

RESOLUTION NO. 39

TO THE OFFICE OF ADMINISTRATIVE HEARINGS  
MUNICIPAL BOUNDARY ADJUSTMENTS OFFICE  
A JOINT RESOLUTION  
OF THE CITY OF STEWARTVILLE AND THE TOWNSHIP OF HIGH FOREST  
AMENDING JOINT RESOLUTION FOR ORDERLY ANNEXATION

**Whereas**, the City of Stewartville (hereinafter the "City") and High Forest Township (hereinafter the "Township") entered into a Joint Resolution for Orderly Annexation dated by the Township on December 5, 2001, and dated by the City on December 11, 2001 (hereinafter referred to as the "Joint Resolution"), describing the procedures and process for orderly annexations of certain designated areas of the Township for Orderly Annexation (hereinafter referred to as the "OAA"), for the purpose of orderly, planned growth and annexation pursuant to Minnesota Statutes, section 414.0325; and

**Whereas**, the Joint Resolution was duly filed with the Office of Strategic and Long Range Planning; and

**Whereas**, said Joint Resolution is attached hereto and is incorporated herein by reference as Exhibit "1"; and

**Whereas**, said Joint Resolution provides that it shall expire five years from its effective date and said Resolution has been extended for two additional periods of five years each and said extended Joint Resolution is currently in effect and will continue to be in effect well into 2016. See Resolutions Extending Joint Resolution for Orderly Annexation which are attached hereto collectively as Exhibit "2"; and

**Whereas**, the City and the Township desire to modify and amend their Joint Resolution as provided herein in the best interests of the community and in keeping with the stated intent and purpose and mutual agreements and understandings contained in the Joint Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Board of Supervisors of the Township of High Forest, Olmsted County, Minnesota and the City Council of the City of Stewartville, Olmsted County, Minnesota, as follows:

1. This Resolution Amending Joint Resolution between the City and the Township shall modify and amend the above-referenced Joint Resolution as provided herein and shall be referred to as the "Amendment to Joint Resolution".

2. Pursuant to Minnesota Statutes 414.0325, the parties agree as follows:
  - a. That the following described property which constitutes a portion of the property described in Exhibit "C" to the original Joint Resolution shall forthwith be annexed to the City pursuant to this Amendment, to-wit:

PARCEL A

That part of the North 33 feet of the Northeast Quarter of the Southeast Quarter, Section 28, Township 105 North, Range 14 West, Olmsted County, Minnesota, lying EASTERLY of the east line of the following described parcel:

That part of the Northeast Quarter of the Southeast Quarter of Section 28, Township 105 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of said Southeast Quarter; thence westerly on a Minnesota State Plane Grid Azimuth from north of 269 degrees 33 minutes 55 seconds along the north line of said Southeast Quarter 927.52 feet to the point of beginning; thence continue westerly 269 degrees 33 minutes 55 seconds azimuth along said north line 200.00 feet; thence southerly 179 degrees 33 minutes 55 seconds azimuth 251.39 feet; thence easterly 89 degrees 33 minutes 55 seconds azimuth 200.00 feet; thence northerly 359 degrees 33 minutes 55 seconds azimuth 251.39 feet to the point of beginning.

The above PARCEL A contains 0.70 acres, more or less.

PARCEL B

That part of the North 33 feet of the Northeast Quarter of the Southeast Quarter, Section 28, Township 105 North, Range 14 West, Olmsted County, Minnesota, lying WESTERLY of the west line of the following described parcel:

That part of the Northeast Quarter of the Southeast Quarter of Section 28, Township 105 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of said Southeast Quarter; thence westerly on a Minnesota State Plane Grid Azimuth from north of 269 degrees 33 minutes 55 seconds along the north line of said Southeast Quarter 927.52 feet to the point of beginning; thence continue westerly 269 degrees 33 minutes 55 seconds azimuth along said north line 200.00 feet; thence southerly 179 degrees 33 minutes 55 seconds azimuth 251.39 feet; thence easterly 89 degrees 33 minutes 55 seconds azimuth 200.00 feet; thence northerly 359 degrees 33 minutes 55 seconds azimuth 251.39 feet to the point of beginning.

