

Councilmember Drake introduced the following resolution and moved for its adoption:

RESOLUTION #99-106

REC'D. BY JAN 18 2000
M M B

IN THE MATTER OF THE JOINT
RESOLUTION OF THE CITY OF
GRAND RAPIDS AND THE TOWN
OF GRAND RAPIDS DESIGNATING
CERTAIN AREAS AS IN NEED OF
ORDERLY ANNEXATION PURSUANT
TO MINNESOTA STATUTES § 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, the City of Grand Rapids (hereinafter the "City") and the Town of Grand Rapids (hereinafter the "Town") have agreed to the orderly annexation of Town lands described herein for the purpose of orderly, planned growth; and

WHEREAS, orderly annexation and eventual merger will be of mutual benefit to the Town and the City and the respective residents thereof; and

WHEREAS, the Town and City agree that orderly annexation and extension of municipal services to the areas designated herein for orderly annexation would benefit the public health, safety and welfare of the entire community;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AND THE CITY COUNCIL AS FOLLOWS:

1. **Areas Designated for Orderly Annexation:** The following legally described areas in Grand Rapids Township are subject to orderly annexation pursuant to Minnesota Statutes Sec. 414.0325, and the parties hereto designate these areas as in need of orderly annexation:

- Area 1: Stoeke Addition and vicinity (See Exhibit 1 and Map 1)
- Area 2: Singing Pines, Huntley, Remer - DeSchepper, Gilbert Additions and vicinity (See Exhibit 2 and Map 2)
- Area 3: Don-al, Gilbertson Additions and vicinity (See Exhibit 3 and Map 3)
- Area 4: Knollwood Addition and vicinity (See Exhibit 4 and Map 4)
- Area 5: Horseshoe Lake Area (See Exhibit 5 and Map 5)
- Area 6: Entire remainder of Township, including the area designated by the parties as the "Potlatch property". (See Exhibit 6 and Map 6) However, the portion of the Township East of the Prairie River and East of the Mississippi River South of its confluence with the Prairie River and that portion of the Township which may be annexed by the City of LaPrairie (as shown on Map 7) shall be excluded from Area 6 upon compliance with the procedures set forth in Paragraph 14 of this Agreement

2. **State Agency Jurisdiction:** Upon approval by the Town Board and the City Council, this Joint Resolution for Orderly Annexation confers jurisdiction upon the Minnesota Planning Office of Strategic and Long-Range Planning (hereinafter "Minnesota Planning") or its successor so as to accomplish the orderly annexation of the areas designated in Paragraph No. 1 in accordance with the terms of this Joint Resolution for Orderly Annexation.

3. **Actions of Minnesota Planning:** For all annexations provided for in this Joint Resolution for Orderly Annexation, the Town and City agree that no alteration of the stated boundaries of the orderly annexation areas designated in this Joint Resolution for Orderly Annexation is appropriate, that no consideration by Minnesota Planning or its successor is necessary and that all terms and conditions for annexation of said areas designated herein are provided for in this Joint Resolution for Orderly Annexation. Pursuant to Minnesota Statutes Section 414.0325, upon receipt of this Joint Resolution for Orderly Annexation, or upon receipt of a subsequent resolution from either the Town or the City submitted in accordance with an event triggering annexation as provided in Paragraph Nos. 5, 6, 7 or 8 herein, Minnesota Planning or its successor may review and comment thereon, but shall, with thirty (30) days of receipt of the resolution, order the annexation of the area designated in the resolution in accordance with the terms and conditions of this Joint Resolution for Orderly Annexation.

4. **Area 1 for Immediate Annexation:** Area 1 is presently urban or suburban in nature or about to become so. Area 1 is in need of municipal services. The City is capable of providing services to this area within a reasonable time, and the annexation would be in the best interests of the residents and property owners within Area 1. Therefore, the parties agree that Area 1 is to be immediately annexed to the City of Grand Rapids in accordance with Paragraph No. 3 of this Joint Resolution for Orderly Annexation.

5. **Areas 2 - 6 for Future Annexation:** Areas 2, 3, 4, 5 and 6 are presently urban or suburban in nature or about to become so. The City of Grand Rapids will be capable of providing services to these areas within a reasonable time of annexation and annexation would be in the best interest of the residents and property owners of these areas. Therefore, the parties agree that each respective area designated for orderly annexation herein shall be subject to annexation to the City of Grand Rapids in accordance with the following schedule:

- Area 2 - July 1, 2002
- Area 3 - July 1, 2004
- Area 4 - July 1, 2006
- Area 5 - July 1, 2008
- Area 6 - July 1, 2010

Upon or after the occurrence of the date specified above, the respective designated area may be annexed in accordance with Paragraph No. 3 of this Joint Resolution for Orderly Annexation.

6. **Property Owner Initiated Annexation:** The parties agree that it is reasonably likely that circumstances may arise which will make it necessary or desirable for a property owner with land located within a designated orderly annexation area to seek annexation to the City of Grand Rapids prior to the respective dates stated in Paragraph No. 5. Therefore, the parties agree that a property owner may petition for early annexation of property, prior to the applicable date stated in Paragraph No.5 above, upon a showing of need for municipal services, upon a request for municipal sanitary sewer, water or storm water services, upon said land being proposed to be platted or subdivided for urban development greater than a density of one dwelling unit, building or structure per 40 acres, or other reason deemed sufficient and necessary by the City Council. In such events, the City may designate said land as in need of orderly annexation and annex the same in accordance with Paragraph No. 3 of this Joint Resolution for Orderly Annexation.

However, if the City agrees to accept a petition for annexation of the Potlach property prior to the annexation date for Area 6 under Paragraph 1 of this Agreement, then notwithstanding the dates for annexation set forth in Paragraph 1, any portion of the Township which has not been annexed to the City shall be annexed to the City ninety (90) days after acceptance of the petition to annex the Potlach property (except those portions of the Township which may have been excluded from this Agreement pursuant to Paragraph 14 prior to the expiration of said ninety day period).

