

SEPTEMBER 2, 1997

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IN THE MATTER OF JOINT
RESOLUTION OF THE CITY
OF ARLINGTON AND THE
TOWN OF ARLINGTON
DESIGNATING CERTAIN AREAS
AS IN NEED OF ORDERLY
ANNEXATION PURSUANT TO
MINNESOTA STATUTES #414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, the city of Arlington(hereinafter called the "City") and the Town of Arlington (hereinafter called the " Township) deem it necessary and appropriate that they work together to develop and implement a process for the orderly and controlled growth of the City and Township; and

WHEREAS; the City and Township agree that municipal government most effectively provides services in areas which are developed for residential, commercial, industrial, and governmental purposes , and that the Township government most effectively provides governmental services in areas or uses developed for agricultural , open space and rural residential purposes; and

WHEREAS, the City and Township agree that orderly extension of municipal sanitary sewer service to areas needing such service would benefit the public health, safety , and welfare of the entire community; and

WHEREAS, the City and Township agree that it is necessary to undertake specialized economic development activities in the area known as the "Arlington Industrial Park" by utilizing governmental tools which area not generally available to the Township; and

WHEREAS, the City and Township agree that orderly annexation of the areas designated herein is one way to promote the public health , safety , and welfare of the entire community by proceeding for the logical development of the community and the extension of municipal services as urban development occurs; and,

WHEREAS, for areas designated herein, the City and Township desire to accomplish the orderly annexation of said areas in a mutually acceptable and beneficial manner without the need for a hearing before the Minnesota Municipal Board as urban development occurs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arlington and the Town Board of Supervisors of Arlington as follows:

1. Designation of Orderly Annexation Areas. The City and Township hereby designate the following areas as in need of orderly annexation pursuant to Minnesota Statutes, Section 414.0325

a. Orderly Annexation Area 1. Orderly Annexation Area 1, herein after referred to as "Area 1" is described in Exhibit 1 and incorporated by reference. For ease of reference, Area 1 is shown on the map attached hereto as Exhibit A and is generally those areas most in need of immediate annexation, and referred to as : the Sibley County Fairgrounds ; the Industrial Park and T. H. 5 business area; and the area immediately east of the City in the West 1/2 of the SE 1/4 and the NE 1/4 of Section 10 .

b. Orderly Annexation Area 2. Orderly Annexation Area 2, herein after referred to as "Area 2" is described in Exhibit 2 and incorporated by reference. For ease of reference , Area 2 is also shown on the map attached hereto as Exhibit A, and is generally those areas referred to as: the Highland View Addition, and the Highland View Second Addition both in part of the E1/2 of the SE 1/4 of Section 4 T113N, R27W,

c. Orderly Annexation Area 3. Orderly Annexation Area 3, herein after referred to as "Area 3" is described in Exhibit 3 and incorporated by reference. For ease of reference , Area 3 is also shown on the map attached hereto as Exhibit A, and is general those areas which are not covered in areas 2 or 3 and encompasses the balance of the Orderly Annexation Area.

2. Area 1 Annexation. Upon approval of this agreement , the area included in Area 1 shall be immediately considered annexed to the City The City and Township agree that no alteration to the boundaries described herein is appropriate, that no consideration by the Municipal Board is necessary, and that all terms and conditions for annexation of the area are provided for in this resolution. Pursuant to Minnesota Statutes , Section 414.0325, the Municipal Board may review and comment, but shall within thirty (30) days of receipt, order the annexation of Area 1 in accordance with the terms and conditions of this Joint Resolution.

3. Area 2 Provisions.

a. Upon approval of this agreement, the area included in Area 2 shall only be annexed when there is a petition for annexation by at least fifty percent (50%) of the affected property owners or at least fifty percent (50%) of the owners have requested, by petition, the extension of municipal services to the area, and the City approves the petition as being in the best interest of the City.

b. The City and Township agree that after any annexation in Area 2, the City shall be responsible for providing municipal services. The property owner shall be

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responsible for all costs associated with the service extension unless other arrangements are agreed to by the City.

c. Annexation by Property - Owner Petition. The City and Township agree that if the City or Township receive a property - owner petition for annexation by any property - owner with land abutting municipal corporate limits within any sector of Area 2 and said land is platted or subdivided, is proposed to be platted or subdivided, or is proposed for urban, non-farm development, the land may be designated in need of orderly annexation and annexed in accordance with paragraph 3 (d) of this Joint Resolution.

d. No Hearing Required. The City and Town agree that upon receipt of an annexation petition and a resolution from the City providing for annexation of a designated area , the Municipal Board, may review and comment, but shall within thirty (30) days of receipt of said resolution, order the annexation of the area designated therein in accordance with the terms and conditions of this Joint Resolution.