The above PARCEL B contains 0.14 acres, more or less.

- b. That attached to this Amendment to Joint Resolution as Exhibit "3" is a survey of Parcel "A" and Parcel "B" which said property shall be annexed to the City.
- c. The parties acknowledge that Parcel "A" and Parcel "B" described hereinabove constitute a portion of 20<sup>th</sup> Street Northwest which, prior to this Amendment to Joint Resolution was not previously within the city limits of the City of Stewartville.
3. This Amendment to Joint Resolution is not subject to the notice, publication and informational meeting requirements of Minnesota Statutes 414.0325, Subd. 1b or 414.0333 because Parcels "A" and "B" were designated in the original Joint Resolution as a part of the OAA. The parties further acknowledge that the annexation of Parcels "A" and "B" described hereinabove constitutes an annexation of property from within the previously designated OAA.
4. The City of Stewartville and High Forest Township agree to no reimbursement pursuant to Minnesota Statutes Section 414.036 for the annexed property.
5. That immediately upon the annexation of Parcels "A" and "B" described in Paragraph 2.a above, all right, title and interest of the Township in and to said parcels shall be transferred and conveyed to the City.
6. The City and the Township agree that all references contained in the original Joint Resolution to the Office of Strategic and Long Range Planning or to Minnesota Planning shall be changed to the Office of Administrative Hearings, Municipal Boundary Adjustments Office.
7. This Amendment to Joint Resolution shall hereby modify and amend the Joint Resolution. It is the intent of the parties hereto that this Amendment to Joint Resolution be read together with the Joint Resolution, but shall supersede the Joint Resolution to the extent that any term or condition in the Joint Resolution is inconsistent or in conflict with this Amendment to Joint Resolution. This Amendment to Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and the Township.
8. Following adoption and execution, the parties agree that the City will be responsible for filing this Amendment to Joint Resolution with OAH-MBAU and for paying any required filing fees.
9. This Amendment to Joint Resolution shall be effective the date of the last signature and attestation affixed hereto and following immediately upon its receipt and acceptance by the OAH-MBAU.

10. In accordance with Paragraph VII of the original Joint Resolution, the Office of Administrative Hearings may review and comment on this Amendment to Joint Resolution and the annexation described therein, but shall within thirty (30) days of receipt of this Amendment to Joint Resolution and a copy of the above-referenced Joint Resolution (attached to the Amendment to Joint Resolution as Exhibit "1") order the annexation of the Parcel "A" and Parcel "B" legally described in Paragraph 2 of the Amendment to Joint Resolution in accordance with the terms and conditions of the above-referenced Amendment to Joint Resolution. No alteration of the stated boundaries as described in this Amendment to Joint Resolution is appropriate, no consideration by the OAH is necessary, and all terms and conditions for the annexation of Parcel "A" and Parcel "B" have been met and are contained in the original Joint Resolution and the Amendment to Joint Resolution.



Approved by the Township of High Forest, this 6<sup>th</sup> day of October 2015.

TOWNSHIP OF HIGH FOREST

[Signature]  
Ken Oehlke, Township Board Chairperson

[Signature]  
Willie Dux, Township Board Clerk

WILLIAM H. DUX  
Clerk, High Forest Twnshp., Olmsted Co., Minnesota  
Notarial Officer (ex-officio notary public)  
My term is indeterminate

Approved by the City of Stewartville, this 27 day of October, 2015.

