

IN THE MATTER OF THE JOINT RESOLUTION OF THE TOWN OF PAYNESVILLE AND THE CITY OF PAYNESVILLE DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE MINNESOTA PLANNING BOARD PURSUANT TO M.S.A. 414.0325.

JOINT RESOLUTION FOR ORDERLY ANNEXATION

1. The following described area in Paynesville Township is subject to orderly annexation pursuant to Minnesota Statutes 414.0235 and the parties hereby designate this area for orderly annexation, which area is legally described as follows, to-wit:

All of PROJECT 55 according to the recorded plat thereof; Southeast Quarter of the Southwest Quarter, Section 16, Townsite 122, Range 32, Stearns County, Minnesota; except the areas already annexed, T.H. 55, T.H. 124 (Lake Avenue) and a 273.35 foot by 267.52 foot parallelogram located in the northwest corner of Outlot A of said PROJECT 55. Containing 15.29 acres.

*see last
page for
add'l desc.*

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

3. That the property described in Paragraph 1 above abutts the City of Paynesville and is presently urban or suburban in nature or is about to become so. Further, the City of Paynesville is capable of providing services to this area within a reasonable time after annexation and annexation would be in the best interest of the area proposed to be annexed. Therefore, this property should be annexed to the City of Paynesville. The current population residing on this property is zero.

4. That the effect of annexation on population shall be that the population of an area annexed pursuant to this Resolution shall be treated for all purposes as part of the population of the City

of Paynesville immediately upon approval of annexation by the Minnesota Planning Board.

5. In all annexations within the orderly annexation area, the taxes due and/or delinquent on the date of annexation remain the property of Paynesville Township. All taxes and assessments accrued after the date of annexation are the property of the City of Paynesville, subject only to the provisions of Paragraph 9 below. The City of Paynesville, upon annexation, becomes the owner or beneficiary of all roads, easements and rights-of-way, or other interests in property within the annexed area previously held by Paynesville Township and shall bear the responsibility associated with those rights.

6. The tax levy of the annexing municipality on the area annexed shall be increased in substantially equal proportions over a period of two years to a equality with the tax levy of the property already within the municipality.

7. That any person owning lands annexed to the city pursuant to this agreement shall have the following rights with regard to the payment of assessment and hook-up charges on projects previously completed by the city which may be assessable against said annexed property. Hook-up charges shall be payable upon hook-up to municipal services. Hook-up charges will be based on costs to the city determined from a bid to be obtained at the time of hook-up.

Assessment for improvements shall be payable over the same number of years and at the same interest rate as the original project provided for.

8. That as to those lands which are annexed by the city pursuant to this agreement, of the base tax payable to the township at the time of annexation, in the first year after annexation of the township, will receive 90% of that base tax, in the second year after annexation the township shall receive 70% of that base tax, in the third year after annexation the township shall receive 50% of that base tax, in the fourth year after annexation the township shall receive 30% of that base tax, and finally in the fifth year after annexation the township shall receive 10% of the base tax from the City of Paynesville. Thereafter, all taxes collected shall belong to the City of Paynesville.

9. The above described land shall, upon approval of this agreement by Paynesville Township and the City of Paynesville and submission of this Joint Resolution for Orderly Annexation, be approved for annexation by the Minnesota Planning Board. The City of Paynesville shall provide, to all properties annexed under this agreement, sanitary sewer, city water, storm sewers and roads with bituminous surface and curb and gutter within two (2) years after this request for annexation has been approved by the Minnesota Planning Board. If the City of Paynesville fails to provide sewer and water to any such properties within two (2) years of approval of annexation under this agreement, then the City of Paynesville shall pay Paynesville Township an amount equal to 100 percent (100%) of the taxes collected by the City from the annexed lands which are not served by sanitary sewer, city water, storm sewers and roads with bituminous surface and curb and gutter. Said payments shall begin in the third year following annexation and

shall continue indefinitely until said properties are served with sanitary sewer, city water, storm sewer and roads with bituminous surface and curb and gutter.

10. No consideration by the Minnesota Planning Board is necessary.

11. Any alterations, variations, modifications or waivers of the provisions of this contract shall only be valid if they have been reduced to writing and signed by authorized representatives of the parties.

