

RUSH CITY RESOLUTION NO. 2000-4

REC'D. BY
MMB MAR 24 2000

NESSEL TOWNSHIP RESOLUTION NO. 2-00

A JOINT RESOLUTION OF THE CITY OF RUSH CITY AND THE TOWNSHIP OF
NESSEL DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY
ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA ON THE
MINNESOTA MUNICIPAL BOARD

WHEREAS, the City of Rush City and the Township of Nessel desire to accommodate growth and development in the most orderly fashion; and

WHEREAS, a joint orderly annexation agreement between the parties hereto is beneficial to both parties from the standpoint of orderly planning and the orderly transition of government and the provision of services within the area proposed to be annexed, and provides the guidelines under which such annexation shall take place.

NOW THEREFORE BE IT RESOLVED by the City of Rush City (hereinafter referred to as "the City") and the Township of Nessel (hereinafter referred to as "the Township") that the property described herein is designated for orderly annexation by the City and shall be annexed subject to the following terms and conditions:

- I. **The property (hereinafter referred to as "the Property") which is covered by this orderly annexation agreement, is comprised of approximately 340 acres, and is legally described as follows:**

THAT PT OF THE N 1100 FT OF THE E 720.60 FT OF THE SE 1/4 OF NW 1/4 AS MEASURED FROM THE N AND E LINES, LYING S AND W OF THE FOL DES TRACT:
BEG AT THE NE COR OF SAID SE 1/4 OF NW 1/4, TH S 88 D 03'50" W ALONG THE N LINE OF SAID SE 1/4 OF NW 1/4 354 FT; TH S 01 D 56'10" E 550 FT TO A PT HEREINAFTER REFERRED TO AS PT A; TH N 01 D 56'10" W RETRACING THE LAST DES LINE 315.31 FT TO THE PT OF BEG OF THE PROPERTY TO BE DES; TH N 88 D 03'50" E 200 FT; TH S 01 D 56'10" E 60 FT; TH N 88 D 03'50" E TO THE E LINE OF SAID SE 1/4 OF NW 1/4; TH S ALONG SAID E LINE 254.31 FT, TH W TO PT A; TH CONT W ALONG AN EXT OF THE LAST DES LINE 66 FT; TH N 01 D 56'10" W TO THE N LINE OF SAID SE 1/4 OF NW 1/4, TH E'LY ALONG THE N LINE OF SAID SE 1/4 OF NW 1/4 TO A PT 354.60 FT W OF THE NE COR THEREOF; TH S 01 D 56'10" E TO THE PT OF BEG. S 20, T 37, R 21 (13.00 acres) PID 06.00078.00

TOGETHER WITH:

THAT PT SE 1/4 OF NW 1/4 DES AS FOL: BG AT NE COR; TH ON AN ASSUMED BEARING S 88D 03'50 W ALONG N LINE OF SAID SE 1/4 OF NW 1/4 354.60 FT; TH S 1D 56'10 E 35.69 FT TO S'LY R/Y OF CSAH #1 & PT OF BG; TH CONT S 1D 56'10 E 200.00 FT; TH N 88D 03'50 E 200.00 FT; TH N 1D 56'10 W 198.32 FT TO S'LY R/Y OF CSAH #1; TH S 88D 32' 45 W ALONG S'LY R/Y 200.00 FT TO PT OF BG. S 20, T 37, R 21 (.91 acres) PID 06.00079.00

TOGETHER WITH:

NW 1/4 OF NW 1/4. S 29, T 37, R 21 (40.00 acres) PID 06.00085.00

TOGETHER WITH:

PT OF SW 1/4 OF NW 1/4 DES AS FOL: BG AT SW COR OF SW 1/4 OF NW 1/4; TH E ALONG S LINE THEREOF 711.37 FT; TH N 27D 3' W 500 FT; TH N 50D 33' W 640 FT TO W LINE OF SW 1/4 OF NW 1/4; TH S 0D 41' E ALONG SAID W LINE 852 .02 FT TO PT OF BG. S 20, T 37, R 21 (8.32 acres) PID 06.00077.00

