

Resolution No. 36-402

**RESOLUTION INITIATING IMMEDIATE ANNEXATION
OF THE "FCA MILL & SHOP" TRACT TO THE CITY OF JACKSON,
FOLLOWING AN AGREEMENT AND JOINT RESOLUTION
FOR ORDERLY ANNEXATION**

WHEREAS, Farmers Cooperative Association of Jackson, Sherburn, Spirit Lake, and Trimont, a cooperative association under the laws of Minnesota with offices at 105 Jackson Street, Jackson, Minnesota ("FCA"); the Board of Supervisors of the Township of Des Moines ("Township"), and the City Council of the City of Jackson ("City") heretofore entered into an agreement, (see copy attached as "EXHIBIT A") – and the Township and the City adopted and submitted to Minnesota Planning a "Joint Resolution" (see copy attached as "EXHIBIT B") – for the orderly annexation of certain real property in Jackson County, Minnesota, described as follows ("Annexation Area"):

That part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirteen (13) in Township One Hundred Two (102), North of Range Thirty-five (35), West of the Fifth Principal Meridian, described as follows: commencing at the southeast corner of said Section 13, running thence North 00°02'20" East, assumed bearing, 1,090.00 feet along the east line of said SE $\frac{1}{4}$ to a point 1,547.04 feet South of the northeast corner of said SE $\frac{1}{4}$; thence North 89°49'00" West (parallel with the north line of said SE $\frac{1}{4}$) 265.00 feet; thence South 00°02'20" West (parallel with the east line of said SE $\frac{1}{4}$) 440.00 feet; thence North 89°49'00" West (parallel with the north line of said SE $\frac{1}{4}$) 444.50 feet to a point on the northeasterly line of the Railroad property; thence Southwesterly at right angles to said northeasterly line 100.00 feet, more or less, to a point on the northeasterly line of "Railroad Street" as platted in Ashley and Moore's Second Addition to the Town (now City) of Jackson; thence Southeasterly along the northeasterly line of "Railroad Street" to its point of intersection with the south line of said SE $\frac{1}{4}$; thence South 89°37'41" East; assumed bearing, 300.12 feet, more or less, along the south line of said SE $\frac{1}{4}$ to the point of commencement;

and

WHEREAS, the agreement and joint resolution provide in relevant part [a] that at any time after April 1, 2002, either the Township or the City may adopt and submit a resolution initiating the immediate annexation of the Annexation Area, [b] that no alteration of the stated boundaries of the Annexation Area is appropriate, [c] that no conditions for the annexation are required, and [d] that no consideration by the Board is necessary,

Now, therefore, **BE IT RESOLVED** by the City Council of the City of Jackson, Minnesota, as follows:

1. The City hereby initiates the immediate annexation of the Annexation Area, pursuant to the agreement and joint resolution for orderly annexation.

2. As provided in the agreement and joint resolution,

- A. **No alteration of boundaries, conditions, or consideration.** No alteration of the stated boundaries of the Annexation Area is appropriate, no conditions for the annexation are required, and no consideration by the Board is necessary.
- B. **Differential taxation.** The tax rate of the City on the Annexation Area shall be increased from the Township rate in substantially equal proportions over four (4) years to equality with the tax rate on property already within the City.
- C. **Collection of property taxes.** Property taxes on the Annexation Area due and payable in 2002 shall be paid to the Township; property taxes payable thereafter shall be paid to the City; and the City shall not be required to make any reimbursement to the Township after the City can first levy on the Annexation Area.
- D. **Review and comment.** Pursuant to the Statute, the Board may review and comment, but within 30 days it shall order the annexation in accordance with the terms of this resolution and the Statute.
- E. **Initial land use/zoning.** Upon annexation to the City the Annexation Area shall be classified as a "General Industrial District - GI" under the City's zoning ordinance and on the City's zoning map, subject to amendment as provided by the ordinance.

Duly adopted by unanimous vote of the City Council of the City of Jackson, Minnesota, at its regular meeting held on April 16, 2002.

CITY OF JACKSON

By: _____

Gary Willink, Mayor

Attest:

Dean Albrecht
Dean Albrecht, City Administrator

Certified to be a true and correct copy of the original on file in the Jackson City Hall. WITNESS my hand and the seal of the City of Jackson this 9th day of May, 2002

Stewart L. Walker
City Clerk

AGREEMENT FOR ORDERLY ANNEXATION

THIS AGREEMENT is made by and between Farmers Cooperative Association of Jackson, Sherburn, Spirit Lake, and Trimont, a cooperative association under the laws of Minnesota with offices at 105 Jackson Street, Jackson, Minnesota ("FCA"); Township of Des Moines, Jackson County, Minnesota ("Township"), with mailing address c/o Mark Eggimann, Clerk, 76349 530th Avenue, Jackson, MN 56143; and City of Jackson, Minnesota ("City"), with offices at 80 West Ashley Street, Jackson, Minnesota.