CITY OF STEWARTVILLE  
[Signature]  
Jimmie-John King, Mayor

ATTEST:  
[Signature]  
Bill Schimmell, Jr., City Administrator

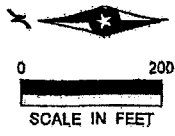
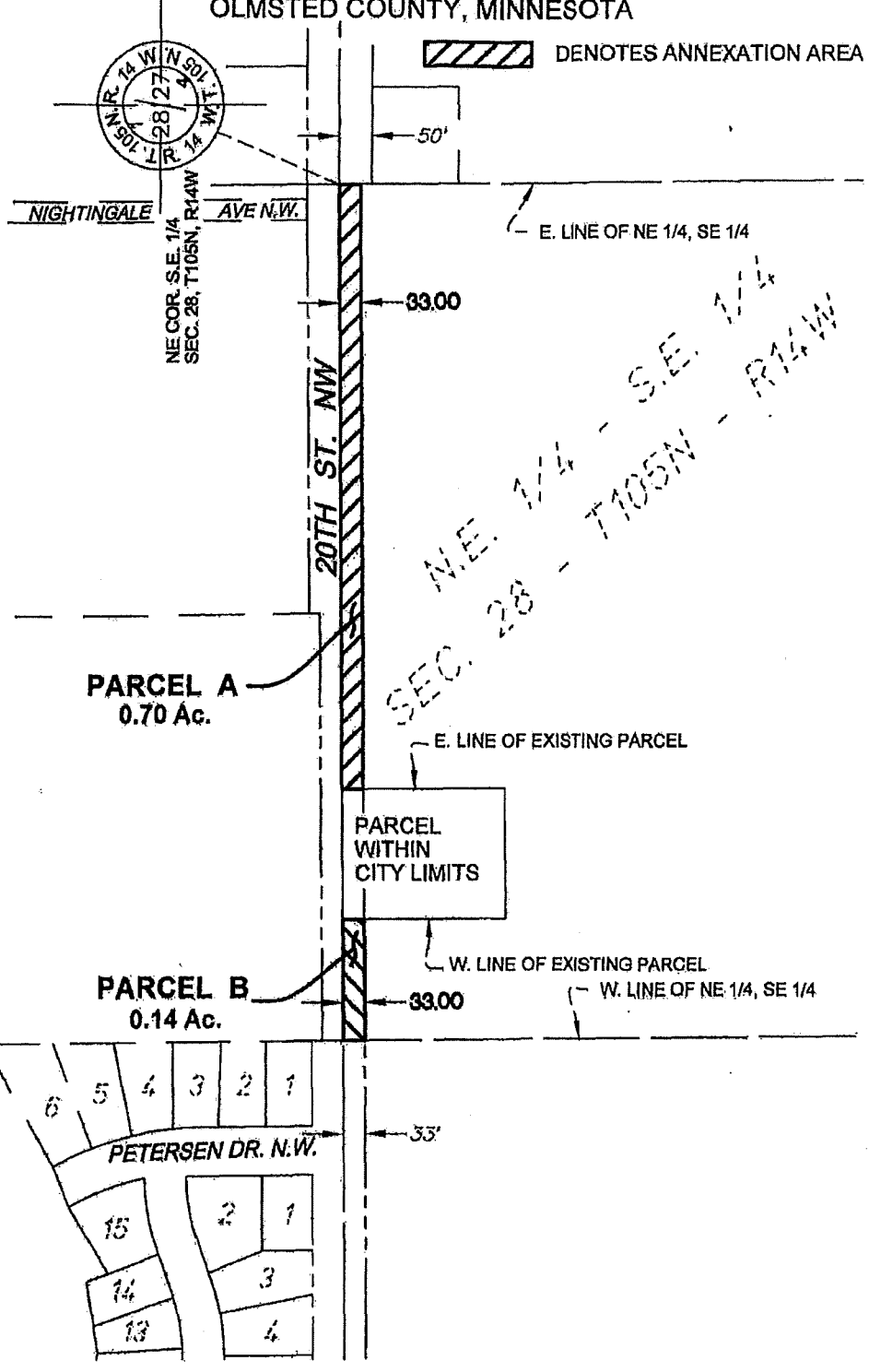


