

CITY OF NORTHFIELD RESOLUTION NO. 2018-113

TOWNSHIP OF NORTHFIELD RESOLUTION NO. 2018-11-13

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARING**

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF NORTHFIELD AND THE
TOWNSHIP OF NORTHFIELD DESIGNATING
CERTAIN AREAS AS IN NEED OF ORDERLY
ANNEXATION PURSUANT TO MINNESOTA
STATUTES, SECTION 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, certain portions of the Spring Creek Road right-of-way have been previously annexed by agreement between the City of Northfield ("City") and Township of Northfield ("Township") for purposes of a future paving, upgrade and improvements project to said road; and

WHEREAS, the City has now determined to proceed in 2019 with the construction of such a project for upgrading certain portions of Spring Creek Road (the "road improvement project"), and the City and Township upon review of the same have determined that the prior right-of-way annexations did not include the entirety of the road right-of-way needed for such road improvement project to qualify for municipal state aid funding; and

WHEREAS, the City and Township agree and desire that the City now proceed with the road improvement project for upgrading certain portions of Spring Creek Road and that the additional right-of-way needed to upgrade and improve the portions of Spring Creek Road determined by the City should now be annexed in order that said road improvement project may proceed for the betterment of the community; and

WHEREAS, for ease of reference, the area of the Township designated for orderly annexation in accordance with this Joint Resolution is legally described in Exhibit A (hereinafter referred to as the "Subject Area"), which is attached hereto and incorporated herein by reference, and is shown in yellow on the schematic boundary map, Exhibit B, which is also attached hereto and incorporated herein by reference; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the Subject Area legally described in Exhibit A; and

WHEREAS, the City and Township agree that orderly annexation of the Subject Area is in the best interest of and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the City and Township agree that the Subject Area legally described in Exhibit A is in need of immediate orderly annexation; and

WHEREAS, the City and Township have previously entered into Resolution #2001-318 (OA 805), which is a Joint Resolution for Orderly Annexation between the City of Northfield and Northfield Township ("Resolution #2001-318 (OA 805)"); and

WHEREAS, Resolution #2001-318 (OA 805) previously designated the Subject Area as in need of orderly annexation and contains terms and conditions for the future annexation thereof; and

WHEREAS, the City and Township agree that those terms and conditions contained in Resolution #2001-318 (OA 805) should not apply to annexation of the Subject Area designated herein and instead the terms and conditions of this Joint Resolution should apply, and therefore, this Joint Resolution shall serve as an amendment to and supersede Resolution #2001-318 (OA 805), but only with respect to the Subject Area legally described and depicted herein, and that Resolution #2001-318 (OA 805) shall otherwise remain in full force and effect with respect to all other areas designated in Resolution #2001-318 (OA 805), except as otherwise provided herein; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the Subject Area without the need for any further hearing before the Office of Administrative Hearings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Northfield and the Board of Supervisors of the Township of Northfield as follows:

1. Designation of Subject Area. The Township and City hereby designate the Subject Area legally described in Exhibit A for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325.
2. Acreage of Subject Area. The Subject Area is approximately 3.99 acres.
3. Map of Subject Area. A schematic boundary map, showing the Subject Area highlighted in yellow thereon and legally described in Exhibit A, is attached hereto as Exhibit B and is hereby incorporated herein by reference.
4. Population of Subject Area. The population of the Subject Area is 0.
5. No Hearing Required/Review and Comment Jurisdiction Only. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit is necessary. Upon the execution and filing of this Joint Resolution, the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit may review and comment hereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Tax Reimbursement. Notwithstanding Resolution #2001-318 (OA 805), the Parties hereto agree that no tax reimbursement is required and that no tax reimbursement payments will be made by the City to the Township with respect to annexation of the Subject Area designated herein.
7. Notice of Intent Not Applicable. This Joint Resolution is not subject to the notice and publication requirements of Minn. Stat. § 414.0325, subd. 1b since the Subject Area was previously designated for orderly annexation in Resolution #2001-318 (OA 805).
8. Termination. This Joint Resolution shall remain in full force and effect until annexation of the Subject Area is ordered by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit.
9. Other Terms.
 - a. In accordance with paragraph 14 of Resolution #2001-318 (OA 805), the road improvement project shall be constructed as a 10 ton collector road capable of providing agricultural and other commercial traffic uses.
 - b. The City shall not assess under Minnesota Statutes, Chapter 429, those properties adjacent to the Subject Area for otherwise assessable costs of construction of the road improvement project.
 - c. The City shall be responsible, following annexation, for the maintenance of the annexed portions of Spring Creek Road, including bridges and culverts located therein.
 - d. Notwithstanding paragraphs 14-17 of Resolution #2001-318 (OA 805), the City and Township may enter into those contracts for maintenance work on an as needed basis for the future maintenance of Spring Creek Road upon those terms and conditions as the City and Township may agree in writing. For calendar year 2019, if the City requests in writing maintenance on the annexed portion of Spring Creek Road to be performed by the Township, the following rate schedule shall apply: 1) Mowing - \$100/hr; 2) Grading - \$150/hr; Snowplowing - \$125/hr; and Materials such as rock and chloride will be charged at cost plus

