

**JOINT RESOLUTION AND AGREEMENT OF THE TOWNSHIP OF LIVONIA AND THE CITY OF ZIMMERMAN DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE MINNESOTA MUNICIPAL BOARD PURSUANT TO MINN. STAT. §414.0325**

City of Zimmerman Resolution No. 99-05-06

Township of Livonia Resolution No. #99-3

WHEREAS, there are certain areas in the Township of Livonia ("Township") which are adjacent to the City of Zimmerman ("the City") and which are or are about to become urban or suburban in character; and

WHEREAS, the City and the Township wish to provide for orderly and planned development of such areas and to provide for city services to developing areas, and to serve the interest of public health, safety and welfare, and to protect natural waterways and wetlands; and

WHEREAS, it is in the best interest of the City and the Township and the public to provide for orderly annexation of property which is subject to this agreement ("the Property");

NOW, THEREFORE, it is hereby resolved and agreed by and between the parties:

1. The Property which is subject of this agreement is described on Exhibit A ("the Orderly Annexation Area") attached hereto and shown on the map attached as Exhibit B.

2. The Property as described in Exhibit C attached hereto shall be immediately annexed to the City, pursuant to the terms and conditions of this Agreement and with no consideration necessary by the Municipal Board. No alteration of its stated boundaries is appropriate.

3. Any other property within Orderly Annexation Area shall be annexed only upon application of all the owners of said property to both the City and Township for annexation of the property. Upon such verified application it is agreed that the property be annexed by Joint Resolution of the City and the Township contingent upon compliance with all the terms and conditions of this Joint Resolution. For any such annexation it is agreed that either the property owner or the City shall be responsible for all costs related to the annexation.

4. No property within the designated Orderly Annexation Area shall be developed or subdivided unless the property proposed for subdivision or development and all property between the subject property and the corporate city limits of the City have been annexed to the City.

a. The foregoing shall not apply to expansion of existing agricultural operations within the Orderly Annexation Area.

b. The foregoing shall not apply to construction of one single family dwelling on a parcel bearing a single tax identification number.

5. The Property in the Orderly Annexation Area shall be zoned in accordance with the Zimmerman Zoning Ordinance as follows:

a. The properties identified in Exhibit D attached hereto shall be zoned for residential uses in accordance with the Zimmerman Zoning Ordinance.

b. The properties identified in Exhibit E attached hereto shall be zoned for residential, commercial and industrial uses in accordance with the district designations of the Zimmerman Zoning Ordinance.

c. In the event, upon the request of any owner or owners of property described in Exhibits D and E, the City wishes to zone property other than as set forth in this paragraph, the City shall notify the Township identifying the property and the proposed zoning. If the Township does not make written objection within 30 days after receipt of the notice, the City may proceed with such proposed rezoning.

6. All the properties being annexed into the City which can be classified as "rural" under Minn. Stat. §272.67 shall be classified as rural and placed in a rural services district. Properties in the rural services district shall be taxed at 35% of the City's tax capacity rate, until such time as the properties are no longer rural as defined in Minn. Stat. §272.67.

7. All properties which lie between existing corporate city limits and properties annexed due to development, shall be immediately annexed and placed in the rural services district if they are not receiving City sewer and water services. Properties which lie between existing corporate city limits and property annexed shall be defined as; the minimum number of parcels, which lie in a straight line between the parcel to be annexed and the corporate limits.

8. The property identified in Exhibit F attached hereto shall be immediately annexed and shall be taxed as "rural" as set forth previously in this agreement. If and when city sanitary sewer and water services are provided to these properties, the next year's taxes after the year when services are provided shall be at the urban rate.

9. Upon annexation of any property into the City for residential development purposes the Township shall be reimbursed for lost tax revenues according to the following reimbursement formula:

a. In the year of annexation, the Township shall receive all the City share of tax revenue from the property.

b. In the first year after annexation, the Township shall receive an amount equal to 90% of the property taxes paid in the year the property was annexed.

c. In the second year after annexation, the Township shall receive an amount equal to 70% of the property taxes paid in the year the property was annexed.

d. In the third year after annexation, the Township shall receive an amount equal to 50% of the property taxes paid in the year the property was annexed.

e. In the fourth year after annexation, the Township shall receive an amount equal to 30% of the property taxes paid in the year the property was annexed.

f. In the fifth year after annexation, the Township shall receive an amount equal to 10% of the property taxes paid in the year the property was annexed.

g. The City shall have the right to make one (1) payment to the Township, as reimbursement for property taxes lost from annexed property, equal to the amount due over the 5 year schedule listed in subparagraphs a-f.