TOGETHER WITH:

PT OF SE 1/4 OF NW 1/4 DES AS FOL: BEG AT THE NE COR OF SE 1/4 OF NW 1/4; TH S 88 D 03'50" W ALONG N LINE 354.60 FT; TH S 1D 56'10" E 550.00 FT TO POINT HEREINAFTER REFERRED TO AS POINT A; TH N 1D 56'10" W 314.31 FT TO THE PT OF BEG OF PROPERTY TO BE DES; TH N 88 D 03'50" E 200.0 FT; TH S 1D 56'10" E 60 FT; TH N 88 D 03'50" E TO E LINE OF SE 1/4 OF NW 1/4; TH S ALONG E LINE 254.31 FT; TH W PT A; TH CONT W ALONG AN EXTENSION OF LAST DES LINE 66 FT; TH N 01D 56'10" W TO N LINE OF SAID SE 1/4 OF NW 1/4; TH E'LY ALONG N LINE OF SAID SE 1/4 OF NW 1/4 TO A PT 354.60 FT W OF NE COR; TH S 01 D 56'10" E TO PT OF BEG. S 20, T 37, R 21 (3.10 acres) PID 06.00081.00

TOGETHER WITH:

NW 1/4 OF SW 1/4 LYING S OF RUSH CREEK. S 20, T 37, R 21 (36.00 acres) PID 06.00082.00

TOGETHER WITH:

SW 1/4 OF SW 1/4 AND THE SE 1/4 OF SW 1/4 EX PT DEEDED TO STATE OF MINNESOTA FOR ROAD PURPOSES. S 20, T 37, R 21 (71.80 acres) PID 06.00083.00

TOGETHER WITH:

NE 1/4 OF NW 1/4 EX PT DEEDED TO STATE OF MINNESOTA FOR ROAD PURPOSES.
S 29, T 37, R 21 (30.00 acres) PID 06.00084.00

TOGETHER WITH:

THE NE 1/4 OF SW 1/4. PT OF THE NW 1/4 OF SW 1/4 LYING N'LY OF RUSH CREEK.
PT OF THE S 1/2 OF NW 1/4 DES AS FOL: COMM AT THE SW COR OF SW 1/4 OF NW
1/4; TH E ALONG S LINE THEREOF 711.37 FT TO THE PT OF BEG; TH N 27D 3'W 500
FT; TH N 50D 33'W 640 FT TO W LINE OF SW 1/4 OF NW 1/4; TH N ALONG SAID W
LINE TO THE NW COR OF THE S 1/2 OF NW 1/4; TH E ALONG N LINE OF SAID S 1/2
OF NW 1/4 TO THE NE COR OF SAID S 1/2 OF NW 1/4; TH S ALONG E LINE OF SAID S 1/2
OF NW 1/4 TO THE SE COR OF SAID S 1/2 OF NW 1/4; TH W'LY ALONG S LINE OF
SAID S 1/2 OF NW 1/4 TO THE PT OF BEG; EXCEPT THE E 720.60 FT OF THE N 1100 FT
OF SAID S 1/2 OF NW 1/4. S 20, T 37, R 21 (95.80 acres) PID 06.00078.10

TOGETHER WITH:

PT OF SE 1/4 OF NW 1/4 & SW 1/4 OF NE 1/4 DES AS FOL: BG AT NE COR OF SE 1/4
OF NW 1/4; TH ON ASSUMED BEARING OF S 88 D 03'50" W ALONG N LINE 354.60 FT;
TH S 1D 56'10 E 235.6 FT; TH N 88D 03'50" E 200.00 FT TO PT OF BG OF PROPERTY TO
BE DES; TH S 1D 56'10 E 60.00 FT; TH N 88D 03'50 E 228.12 FT TO W'LY R/Y OF I-35;
TH N 18D 31'30 W ALONG R/Y 239.65 FT; TH N 76D 41'15 W ALONG R/Y 112.52 FT TO
S'LY R/Y OF CSAH #1; TH S 88D 32'45 W ALONG SAID R/Y 51.55 FT TO
INTERSECTION WITH A LINE THAT BEARS N 1D 56'10 W FROM PT OF BG; TH S 1D
56'10 E 198.32 FT TO PT OF BG. EX THAT PT LYING E OF N-S 1/4 SEC LINE THEREOF.
S 20, T 37, R 21 (.87 acres) PID 06.00080.00

