

RESOLUTION #93-1998
IN THE MATTER OF THE JOINT RESOLUTION
OF THE TOWN OF SAUK RAPIDS
AND THE CITY OF SARTELL
DESIGNATING AN UNINCORPORATED AREA IN THE TOWN
AS IN NEED OF ORDERLY ANNEXATION
AND CONFERRING JURISDICTION OVER THE AREA
TO THE MINNESOTA MUNICIPAL BOARD
PURSUANT TO MSA 414.035

WHEREAS, the Town of Sauk Rapids (hereinafter referred to as "Town") and the City of Sartell (hereinafter referred to as "City") have had discussions and conferences regarding the planning and development of land areas in the Town adjacent to the City; and

WHEREAS, the Town and the City desire to conserve agricultural lands and promote residential, commercial and industrial growth in appropriate locations thereby controlling urban sprawl and premature urban development; and

WHEREAS, the Town and City have discussed issues regarding businesses, industries and concentrated residential areas that need City water and City sewer facilities and other utilities; and

WHEREAS, both the Town and the City desire to cooperate in a manner that will be to the mutual benefit of the parties and their residents; and

WHEREAS, the Town and the City agree on conditions that will permit the future orderly annexation of lands adjacent to the City; and

WHEREAS, the orderly annexation of adjoining areas becoming urban and suburban in character can provide economies of scale thereby reducing the cost of financing public improvements in the annexed areas;

NOW, THEREFORE BE IT RESOLVED by the Township Board of Supervisors of the Town of Sauk Rapids and the City Council of the City of Sartell as follows:

DESIGNATION OF THE AREA THAT COULD BE ANNEXED
IN THE FUTURE WHEN AGREED UPON

1. The area described in Exhibit A attached hereto, outlined in the color of yellow and incorporated herein and by reference are the lands subject to orderly annexation under and pursuant to Minnesota Statutes Chapter 414.0325, and the parties do hereby designate these areas for orderly annexation as provided for by Minnesota Statutes and by this agreement.

4. Any farm land that is in existence at the time of the execution of this Joint Resolution may continue to be farmed and developed as a farming enterprise including the construction of agricultural buildings, the maintenance of livestock, the employment of manure storage facilities and any and all agricultural practices that are employed by the land owner or their successors or assigns subsequent to the execution of this Agreement, provided, that such activities are in accord with the federal and state statutes and county and township rules and regulations. The Joint Planning Board will adopt the Agricultural Zoning regulations of Benton County for agricultural properties located within the orderly annexation area and shall include provision 7:1 of Benton County Development Code. Residential properties located in said areas will be subject to Benton County Development Code until such time annexation occurs.

5. If an area of land 40 acres or less encompassed within this Agreement is entirely surrounded by the City for a period of at least two years, then said land may be annexed by the City in the sole discretion of the City. Implementation of this provision shall be accomplished by the City adopting a resolution requesting the annexation of said area.

6. Unimproved land used for agricultural purposes, if annexed, will not be assessed or subject to charge or fee for any City water, City sewer or other municipal improvements that may benefit the property until such land is improved or land owner petitions for such services.

7. Assessment may be paid in conjunction with the owner's property taxes over a ten (10) year period together with interest (as established by resolution of the City Council) unless a different formula is negotiated between the City and the landowner.

8. Property in the Township will not be assessed for sewer and water to which the property is not connected until after annexation has occurred or unless the Town, the City and the property owner agree.

9. No residential home shall be constructed within 500 feet of structures located on land employed and engaged in agricultural endeavors.

10. Town roads in the existence at the time of the execution of the Agreement shall be maintained by the Town until lands on both sides of said Town roads are annexed to the City.

- (a) In the event that the City annexes property abutting a Town Road, but annexes on one side only of that Road, the Township shall have the option to require the City to maintain both sides of the road abutting the annexed property.

(b) The Town and City recognize that there may be instances where it is appropriate for the City to assume responsibility to maintain additional portions of Town roads because city development imposes an undue burden on Township roads which serve the annexed property. The Joint Planning Board shall consider this issue as part of its planning duties. The City and Township will cooperate to assure that the City accepts its reasonable responsibilities. In the event that they cannot agree, the Township may submit this issue to the Joint Planning Board for a decision. In the event that the Joint Planning Board determines that the City should accept responsibility for a Township road under these circumstances, the City agrees to abide by the decision of the Joint Planning Board.

11. The City will pay to the Town the sum of five hundred dollars, (\$500.00), per year for fifteen years, the first annual payment to be made on or before July 1, 1999 and annually on or before July 1 of each year thereafter for a total of fifteen annual payments. The payments are deemed to be payments to the Town for tax revenues to the Town that are terminated as a result of annexation of lands in the Town to the City. This will assist the Township defraying its governmental costs as the City takes over properties that are currently providing a tax base for the Township.

Revised

12. Joint Planning Board: The City and the Town mutually agree to create a Joint Planning Board as a part of this agreement pursuant to Minnesota Statutes Section 471.59, to implement zoning, subdivision, building and fire code regulations. The Joint Planning Board shall have all the power contained in Minnesota Statutes, Sections 463.351 through 462.364. Membership on the Joint Planning Board shall consist of two City residents and two Town residents appointed by their respective elected governmental bodies. Whenever a Town resident who is a member of the Joint Planning board becomes a resident of the City as a result of annexation, that member may continue on the Joint Planning Board until a new member is appointed by the Town Board, or until their term expires, after which a new member shall be appointed by the Town Board. The Joint Planning Board shall be responsible for advising the governing bodies as to land use controls in the Orderly Annexation Area and such other duties that may be assigned it by agreement of the Town and City. The zoning, subdivision, building and fire code regulations shall be those currently employed by the Town and the City until and unless change is adopted by the respective bodies.