12. The provisions of this contract shall be deemed severable. If any part of this contract is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of the contract unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire contract with respect to either party.

The parties further agree to substitute for any invalid provision a valid provision that most closely approximates the economic effect and intent of the invalid provision.

13. This contract is the final expression of the agreement of the parties and the complete and exclusive statement of the terms agreed upon and shall supersede all prior negotiations, understandings or agreements. There are no representations, warranties or stipulations, either oral or written, not herein contained.

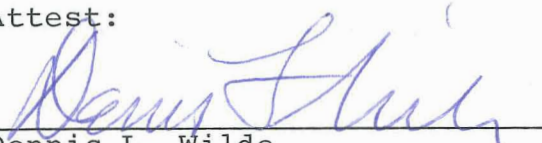
14. It is specifically acknowledged and understood that the parties are represented by independent counsel. As a matter of


convenience, one party to this agreement may have taken on the bulk of the task of drafting this agreement. This agreement shall not be construed against the drafting party merely because of its role in drafting this agreement.

CITY OF PAYNESVILLE

Passed and adopted by the City Council of the City of Paynesville this 26th day of January, 2000.

Attest:

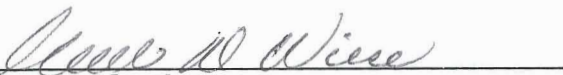

Dennis L. Wilde
City Administrator

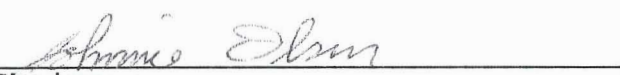

Jeff Thompson, Mayor

PAYNESVILLE TOWNSHIP

Passed and adopted by the Town Board of the Town of Paynesville this 24 day of JANUARY, 2000.

Attest:


Anne M. Wiese
Town Clerk


Sharon E. Olson
Chairman

FAXED
3-22-00

LAW FIRM OF

Frauenschuh & Spooner, P.A.

RONALD R. FRAUENSHUH, SR.*

WILLIAM SPOONER

RONALD R. FRAUENSHUH, JR.

*CERTIFIED AS A CIVIL TRIAL SPECIALIST

113 WASHBURNE AVENUE

PAYNESVILLE, MINNESOTA 56362

TELEPHONE (320) 243-3748

FAX (320) 243-7084

REC'D. BY
M.M.B. MAR 24 2000

March 22, 2000

ATTN STAR
OFFICE OF MUNICIPAL BOUNDARY ADJUSTMENTS
658 CEDAR ST
ST PAUL MN 55155

**RE: OA-665 Paynesville/Paynesville Township Joint Agreement
OA-665-1 Paynesville**

Dear Star:

We spoke on or about March 8th regarding the discrepancy in the legal description on the annexation agreement referenced above. On March 22nd our city engineers, SEH/RCM, faxed me an amended legal description to include the Easterly 30 feet of Stearns Avenue.

If you would be willing to add to the description on the existing resolution the following:

AND ALSO The East 30.00 feet of Stearns Avenue as platted in RIDGEVIEW THIRD ADDITION according to the recorded plat thereof, Stearns County, Minnesota,

I believe that that would correct the omission. If you believe that this needs to be handled in a different way, please contact me as soon as possible.

Sincerely,

FRAUENSHUH & SPOONER, P.A.