7. **Service Extension Required by State Agency or Court Order:** Notwithstanding Paragraph No. 5, the Town and City agree that if a state agency or court orders the City to extend any municipal service to any unincorporated area designated herein for orderly annexation, the service area provided in the state agency or court order and any intervening land between the area ordered to be served and the corporate limits of the City is designated as in need of immediate orderly annexation, and the City may, at any time after the date of this state agency or court order, annex such property in accordance with Paragraph No. 3 of this Joint Resolution for Orderly Annexation.

8. **City Owned and Completely Surrounded Property:** Notwithstanding Paragraph No. 5, the Town and City agree that any unincorporated land wholly owned by the City and located within any area designated herein for orderly annexation, or any unincorporated land which is completely surrounded by land within City limits is, during the term of this Joint Resolution for Orderly Annexation, designated as in need of immediate orderly annexation, and the City may at any time annex such property in accordance with Paragraph No. 3 of this Joint Resolution for Orderly Annexation.

9. **Zoning, Subdivision and Land Use:** Areas annexed to the City of Grand Rapids pursuant to this Joint Resolution for Orderly Annexation shall become subject to City of Grand Rapids ordinances as such ordinances exist at the time of annexation or as such ordinances may from time to time thereafter be amended by the City Council.

The Town and City agree that the City has existing staff and has long-term experience in the development and administration of fair and effective land use controls. As a result, the parties agree that the City shall commence the exercise of land use control authority over an area designated by this Joint Resolution for Orderly Annexation commencing as of the "land use regulation date" which shall be five years prior to the date scheduled for orderly annexation as set forth in Paragraph No. 5 above. The Town delegates to the City the authority to promulgate zoning, subdivision and all other land use controls in accordance with Minnesota Statutes Sections 462.351 to 462.364 within the designated annexation areas, with said controls to be administered by the City of Grand Rapids Zoning Administrator, Planning Commission and City Council as of the "land use regulation date".

The Town and City agree that as of the date of execution of this Joint Resolution for Orderly Annexation, all planning, zoning and subdivision activities within areas designated for orderly annexation but which have not reached their respective "land use regulation date" as provided above, shall be carried out by a "Joint Planning Board". The Joint Planning Board shall be the governing body for purposes of exercising all of the powers enumerated in Minnesota Statutes Sections 462.351 to 462.364. The Joint Planning board shall be made up of the Town Board and the City Planning Commission, as the City Planning Commission exists on the date of the execution of this Joint Resolution or as the membership of the City Planning Commission may from time to time be changed at the discretion of the City Council. The Joint Planning Board shall utilize City staff in developing and administering land use controls. All actions by the Joint Planning Board shall be by majority vote of its members. The Joint Planning Board shall continue to exercise land use control authority within the areas designated herein until the "land use regulation date" or unless otherwise terminated earlier by mutual written joint resolution of the governing bodies of the Town and City or should the remaining unincorporated areas of the Town merge with the City.

The town and City agree that all land use controls within the areas designated herein for orderly annexation shall be consistent with City ordinances and give full effect to the terms and conditions provided for in this Joint Resolution for Orderly Annexation. The Town and City agree that enforcement of official land use controls within all designated areas for orderly annexation shall be by the City.

10. Building Permit Review: The Town and City agree that the City shall be responsible as of the date of execution of this Joint Resolution for Orderly Annexation, for reviewing and making recommendations to the Town regarding the proposed issuance of all building permits within the Town. The Town agrees that no building permit shall be issued which is inconsistent with this Joint Resolution for Orderly Annexation and applicable ordinances.

11. **Municipal Services:** The City shall provide police and fire services and street maintenance services to annexed areas covered by this Joint Resolution for Orderly Annexation immediately upon annexation. Prior thereto, the City and Town may enter into contractual agreements for fire and police services and street maintenance services.

The intent of the parties is that sewer, water and storm water services will be extended to annexed areas in a logical, orderly and cost efficient manner, consistent with sound financial management and taking into consideration the City's debt obligations in addition to any other factors the City Council deems necessary or appropriate. Annexation does not guarantee extension of all municipal services nor does this Joint Resolution for Orderly Annexation prevent the City from extending services on an accelerated or emergency basis to annexed areas. The extension of municipal services to annexed areas, including but not limited to major services such as sewer, water or storm sewer services, shall remain in the exclusive discretion of the City Council as the City Council deems necessary or desirable.

With respect to sewer, water and storm water services for an area to be annexed pursuant to this Joint Resolution for Orderly Annexation, the City shall initiate an improvement hearing and special assessment proceeding, if applicable, within one year after annexation of the area pursuant to this Joint Resolution for Orderly Annexation. Costs incurred by the City for construction of sewer, water and storm water services will be specially assessed to benefited properties in accordance with City assessment policies.

Street construction shall be undertaken as deemed necessary by the City Council following annexation of an area and the costs thereof shall be specially assessed to benefiting properties in accordance with City assessment policies.

The provision of sewer services to a significant industrial user, as defined by the regulations of the Minnesota Pollution Control Agency, shall be subject to the separate consent of the City.

12. **Differential Taxation:** Minnesota Planning or its successor shall, subject to the provisions of Minnesota Statutes Sec. 414.035, and subject to Paragraph No. 13 of this Joint Resolution for Orderly Annexation, in its order annexing an area designated for orderly annexation as provided in Paragraph No. 1, provide that the tax rate on an annexed area shall be increased in substantially equal portions over a period of five (5) years to equalize the tax rate on the property already within the City of Grand Rapids.

The tax capacity rate to be applied to an annexed area shall be called the "Differential Tax Capacity Rate". For each tax year from the year of annexation through five years thereafter, the Itasca County Auditor shall determine the difference between the City's Tax Capacity Rate and the Township's Tax Capacity Rate, and calculate the "Differential Tax Capacity Rate" as follows:

Year of Annexation	Township's Tax Capacity Rate + 20% of the Difference
1 Year after Annexation	Township's Tax Capacity Rate + 40% of the Difference
2 Years after Annexation	Township's Tax Capacity Rate + 60% of the Difference
3 Years after Annexation	Township's Tax Capacity Rate + 80% of the Difference
4 Years after Annexation	Township's Tax Capacity Rate + 100% of the Difference

In subsequent years thereafter, the annexed areas shall continue to be taxed at the rate of the City of Grand Rapids.