13. Any amendments made to this Joint Resolution and Agreement will require a public hearing by the Joint Planning Board and adoption and approval by the City Council and Town Board.

14. The appropriate officers of the City and the Town are hereby authorized to execute this Joint Resolution and Agreement.

15. All prior resolutions and ordinances of the Town and City, or portions of resolutions and ordinances in conflict herewith, are hereby repealed. Should any section of this Joint Resolution and Agreement be held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions shall remain in full force and effect.

16. Effective Date: This Joint Resolution and Agreement shall be effective immediately upon its adoption by the respective governing bodies of the Town and the City.

Adopted by the Town Board of Supervisors for the Town of Sauk Rapids this 3rd day of August, 1998.

ATTEST:

By Marlyn Kruschke
Marlyn Kruschke, Town Clerk

By Walter H. Oltz
Walter Oltz, Supervisor

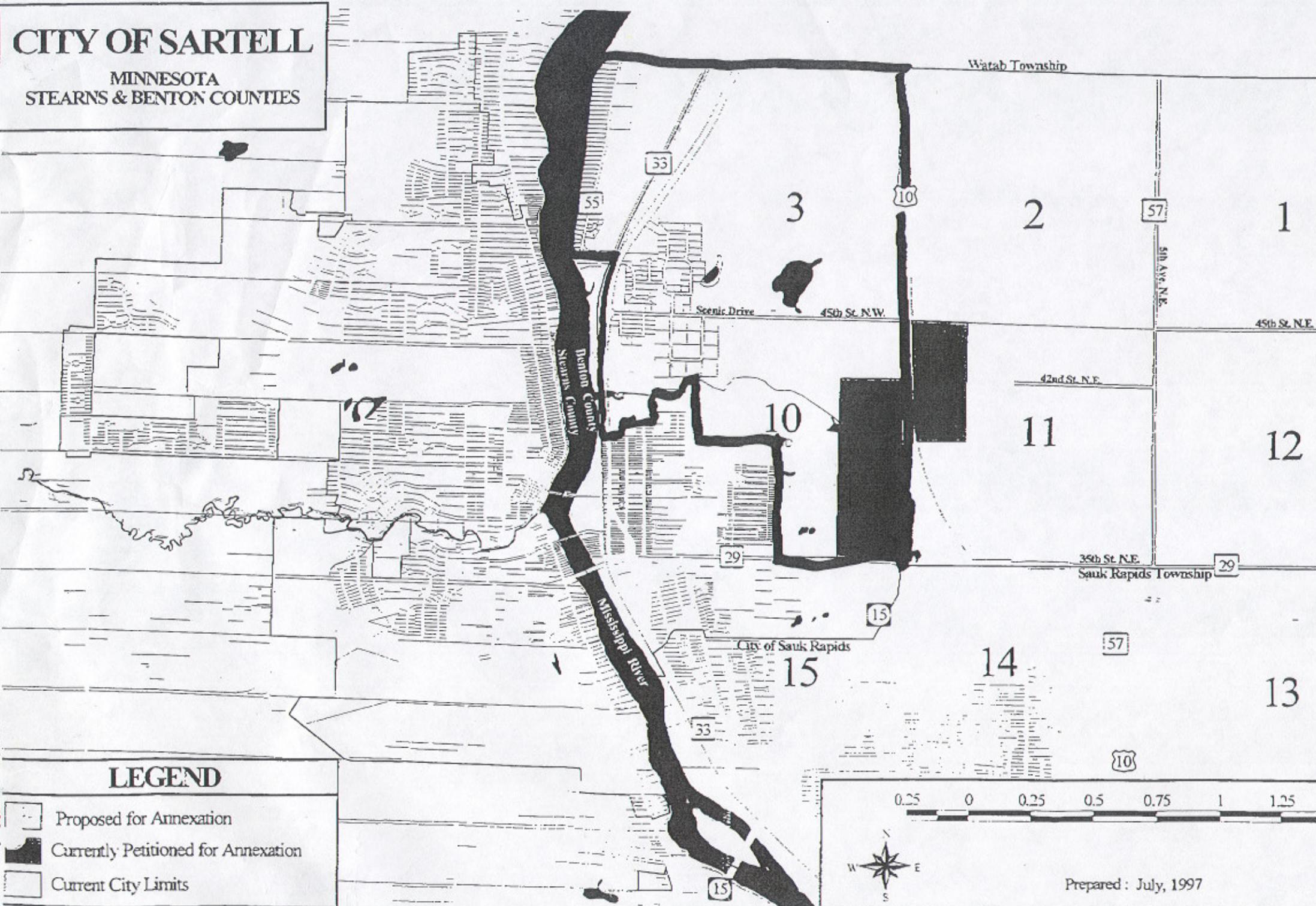
By Donald Zwick
Donald Zwick, Supervisor

By Orville Mielke
Orville Mielke, Supervisor

CITY OF SARTELL

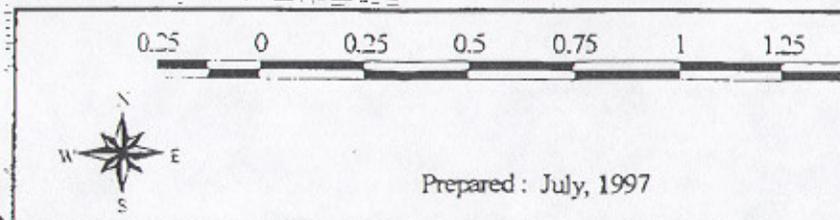
MINNESOTA
STEARNS & BENTON COUNTIES

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CITY OF SARTELL
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LEGEND

-  Proposed for Annexation
-  Currently Petitioned for Annexation
-  Current City Limits



Prepared: July, 1997

