

REC'D. BY
MAB FEB 10 1999

**PROPOSED JOINT ORDERLY PLANNING AND ANNEXATION AGREEMENT BETWEEN
THE
CITY OF BELLE PLAINE AND THE TOWNSHIP OF BELLE PLAINE**

TOWN OF BELLE PLAINE RESOLUTION NO. 98-70298

CITY OF BELLE PLAINE RESOLUTION NO. 98-58

**JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN THE TOWN OF BELLE
PLAINE
AND THE CITY OF BELLE PLAINE, MINNESOTA**

WHEREAS, the City of Belle Plaine (hereinafter referred to as the "City") and the Township of Belle Plaine (hereinafter referred to as the "Town"), both located entirely within Scott County, in the State of Minnesota desire to accommodate growth in the most orderly fashion, and have agreed that there is a clear need for a cooperative future planning effort for the land governed by the two jurisdictions; and

WHEREAS, the City of Belle Plaine and the Town of Belle Plaine have established a committee to develop a joint orderly annexation agreement which has met extensively in discussion and study of future planning issues; and

WHEREAS, the Town Board and City Council have expressed their desire to encourage future development of land near the City so as to avail such development of municipal services as much as is practical, while encouraging the retention of land in agricultural use;

WHEREAS, a joint orderly annexation agreement between the parties hereto is beneficial to both parties from the standpoint of orderly planning and orderly transition of government within the area proposed to be annexed, and provides the guidelines under which such annexation shall take place.

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual terms and conditions that follow that the City and Town enter into this Joint Resolution for Orderly Annexation and that the property herein described is proposed to be annexed by the City of Belle Plaine and shall be annexed subject to the following terms and conditions:

1. Designation of Orderly Annexation Area. The Town and City desire to designate the area set forth in the Official Annexation Area Map, which is attached as Exhibit A as subject to orderly annexation under and pursuant to Minnesota Statutes Section 414.0325.

It is the intent of the City of Belle Plaine and the Town of Belle Plaine that land in Section 5, with the exception of the SE ¼ of the SE ¼ of the NE ¼ and the E ½ of the E ½ of the SE ¼ of Section 5 Township 113 N, Range 24 W, west of Iago Street be designated as commercial and business district. It is also the intent to designate a highway business district adjacent to Scott County Highway 3 and US Highway 169.

2. Minnesota Municipal Board Jurisdiction. Upon approval by the Town Board and the City Council, this Joint Resolution shall confer jurisdiction upon the Minnesota Municipal Board (hereinafter referred to as the "Municipal Board") so as to accomplish said orderly annexations in accordance with the terms of this Joint Resolution. If upon dissolution of the MN Municipal Board jurisdiction shall be conferred upon the board or entity so designated, by State Statutes. Any property within the Annexation Area that becomes or is about to become isolated as a result of annexation proposed under paragraph 7 shall be submitted for consideration along with the proposed annexation to the Municipal Board or the appropriate Board having jurisdiction on the date of submission. In general, the creation of such isolated parcel shall be avoided.
3. No Alterations of Boundaries. The Town and City mutually agree and state that no alterations by the Municipal Board of the stated boundaries of the area designated for orderly annexation is appropriate. Any alterations of boundaries may only be made upon the joint agreement of the Town and City.
4. Review and Comment by the Municipal Board. The Town and City mutually agree and state that this Joint Resolution and Agreement sets forth all the conditions for annexation of the areas designated and that no consideration by the Municipal Board is necessary. The Board may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Joint Resolution.
5. Planning and Land Use Control Authority. The Town and City mutually agree and state that within thirty (30) days of the effective date of the Municipal Board's order establishing the Orderly Annexation area, a board will be established to exercise planning and land use control authority within the designated orderly annexation area pursuant to Minnesota Statutes, Section 471.59, Subdivision 2 through 8, inclusive. Prior to annexation, the ordinances of the Town will control the properties in the area designated for orderly annexation; following annexation, the ordinances of the City shall control.

A five (5) member Joint Planning Board shall be appointed to control all zoning and subdivision regulation within the orderly annexation area prior to annexation. Two members shall be appointed by the Council of the City of Belle Plaine, two members shall be appointed by the Town Board of the Town of Belle Plaine and one member shall be appointed by the Scott County Board of Commissioners.