10. Upon annexation of any property into the City for commercial or industrial development purposes the Township shall be reimbursed for lost tax revenues according to one of the following reimbursement formulas:

a. In each of the first five (5) years after actual construction and operation of the facility, the Township shall receive 30% of the City share of tax revenue from the property. If the facilities are subject to tax increment financing or tax abate Agreements, the Township shall receive 30% of the City share of tax revenue for each of the five (5) years immediately following the termination of any Agreement. In the event that facilities are subject to tax increment financing or tax abate Agreements the Township may request a one time payment in lieu of the five (5) year payback as set forth in this paragraph, based upon a reasonable estimate of the amount of tax revenue due the Township notwithstanding the tax increment financing or tax abate agreement.

b. If the Township joins the City in an effort to acquire and/or develop property for commercial or industrial use, the Township shall receive in perpetuity a proportionate share of the City taxes, equal to the proportionate amount of the Township's investment. The Township shall also be responsible for a proportionate share of the maintenance expenses incurred in the jointly developed property. In the event tax increment financing or tax abatement Agreements effect the jointly developed property, the Township shall

begin receiving their proportionate share of the City taxes generated after the termination of any Agreement.

11. The area herein established for Orderly Annexation is based upon the City of Zimmerman's best estimate of needed land area up to the year 2015. The City shall not initiate, support, or approve any annexation outside of this designated area by petition, ordinance, resolution, or by any other means or method, as set forth under existing State statute or any subsequent amendment thereto, without Township approval until the year 2015. Any proposal for earlier annexation outside of the Orderly Annexation Area must be approved by the Township and must be reduced to writing and amended to this Agreement. In the event that the City does proceed to initiate, support, or approve any annexation of property from the township without Township approval, it shall pay to the Township the equivalent of ten (10) years tax revenues actually received, or which would be received absent any agreement regarding tax rebates or establishment of Tax Increment Financing, from the property improperly annexed. This provision shall be enforceable by application for injunctive relief within any Minnesota District Court, or by an action for damages, at the discretion of the Township. If there shall be any litigation under this paragraph, the prevailing party shall be awarded costs, disbursements, and reasonable attorney's fees from the other.

12. All properties in the orderly annexation area which have not been annexed prior to January 1, 2015 shall be annexed to the City on that date.

13. Assessments for municipal improvements made to property annexed shall be made in accordance with the City of Zimmerman's assessment policy which may be in effect at the time such assessments are made.

14. Ordinances such as discharge of firearms which may adversely affect properties which remain rural after annexation shall be reviewed, and amended, where appropriate so as to allow such properties to retain as near as possible the character which they had prior to annexation, as long as they remain rural.

15. Livonia Township shall be responsible for the maintenance of 253rd Avenue until such a time as one-half ( $\frac{1}{2}$ ) of the properties within the Orderly Annexation Area abutting 253rd Avenue are annexed into the City. After one-half ( $\frac{1}{2}$ ) of the properties within the Orderly Annexation Area abutting 253rd Avenue are annexed into the City, the Township and the City shall share equally in the maintenance of 253rd Avenue.

16. The various terms and conditions of this Agreement are separable, and if one or more of these terms and conditions are found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remaining terms and conditions of this agreement.

Dated: March 22, 1999

The following Board members of the Township of Livonia voted in favor of the resolution: Anderson, Snerper and Wallin

The following Board members of the Township of Livonia voted against the resolution or abstained: NONE

Whereupon the motion was declared duly passed and executed.

Dated: MAY 3, 1999

The following Council members of the City of Zimmerman voted in favor of the resolution: HANSON, LENZ, HETRICK, HASS AND WILKINSON

The following Council members of the City of Zimmerman voted against the resolution or abstained: NONE

Whereupon the motion was declared duly passed and executed.

**LIVONIA TOWNSHIP**

Roger Wallin  
Chair, Town Board of Supervisors

Gauris Hill  
Town Clerk

**CITY OF ZIMMERMAN**

Ramffan  
Mayor

Nelda Remus  
City Clerk/Treasurer

**EXHIBIT A**

**PROPERTIES SUBJECT TO ORDERLY ANNEXATION**

Section 7, T34, R26

South 330 ft of SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ; and  
North  $\frac{1}{2}$  of SE  $\frac{1}{4}$ ; and  
SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ; and  
East 990 ft of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ; and  
That part of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  lying Southwesterly of CSAH 4.