13. **Exceptions to Differential Taxation Schedule:** Notwithstanding Paragraph 12, an annexed property shall be immediately taxed at the tax capacity rate of the City of Grand Rapids upon the City providing water and sewer service to which the annexed property can hook up.

Notwithstanding Paragraph No. 12, for purposes of taxation of annexed areas, the City may, in its discretion, alternatively develop and adopt a rural service district ordinance establishing a rural service taxing district for an annexed area after annexation of an area becomes effective. An annexed area designated by the City as a rural service district pursuant to an ordinance properly developed and adopted in accordance with Minnesota Statutes Section 272.67 shall be taxed at a tax capacity rate less than the City tax capacity rate for so long as the area continues to be designated as a rural service district. A rural service district is defined as an area which includes only those unplatted, undeveloped lands (including wetlands and agricultural lands) which, in the judgment of the City Council at the time of adoption of a properly adopted rural service district ordinance for an annexed area, are rural in character and not currently developed for commercial, industrial or urban residential purposes. As a result, said areas are not benefited to the same degree as other lands by municipal services financed through general taxation and as such the City Council has determined that a separate taxing district for such areas may be appropriate as provided for by law.

14. **Area East of Prairie River and La Prairie Annexation:** That portion of Grand Rapids Township lying East of the Prairie River and East of the Mississippi River South of its confluence with the Prairie River and that portion of Grand Rapids Township desired for annexation by the City of LaPrairie (as shown on attached Map 7) are excluded from this Agreement provided those portions of the township have been incorporated into another Township, have been annexed by another municipality, or have been converted to an unorganized township by Itasca County prior to the annexation date for Area 6 under Paragraph 5 of this Agreement.

15. **Capital Improvements:** Township agrees that after execution of this Agreement, it will consult with City prior to initiating any capital improvements within the Township including, by way of example and without limitation, street improvements. The purpose of this consultation will be to assure that the contemplated capital improvement is consistent with the City's long term capital improvement plans and City design standards.

16. **Merger:** Following approval of this Joint Resolution for Orderly Annexation, Town shall not enter into any additional bonded indebtedness without City consent. At such time as Area 6 is annexed to the City of Grand Rapids, the Township of Grand Rapids shall be deemed merged with the City of Grand Rapids. All of the assets of the Town shall thereupon become assets of the City, including any money, claims, or properties, including real estate owned, held or possessed by the Town and any proceeds or taxes levied by the Town, collected or uncollected. All records of the Town shall become the records of the City. The City shall have the full power and authority to use and dispose of the assets and records for public purposes as the City Council may deem best, subject to the rights of preexisting creditors of the Town. Any taxes levied to pay bonded indebtedness of the Town shall be borne only by the taxable property within the boundaries of the former Town, provided, however, the full faith and credit of the City shall secure any outstanding bonded indebtedness to which the full faith and credit of the Town was pledged. If any general funds of the City are used to pay debt service on the bonded indebtedness of the Town, the general funds of the City must be reimbursed from taxes levied on taxable property in the former Town. At such time as Area 6 is annexed to the City of Grand Rapids, the City agrees to hire any Township employees who had been continuously employed by the Township since the date of entry into this Joint Resolution for Orderly Annexation.

17. **Authorization:** The appropriate officers of the City and the Town are hereby authorized to execute this Joint Resolution for Orderly Annexation so to legally bind the City and Town, respectively and are authorized to carry the terms of this Joint Resolution for Orderly Annexation into effect.

18. **Severability and Repealer:** All prior resolutions and ordinances of the Town and the City, or portions of resolutions and ordinances in conflict herewith, are hereby repealed. Should any section of this Joint Resolution for Orderly Annexation be held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions will remain in full force and effect.

19. **Effective Date:** This Joint Resolution for Orderly Annexation is effective upon its adoption by the respective governing bodies of the Town and the City.

20. **Governing Law:** This Joint Resolution for Orderly Annexation shall be governed by the laws of the State of Minnesota.

21. **Modification or Amendment:** This Joint Resolution for Orderly Annexation shall be deemed final and binding upon the Town and City, respectively upon initial approval and execution by the Town Board and the City Council. Thereafter, any amendment or modification of this Joint Resolution for Orderly Annexation shall not be effective unless made in writing and duly executed and approved by both the Town Board and the City Council.

22. **Adoption of Regulations:** The parties agree to enact, adopt, and strictly enforce those necessary regulations or ordinances giving full effect to the terms of this Joint Resolution for Orderly Annexation.

23. **Term:** This Joint Resolution for Orderly Annexation shall remain in full force and effect from the date of execution by the parties unless otherwise terminated earlier by mutual written joint resolution of the City and Town or should the remaining unincorporated areas of the Town merge in their entirety with the City.

24. **Entire Agreement:** The terms, covenants, conditions and provisions of this Joint Resolution for Orderly Annexation, including the present and all future exhibits, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations. This Joint Resolution for Orderly Annexation shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.

25. **Exhibits and Maps:** All exhibits and maps referred to in this Joint Resolution for Orderly Annexation are made a part hereof and incorporated herein by reference as fully and completely as if set forth herein verbatim.

26. **Headings and Captions:** Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution for Orderly Annexation.

Adopted by the Town Board of Supervisors for the Town of Grand Rapids the 7
day of December, 1999.