Any issues that would normally come before the Planning Commission of either the City or the Town that involved land within the boundaries of the orderly annexation are described in Section One prior to annexation, shall be heard by the Joint Planning Board.

The posting and publishing of meetings for the Joint Planning Commission, as well as the taking of minutes for their meetings, shall be the responsibility of the City of Belle Plaine.

The Joint Planning Board shall also serve and the “governing body” and “board of appeals and adjustments” for purposes of Minnesota Statutes Sections 462.357 and 462.358, within the orderly annexation area. The Board shall have all of the powers contained in Minnesota Statutes Sections 462.351 to 462.364 and shall have the authority to adopt and enforce the Uniform Fire Code promulgated pursuant to Section 299F.011.

Any alteration or change to the zoning classification shall be subject to the requirements and provisions of the City’s zoning ordinance and any other rules, statutes, laws, or ordinances in effect on that date. The City of Belle Plaine shall notify the Town of Belle Plaine of said land use classification at the hearing.

Following annexation, the annexed properties shall be subject to the zoning and subdivision controls of the City and the City shall serve as the “governing body”.

6. Municipal Reimbursement. The City and Town mutually agree and state that, pursuant to Minnesota Statutes 414.036, a reimbursement from the City to the Town shall occur for the taxes collect on land annexed into the City, according to the following conditions.
 - a. Any and all of the property taxes collected in the area designated for Orderly Annexation shall remain the property of the Town of Belle Plaine. Any and all property taxes collected from the annexed properties shall be the property of the City of Belle Plaine.
 - b. The City of Belle Plaine hereby agrees to alleviate the financial impact on the township for loss of tax revenue due to annexation of township land to the City. The City shall reimburse the Town by cash payments, based on assessed value of the annexed property as of January 2 of the year the parcel is annexed, according to the following schedule:

| Year after actual annexation | Percent of value at annexation to be reimbursed to the Town |
|------------------------------|----------------------------------------------------------------|
| Year 1 | 80% |
| 2 | 60% |
| 3 | 40% |
| 4 | 30% |
| 5 | 20% |

- c. Cash payments to the township shall be payable to the township 60 days from the date the semi-annual tax settlement is received by the City.
- d. At the sixth year and every year thereafter, all pertinent tax revenues will be the property of the City.

7. Conditions for Orderly Annexation

- A. Property must be within the above described area. As a condition precedent to annexation, authority from the appropriate metropolitan governmental agencies to change and adjust the "MUSA line" boundary to include the property designated for annexation shall be obtained.
- B. The property owner must petition the City of Belle Plaine and the Town of Belle Plaine simultaneously for annexation.
- C. The property owner shall submit a development plan to the City of Belle Plaine and to the Town of Belle Plaine showing the need for municipal water, and sanitary sewer or other City services for the property petitioned for annexation.
- D. The development plan must be of sufficient detail to show that it will meet the standards and requirements of the City of Belle Plaine's planning and zoning ordinance and its subdivision ordinance.
- E. Municipal services, including but not limited to water, sewer, storm water drainage, and streets shall be installed and ready for use within two (2) years from the date of the annexation.
- F. The property owner shall not submit future petitions for annexation until all previous conditions in the development plan have been complied with.
- G. The City will require a development review process for all developments in the area designated for orderly annexation/urban transition which process shall include a neighborhood meeting. Notices shall be posted and mailed not less than ten days prior to the scheduled date of the neighborhood meeting. The neighborhood meeting shall be hosted by the developer to address questions and concerns of neighbors. The Town Board and all owners of property within a quarter mile of the subject property in Belle Plaine Town shall be invited to attend the meeting. Mailing costs of notice of the meeting shall be paid by the developer.

Thirty (30) days before final City approval of the development plan, said plans shall be submitted to the Town of Belle Plaine for review. Concerns expressed by the Town of Belle Plaine shall be addressed prior to formal approval of the development plan by the City of Belle Plaine. Said comments or concerns of the Town must be submitted to the City of Belle Plaine no later than thirty (30) days after the Town received the development plan. If the City receives written approval of the development plan from the Town, a joint petition for annexation shall be submitted to the Municipal Board or appropriate agency. If the City does not receive written comment on the development from the Town of Belle Plaine within this thirty (30) day period, the City may, at its option, proceed with final approval of the development plan.