TOGETHER WITH:

NE 1/4 OF NW 1/4 EX N 44 RDS THEREOF. S 20, T 37, R 21 (18.00 acres) PID
06.00073.00

TOGETHER WITH:

N 44 RDS OF NE 1/4 OF NW 1/4. S 20, T 37, R 21 (22.00 acres) PID 06.00074.00

II. The City and the Township hereby agree that the following described portion of the Property, which is included within the orderly annexation area described above and consists of approximately 300 acres, be immediately annexed to the City:

a. THAT PT OF THE N 1100 FT OF THE E 720.60 FT OF THE SE 1/4 OF NW 1/4 AS MEASURED FROM THE N AND E LINES, LYING S AND W OF THE FOL DES

TRACT: BEG AT THE NE COR OF SAID SE 1/4 OF NW 1/4, TH S 88 D 03'50" W ALONG THE N LINE OF SAID SE 1/4 OF NW 1/4 354 FT; TH S 01 D 56'10" E 550 FT TO A PT HEREINAFTER REFERRED TO AS PT A; TH N 01 D 56'10" W RETRACING THE LAST DES LINE 315.31 FT TO THE PT OF BEG OF THE PROPERTY TO BE DES; TH N 88 D 03'50" E 200 FT; TH S 01 D 56'10" E 60 FT; TH N 88 D 03'50" E TO THE E LINE OF SAID SE 1/4 OF NW 1/4; TH S ALONG SAID E LINE 254.31 FT, TH W TO PT A; TH CONT W ALONG AN EXT OF THE LAST DES LINE 66 FT; TH N 01 D 56'10" W TO THE N LINE OF SAID SE 1/4 OF NW 1/4, TH E'LY ALONG THE N LINE OF SAID SE 1/4 OF NW 1/4 TO A PT 354.60 FT W OF THE NE COR THEREOF; TH S 01 D 56'10" E TO THE PT OF BEG. S 20, T 37, R 21 (13.00 acres) PID 06.00078.00

TOGETHER WITH:

THAT PT SE 1/4 OF NW 1/4 DES AS FOL: BG AT NE COR; TH ON AN ASSUMED BEARING S 88D 03'50 W ALONG N LINE OF SAID SE 1/4 OF NW 1/4 354.60 FT; TH S 1D 56'10 E 35.69 FT TO S'LY R/Y OF CSAH #1 & PT OF BG; TH CONT S 1D 56'10 E 200.00 FT; TH N 88D 03'50 E 200.00 FT; TH N 1D 56'10 W 198.32 FT TO S'LY R/Y OF CSAH #1; TH S 88D 32' 45 W ALONG S'LY R/Y 200.00 FT TO PT OF BG. S 20, T 37, R 21 (.91 acres) PID 06.00079.00

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TOGETHER WITH:

THE NE 1/4 OF SW 1/4. PT OF THE NW 1/4 OF SW 1/4 LYING N'LY OF RUSH CREEK. PT OF THE S 1/2 OF NW 1/4 DES AS FOL: COMM AT THE SW COR OF SW 1/4 OF NW 1/4; TH E ALONG S LINE THEREOF 711.37 FT TO THE PT OF BEG; TH N 27D 3'W 500 FT; TH N 50D 33'W 640 FT TO W LINE OF SW 1/4 OF NW 1/4; TH N ALONG SAID W LINE TO THE NW COR OF THE S 1/2 OF NW 1/4; TH E ALONG N LINE OF SAID S 1/2 OF NW 1/4 TO THE NE COR OF SAID S 1/2 OF NW 1/4; TH S ALONG E LINE OF SAID S 1/2 OF NW 1/4 TO THE SE COR OF SAID S 1/2 OF NW 1/4; TH W'LY ALONG S LINE OF SAID S 1/2 OF NW 1/4 TO THE PT OF BEG; EXCEPT THE E 720.60 FT OF THE N 1100 FT OF SAID S 1/2 OF NW 1/4. S 20, T 37, R 21 (95.80 acres) PID 06.00078.10

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- b. The portion of the Property described in this Section II shall be zoned Agricultural (A-1) with the exception of Parcels 06.00079 and 06.00080 which shall be zoned Highway Business (B-1).