Recitals

- A. Certain unincorporated land (hereinafter called "Annexation Area") in the Township abuts the corporate limits of the City on its north/northeast side.
- B. The Annexation Area is described as follows:

That part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirteen (13) in Township One Hundred Two (102), North of Range Thirty-five (35), West of the Fifth Principal Meridian, described as follows: commencing at the southeast corner of said Section 13, running thence North 00°02'20" East, assumed bearing, 1,090.00 feet along the east line of said SE $\frac{1}{4}$ to a point 1,547.04 feet South of the northeast corner of said SE $\frac{1}{4}$; thence North 89°49'00" West (parallel with the north line of said SE $\frac{1}{4}$) 265.00 feet; thence South 00°02'00" West (parallel with the east line of said SE $\frac{1}{4}$) 440.00 feet; thence North 89°49'00" West (parallel with the north line of said SE $\frac{1}{4}$) 444.50 feet to a point on the northeasterly line of the Railroad property; thence Southeasterly at right angles to said northeasterly line 100.00 feet, more or less, to a point on the northeasterly line of "Railroad Street" as platted in Ashley and Moore's Second Addition to the Town (now City) of Jackson; thence South 35°17'49" East, assumed bearing, along the northeasterly line of "Railroad Street" to its point of intersection with the south line of said SE $\frac{1}{4}$; thence South 89°37'41" East, assumed bearing, 300.12 feet, more or less, along the south line of said SE $\frac{1}{4}$ to the point of commencement;

subject to existing streets, roads, alleys, railroads, and easements.

- C. The Annexation Area comprises approximately 10 acres, more or less.
- D. FCA owns the entire Annexation Area except for or subject to any streets, roads, alleys, and railroads passing through or adjacent thereto.
- E. The Annexation Area is urban or suburban in character, and its use is "industrial".
- F. There are no households in the Annexation Area, and its population is "zero".
- G. The Annexation Area is part of the City's assigned territory for electric utility service, and there will be no change in electric utility service (including rate changes and assessments) resulting from this annexation.

Township Resolution No. 2001-02

City Resolution No. 79-101

**JOINT RESOLUTION OF THE CITY OF JACKSON AND THE
TOWNSHIP OF DES MOINES DESIGNATING CERTAIN
UNINCORPORATED LAND IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 13,
DES MOINES TOWNSHIP, JACKSON COUNTY, MINNESOTA, AS
BEING IN NEED OF ORDERLY ANNEXATION, CONFERRING
JURISDICTION, AND AGREEING TO ANNEXATION**

WHEREAS, the Board of Supervisors of the Township of Des Moines ("Township") and the City Council of the City of Jackson ("City"), both located in Jackson County, Minnesota, find:

- A. That certain unincorporated land (hereinafter called "Annexation Area") in the Township abuts the corporate limits of the City on its north/northeast side;
- B. That the Annexation Area is described as follows:

That part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirteen (13) in Township One Hundred Two (102), North of Range Thirty-five (35), West of the Fifth Principal Meridian, described as follows: commencing at the southeast corner of said Section 13, running thence North 00°02'20" East, assumed bearing, 1,090.00 feet along the east line of said SE $\frac{1}{4}$ to a point 1,547.04 feet South of the northeast corner of said SE $\frac{1}{4}$; thence North 89°49'00" West (parallel with the north line of said SE $\frac{1}{4}$) 265.00 feet; thence South 00°02'00" West (parallel with the east line of said SE $\frac{1}{4}$) 440.00 feet; thence North 89°49'00" West (parallel with the north line of said SE $\frac{1}{4}$) 444.50 feet to a point on the northeasterly line of the Railroad property; thence Southeasterly at right angles to said northeasterly line 100.00 feet, more or less, to a point on the northeasterly line of "Railroad Street" as platted in Ashley and Moore's Second Addition to the Town (now City) of Jackson; thence South 35°17'49" East, assumed bearing, along the northeasterly line of "Railroad Street" to its point of intersection with the south line of said SE $\frac{1}{4}$; thence South 89°37'41" East, assumed bearing, 300.12 feet, more or less, along the south line of said SE $\frac{1}{4}$ to the point of commencement;

subject to existing streets, roads, alleys, railroads, and easements.