4. Area 3 Provisions.

a. Non- Farm development. The City and Township agree that all urban, non-farm development within Area 3 is prohibited unless the property proposed for such development and any adjacent land, is first annexed to the City pursuant to the terms and conditions of this Joint Resolution. Exceptions to this provision include :

- i. Agricultural development;
- ii. Repair or limited expansion of structures used for urban , non-farm development in existence upon approval of this resolution.
- iii. Construction of single family homes on a lot of record,
- iv. Urban , non-farm development which is first approved in writing by both the City and Township.

b. Upon approval of this agreement, the area included in Area 3 shall only be annexed when there is a petition for annexation by at least fifty percent (50%) of the affected property owners or at least fifty percent (50%) of the owners have requested, by petition, the extension of municipal services to the area, and the City approves the petition as being in the best interest of the City.

c. The City and Township agree that after any annexation in Area 3, the City shall be responsible for providing municipal services. The property owner shall be responsible for all costs associated with the service extension unless other arrangements are agreed to by the City.

d. Annexation by Property - Owner Petition. The City and Township agree that if the City or Township receive a property - owner petition for annexation by any property - owner with land abutting municipal corporate limits within any sector of Area 3 and said land is platted or subdivided, is proposed to be platted or subdivided, or is

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proposed for urban, non-farm development, the land may be designated in need of orderly annexation and annexed in accordance with paragraph 4 (e) of this Joint Resolution.

e. No Hearing Required. The City and Town agree that upon receipt of an annexation petition and a resolution from the City providing for annexation of a designated area , the Municipal Board, may review and comment, but shall within thirty (30) days of receipt of said resolution, order the annexation of the area designated therein in accordance with the terms and conditions of this Joint Resolution

5. Differential Taxation. Whenever an order by the Municipal Board under Minnesota Statutes Sections 414.031, 414,0325 or 414.033 , annexes any parcel, the Board may provide that the tax rate of the City on the area annexed shall be increased in substantially equal proportions over not more than six (6) years to equality with the tax rate on the property already within the City. The appropriate period may be shortened based on the time reasonably required to effectively provide municipal services to the annexed area.

6. Tax Reimbursement. When a parcel is annexed, the City of Arlington will reimburse Arlington Township for the loss of taxes generated from the annexed property. If the annexation becomes effective on or before August 1 of the levy year, the City of Arlington may levy on the annexed area beginning with the same year. If the annexation becomes effective after August 1, of the levy year, Arlington Township may continue to levy on the annexed property for that levy year and the City of Arlington may not levy on the annexed property until the following levy year. For six (6) years following the tax year that Arlington Township last collects a levy, the City will reimburse the Township one hundred percent (100%) of the amount of taxes that were collected by the Township in the year the land was annexed. Thereafter, the City of Arlington will no longer reimburse Arlington Township .

7. City Property. The City may at any time annex property owned by the City in accordance with paragraph 4 (e) of this Joint Resolution.

8. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

9. Modification / Amendment. This Joint Resolution shall not be modified, amended , or altered except upon the written joint resolution of the City and Township duly executed and adopted by the City Council and the Township Board of Supervisors and filed with the Minnesota Municipal Board.

10. Term. This Joint Resolution shall be in full force and effect for a term of twenty years from the date of execution unless otherwise terminated earlier by mutual written joint resolution of the City and Township.

11. Entire Agreement. The terms, covenants, conditions , and provisions of this Joint Resolution, including the present and all future attachments, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.

12. Notice. Any notices required under the provision of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by certified or registered mail, return receipt requested, as follows:

If to the City: Mr. Arlen Bruhjell , City Clerk (or his successor)
City Office
PO Box 466
Arlington, MN 55307

If to the Township: Ms. Elaine Woods, Town Clerk (or her successor)
RR 2 BOX 232
Arlington ,MN 55307

Approved by the Town of Arlington this 2 nd day of September , 1997.