III. The City may annex the following portion of the Property upon the request of the property owner in conjunction with a change in the use of the Property:

NE 1/4 OF NW 1/4 EX N 44 RDS THEREOF. S 20, T 37, R 21 (18.00 acres) PID 06.00073.00

TOGETHER WITH:

N 44 RDS OF NE 1/4 OF NW 1/4. S 20, T 37, R 21 (22.00 acres) PID 06.00074.00

IV. The parties hereby confer jurisdiction on the Municipal Board or its successor agency over annexation of the Property and over the various provisions of this Agreement. The Property is adjacent to the City.

V. The City will construct and provide water and sanitary sewer improvements to the Property as requested by the owner, pursuant to state and local law, at the discretion of the City and based on the policies of the City then in effect.

VI. For each annexation that occurs under this Agreement, the electric utility service notice as required by Minnesota Statutes Section 414.0325, Subd. 1a, will be satisfied.

VII. The parties agree to the following division of tax revenues from the Property:

After annexation, the Township shall receive the full year's real estate taxes payable for the current year for the parcels annexed. The current year is defined as the calendar year during which the annexation occurs. For a period of ten (10) years subsequent to the current year, the City shall reimburse the Township an amount equal to the Township's tax capacity rate for the current year (as defined above) multiplied by the current year's (as defined above) tax capacity of the parcels which were annexed which amount shall be reduced by equal proportions each year according to the following schedule: Year 1: 100%; Year 2: 90%; Year 3: 80%; Year 4: 70%; Year 5: 60%; Year 6: 50%; Year 7: 40%; Year 8: 30%; Year 9: 20%; and Year 10: 10%. After the tenth year, no additional reimbursements shall be made.

VIII. After the annexation, the Property shall be re-zoned as appropriate and in accordance with normal zoning procedures established in the City Zoning Ordinance. When the Property is annexed to the City, it will be zoned Agricultural, unless another zoning designation is specified at the time of annexation.

- IX. This Agreement shall go into effect on the date that the Orderly Annexation Agreement is reviewed by the Minnesota Municipal Board or its successor agency. Each subsequent annexation within the Property designated by this Agreement must be reviewed by the Municipal Board or its successor agency.**
- X. The City and the Township agree that no alteration of the stated boundaries of the Property is appropriate. Furthermore, the parties agree that no consideration by the Municipal Board or its successor agency is necessary. Upon receipt of this resolution, passed and adopted by each party, the Municipal Board or its successor agency may review and comment, but shall, within thirty (30) days, make an order, including the immediate annexation stated in Section II.**
- XI. Nothing in this resolution shall prevent owners of parcels in the Property from proposing annexation pursuant to Minnesota Statutes. In the event that an annexation were to occur under this Section, the schedule of reimbursement of tax revenues in Section VII shall apply to said parcels.**

REC'D. BY MAR 24 2000
M.P.R.

Approved by the Township of Nessel this 15 day of March, 2000.

TOWNSHIP OF NESSEL

By: Gerald Beise
Town Board Chair

By: Roger E. Plunk
Town Board Clerk

Approved by the City of Rush City this 20th day of March, 2000.

CITY OF RUSH CITY

Michael Skolny
Mayor

Daniel P. Hoff
Administrator

I hereby certify that the foregoing is a true and correct copy of the Joint Resolution (Rush City Resolution No. 2000-4; Nessel Township Resolution No. 2-00) as adopted by the City Council of Rush City and filed for official record in the City Clerk's office.