All efforts will be made to establish development plans that incorporate the land use planning efforts of the City of Belle Plaine and the Town of Belle Plaine. No development plan shall be approved by the City under this agreement without written summary of comments within the thirty (30) day period as required above, or by inaction of the Belle Plaine Town Board. After this 30 day period, formal annexation can be acted on by the City and submitted to the State of Municipal Board pursuant to Paragraph four (4) above.

8. Development within area designated for orderly annexation. No development shall occur within the orderly annexation area which is outside the "MUSA" of the City of Belle Plaine unless said development meets the standards of the Joint Planning Board. Said development can occur only if all local government standards in effect on that date are complied with or are capable of being complied with in the future. The intent of this paragraph is to strongly discourage development outside the contiguous "MUSA" of the City of Belle Plaine.

In matters of planning for development, the Scott County Zoning Ordinance in effect at the time shall prevail. This shall include the appeal procedure as outlined in the Scott County Zoning Ordinance.

9. Periodic Review. The City and Town mutually agree and state that a periodic review of this agreement is to be conducted beginning five (5) years after the effective date of this agreement and every five (5) years thereafter. The Joint Planning Committee as described in Paragraph 5 of this agreement shall be responsible for conducting this periodic review, and shall present a report of said review to both the City Council and Town Board for their consideration of any recommendations.
10. Authorization. The appropriate officers of the City and Town are hereby authorized to carry the terms of this Joint Resolution into effect.
11. Severability and Repealer. A determination that a provision of this Joint Resolution is unlawful or enforceable shall not affect the validity or enforceability of the other provisions herein. Any prior agreement or joint resolution existing between the parties and affecting the property described in the attached Exhibits shall be considered repealed upon the effective date of this Joint Resolution.

Upon adoption of this Orderly Annexation Agreement by the City of Belle Plaine and Town of Belle Plaine, and approval by the Municipal Board, the Joint Resolution as to Orderly Annexation, City of Belle Plaine and Town of Belle Plaine, dated 6-15-98 and subsequently amended by joint resolution approved by the City of Belle Plaine on 6-15-98, and approved by the Towns of Belle Plaine on 8-4-98, shall hereby be considered rescinded and superseded by the provision of this Agreement.

- 12. Effective Date. This Joint Resolution shall be effective upon adoption by the governing bodies of the City and Town and approved by the Municipal Board and said subsequent order approving this agreement. This agreement shall be in effect until the year 2020.
- 13. Mediation/Arbitration. If either the City or Town does not approve the development plan for annexation or if other disputes arise under this agreement, the City and Town agree to enter into mediation to attempt to resolve this dispute. Mediation services shall be provided by a state agency. The City and Town may also agree to enter into binding arbitration to resolve disputes under this agreement. Mediation and Arbitration shall be conducted in accordance with Minnesota Statute Chapter 572A.
- 14. Amendment and Termination. Both parties reserve the right to initiate an amendment or revision to the agreement at any time. Both parties reserve the right to terminate this agreement upon sixty (60) days written notice to the other party.

Approved this 4th day of Aug, 1998 by the Town Board of the Town of Belle Plaine.

Carol Ann Bauer, Clerk
Chair

Robert Koerig 8-4-98
Chair

Approved this 15th day of Aug 1998 by the City Council of the City of Belle Plaine.

Sterald J. Meyer
Mayor

David R. Iversen
Clerk/Administrator












1. Designation of Orderly Annexation Area. The Town and City desire to designate the area described as follows; that portion of section 5 T113N R24W west of Iago Street; the N ½ of SW 1/4 & that portion of N ½ of section 4 T113N R24W west of Goshen Blvd; the N ½ of NW 1/4 & that portion of the N ½ of NE 1/4 of section 8 T113N R24W west of Union Hill Blvd.; the N ½ of SE 1/4 & SW 1/4 except S ½ of S ½ of S ½ of SW 1/4 of section 7 T113N R24W; the S ½ of section 12 T114W R24N and the N ½ of the NW 1/4 of section 13 T114N R24W, as subject to orderly annexation under and pursuant to Minnesota Statutes Section 414.0325. The designated area contains 1650 acres more or less.