10%. For subsequent years, the rates will be reviewed and agreed upon in writing between the City and the Township on a yearly basis for maintenance work performed by the Township.

10. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
11. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
12. Entire Agreement. The terms, covenants, conditions and provisions of this Joint Resolution shall constitute the entire agreement between the Parties hereto with respect only to the Subject Area designated herein superseding all prior agreements and negotiations with respect to the Subject Area legally described and depicted herein only. Resolution #2001-318 (OA 805) shall otherwise remain in force and effect for the areas designated therein in accordance with its terms and conditions, except with respect to the Subject Area designated herein. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the Township and City.
13. Legal Description and Mapping. The Township and City agree, in the event there are errors, omissions or any other problems with the legal description provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit, to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit as necessary to make effective the annexation of the Subject Area in accordance with the terms of this Joint Resolution.
14. Notice. Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by U.S. mail, postage prepaid, as follows:

If to the City:	If to the Township:
City Clerk Northfield City Hall 801 Washington Street Northfield MN 55057	Township Clerk Northfield Township 10901 Jacobs Avenue Northfield MN 55057
15. Effective Date. This Joint Resolution shall be effective on the date that the last Party hereto signs and dates said document.
16. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit and pay the required filing fee.

Passed, adopted, and approved by the Township Board of Supervisors of the Township of Northfield, Rice County, Minnesota, this 13th day of November, 2018.

ATTEST:

TOWNSHIP OF NORTHFIELD

By: Diane M. Lyman
Diane Lyman, Township Clerk

By: Brian Peterson
Brian Peterson, Chair

Passed, adopted, and approved by the City Council of the City of Northfield, Rice County, Minnesota,
this 13th day of November, 2018.

ATTEST:

CITY OF NORTHFIELD

By: Deb Little
Deb Little, City Clerk

By: Rhonda Pownell
Rhonda Pownell, Mayor

EXHIBIT A
Legal Description

The East 7.00 feet of the West 40.00 feet of the Northwest Quarter of Section 8, Township 111 North, Range 19 West, Rice County, Minnesota,

TOGETHER WITH;

The West 40.00 feet of the North 341.40 feet of the Northwest Quarter of the Southwest Quarter of Section 8, Township 111 North, Range 19 West, Rice County, Minnesota,

TOGETHER WITH;

That part of the East 7.00 feet of the West 40.00 feet of the Southwest Quarter of Section 5, Township 111 North, Range 19 West, Rice County, Minnesota, lying south of Spring Creek,

TOGETHER WITH;