Sarahy A. Pallard
Chairman

Charles Lutterman
Town Board Member

Town Board Member

Attest:

Virginia Peaney
Town Clerk

Approved as to form:

Andrew Lazo
Town Attorney

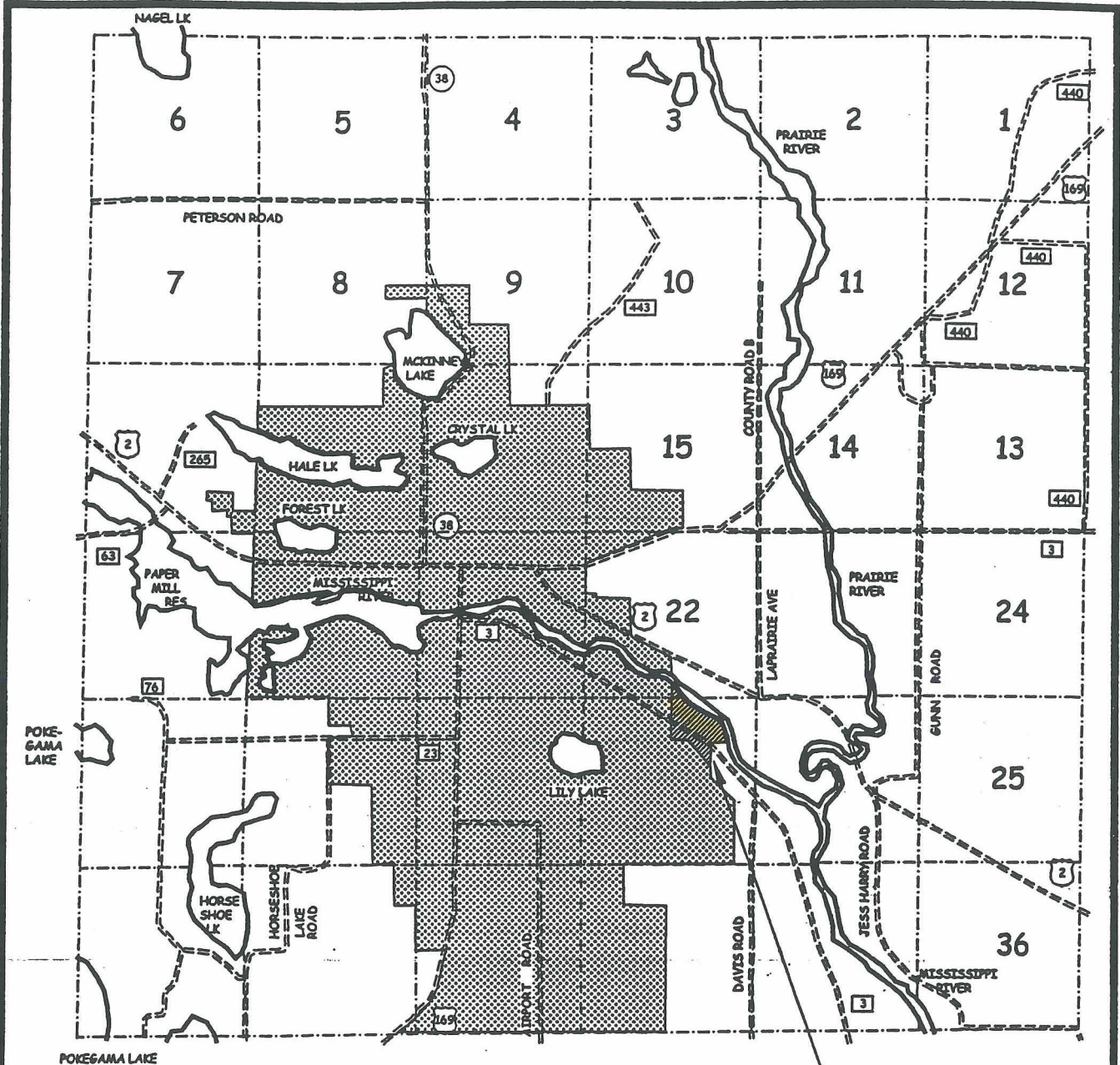
Adopted by the City Council for the City of Grand Rapids the 13 day of
December, 1999.

