

FEB 12 2003

**JOINT RESOLUTION AND AGREEMENT OF THE TOWNSHIP OF LIVONIA AND THE
CITY OF ZIMMERMAN ANNEXING PROPERTY WITHIN THE ORDERLY ANNEXATION
AREA INTO THE CITY OF ZIMMERMAN**

City of Zimmerman Resolution No. 02-11-05

Township of Livonia Resolution No. 02-10

WHEREAS, the Township of Livonia ("Township") and the City of Zimmerman ("the City") have negotiated the boundaries of an Orderly Annexation Area ("the Area") and have entered into an Orderly Annexation Agreement ("the Agreement"); and

WHEREAS, the Area and Agreement have been created to provide for orderly and planned development, to provide for city services to developing areas, to serve the interest of public health, safety and welfare, and to protect natural waterways and wetlands; and

WHEREAS, Moen-Leuer Construction, a residential developer, has entered into an agreement to purchase property lying within the Area and has petitioned the City and Township for annexation of the properties subject to the terms of the Agreement;

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

1. The property requested for annexation subject to the Agreement is described on Exhibit A ("the Property") attached hereto and shown on the map attached as Exhibit B.
2. The City and Township agree that no alteration of the stated boundaries as described in Exhibit A are appropriate and that all terms and conditions for annexation are provided for in this Joint Resolution. Upon receipt of the Joint Resolution, Minnesota Planning may review and comment, but shall within 30-days of receipt, order the annexation in accordance with the terms and conditions of this Joint Resolution.
3. The Property as described in Exhibit A hereto shall be immediately annexed into the City and zoned PRD – Planned Residential Development.
4. The Township shall be reimbursed for lost tax revenue 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 paragraphs a-f.

The following Board members of the Township of Livonia voted in favor: Leroy Anderson
Nancy Forclahl, Chris Pensinger, Don Sherper
Mike Kerr, Absent

The following Board members voted against or abstained: None

Whereupon the motion was declared duly passed and executed.

The following Council members of the City of Zimmerman voted in favor: HANSON,
HASS AND WILKINSON. LENZ AND FREDERICK ABSENT.

The following Council members voted against or abstained: NONE.

Whereupon the motion was declared duly passed and executed.

LIVONIA TOWNSHIP

Don Sherper
Chair, Town Board

Lew Spencer
Town Clerk / Treasurer

CITY OF ZIMMERMAN

Randy Hanson
Mayor

Nelda Bemis
Clerk/Treasurer

REC'D BY
MMB

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EXHIBIT A

PROPERTY DESCRIPTION

The North 952.02 feet of the Northwest Quarter of the Southwest Quarter and the North 952.02 feet of the West Half of the Northeast Quarter of said Southwest Quarter all in Section 16, Township 34, Range 26, Sherburne County, Minnesota except the east 4.00 acres of the North Half of the Northwest Quarter of said Northeast Quarter of the Southwest Quarter.

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EXHIBIT B

PROPERTY PETITIONED FOR ORDERLY ANNEXATION

