

**JOINT RESOLUTION NO. 2000-1
TOWN OF EMPIRE AND CITY OF FARMINGTON
DAKOTA COUNTY**

**A JOINT RESOLUTION PROVIDING FOR ORDERLY
ANNEXATION AND THE EXERCISE OF JOINT POWERS**

WHEREAS, Empire Township (the "Township") and the City of Farmington (the "City") desire to plan appropriately for growth and development in each community; and to provide for the efficient delivery of public services to residents of both political subdivisions, and

WHEREAS, the Township and City acknowledge it is in the best interests of the residents of each community to work cooperatively in the planning and development of the areas abutting the common borders of the communities and to align and/or realign services as necessary to provide for the efficient delivery of public services to areas affected by boundary adjustments, and;

WHEREAS, certain areas shown on Exhibits A and B attached hereto, which exist in the Township currently have Sanitary Sewer service provided by the Township, but no municipal water, and;

WHEREAS, as a result of a new development to be undertaken in the City, known as the Tamarack Development, it is possible that the wells used by the owners of property on Exhibits A and B may experience well failure, necessitating the installation of municipal water, and

WHEREAS, due to the location of existing municipal water lines, it is less expensive to provide municipal water for land shown on Exhibits A and B from the City than from the Township, and

WHEREAS, Minn. Stat. §414.033 authorizes orderly annexation agreements, and Minn. Stat. §471.59 authorizes two or more governmental units to enter into agreements to jointly or cooperatively exercise any power common to the contracting parties or any similar power

WHEREAS, the governing boards of both the Township and the City have concluded that, following annexation of the properties, continued

sanitary sewer service to the affected area can best be accomplished through the cooperative and joint efforts of the Township and the City

NOW, THEREFORE, BE IT RESOLVED, the Township and City agree to the following terms and conditions:

1. The Township and City hereby establish an Orderly Annexation Area ("OAA") as authorized by Minnesota Statute §414.0325, Subdivision 1, as shown on the attached Exhibit A and legally described on Exhibit B.
2. Properties located within the OAA, shown on Exhibit A and described in Exhibit B, shall be immediately annexed to the City without contest by the Township upon adoption of this joint resolution and filing with the State of Minnesota, Office of Strategic and Long-Range Planning, as provided by law.
3. Upon approval by the respective governing bodies of the City and the Township, this joint resolution and agreement shall confer jurisdiction upon the State of Minnesota, Office of Strategic and Long-Range Planning so as to accomplish the orderly annexation of the lands shown on the attached Exhibit A and legally described on Exhibit B in accordance with the terms of this joint resolution and agreement.
4. The City and the Township mutually state that no alteration by the Office of Strategic and Long-Range Planning to the OAA boundaries, as shown on Exhibit A and described in Exhibit B, is appropriate or permitted.
5. The City and the Township mutually state that the annexation will not affect electric service delivery, and that the current population of the affected area is approximately 15 persons.
6. Pursuant to Minn. Stat. §414.035 the Parties have determined the tax rate of the City on the area annexed shall be increased in substantially equal proportions over not more than six years to equality with the tax rate on the property already within the City. The appropriate period, if any, shall be based on the time

reasonably required to effectively provide full municipal services to the annexed area.

7. Pursuant to Minn. Stat. §414.036, upon annexation the City shall reimburse the Township for the taxable property annexed as part of this proceeding in accordance with the procedures specified in Minn. Stat. §414.033, Subd. 12. Property taxes payable on the annexed land shall continue to be paid to the affected town or towns for the year in which the annexation becomes effective. If the annexation becomes effective on or before August 1 of a levy year, the municipality shall levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the town may continue to levy on the annexed area for that levy year, and the municipality may not levy on the annexed area until the following levy year. In the first year following the year when the municipality could first levy on the annexed area under this subdivision, and thereafter, property taxes on the annexed land shall be paid to the municipality. In the first year following the year the municipality could first levy on the annexed area, the municipality shall make a cash payment to the affected town or towns in an amount equal to 90 percent of the property taxes distributed to the town in regard to the annexed area in the last year the property taxes from the annexed area were payable to the town; in the second year, an amount equal to 70 percent; in the third year, an amount equal to 50 percent; in the fourth year, an amount equal to 30 percent; and in the fifth year, an amount equal to ten percent. The municipality and the affected township may agree to a different payment.
8. The Parties agree that, upon annexation of the lands shown on the attached Exhibit A and legally described on Exhibit B ownership of all public utilities serving those lands shall transfer from the Township to the City without further action or consideration. The City shall thereafter assume all ownership and responsibility for the repair, maintenance and upgrade of the public sanitary sewer facilities serving those properties in the annexed area. The sanitary sewer facilities to be transferred to the City shall be the sanitary sewer line Manhole 158 in TH 3