Section 16, T34, R26

The South  $\frac{1}{2}$  of Section 16 lying West of Southwesterly line of the Highway 169 Right of Way.

Section 17, T34, R26

South  $\frac{1}{2}$  of Section 17.

Section 18, T34, R26

NE  $\frac{1}{4}$ ; and  
North  $\frac{1}{2}$  of SE  $\frac{1}{4}$ ; and  
North  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ .

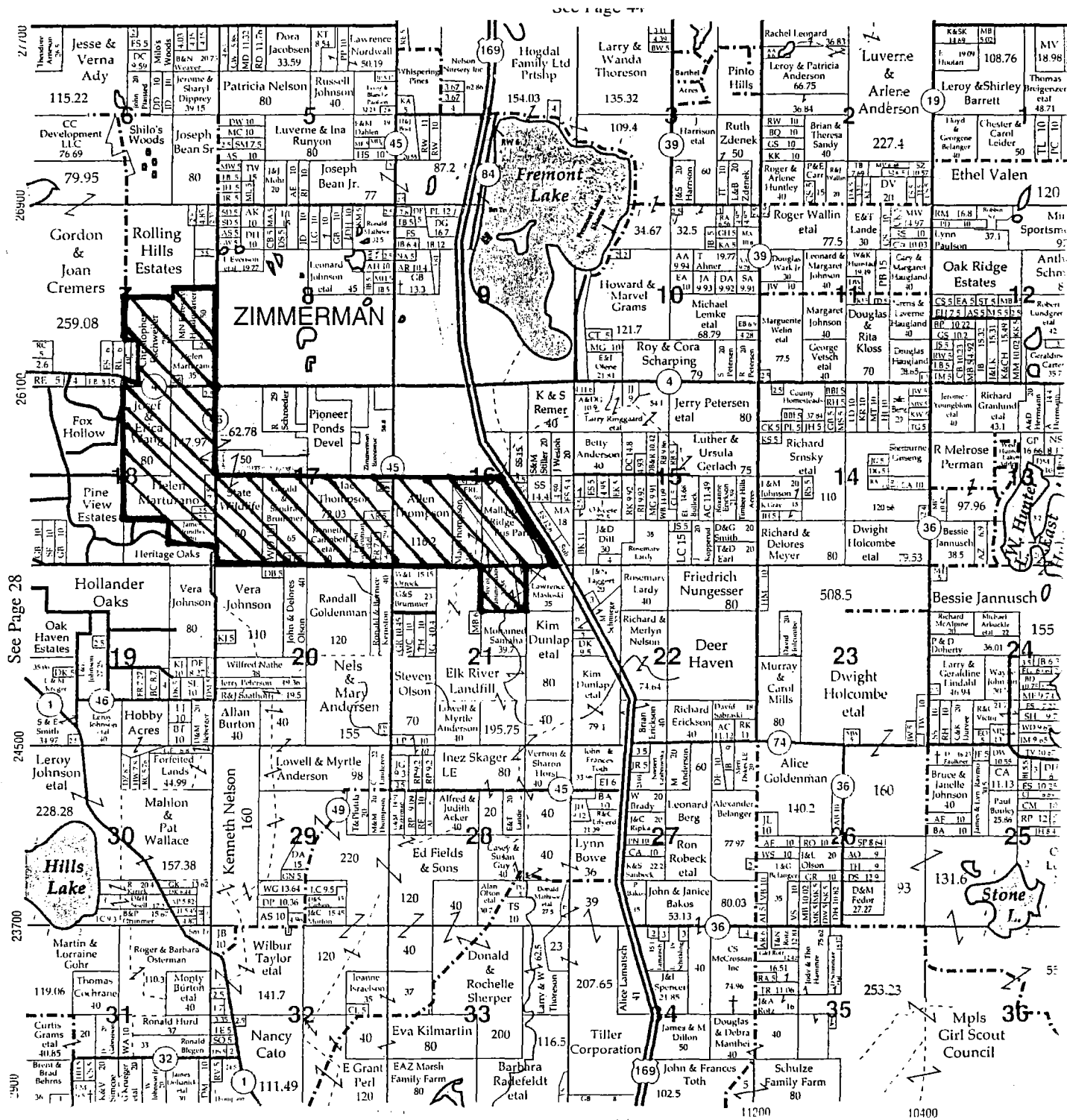
Section 21, T34, R 26

NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ .

EXHIBIT B

Map of the entire area designated for orderly annexation.

ORDERLY ANNEXATION AREA



**EXHIBIT C**

**PROPERTIES IMMEDIATELY ANNEXED**

Section 16, T34, R26

The South  $\frac{1}{2}$  of Section 16 lying West of the Southwestly line of the Highway 169 Right of Way and lying East of the westerly line of former Burlington Northern Rail Road Right of Way; and that part of the SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  lying West or the Easterly line of the former Burlington Northern Rail Road Right of Way.

Section 17, T34, R26

North  $\frac{1}{2}$  of SE  $\frac{1}{4}$  except South 240 ft of East 907.60 ft of NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ .

West  $\frac{1}{2}$  of SW  $\frac{1}{4}$ , Section 17.

Section 18, T34, R26

East  $\frac{1}{2}$  of NE  $\frac{1}{4}$  except North 300 ft of East 363 ft of NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  & except West  $\frac{1}{2}$  of NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ; and

North  $\frac{1}{2}$  of SE  $\frac{1}{4}$  except E 544.50 ft lying South of North 560 ft of NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ .

Section 21, T34, R26

NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , Section 21.



**EXHIBIT D**

**PROPERTIES PROPOSED FOR ANNEXATION  
AND ZONING AS R-1 OR R-2 RESIDENTIAL**

Section 7, T34, R26

South 330 ft of SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ; and  
North  $\frac{1}{2}$  of SE  $\frac{1}{4}$ ; and  
SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ; and  
East 990 ft of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ; and That part of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$   
lying Southwesterly of CSAH 4.

Section 17, T34, R26

South  $\frac{1}{2}$  of Section 17.

Section 18, T34, R26

NE  $\frac{1}{4}$ ; and  
North  $\frac{1}{2}$  of SE  $\frac{1}{4}$ ; and  
North  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ .

**EXHIBIT E**

**PROPERTIES PROPOSED FOR ANNEXATION AND ZONING  
AS COMMERCIAL AND/OR LIGHT INDUSTRIAL USE**

Section 16, T34, R26

The South  $\frac{1}{2}$  of Section 16 lying West of the Southwesterly line of  
the Highway 169 Right of Way.

Section 21, T34, R 26

NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ .

EXHIBIT F

PROPERTIES PROPOSED FOR IMMEDIATE  
ANNEXATION AND TAXATION AS "RURAL"

Section 16, T34, R26

The South  $\frac{1}{2}$  of Section 16 lying West of the Southwestly line of the Highway 169 Right of Way and lying East of the westerly line of the former Burlington Northern Rail Road Right of Way; and that part of the SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  lying West of the Westerly line of the former Burlington Northern Rail Road Right of Way.

Section 17, T34, R26

North  $\frac{1}{2}$  of SE  $\frac{1}{4}$  except S 240 ft of East 907.60 ft of NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ .

West  $\frac{1}{2}$  of SW  $\frac{1}{4}$ , Section 17.

Section 18, T34, R26

East  $\frac{1}{2}$  of NE  $\frac{1}{4}$  except North 300 ft of East 363 ft of NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  & except West  $\frac{1}{2}$  of NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ; and

North  $\frac{1}{2}$  of SE  $\frac{1}{4}$  except E 544.50 ft lying South of North 560 ft of NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ .

Section 21, T34, R26

NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , Section 21.



# City of Zimmerman

13028 Fremont Avenue  
Zimmerman, Minnesota 55398

612-856-4666

May 20, 1999

Minnesota Municipal Board  
Attn: Starr  
Suite 225 Bandana Square  
1021 Bandana Blvd E  
St. Paul, MN 55108

**RE: ADDITIONAL INFORMATION -- MAP AND ACREAGE CALCULATIONS**

Dear Starr:

The Orderly Annexation Agreement between the City of Zimmerman and Livonia Township designated approximately 1,017 acres for annexation. The Agreement also designates approximately 435 acres for immediate annexation. Those parcel designated for immediate annexation are show on the attached map.

Land uses in the Orderly Annexation Area consist of ag-open space, established commercial/industrial uses along Hwy 169, and a total of 14 rural residential parcels. Future land uses are projected as urban residential with municipal services, commercial/industrial, and open space.