Frank J. [Signature]
Mayor

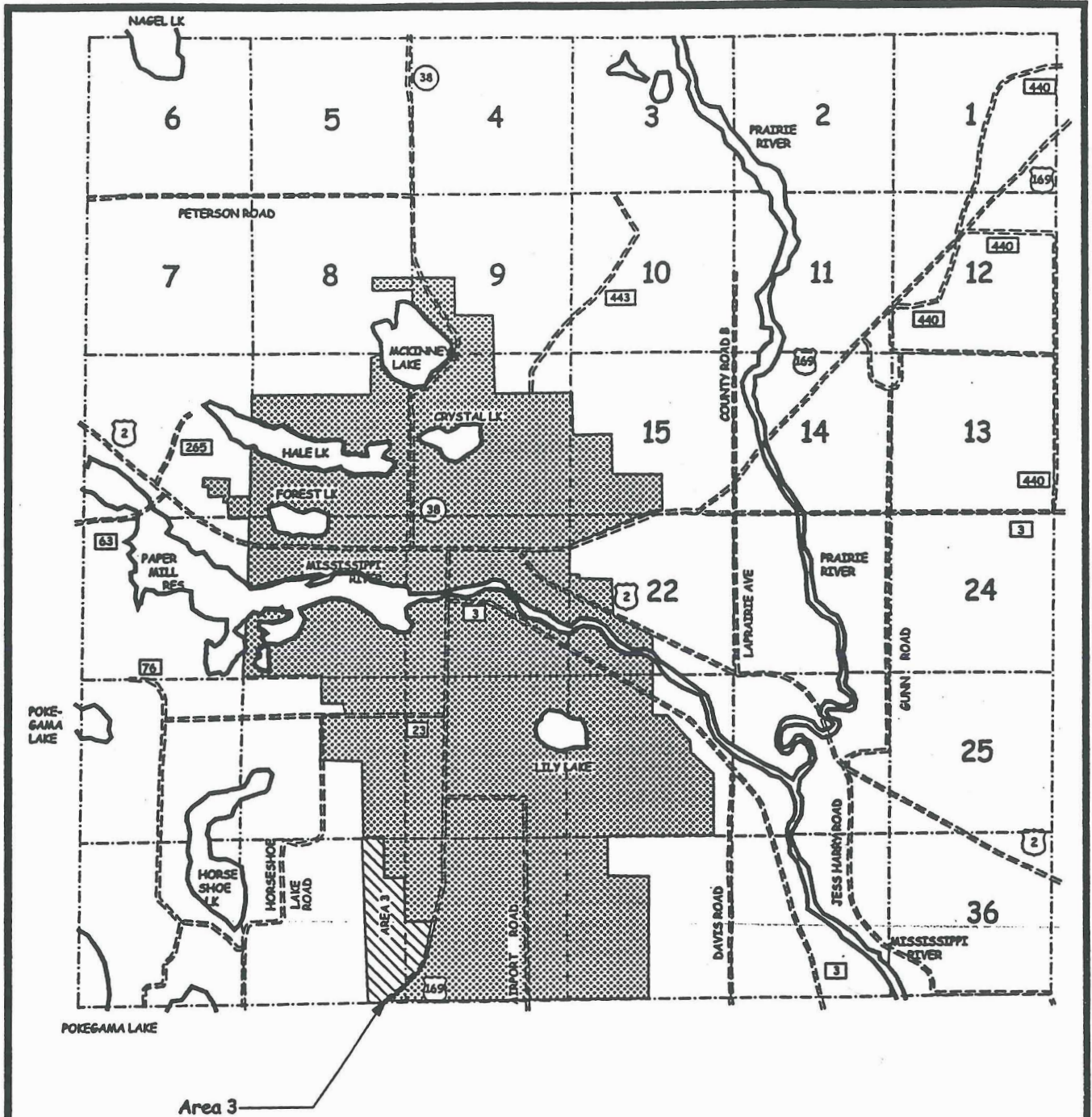
Craig J. Mattson
City Clerk

Councilmember Sanderson seconded the foregoing resolution and the following
voted in favor thereof: Drake, Sanderson, Fritz, Lazo. Opposed: None,
whereby the resolution was declared duly passed and adopted.