to and including Manhole 156 at 209th and Cantata Avenue (Manhole numbering per record plans of Empire Township dated March 2000.) The Township will retain ownership and maintenance responsibility for Manhole 158, but the City agrees to reimburse the Township fifty percent (50%) of the maintenance, repair, and replacement costs of Manhole 158 at TH 3 upon submittal of a bill by the Township to the City and audit by the Council.

9. The City has examined the Sanitary Sewer Facilities to be transferred to the City as described in 8 above and finds them to be in proper working order. The City agrees that it shall hold the township harmless for all future costs of repair, maintenance and upgrade of those Sanitary Sewer Facilities to be transferred to the City as described in 8 above. The City agrees not to charge or assess any of the property owners of the land shown on the attached Exhibits A and B for the Sanitary Sewer Facilities to be transferred to the City, except for future repair, maintenance, replacement and/or upgrade of them.
10. The Parties further agree that the City may continue the existing connection of the affected properties to the Township sanitary system. The Township shall bill the City for sanitary sewer service on the same basis as other customers, and the City shall bill the owners of the properties so served based on the City sanitary sewer charges.
11. Having designated the area illustrated on Exhibit A and described in Exhibit B as in need of orderly annexation, and having provided for all of the conditions of its annexation within this document, the parties to this agreement agree that no consideration by the Office of Strategic and Long-Range Planning is necessary.
12. The parties may amend this joint resolution by mutual consent at any time.

Approved and Adopted
this 7 day of July, 2000.

EMPIRE TOWNSHIP

[Signature]

Chair

[Signature]

Clerk

Approved and Adopted
this 17th day of July, 2000.

CITY OF FARMINGTON

[Signature]

Mayor

[Signature]

acting Administrator

EXHIBIT "B"**Parcel A -- PIN #120290009056**

The West Three Hundred Fifty-three feet (353') of the North One Hundred Fifty-five feet (155') of the South Six Hundred Sixty-five feet (665') of the South Half of the Southwest Quarter of Section Twenty-nine (29), Township One Hundred Fourteen (114), Range Nineteen (19), according to the Government Survey thereof, Dakota County, Minnesota.

(Torrens Property)

Parcel B – PIN #120290008056

All that part of the West Four Hundred Forty-nine and two-tenths feet (449.2') of the North One Hundred Ninety feet (190') of the South Six Hundred Sixty-five feet (665') of the South Half of the Southwest Quarter of Section Twenty-nine (29), Township One Hundred Fourteen (114), Range Nineteen (19), excepting the West Three Hundred Fifty-three feet (353') thereof, all according to the Government Survey thereof, Dakota County, Minnesota. (The foregoing being measured from the monument designating the Southwest corner of said section as described in Document No. 207921 filed May 11, 1950, in the office of the Register of Deeds within and for Dakota County, Minnesota.)

(Abstract Property)

Parcel C – PIN #120290007056

The East 80.00 feet of the North 190.0 feet of the West 529.2 feet of the South 665.0 feet of the South Half of the Southwest Quarter, Section Twenty-nine (29), Township One Hundred Fourteen (114), Range Nineteen

(19), according to the Government Survey thereof, Dakota County
Minnesota.

