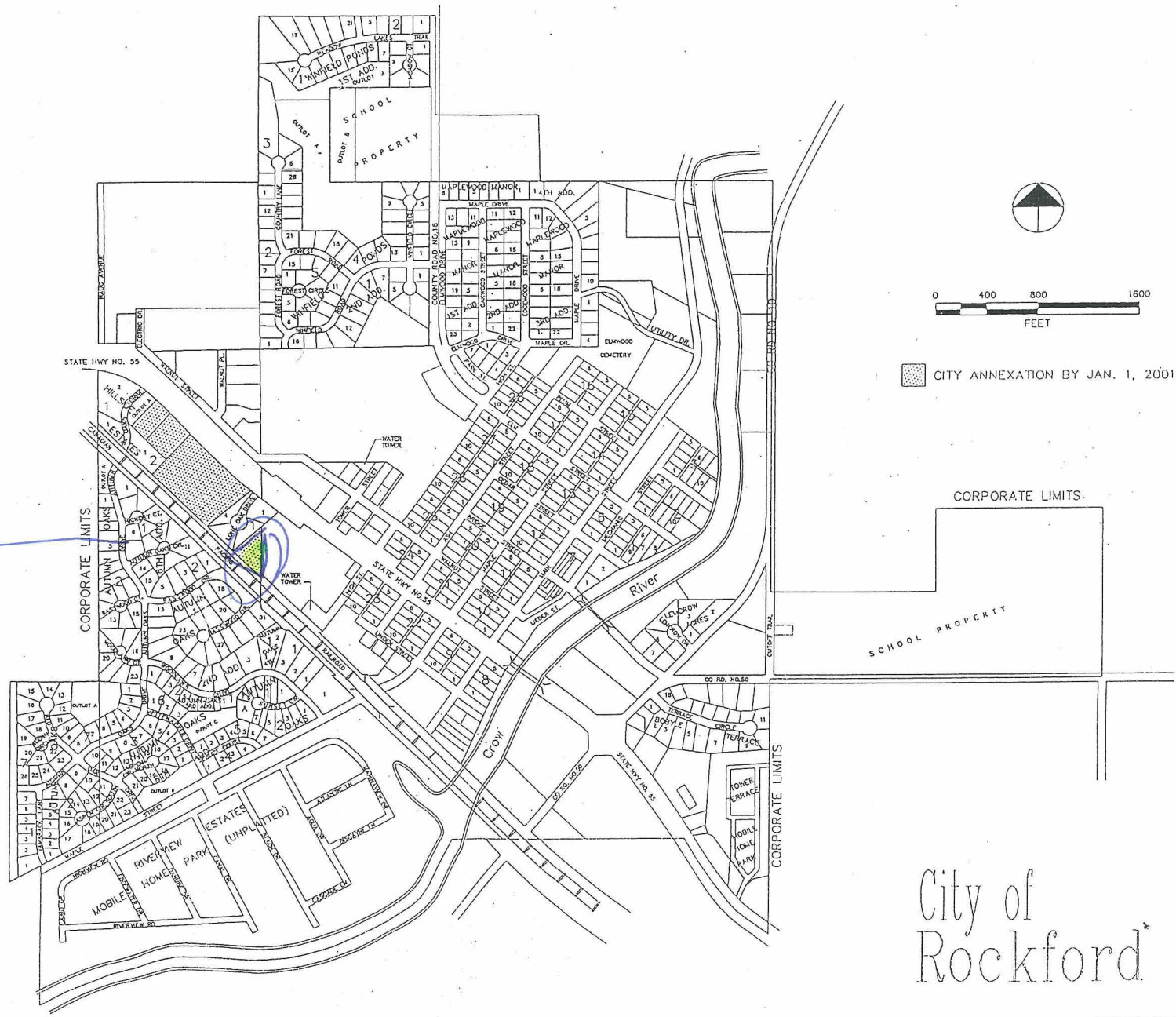
Legal Description

Parcel 5 (the "Ebert Property"):

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REC'D. BY AUG 02 1996
M M R

Site



CITY ANNEXATION BY JAN. 1, 2001

CORPORATE LIMITS

SCHOOL PROPERTY

City of
Rockford



Engineers & Land
Surveyors, Inc.
9 West Division St.
Buffalo, W.V. 25813
(612) 682-4727
Fax: 682-3522

JAN. 1996
DEC. 1994
SEPT. 1994
OCT. 1993
JUNE 1992
OCT. 1991