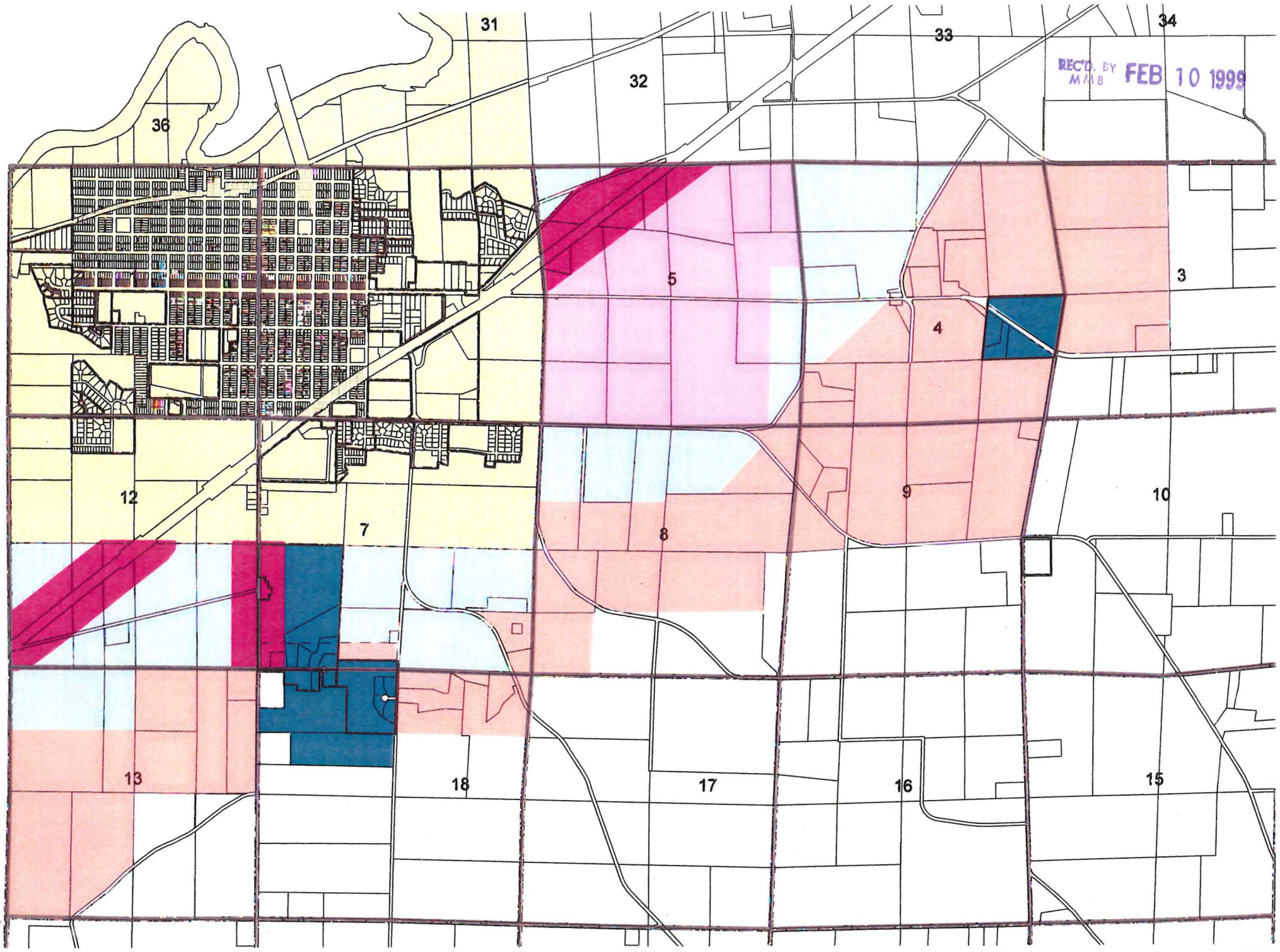
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**CITY OF BELLE PLAINE
BELLE PLAINE TWP
ORDERLY ANNEXATION
AREA**



Map not to scale

-  CITY OF BELLE PLAINE
-  FUTURE RESIDENTIAL
-  AGRICULTURAL / RESIDENTIAL
-  RESIDENTIAL CLUSTER
-  INDUSTRIAL
-  HIGHWAY COMMERCIAL
-  PARKS
-  STATE ROADS
-  COUNTY AND
-  TOWNSHIP ROADS
-  SECTION LINES