EXHIBIT B  
ANNEXATION AREA  
PART OF NE 1/4 OF SE 1/4  
SEC. 28, T105N, R14W  
OLMSTED COUNTY, MINNESOTA

DENOTES ANNEXATION AREA



PARTIAL SEVEN 1/2 30869 - survey\SE-CADVIS-dwg\212198E\AS22.dwg 8/7/2015 8:04 AM mboard

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Mark J. Haselius*  
Date: 08/07/2015  
Lic. No. 47034  
MARK J. HASELIUS, PLS

PHONE: 507.288.6464  
717 THIRD AVENUE SE  
ROCHESTER, MN 55904  
www.sehinc.com

FILE NO.	131966	DRAWN BY:	MJH
DATE	8-06-15	CHECKED BY:	DSR
REV.		SURVEYED BY:	SEH

NE 1/4 OF SE 1/4  
SEC. 28, T105N, R14W  
OLMSTED COUNTY  
MINNESOTA

FOR: CITY OF STEWARTVILLE  
ALPHA CODE: STEW

RESOLUTION NO. 05-01

TO THE OFFICE OF STRATEGIC AND LONG RANGE PLANNING  
A JOINT RESOLUTION  
OF THE CITY OF STEWARTVILLE AND THE TOWNSHIP OF HIGH FOREST  
DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY  
ANNEXATION AND CONFERRING JURISDICTION OVER  
SAID AREA UPON THE OFFICE OF STRATEGIC AND LONG RANGE PLANNING  
PURSUANT TO MINN. STAT. §414.0325  
AND THE TERMS OF THIS AGREEMENT.

**Whereas**, the City of Stewartville and the Township of High Forest desire to accommodate growth 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 orderly transition of government within the area proposed to be annexed, and provides the guidelines under which such annexation shall take place; and

**Whereas**, the Parties hereto desire to enter into a binding contract which encompasses the terms of this Joint Resolution;

**NOW THEREFORE BE IT RESOLVED** by the City of Stewartville (hereinafter referred to as "the City") and the Township of High Forest (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 conditions:

I. The property which is covered by this orderly annexation agreement is legally described as follows:

See Exhibits "A", "B" and "C" attached hereto and made a part hereof by reference.

II. The City and the Township hereby agree that the property described in Exhibit "A" shall be immediately annexed to the City.

III. Any General Development Plan presented to the City involving the property described in Exhibits "A" or "B" shall be provided to the Township within fourteen (14) days of the City's receipt of the General Development Plan.

IV. The parties agree that the property described in Exhibit "C" shall not be annexed to the City during the term of this Agreement unless the owner petitions for annexation and unless the parcel or parcels share a common boundary with the City at not less than one point.

V. The City may annex parcels of land contained within the property described in the attached Exhibit "B" if all the owners of said parcel or parcels of land request annexation and if said parcel or parcels share a common boundary with the City at not less than one point, except as provided in Section VI. The procedures set forth in Sections XV and XVI shall be followed if the City annexes property included within Exhibit "B."

VI. No part of the property described in Exhibit "B" may be annexed to the City unless all the landowners owning the land in the area to be annexed request annexation. All land to be annexed shall be reasonably compact in size and, after the annexation, should not isolate other parcels of land. Notwithstanding any other provisions of the Agreement, however, nothing herein shall prevent the City from annexing any property pursuant to Minn. Stat. §414.033, Subd. 2(2), which specifically allows the annexation by ordinance of land that is completely surrounded by land within the municipal limits. In addition, nothing herein shall prevent the City from annexing property owned by the State of Minnesota or the United States of America, pursuant to Minn. Stat. §414.033. In addition, any parcels of land that are located within the Township that are owned by the City on or before the date of this Agreement may be annexed to the City pursuant to Minn. Stat. §414.033. Nothing herein shall prevent the City from annexing any property pursuant to Minn. Stat. §414.033, Subd. 3.