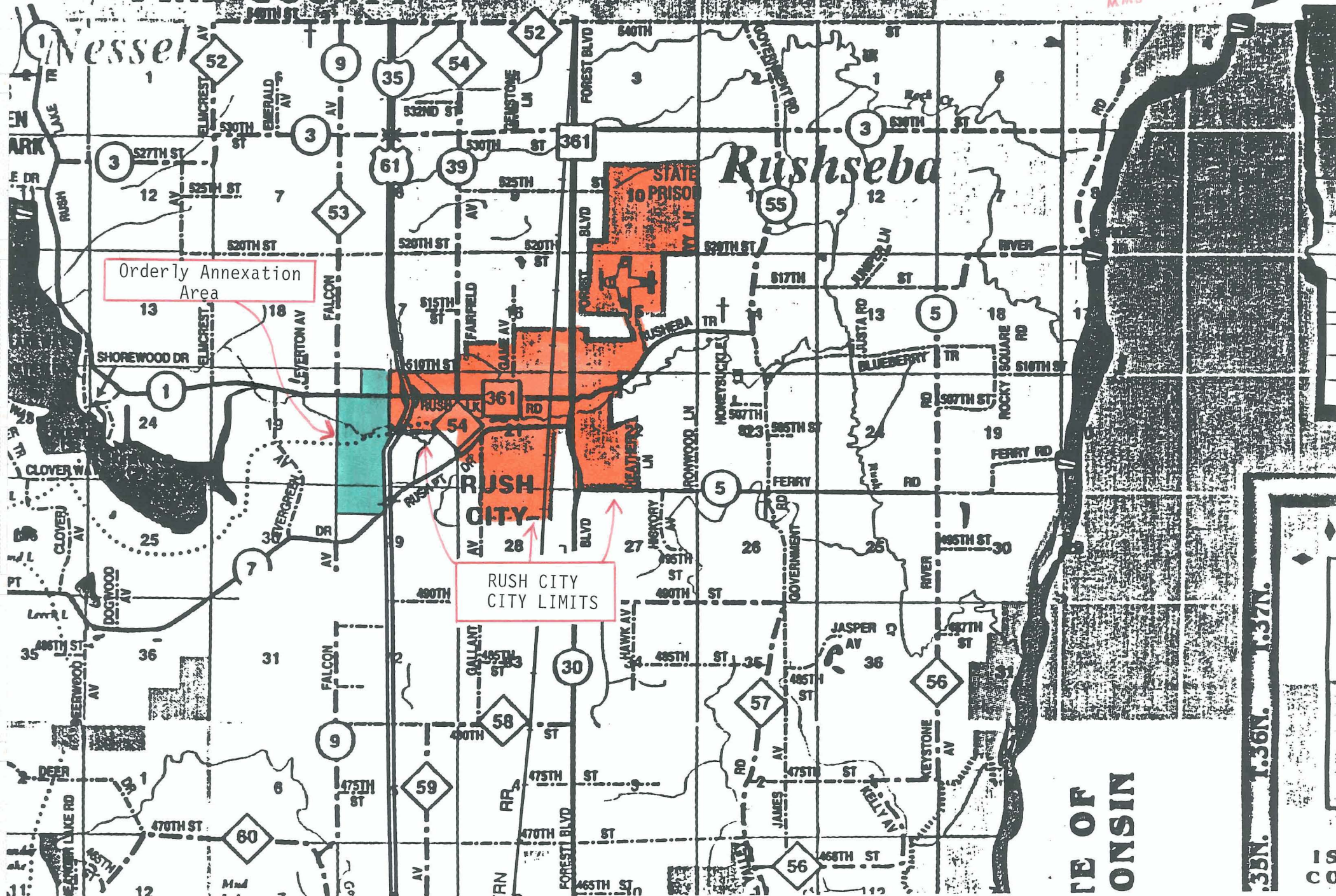
Amy Jo Mell
Amy Jo Mell
Deputy Clerk-Treasurer

3-21-00
Date

PINE COUNTY

MAP "A"

