

**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. 04-05-13

Township of Livonia Resolution No. 04-12

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, Zimmerman South 77, LLC, a land developer, is the owner of 76.68-acres of 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 I-1 Light Industrial.
4. 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 the following reimbursement formula:

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 or tax abate Agreements the Township may request a one time payment in lieu of the five (5) year payback as setforth 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.

JUL 14 2004

The following Board members of the Township of Livonia voted in favor:

Kerr, Pensinger, Sherpen, Wallin; Fordahl absent.

The following Board members voted against or abstained:

_____.

Whereupon the motion was declared duly passed and executed.

The following Council members of the City of Zimmerman voted in favor:

Hanson, Brisbin, Frederick, Hass and Michels

The following Council members voted against or abstained:

None

Whereupon the motion was declared duly passed and executed.

LIVONIA TOWNSHIP

Don Sherpen
Chair, Town Board

Keri Spencer
Town Clerk

CITY OF ZIMMERMAN

Randy Hanson
Mayor

Nelda Remus
Clerk/Treasurer

REC'D BY
MMB

JUL 14 2004

EXHIBIT A

PROPERTY DESCRIPTION

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

JUL 14 2004

EXHIBIT B

