

REC'D. BY
MMB DEC 10 1999

TO: THE MINNESOTA MUNICIPAL BOARD
SUITE 225 BANDANA SQUARE
1021 BANDANA BOULEVARD EAST
ST. PAUL, MN 55108

IN THE MATTER OF THE JOINT RESOLUTION
OF THE TOWNSHIP OF EVANSVILLE AND THE CITY
OF EVANSVILLE DESIGNATING AN UNINCORPORATED
AREA AS IN NEED OF ORDERLY ANNEXATION
AND CONFERRING JURISDICTION OVER SAID
AREA TO THE MINNESOTA MUNICIPAL BOARD
PURSUANT TO M.S. 414.0235

JOINT RESOLUTION
FOR ORDERLY ANNEXATION

THE TOWNSHIP OF EVANSVILLE AND THE CITY OF EVANSVILLE HEREBY JOINTLY
AGREE TO THE FOLLOWING:

1. That the following-described area in Evansville Township is subject to orderly annexation pursuant to M.S. 414.0325, and the parties hereto designate this area for orderly annexation:

SEE ATTACHED EXHIBIT A

2. That the Township of Evansville does, upon passage of this Resolution and its adoption by the City Council of the City of Evansville, Minnesota, and upon acceptance by the Municipal Board, confer jurisdiction upon the Minnesota Municipal Board over the various provisions contained in this Agreement.

3. The above-described designated properties are presently urban or suburban in nature or are about to become so and the area to be annexed is not presently served by public sewer facilities and public sewer facilities are not otherwise available. Further, the City of Evansville is capable of providing services to this area within a reasonable time, or the annexation would be in the best interests of the area proposed for annexation.

4. That no alteration of the stated boundaries is appropriate as to the area designated for orderly annexation.

5. The conditions for the orderly annexation of the designated area as above described are as follows:

a. The developer shall provide a preliminary general plan or concept for development of the proposed annexed property. This plan may include a maximum of two development areas within the annexed property. One development area shall be a one-block maximum of 16 unit town home development which shall be located at the Southerly end of the currently existing Nelson Street at a location where that street abuts the proposed annexed property. The remainder of the proposed annexed property shall be developed in a single concept.

- b. With the exception of the one-block maximum of 16 unit town home block previously described, the balance of the annexed property shall be developed in such a way that there are lot sizes consisting of no less than 22,500 square feet.
 - c. Any homes to be constructed on the proposed property shall have the minimum width of 24 feet.
 - d. The developer shall obtain all necessary approvals, permits or licenses from any governmental or regulatory agency. The developer shall obtain a letter or letters of commitment for financing for both the one-block 16 unit town home phase and/or the development regarding the balance of the property to be annexed.
 - e. The developer shall request a written agreement from Douglas County in which Douglas County agrees to exclude the designated properties from the Douglas County Zoning and Subdivision Ordinances. Failure to obtain this agreement is not the basis to delay submission of this Joint Resolution to the Municipal Board if all other conditions of this paragraph have been satisfied.
 - f. Any development on the above-described property shall require the developer to pay for the construction of all roadbeds. The City further agrees to bear the initial cost of sewer and water associated with the development exclusive of the one-block 16 unit maximum town home development at the South end of Nelson Street. The City agrees to assess costs related to sewer and water on a 25 year assessment. Such assessment to take place at the time that property is formerly platted.
 - g. The developer shall provide a Blanket Easement over the real property described for sewer and water access.
6. The area described above as being in need for orderly annexation is not presently included within the corporate limits of any incorporated City.
7. Real estate taxes payable during the year in which the annexation becomes effective shall be paid to the Township of Evansville. Thereafter the real estate taxes on the area designated for annexation shall be paid to the City of Evansville, subject to the responsibility of the City of Evansville to make the following cash payments to the Township of Evansville during the five (5) years following the year in which the annexation becomes effective:
- a. In the first year following the year the land was annexed, an amount equal to eighty percent (80%) of the real estate taxes paid in the year in the land was annexed.
 - b. In the second year, an amount equal to sixty-five percent (65%) of the real estate taxes paid in the year the land was annexed.
 - c. In the third year, an amount equal to fifty percent (50%) of the real estate taxes paid in the year the land was annexed.

d. In the fourth year, an amount equal to thirty-five percent (35%) of the real estate taxes paid in the year the land was annexed.

e. In the fifth year, an amount equal to twenty percent (20%) of the real estate taxes paid in the year the land was annexed.

8. The City of Evansville hereby acknowledges that the provisions and conditions for orderly annexation as provided in Paragraph 5. above have been satisfied. The City of Evansville shall submit this Joint Resolution for Orderly Annexation to the municipal board and the City, Township and developer agree that this Joint Resolution may be submitted to the municipal board without further notice to any party.