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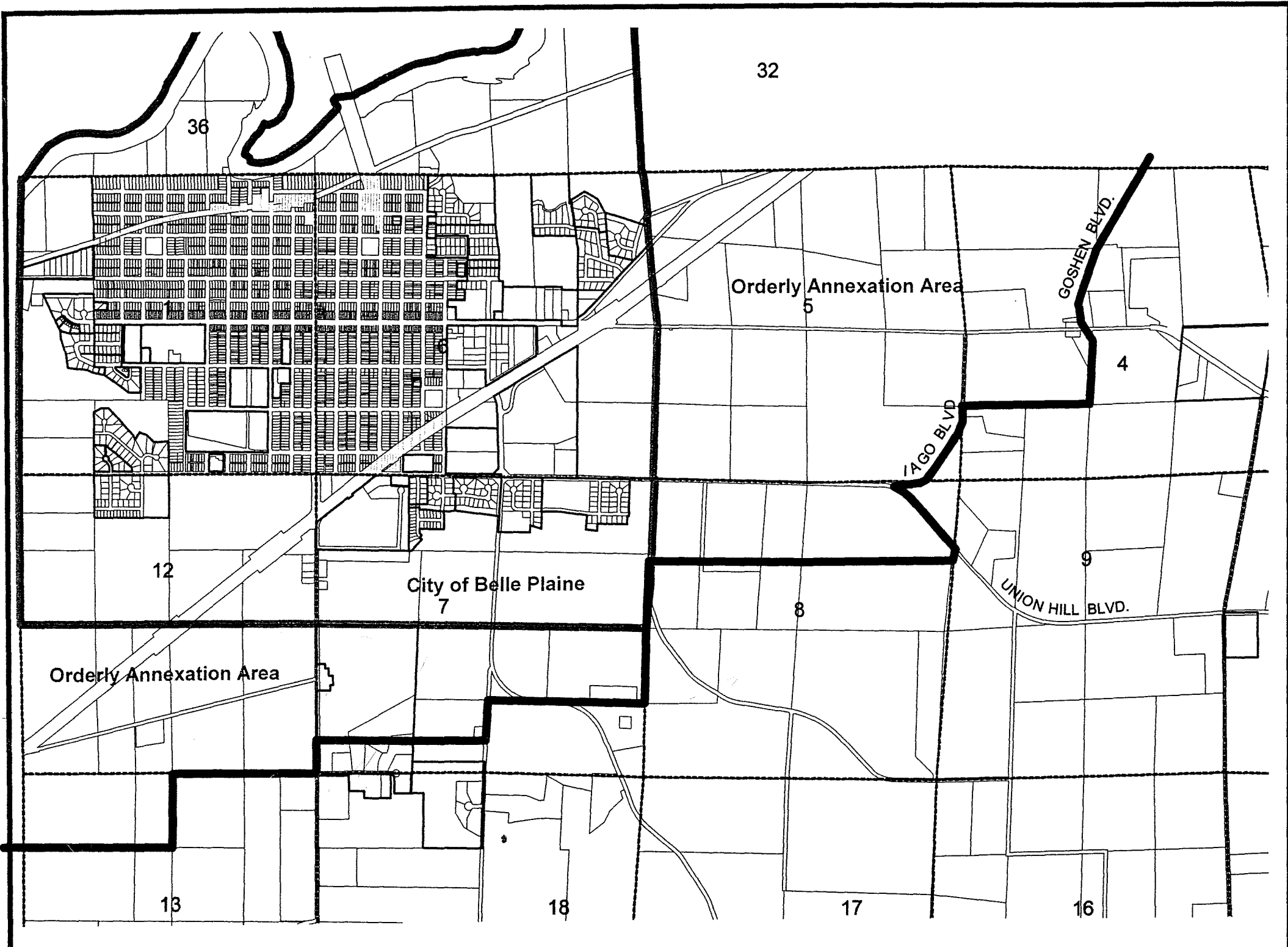
Date of map: 1/26/89
 File: bplaine/bp.apr

**CITY OF BELLE PLAINE
BELLE PLAINE TWP
ORDERLY ANNEXATION
AREA**



Map not to scale

-  Sections Lines
-  Annexation Area Boundary
-  City Limit Boundary



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