REC'D. BY APR 04 2000
MAB

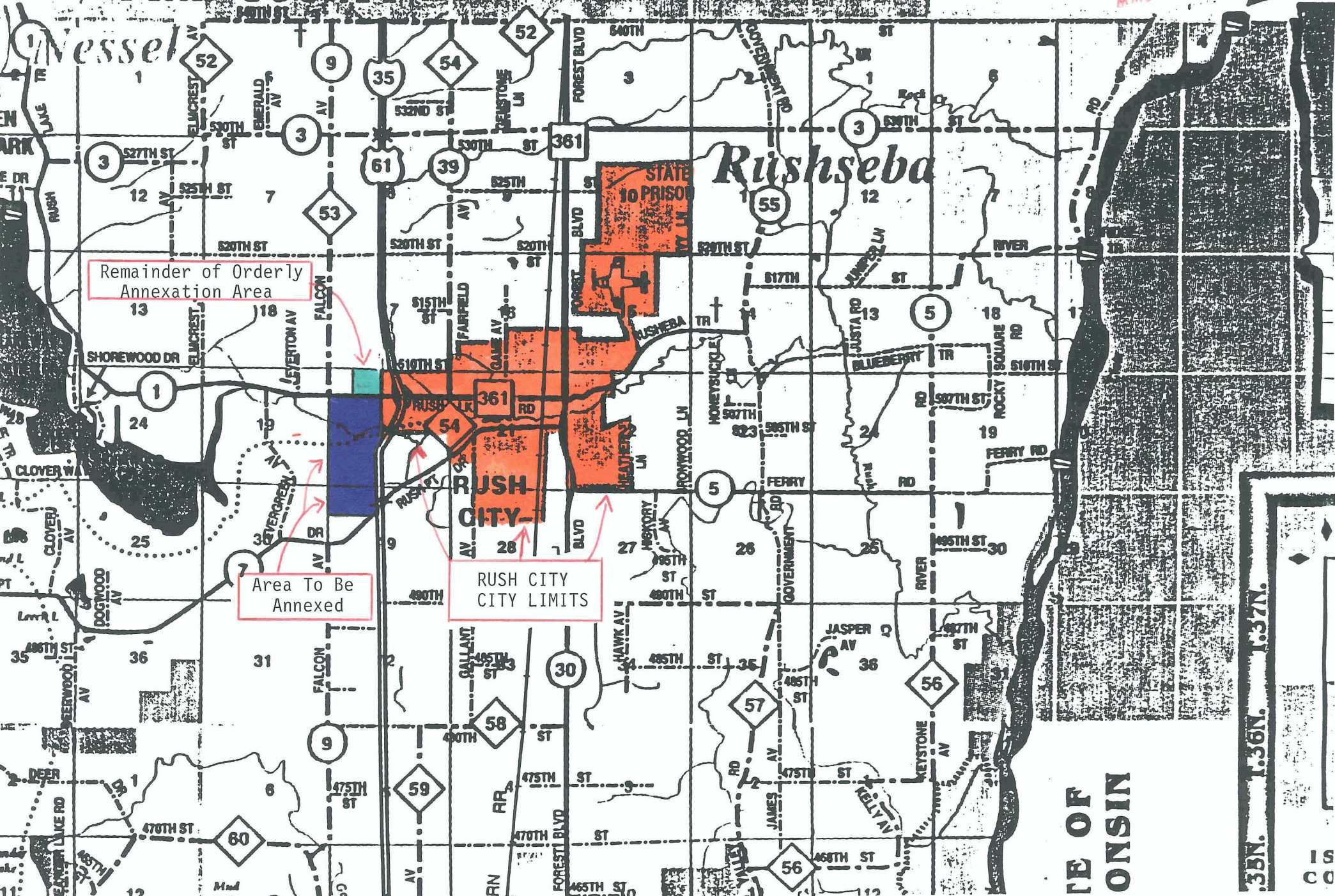


T.36N.
T.37N.

T.36N.
T.37N.

PINE COUNTY

MAP "B"
REC'D. BY MMB
APR. 04 2000



TOWNSHIP OF
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R.37N. T.37N.