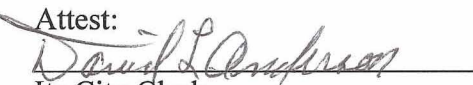
9. No alteration of the stated boundaries of the area designated for annexation as above-described is appropriate. No consideration by the Board is necessary. Upon receipt of this Joint Resolution, the Board may review and comment but shall, within thirty (30) days thereafter, order the annexation in accordance with the terms of this Joint Resolution.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF EVANSVILLE THIS
17TH DAY OF JUNE, 1999.

CITY OF EVANSVILLE

By 
Its Mayor

Attest:


Its City Clerk

PASSED AND ADOPTED BY THE TOWN BOARD OF THE TOWNSHIP OF EVANSVILLE
THIS 20 DAY OF Oct, 1999.

TOWNSHIP OF EVANSVILLE

By 
Evansville Town Board Chairman

Attest:


Evansville Town Board Clerk

DEVELOPER

By 
Robert Henrichs

EXHIBIT A*see next page*

That part of Government Lot Three and that part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, both in Section 3, and that part of Government Lot Two and that part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, both in Section 10, all being in Township 129 North, Range 40 West, Douglas County, Minnesota, described as follows:

Commencing at the South Quarter corner of said Section 3; thence on an assumed bearing of North 00°30'46" West along the East line of said Government Lot Three a distance of 83.57 feet to the point of beginning of the land to be described; thence North 89°32'08" West 85.28 feet; thence North 00°45'14" West 115.58 feet to the Southeast corner of Nelson's 2nd Addition to City of Evansville, according to the recorded plat thereof; thence North 89°30'33" West 550.73 feet to the Southwest corner of said Nelson's 2nd Addition to City of Evansville; thence North 00°26'05" East along the West line of said Nelson's 2nd Addition to City of Evansville 516.19 feet, said point hereinafter referred to as point "A"; thence South 80°56'10" West 60.34 feet; thence Westerly on a tangential curve concave to the North, radius 718.34 feet, central angle 34°19'27", 430.34 feet; thence North 64°44'23" West on tangent 509.69 feet to the Easterly right-of-way line of County State Aid Highway No. 82; thence South 25°31'15" West along said right-of-way line 50.51 feet; thence along said right-of-way line on a non-tangential curve, concave to the South, radius 1095.92 feet, central angle 13°30'11", 258.28 feet, the chord of said curve bears North 71°13'50" West 257.68 feet; thence South 28°33'29" West along said right-of-way line not on tangent 65.71 feet; thence South 42°13'45" East along said right-of-way line 1217.67 feet; thence Southeasterly along said right-of-way line and a tangential curve concave to the Northeast, radius 1834.86 feet, central angle 02°33'27", 81.90 feet to the South line of said Government Lot Three; thence South 89°35'48" East not on tangent along said right-of-way line and along said South line 71.98 feet; thence Southeasterly along said right-of-way line on a 1784.86 foot radius concentric curve, central angle 49°30'16", 1542.14 feet, the chord of said curve bears South 71°10'42" East 1494.62 feet; thence North 84°04'10" East along said right-of-way line on tangent 33.08 feet; thence North 00°02'15" West 475.84 feet to the South line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence North 89°36'30" West along said South line 522.33 feet to South Quarter corner of Section 3; thence on an assumed bearing of North 00°30'46" West along the East line of said Government Lot Three a distance of 83.57 feet to the point of beginning.

Containing 29 acres more or less. Subject to an existing 33.00 foot State Street Easement of record. The Northerly line of said easement is described as follows:

Beginning at aforesaid Point "A"; thence South 80°56'10" West 60.34 feet; thence Westerly on a tangential curve, concave to the North, radius 718.34 feet, central angle 34°19'27", 430.34 feet; thence North 64°44'23" West on tangent 509.69 feet to the Easterly right-of-way line of County State Aid Highway No. 82 and said line there terminating.

The sidelines of said easement are to be shortened to terminate on the aforesaid 29 acre parcel.

EXHIBIT A

That part of Government Lot Three in Section 3, and that part of Government Lot Two and that part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, both in Section 10, all being in Township 129 North, Range 40 West, Douglas County, Minnesota, described as follows:

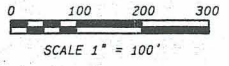
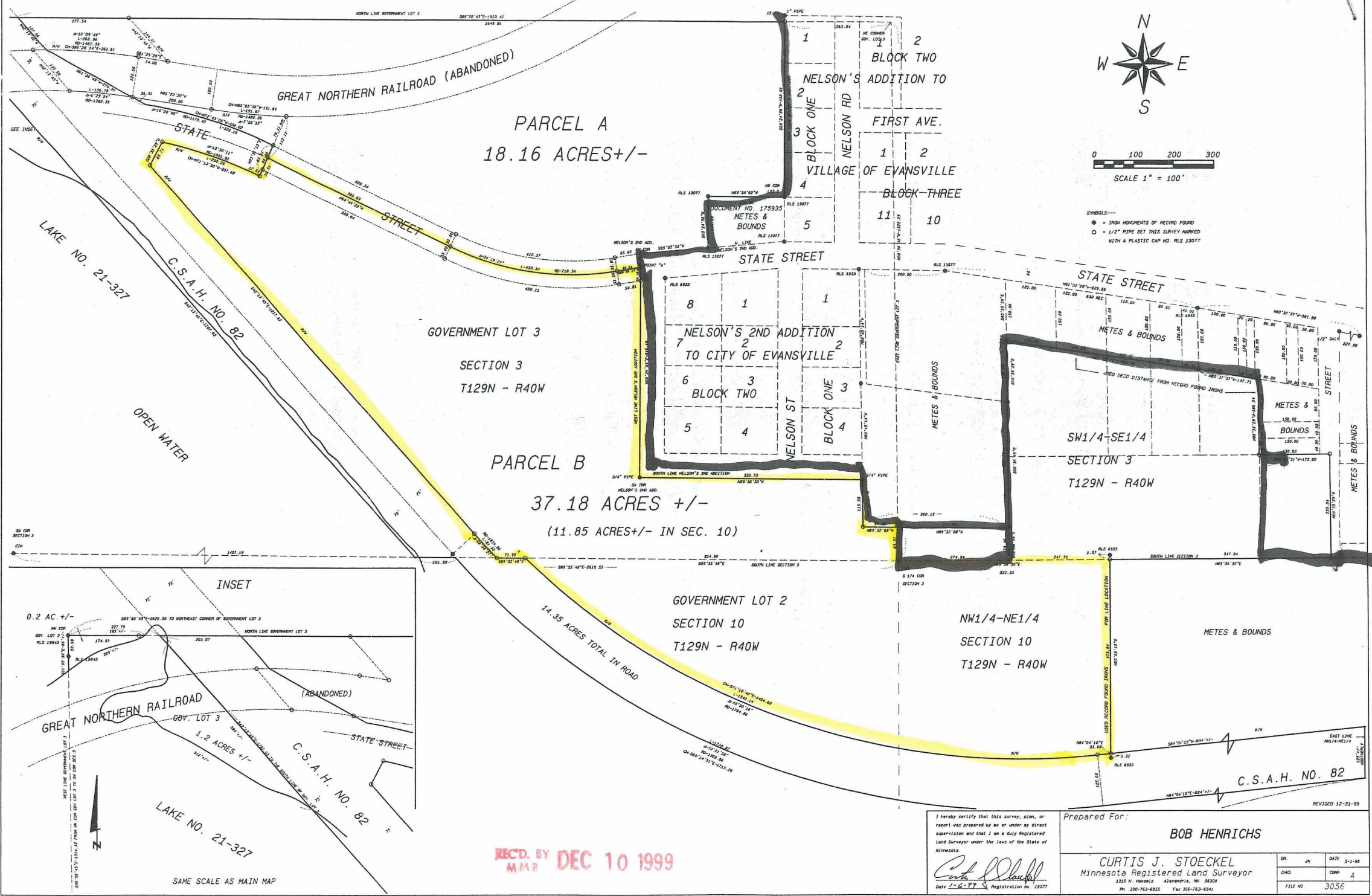
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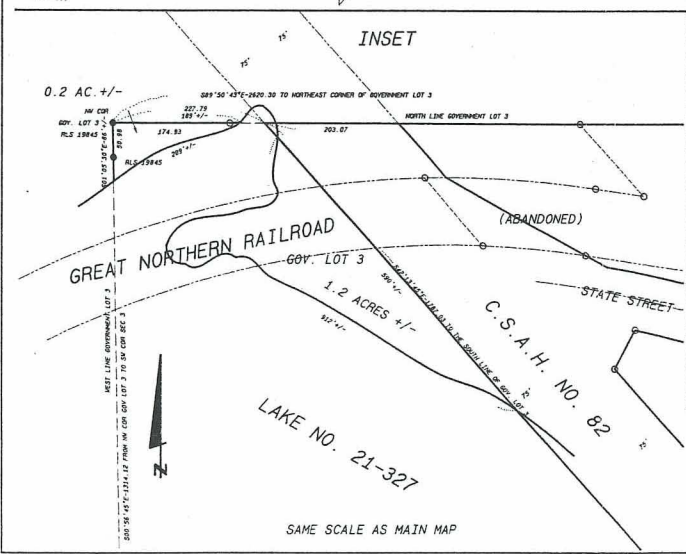
CERTIFICATE OF SURVEY



SYMBOLS---
● = IRON MONUMENTS OF RECORD FOUND
○ = 1/2" PIPE SET THIS SURVEY MARKED WITH A PLASTIC CAP NO. RLS 13077

City Limits

Area to be Annexed



REC'D. BY DEC 10 1999
M.A.B.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.
Curtis J. Stoeckel
Date 1-6-99 Registration No. 33077

Prepared For: **BOB HENRICHS**

CURTIS J. STOECKEL
Minnesota Registered Land Surveyor
3125 N. Humboldt, Alexandria, MN 56004
Ph: 320-763-6855 Fax: 320-763-6341

DR.	JN.	DATE	5-1-99
CWD.	COMP.	A	
FILE NO.	3056		

REVISED 12-31-99