Please review this information at your earliest convenience and forward it to the Board for approval. If additional information is required, please contact me at 612-856-4666.

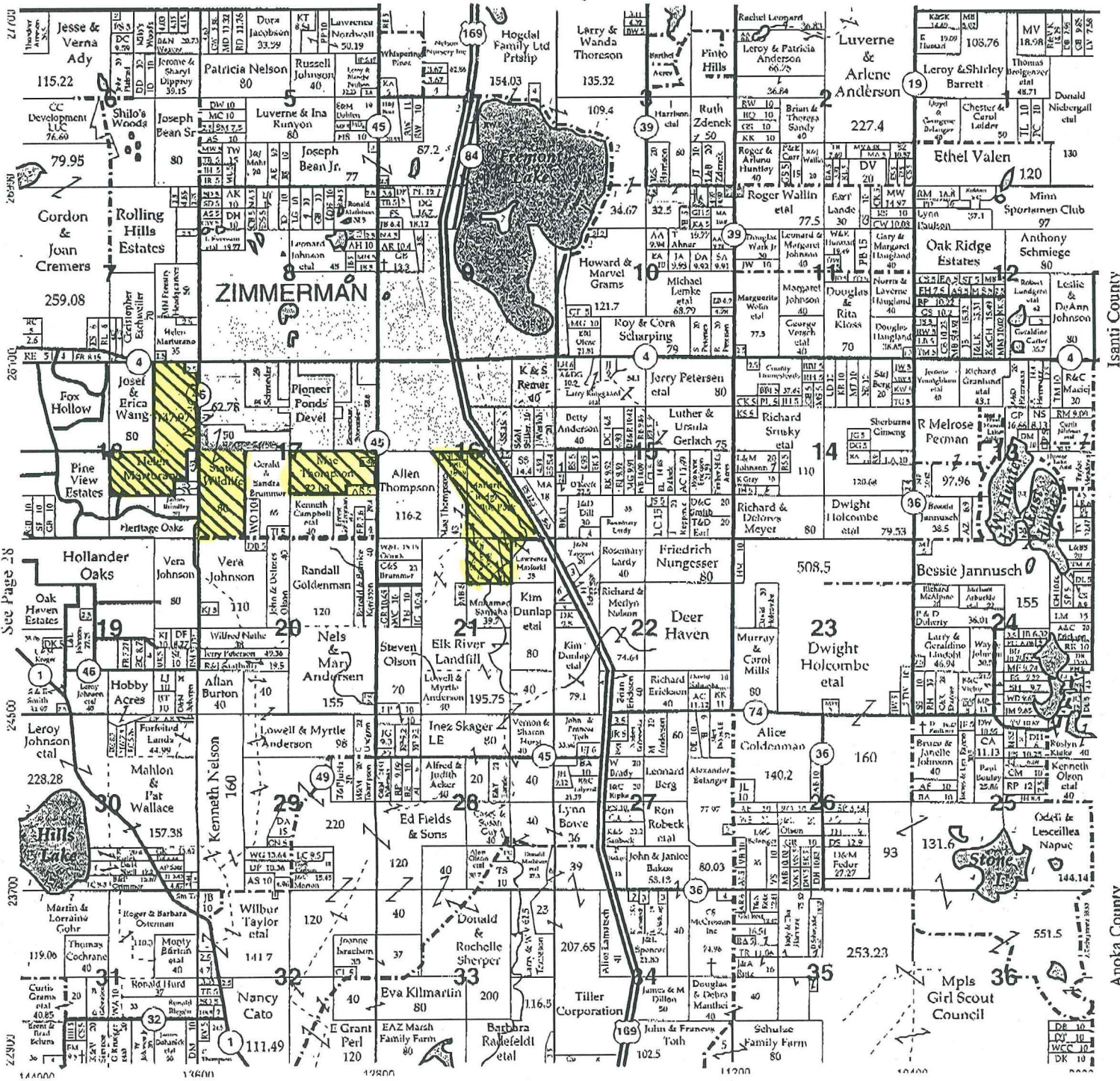
Sincerely,

CITY OF ZIMMERMAN

Randy Piasecki  
Planner/Coordinator

# LIVONIA

# T.34N. - R.26W.



Isanti County

Anoka County

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27700 26550 24500 23700 22900 14400 13600 12800 11200 10400 9600