- C. That the Annexation Area comprises approximately 10 acres, more or less;
- D. That FCA owns the entire Annexation Area except for or subject to any streets, roads, alleys, and railroads passing through or adjacent thereto;
- E. That the Annexation Area is urban or suburban in character, and its use is "industrial";
- F. That there are no households in the Annexation Area, and its population is "zero";

- G. That the Annexation Area is part of the City's assigned territory for electric utility service, and there will be no change in electric utility service (including rate changes and assessments)-resulting from this annexation;
- H. That the City's water and sanitary sewer services are immediately available to the Annexation Area, and the Annexation Area would benefit from immediate connection to the City's water and sanitary sewer services;
- I. That FCA has requested that the Annexation Area be annexed to the City; and
- I. That the Annexation Area is in need of orderly annexation,

Now, therefore, it is **JOINTLY RESOLVED AND AGREED** by the Board of Supervisors of the Township and the City Council of the City as follows:

1. **Designation for orderly annexation.** FCA, Township, and City do hereby [a] find that the Annexation Area (including all streets, roads, alleys, and railroads passing through or adjacent thereto) is properly subject to and in need of orderly annexation, and [2] designate the Annexation Area for orderly annexation under and pursuant to the Statute.
2. **Jurisdiction.** FCA, Township, and City shall and do hereby confer jurisdiction on the Minnesota Municipal Board ("Board") over annexations in the Annexation Area and over the various provisions in this agreement.
3. **No alteration of boundaries, conditions, or consideration.** No alteration of the stated boundaries of the Annexation Area is appropriate, no conditions for the annexation are required, and no consideration by the Board is necessary.
4. **Map.** City shall file with the Board a copy of the City's corporate boundary map and shall delineate the Annexation Area on that map.
5. **Differential taxation.** The tax rate of the City on the Annexation Area shall be increased from the Township rate in substantially equal proportions over four (4) years to equality with the tax rate on property already within the City.
6. **Collection of property taxes.** Property taxes on the Annexation Area due and payable in 2002 shall be paid to the Township; property taxes payable thereafter shall be paid to the City; and the City shall not be required to make any reimbursement to the Township after the City can first levy on the Annexation Area.
7. **Review and comment.** Pursuant to the Statute, the Board may review and comment, but within 30 days it shall order the annexation in accordance with the terms of this resolution and the Statute.
8. **Initial land use/zoning.** Upon annexation to the City the Annexation Area shall be classified as a "General Industrial District - GI" under the City's zoning ordinance and on the City's zoning map, subject to amendment as provided by the ordinance.
9. **Joint resolution.** At the earliest opportunity, Township and City shall adopt a "joint resolution" in the form attached hereto and made a part hereof as "EXHIBIT A".

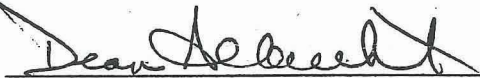
10. **Initiation.** At any time after April 1, 2002, either Township or City may adopt a resolution initiating annexation of the Annexation Area and may submit the resolution to the executive director charged with administering the affairs of the Board.

Duly adopted at a meeting of the City Council of the City of Jackson, Minnesota, held on November 7, 2001, and at a meeting of the Board of Supervisors of Des Moines Township, Jackson County, Minnesota, held on November 13, 2001.

CITY OF JACKSON, MINNESOTABy: 

Gary Willink, Mayor

Attest:



Dean Albrecht, City Administrator

TOWNSHIP OF DES MOINESBy: 

Mark Goede, Chairman

Attest:



Mark Eggimann, Clerk

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11. **Initiation.** At any time after April 1, 2002, either Township or City may adopt a resolution initiating annexation of the Annexation Area and may submit the resolution to the executive director charged with administering the affairs of the Board.
12. **Binding effect.** This agreement is binding upon FCA, Township, City, and their respective successors in interest.

Township of Des Moines

By: Mark Goede
Mark Goede, Chairman 11-13-01

and

By: Mark Eggmann
Mark Eggmann, Clerk 11-13-01

City of Jackson, Minnesota

By: Gary Willink
Gary Willink, Mayor

Attest:

Dean Albrecht
Dean Albrecht, City Administrator

**Farmers Cooperative Association of
Jackson, Sherburn, Spirit Lake and
Trimont**

By: Robert L. Neal
Robert L. Neal, President 10-23-01

and

By: Mark Holmberg
Mark Holmberg, Secretary 10-23-01

City of
Jackson



REC'D
M.M. 10/19/01

DEC 20 2001

Corporate Limits

approx.
10
acres