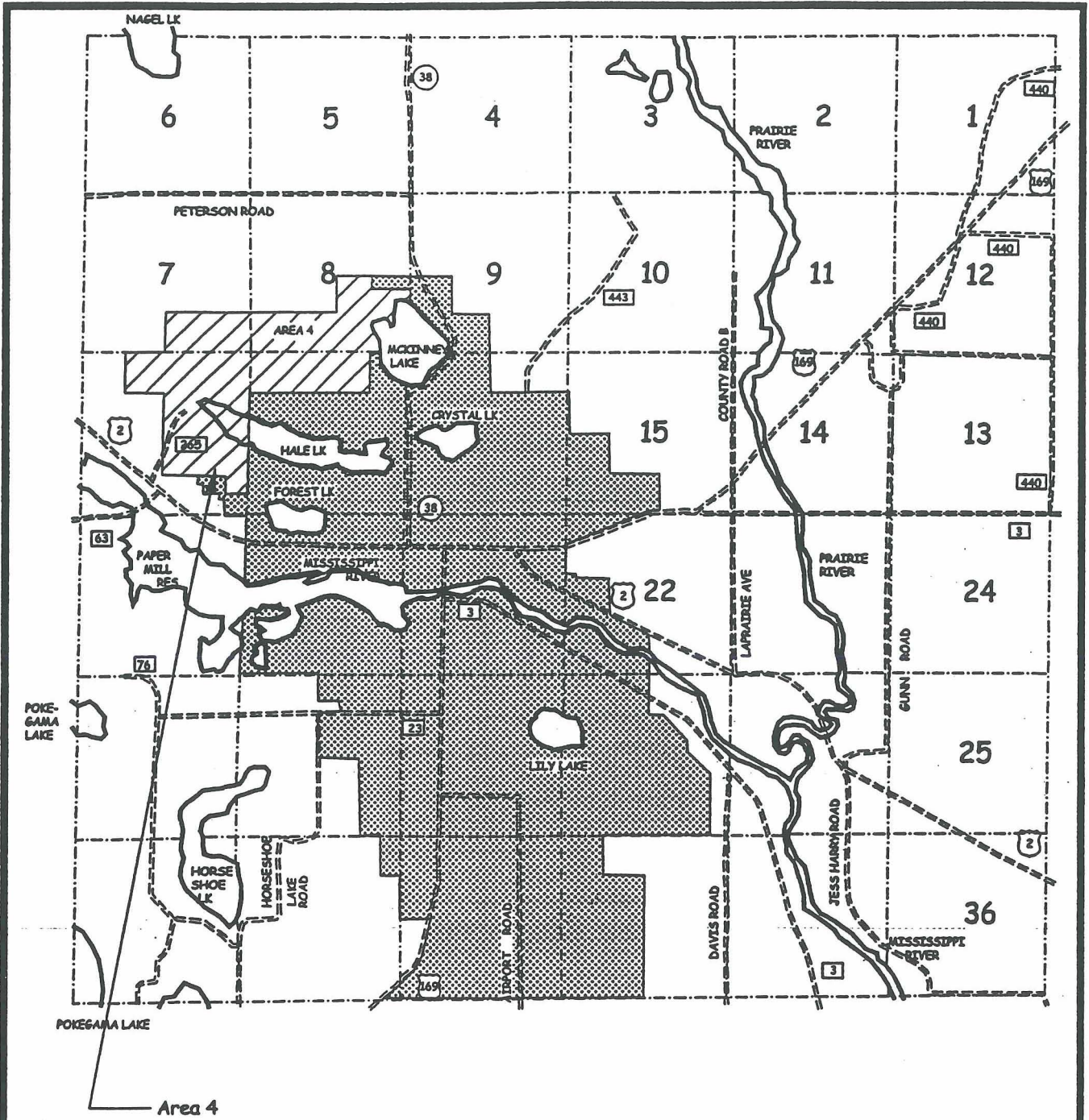
REC'D. BY JAN 18 2000
M/R



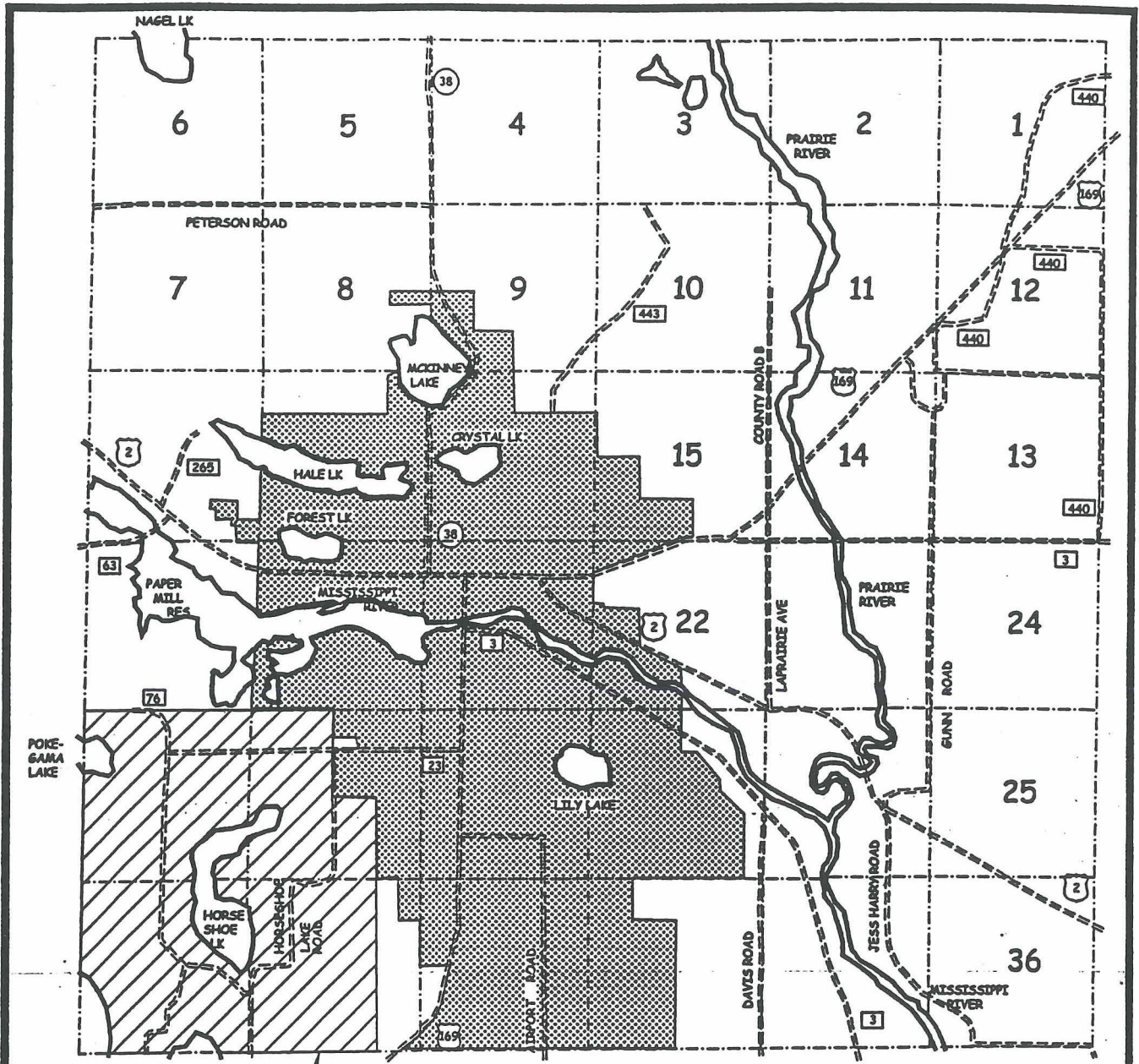
GRAND RAPIDS TOWNSHIP
ORDERLY ANNEXATION
AREA 1



