

**JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN
THE TOWN OF WAKEFIELD AND THE CITY OF COLD SPRING
(GOLD'N PLUMP / BAUER PROPERTIES)**

RECITALS

A. The Town of Wakefield ("Town") and the City of Cold Spring ("City"), both of Stearns County, Minnesota, are in agreement as to the orderly annexation of certain property described in this resolution for the purpose of orderly and planned services to the community.

B. The property proposed to be annexed is not already part of another city, and it adjoins and is contiguous to the City (see attached map).

C. All owners of the property proposed to be annexed have petitioned the City for annexation.

D. An orderly annexation of the proposed property is in the best interest of the area proposed for annexation.

RESOLUTION

In consideration of this resolution's mutual terms and conditions, the Town and City jointly resolve and enter into this Joint Resolution for Orderly Annexation ("Joint Resolution") as follows:

1. **Designation of Orderly Annexation Area.** The Town and City designate the area set forth on the map attached as Exhibit 1 and the legal description of the properties attached as Exhibit 2A, which is property owned by Todd Bauer and Janell Bauer, and Gordon P. Bauer, Trustee under the John P. and Martha M. Bauer Irrevocable Trust Agreement, and Exhibit 2B, which is property owned by Gold'N Plump Poultry ("designated property") as subject to orderly annexation pursuant to Minnesota Statutes § 414.0325.

2. **Minnesota Office of Strategic and Long Range Planning Jurisdiction.** Upon approval by the Town Board and City Council, this Joint Resolution shall confer jurisdiction upon the Minnesota Office of Strategic and Long Range Planning to approve the annexation of the designated property pursuant to Minnesota Statutes § 414.0325.

3. **No Alteration of Boundaries.** The Town and City agree and state that no alterations by the Office of Strategic and Long Range Planning of the stated boundaries of the designated property for orderly annexation is appropriate.

4. **Office of Strategic and Long Range Planning Review and Comment.** The Town and City agree and state that this Joint Resolution sets forth all the conditions for annexation of the designated property, and no consideration by the Office of Strategic and Long Range Planning is necessary. The Office of Strategic and Long Range Planning may review and comment, but shall order the annexation of the designated property according to this Joint Resolution's terms within thirty (30) days of the Office of Strategic and Long Range Planning's receipt of this Joint Resolution.

5. **Planning and Land Use Control Authority.** Upon the effective date of the annexation, the City's zoning regulations and land use controls shall govern the designated property.

6. **Authorization.** The Town and City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.

7. **Differential Taxation.** The Town and City have authorized the Office of Strategic and Long Range Planning to provide that the tax rate of the annexing municipality on the area annexed be increased in substantially equal proportions over a five-year period to equality with the tax rate on the property already within the municipality.

8. **Municipal Reimbursement.** Pursuant to M.S. § 414.036, the City will reimburse the Town a portion of the taxes collected on the designated property. Calculation of the reimbursed percentage to the Township shall be based on the amount of property taxes distributed to the Town in 1999. The Town shall be reimbursed based on the following timetable and formula:

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|-----------|--|
| Year 2000 | -The Town will be reimbursed in an amount of 80% of the property taxes distributed to the Town for the property in 1999. |
| Year 2001 | -The Town will be reimbursed in an amount of 60% of the property taxes distributed to the Town for the property in 1999. |

Year 2002 -The Town will be reimbursed in an amount of 40% of the property taxes distributed to the Town for the property in 1999.

Year 2003 -The Town will be reimbursed in an amount of 20% of the property taxes distributed to the Town for the property in 1999.

9. **Modification.** The Town and City may modify, amend or terminate this Joint Resolution by mutual, written agreement.

10. **Severability.** A determination by any court of competent jurisdiction that any provision of this Joint Resolution is invalid, illegal or unenforceable shall not affect the validity of this Joint Resolution's other provisions. If any of this Joint Resolution's provisions is inapplicable to any person or circumstance, it shall still remain applicable to all other persons or circumstances.

11. **Effective Date.** This Joint Resolution shall be effective from the date of the Office of Strategic and Long Range Planning's order calling for annexation of the designated property to the City.

The Town of Wakefield Board of Supervisors adopts this Joint Resolution on Nov 2, 1999.