(Torrens Property)

Parcel D -- PIN #120290006056

The East 60.0 feet of the North 190.0 feet of the West 589.2 feet of the
South 665.0 feet of the South Half of the Southwest Quarter, Section 29,
Township 114, Range 19, according to the U.S. Government Survey thereof,
Dakota County, Minnesota.

(Torrens Property)

Parcel E -- PIN #120290005056

The East 80.0 feet of the North 190.0 feet of the West 739.2 feet of the
South 665.0 feet of the South Half of the Southwest Quarter of Section
Twenty-nine (29), Township One Hundred Fourteen (114), Range Nineteen
(19), according to the Government Survey thereof, Dakota County,
Minnesota.

(Torrens Property)

Parcel F -- PIN #120290004056

The East One Hundred Fifty feet (150') of the North One Hundred Ninety
feet (190') of the West Nine Hundred Two and seven-tenths feet (902.7') of
the South Six Hundred Sixty-five feet (665') of the Southwest Quarter of
Section Twenty-nine (29), Township One Hundred Fourteen (114), Range
Nineteen (19), Dakota County, Minnesota.

Parcel G – PIN #120290003056

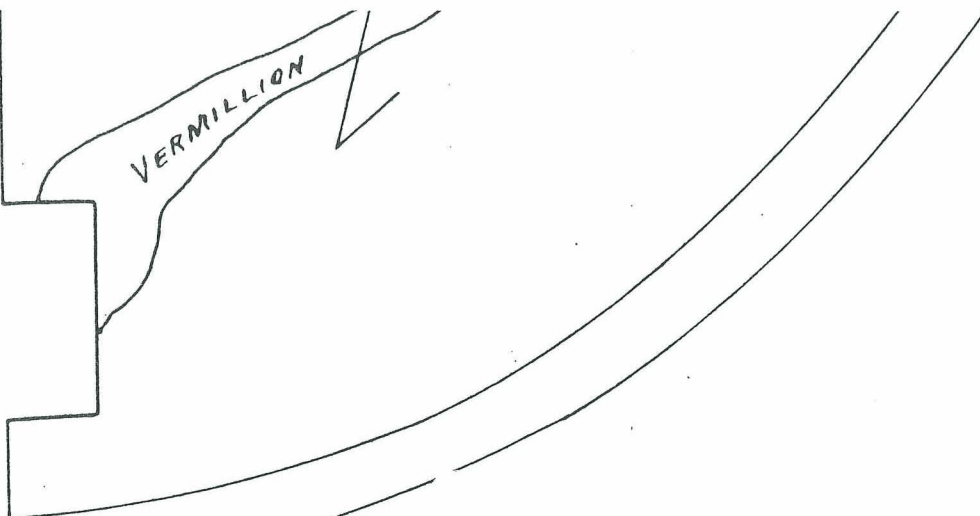
The West Eighty feet (80') of the East One Hundred Sixty feet (160') of the North One Hundred Ninety feet (190') of the West Ten Hundred Sixty-two and seven-tenths feet (1062.7') of the South Six Hundred Sixty-five feet (665') of the Southwest Quarter of Section Twenty-nine (29), Township One Hundred Fourteen (114), Range Nineteen (19), according to the Government Survey thereof, Dakota County, Minnesota.

(Torrens Property)

Parcel H – PIN #120290002056

The East 80 feet of the North 190 feet of the West 1062.7 feet of the South 665 feet of the South Half of the Southwest Quarter of Section Twenty-nine (29), Township One Hundred Fourteen (114), Range Nineteen (19), according to the Government Survey thereof, Dakota County, Minnesota.