GRAND RAPIDS TOWNSHIP
ORDERLY ANNEXATION
AREA 3



GRAND RAPIDS TOWNSHIP
ORDERLY ANNEXATION
AREA 4



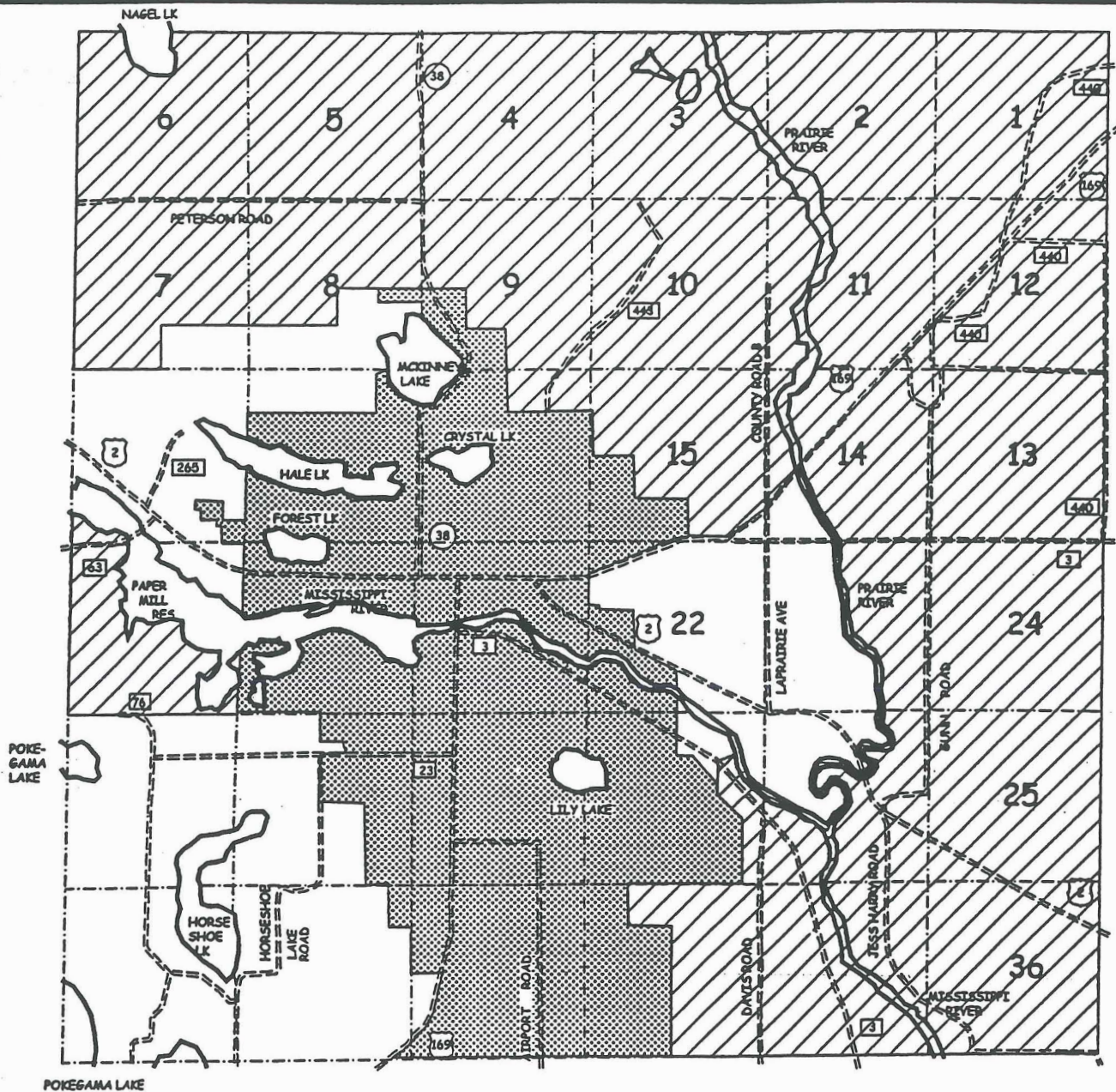
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Area 5

GRAND RAPIDS TOWNSHIP ORDERLY ANNEXATION AREA 5

MAP 5

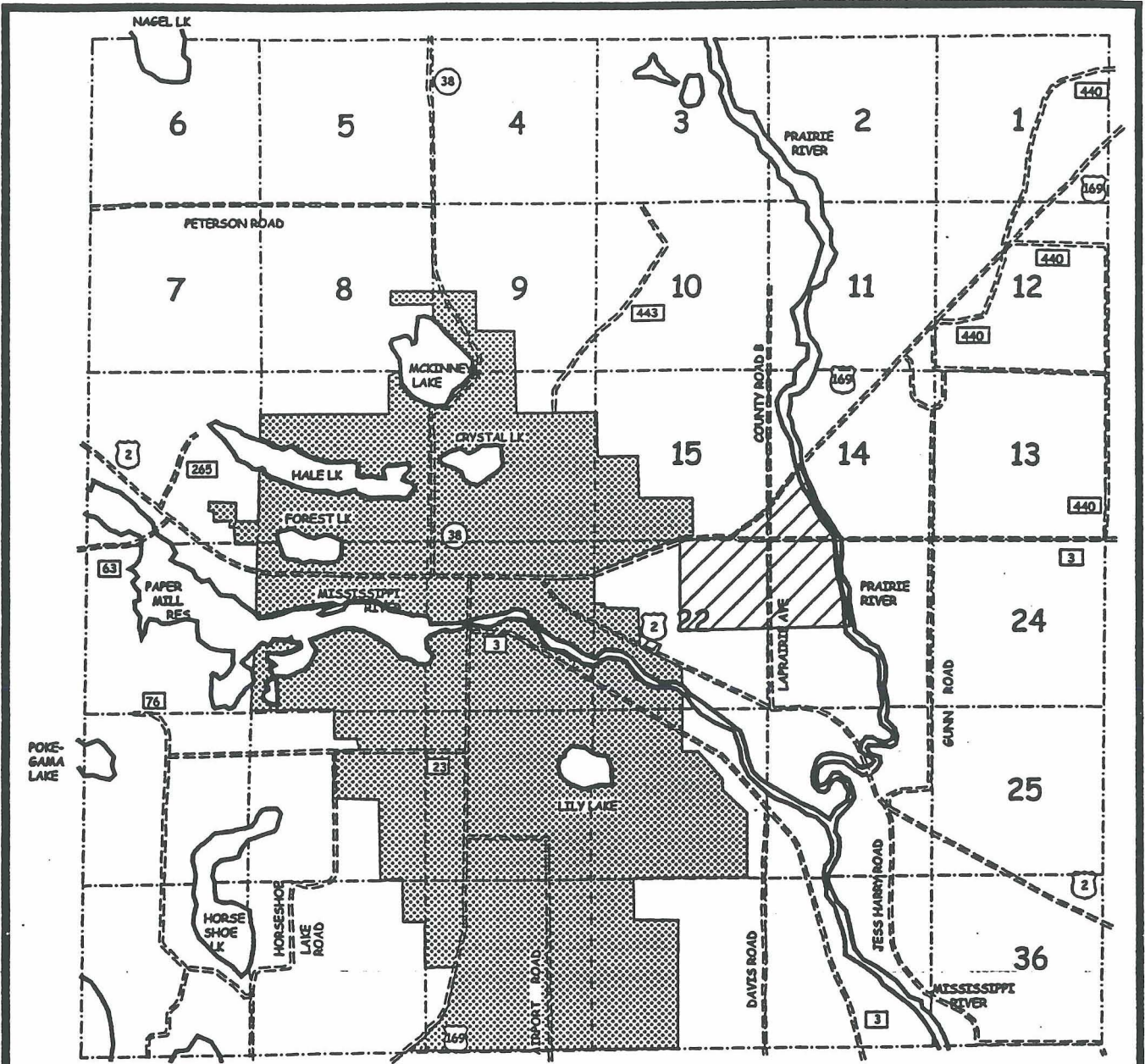


NOTE: The area east of the Prairie River may be excluded from Area 6.
See Orderly Annexation Agreement