TOWN OF WAKEFIELD

By John J. Miller
Board of Supervisors Chairperson

ATTEST:

Scandra L. Hansen
Town Clerk

The Cold Spring City Council adopts this Joint Resolution on Nov. 2, 1999.

CITY OF COLD SPRING

By Eric J. Hopt
Mayor

ATTEST:

Veronica M. Weber
City Clerk/Coordinator

EXHIBIT 2A**DESIGNATED PROPERTY OWNED BY TODD BAUER AND JANELL BAUER, AND
GORDON P. BAUER, TRUSTEE UNDER THE JOHN P. AND MARTHA M. BAUER
IRREVOCABLE TRUST AGREEMENT**

That part of the East Half of the Southeast Quarter of Section 14, Township 123 North, Range 30 West, Stearns County, Minnesota described as follows: Commencing at the southeast corner of said Section 14; thence North 00 degrees 00 minutes 00 seconds West, assumed bearing, along the east line of said Section 14, a distance of 1287.71 feet to the northerly right of way line of the Burlington Northern Railroad; thence South 72 degrees 37 minutes 45 seconds West, along said right of way line, a distance of 742.72 feet to the actual point of beginning; thence continue South 72 degrees 37 minutes 45 seconds West, along said right of way line, a distance of 470.00 feet; thence North 00 degrees 35 minutes 42 seconds West 41.78 feet to a line parallel with and distant 40.00 feet northwesterly of, as measured at a right angle to, the said northerly right of way line of the Burlington Northern Railroad; thence North 72 degrees 37 minutes 45 seconds East, along said parallel line, a distance of 470.00 feet; thence South 00 degrees 35 minutes 42 seconds East a distance of 41.78 feet to the point of beginning. Containing 18,800 square feet, more or less, and is subject to easements of record.

EXHIBIT 2B**DESIGNATED PROPERTY OWNED BY GOLD'N PLUMP**

That part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) and the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Fourteen (14), in Township One Hundred Twenty-three (123) North, of Range Thirty (30) West, ALSO: that part of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirteen (13), in Township One Hundred Twenty-three (123) North, of Range Thirty (30) West, in Stearns County, Minnesota, described as follows, to-wit: Commencing at the Southeast corner of said Sec. 14; thence North on an assumed bearing along the East line of said Sec. 14 a distance of 1,287.71 feet to the Northerly right-of-way line of the Burlington Northern Railroad; thence North 72 degrees 37 minutes 45 seconds East along said right-of-way line 719.51 feet for the point of beginning of the tract to be described; thence South 72 degrees 37 minutes 45 seconds West along said right-of-way line 1,462.23 feet; thence North 00 degrees 35 minutes 45 seconds West 2,207.00 feet more or less to the thread of the stream of the Sauk River; thence Southeasterly, Southerly, Southeasterly and Northeasterly along said thread of stream to its intersection with a line bearing North 00 degrees 35 minutes 42 seconds west from the point of beginning; thence South 00 degrees 35 minutes 42 seconds east 778 feet more or less to the point of beginning. Said tract containing 38.5 acres, more or less.

Subject to an easement for the purpose of ingress and egress over and across that part of the West One-half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Thirteen (13), in Township One Hundred Twenty-three (123) North, of Range Thirty (30) West, in Stearns County, Minnesota, described as follows, to-wit: Commencing at the Southwest corner of said Sec. 13; thence North on an assumed bearing along the West line of said Sec. 13 a distance of 1,287.71 feet to its intersection with the Northwesterly right-of-way line of the Burlington Northern Railroad; thence North 72 degrees 37 minutes 45 seconds East along said right-of-way line 235.00 feet for the point of beginning of the tract to be described; thence continue North 72 degrees 37 minutes 45 seconds East along said right-of-way line 60.00 feet; thence South 17 degrees 22 minutes 15 seconds East 100.00 feet to the Southeasterly right-of-way line of said Burlington Northern Railroad; thence South 72 degrees 37 minutes 45 seconds West along last mentioned right-of-way line 60.00 feet; thence North 17 degrees 22 minutes 15 seconds West 100.00 feet to the point of beginning.