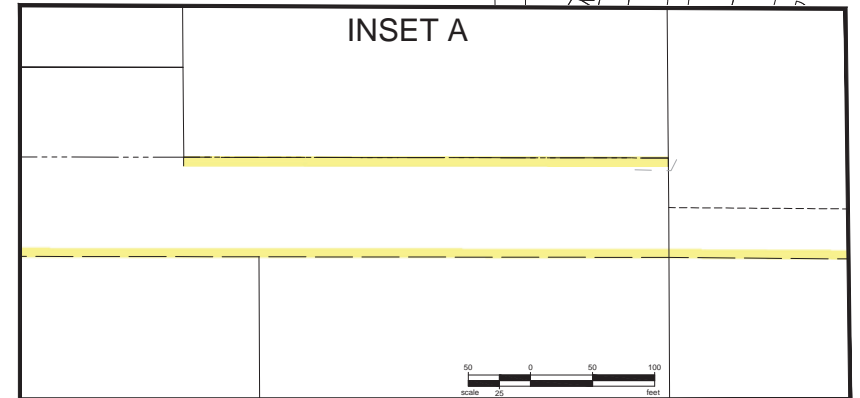
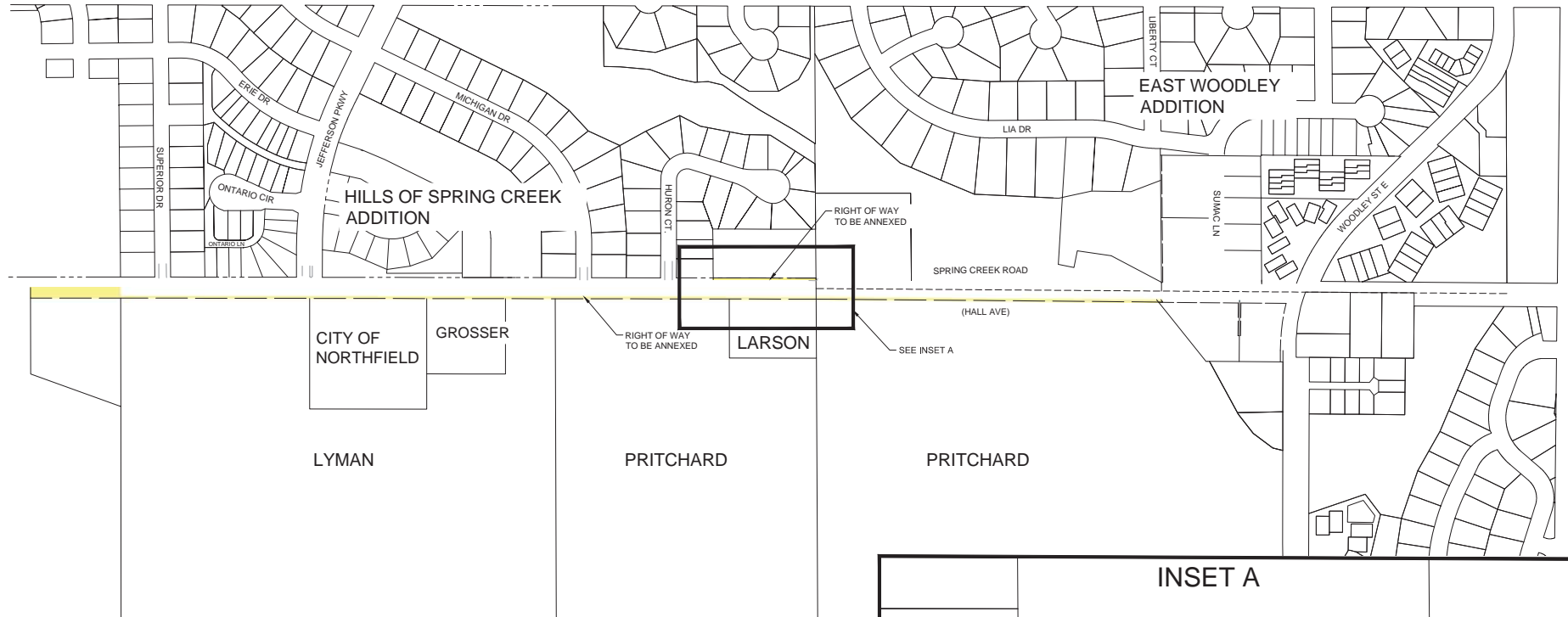
The West 7.00 feet of the East 40.00 feet of the North 390.00 feet of the Northeast Quarter of the Northeast Quarter of Section 7, Township 111 North, Range 19 West, Rice County, Minnesota.

EXHIBIT B
Boundary Map

The municipal boundary map referenced in the attached Joint Resolution, showing the current City of Northfield and its relation to the Subject Area to be annexed, legally described in Exhibit A, is attached hereto.



RIGHT OF WAY TO BE ANNEXED (1.04 ACRES)



PHONE: 952.912.2600
10901 RED CIRCLE DRIVE,
SUITE 300
MINNETONKA, MN 55343
www.sehinc.com



RECONSTRUCTION OF SPRING CREEK ROAD
RIGHT OF WAY ANNEXATION

FILE NO.
STR2018-A38

DATE:
1/2/2019