GRAND RAPIDS TOWNSHIP
ORDERLY ANNEXATION
AREA 6

MAP 6

REC'D. BY
MMB JAN 18 2000



POKEGAMA LAKE

POKEGAMA LAKE

GRAND RAPIDS TOWNSHIP
ORDERLY ANNEXATION
AREAS TO BE ANNEXED TO LAPRAIRIE

MAP 7

**EXHIBIT I
GRAND RAPIDS TOWNSHIP
ORDERLY ANNEXATION
AREA 1**

Area 1 includes the following properties lying outside the City of Grand Rapids:

1. All of Stoeke Addition
2. All of Maxwell Addition
3. All of Government Lot 4 of Section 22
4. All of Government Lot 3 of Section 27
5. All unplatted parcels in Government Lot 6 of Section 27

**NOTE: Section numbers refer to sections within Grand Rapids Township
(T55N R25W)**

**EXHIBIT II
GRAND RAPIDS TOWNSHIP
ORDERLY ANNEXATION
AREA 2**

Area 2 includes the following properties lying outside the City of Grand Rapids:

1. All of Huntley Addition
2. All of Gilbert Addition
3. All of Singing Pines Court Addition
4. All of 1st Addition to Singing Pines Court
5. All of Mississippi Heights Addition
6. All of Remer-DeSchepper Addition
7. All of the SW1/4 of the SE1/4 of the SE1/4 of Section 18
8. All of the SW1/4 of the SE1/4 of Section 18
9. All of Government Lot 4 of Section 18
10. All of Government Lot 3 of Section 18
11. All of Government Lot 2 of Section 18
12. All of the NE1/4 of the SW1/4 of Section 18
13. All of the NE1/4 of the NE1/4 of Section 19
14. All of Government Lot 1 of Section 19
15. All of Government Lot 7 of Section 19

**NOTE: Section numbers refer to sections within Grand Rapids Township
(T55N R25W)**

**EXHIBIT III
GRAND RAPIDS TOWNSHIP
ORDERLY ANNEXATION
AREA 3**

Area 3 includes the following properties lying outside the City of Grand Rapids:

1. All of Don-AI Addition
2. All of 2nd Don-AI Addition
3. All of the NE1/4 of the NE1/4 of Section 32
4. All of the SE1/4 of the NE1/4 of Section 32
5. All of the SE1/4 of the SE1/4 of Section 32
6. All of the SW1/4 of the SW1/4 of Section 33

**NOTE: Section numbers refer to sections within Grand Rapids Township
(T55N R25W)**

**EXHIBIT IV
GRAND RAPIDS TOWNSHIP
ORDERLY ANNEXATION
AREA 4**

Area 4 includes the following properties lying outside the City of Grand Rapids:

1. All of Knollwood Estates Addition
2. All of Knollwood Estates 1st Addition
3. All of the SW1/4 of the SE1/4 of Section 7
4. All of the SE1/4 of the SE1/4 of Section 7
5. All of the SW1/4 of the SW1/4 of Section 8
6. All of the SE1/4 of the SW1/4 of Section 8
7. All of the SE1/4 of Section 8
8. All of Section 17
9. All of Section 18, except those parcels included in Area 2

**NOTE: Section numbers refer to sections within Grand Rapids Township
(T55N R25W)**

REC'D. BY JAN 18 2000
MMB

**EXHIBIT V
GRAND RAPIDS TOWNSHIP
ORDERLY ANNEXATION
AREA 5**

Area 5 includes the following properties lying outside the City of Grand Rapids:

1. All of Section 29
2. All of Section 30
3. All of Section 31
4. All of Section 32, except those parcels included in Area 3

**NOTE: Section numbers refer to sections within Grand Rapids Township
(T55N R25W)**

Post-it® Fax Note	7671	Date	12/1/99	# of pages	1
To	ANDY SHAW	From	GLEN HOBBSON		
Co./Dept.		Co.	GRAND RAPIDS		
Phone #		Phone #	326-7625		
Fax #		Fax #	326-7608		

REC'D. BY
MAB JAN 18 2000

**EXHIBIT VI
GRAND RAPIDS TOWNSHIP
ORDERLY ANNEXATION
AREA 6**

Area 6 includes the entire Township, except those properties currently within the City of Grand Rapids, those properties currently within the City of LaPrairie, and those properties included in Areas 1-5, inclusive.

The Joint Resolution for Orderly Annexation makes reference to "that portion of the Township which may be annexed by the City of LaPrairie." This reference includes the following properties:

1. That part of Government Lot 6 of Section 14 lying southeasterly of Trunk Highway 169
2. All of Glenwood Acres Addition
3. That part of the SE1/4 of the SE1/4 of Section 15 lying southerly and southeasterly of Trunk Highway 169
4. All platted and unplatted parcels within the NE1/4 of Section 22, except those parcels already within the City of Grand Rapids or the City of LaPrairie
5. All of Hoolihan 2nd Addition
6. All of Government Lot 8 of Section 23
7. All of the NW1/4 of the NW1/4 of Section 23
8. All of Auditor's Subdivision No. 48

The Joint Resolution provides that some or all parcels east of the Prairie River may be excluded from Area 6 under certain conditions as specified in the Joint Resolution

NOTE: Section numbers refer to sections within Grand Rapids Township (T55N R25W)

REC'D. BY JAN 18 2000
M M B

**EXHIBIT I
GRAND RAPIDS TOWNSHIP
ORDERLY ANNEXATION
AREA 1**

Area 1 includes the following properties lying outside the City of Grand Rapids:

1. All of Stoeke Addition
2. All of Maxwell Addition
3. All of Government Lot 4 of Section 22
4. All of Government Lot 3 of Section 27
5. All of Government Lot 6 of Section 27
6. Revised Description #1, Lot 4, Auditors Subdivision #38

**NOTE: Section numbers refer to sections within Grand Rapids Township
(T55N R25W)**