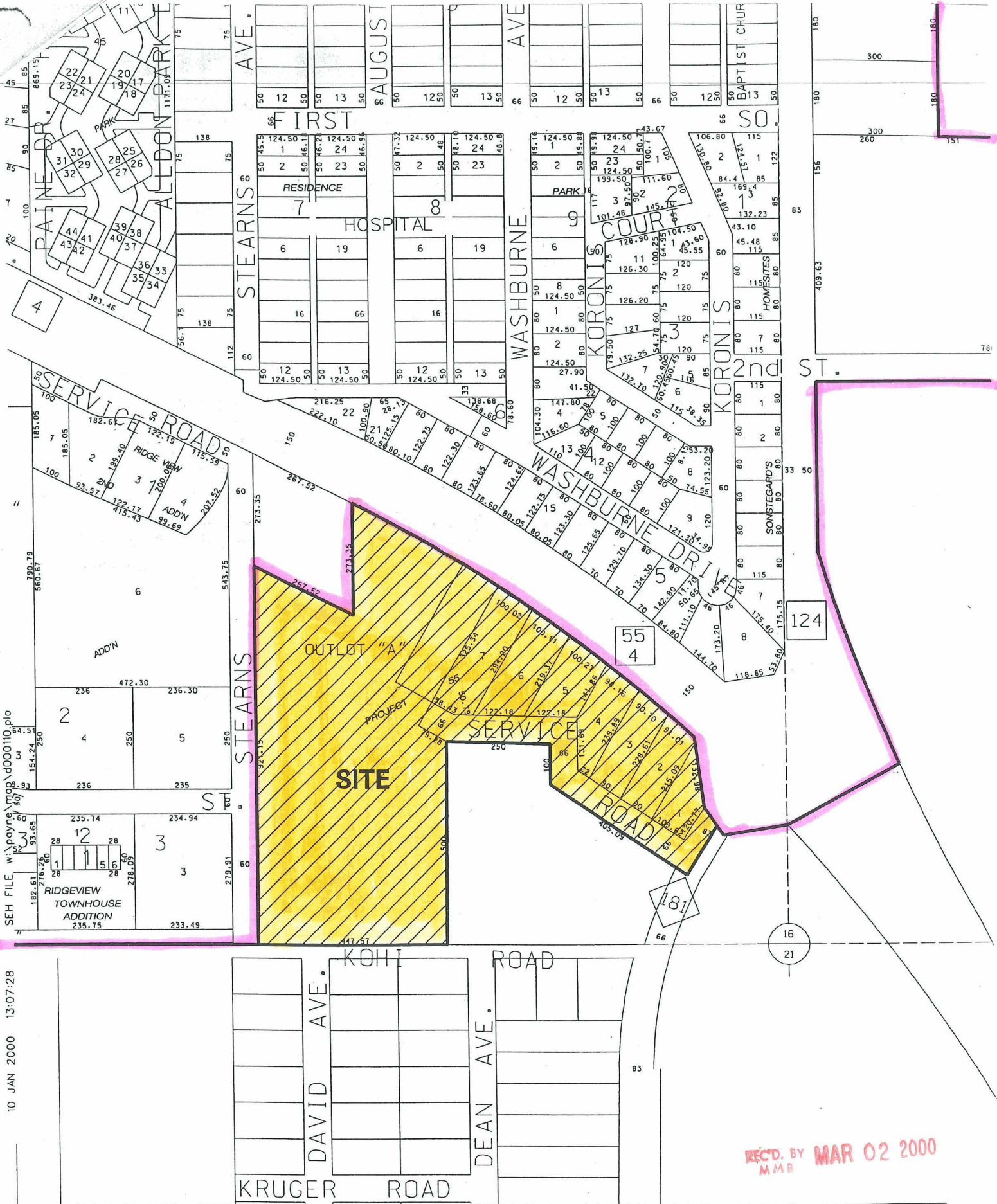

William Spooner

WS:jmh

cc: Denny Wilde

10 JAN 2000 13:07:28

SEH FILE w:\payne\map\d000110.plt



REC'D BY MAR 02 2000
MMB



ANNEXATION SITE
 Annexation of PROJECT 55 plat
 PAYNESVILLE, MINNESOTA

CITY OF PAYNESVILLE

STEARNS COUNTY, MINNESOTA

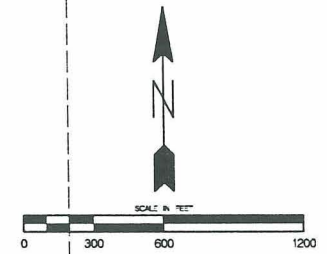
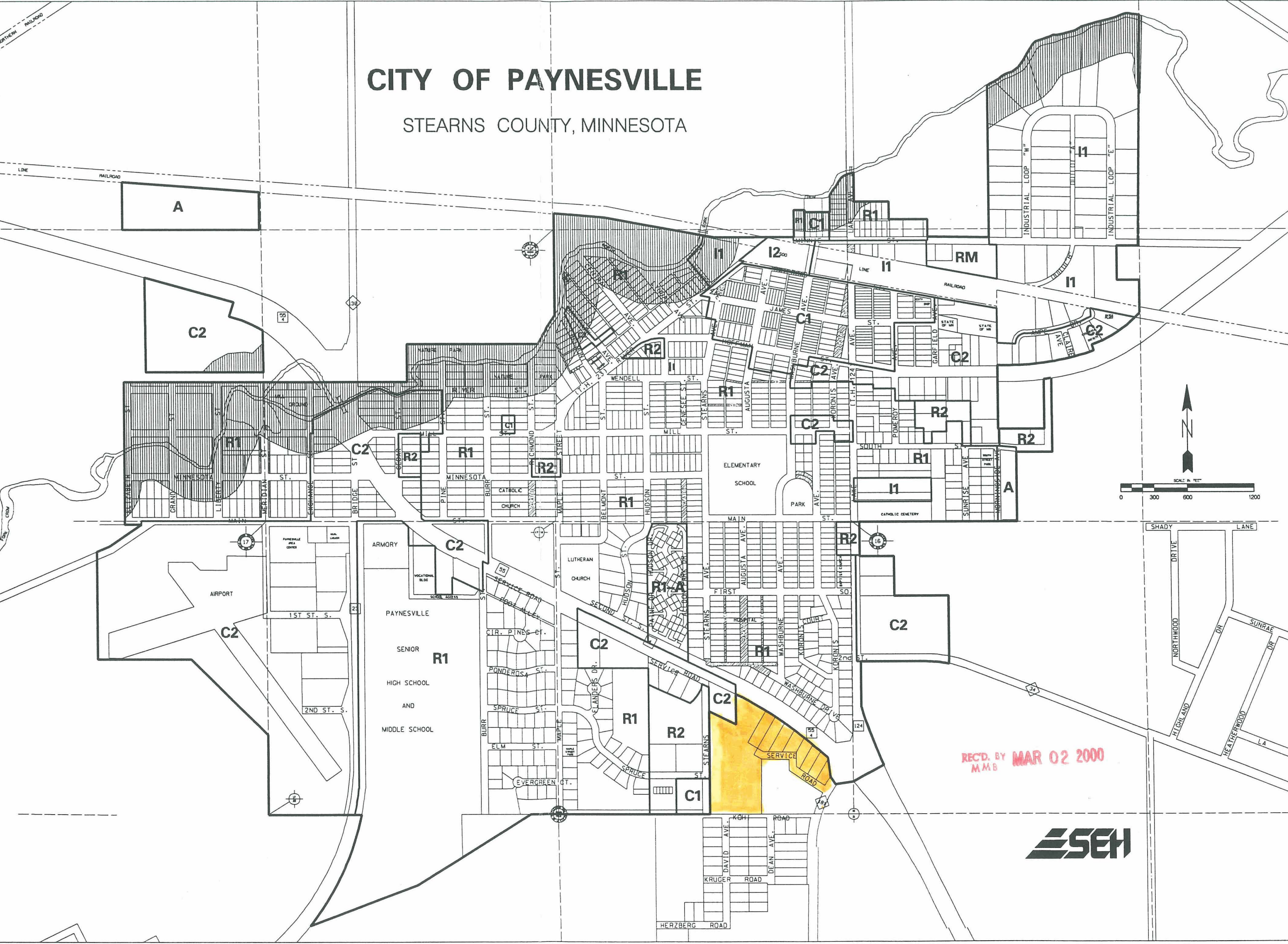
ZONING MAP

06 MAY 99

THE ZONING MAP WAS ADOPTED ON JUNE 6, 1978.
THE OFFICIAL ZONING MAP IS SIGNED BY MAYOR MORIS
TORBORG AND CITY ADMINISTRATOR DONALD W. JACOBSON.

LEGEND

- A AGRICULTURAL
- R1 SINGLE & TWO FAMILY
- R1-A MULTI-FAMILY HOUSING
- R2 MULTIPLE FAMILY
- RM MOBILE HOME
- C1 CENTRAL BUSINESS
- C2 HIGHWAY COMMERCIAL
- I1 LIGHT INDUSTRY
- I2 HEAVY INDUSTRY
- ||||| SHORELAND OVERLAY



REC'D BY MAR 02 2000
M.M.B.