TOWN OF ARLINGTON

By: Karl Threlk
Its Chair

By: Elaine Woods
Town Clerk

Approved by the City of Arlington this 2 nd day of September , 1997.

CITY OF ARLINGTON

By: Richard Thomas
Its Mayor

By: Arlen Bruhjell
City Clerk

EXHIBIT 1

REC'D. BY
M/A/B JUL 27 1998

Orderly Annexation Area 1 Description:

Parcels in Sections 9 and 10, Township 113 North, Range 27 West, Sibley County, Minnesota:

Beginning at the southeast corner of the SW 1/4 of Section 10, Township 113 North, Range 27 West, thence North along the centerline of said Section 10 to the northeast corner of the NW 1/4 of said Section 10 thence West along the north line of said Section 10 to the northwest corner of said Section 10, thence continuing West along the north line of Section 9 1317.15 feet to a point on the existing city boundary, thence South and East along the existing city boundary to the south line of said Section 10, thence East to the point of beginning.

That part of Section 9, Township 113, Range 27, Sibley County, Minnesota described as follows: Beginning at point 722.54 feet South of the northwest corner of said Section 9, thence East along a line parallel to the north line of said Section 9 a distance of 1647.52 feet, more or less, to the northwest corner of the existing property of St. Mary's Catholic Church of Arlington, thence continuing East parallel to the north line of said Section 9 a distance of 400 feet along the north line of said church property, thence South 1054 feet, thence West 400 feet, thence North 250 feet more or less to a point on the northeast corner of the existing Good Samaritan Society, Inc. property, thence West along the existing city boundary line to the west line of said Section 9, thence North along the west line of said Section 9 to the point of beginning.

Total acrea: 244.49 acres

EXHIBIT 2

REC'D. BY
M... JUL 27 1998

Orderly Annexation Area 2 Description:

All that part of the SE 1/4 of Section 4, Township 113 North, Range 27 West identified as the Highland View Addition and the Highland View Second Addition.

Total area: 17.89 acres

EXHIBIT 3

REC'D. BY
JUL 27 1998

Orderly Annexation Area 3 Description:

All of the area not previously described in Exhibits 1 or 2; and that area not already in the City of Arlington; described as follows:

Beginning at the southeast corner of the NE 1/4 of the NW 1/4 of Section 15; thence North along the half section line of Sections 15, 10 and 3 to the northeast corner of the SE 1/4 of the SW 1/4 of Section 3; thence West along said quarter section line of Sections 3, 4 and 5 to the northwest corner of the SE 1/4 of the SE 1/4 of Section 5; thence South along the easterly quarter section line of Sections 5, 8 and 17 to the southwest corner of the NE 1/4 of the NE 1/4 of Section 17; thence East on the north quarter section line to the point of beginning.

Total acrea: 662.11 acres

MEMO
from
Ross R. Arneson

July 30, 1998

To: Minnesota Municipal Board
Attn: Rachael

Our File: 103
RE: City of Arlington

Dear Rachael:

This is to confirm that it is the intent and understanding of the parties that paragraph 5 of the Joint Resolution for Orderly Annexation dated September 2, 1997 entered into by the City of Arlington and Arlington Township be effective for each of the three phases of annexation. This paragraph 5 will be effective for the area 1 that is currently being annexed, so that the city tax rate for the new annexed property will be increased in steps equally over the next six years until it is at the same full tax rate as other city property.

Please contact me if you need anything further on this issue. Thank you very much.

Thanks,



ROSS R. ARNESON
City Attorney
City of Arlington

REC'D. BY JUL 27 1998
M.B.

CITY OF ARLINGTON
SIBLEY COUNTY MINNESOTA

September 2, 1997

EXHIBIT "A"

ORDERLY ANNEXATION AREAS:

- ORDERLY ANNEXATION AREA THREE (Total Area Boundary)
- ORDERLY ANNEXATION AREA ONE
- ORDERLY ANNEXATION AREA TWO

NOTICE:
This map was prepared to show the relative locations of the data illustrated. It should not be relied upon as a sole source in determining any factual measurements. The provider offers no warranties or representations as to the accuracy and reliability of this information for any other purpose.