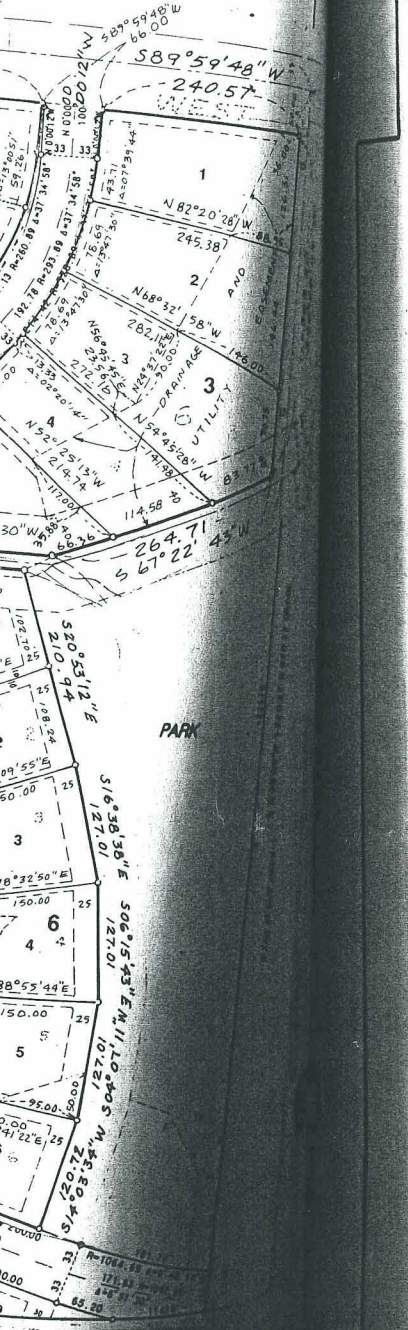
(Torrens Property)



80 Acres

4239
010-50

REC'D. BY OCT 20 2000
M.M.B.



16.5 Acres
4240
010-51

Plat no. C-3a
Corinthian
Cemetery
5.44 Acres
4243 1/2
010-52

Church of St. Michaels
10 Acres
4244
010-53

090-56 4243-H	4243-I 080-56 Edw. M. & Ruby A. Mayers 0.25 Ac. Paul E. & Lourine Nagy 0.25 Ac.	Leonard F. & Darline Hayes 0.25 Ac. Marvin & Agnes H. Madson 0.65 Ac. Edw. & Helen Stiffer 0.35 Ac. James J. & Beverly J. Randall 0.25 Ac.
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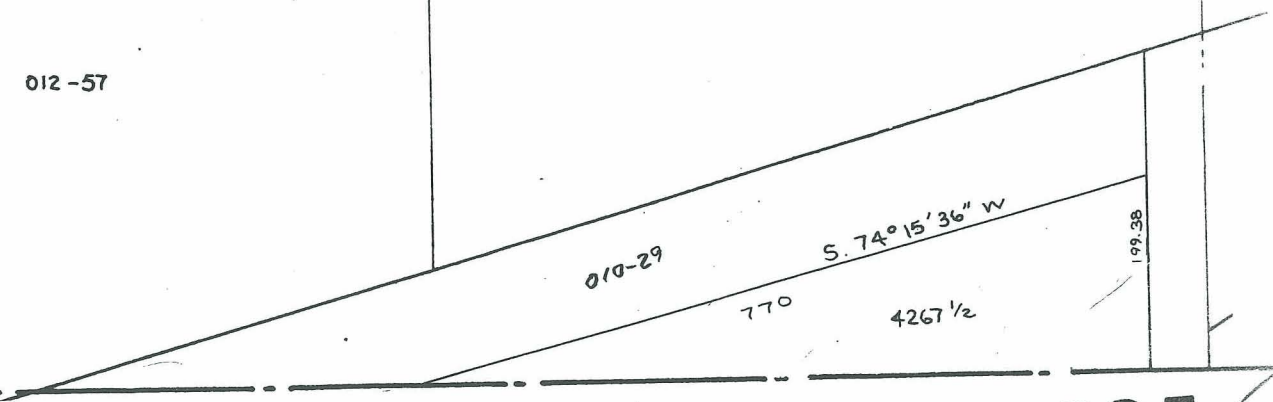
CORINTHIAN LODGE CEMETERY
ASSOCIATION
3 Ac.
4243-B
010-56

4243-L
100-56
4243-K
110-56

011-57

4243-A 012-57

EMPIRE TOWNSHIP
605 CITY OF FARMINGTON
3 Ac.
6644 1/2 E2
605



A/11/76