VII. Minnesota Planning Jurisdiction. That upon approval by the parties, this Agreement shall confer jurisdiction upon Minnesota Planning so as to accomplish said orderly annexation in accordance with the terms of this Agreement.

Review and Comment by Minnesota Planning. The City and Township mutually state that this Agreement sets forth all of the conditions for annexation of the area designated herein for orderly annexation to Stewartville and that no consideration by Minnesota Planning is necessary. Minnesota Planning may review and comment, but shall, within thirty (30) days, order annexation in accordance with the terms and conditions of this Agreement.

VIII. All annexation within the property shall be consistent with the City's policies concerning the extension of municipal utilities.

IX. The City must construct and provide water, sanitary sewer, storm sewer and street 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.

X. For each annexation that occurs under this Agreement, the electric utility service notice as required by Minn. Stat. §414.0325, Subd. 1a, must be satisfied.

XI. The parties agree to the following division of tax revenues and payment of special assessments for local improvements to the property:

A. Property Taxes: Property taxes payable on the annexed land shall continue to be paid to the Township for the year in which the annexation becomes effective. Thereafter, property taxes on the annexed land shall be paid to the City. However, the City shall make cash payment to the Township according to the following schedule:

Year 1 -- 100% of property taxes paid in year annexed  
Year 2 -- 100% of property taxes paid in year annexed  
Year 3 -- 100% of property taxes paid in year annexed  
Year 4 -- 100% of property taxes paid in year annexed  
Year 5 -- 100% of property taxes paid in year annexed  
Year 6 -- 90% of property taxes paid in year annexed

Year 7 -- 70% of property taxes paid in year annexed  
Year 8 -- 50% of property taxes paid in year annexed  
Year 9 -- 30% of property taxes paid in year annexed  
Year 10 -- 10% of property taxes paid in year annexed

Any tax payments due to the Township pursuant to this section shall be paid within thirty (30) days of receipt by the City of the tax distribution from Olmsted County.

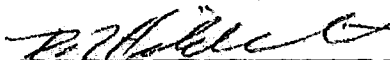
- B. Utility and Street Assessments: When properties are located outside the corporate City limits of the City and City sewer, water and street improvements benefit the property, the property owner shall be charged Development Charges and special Connection Charges equal to the cost of the improvements plus interest at a rate equal to the interest rate on the City's bonded indebtedness for the project. If and when the City pays the bonded indebtedness on the project in full, no further interest shall be charged. The Development Charges shall be payable when the property has been annexed to the City and a final plat for the development of any portion of the owner's property is approved.
- C. The City guarantees payment in full pursuant to the above formula within a maximum of 6 years from the date hereof. The City shall have the right to prepay its obligation set forth in paragraph A above at any time.
- XII. The Township and the City shall enter into agreements providing the equitable division of the costs and responsibilities to be borne by each for the maintenance of roads adjoined by both parties. In the event that an equitable agreement cannot be reached, either the Township or the City may petition the County to resolve the matter as per Minn. Stat. §164.14, Subd. 4. When deemed necessary, the services of the County Engineer may be used.
- XIII. This Agreement will go into effect on the date that the Orderly Annexation Agreement is approved by the Office of Strategic and Long Range Planning. Each subsequent annexation within the Property designated by this Agreement must be submitted to the Office of Strategic and Long Range Planning.
- XIV. This Agreement shall expire five years from its effective date, subject to an automatic extension for an additional five years upon written 60-day notice by either party, and provided that nothing herein shall prevent the City and the Township from amending this Agreement during its term.
- XV. If the City intends to annex a parcel of property included in Exhibit "B," the City shall submit to the Township the following:
- A. The legal description of the property to be annexed and a map of the property to be annexed.
- B. Description of the proposed use of said property.
- C. A General Development Plan for the parcel to be annexed.



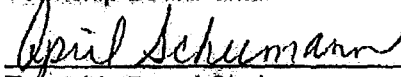
- XVI. If the property owner petitions for the annexation of a parcel of land described in paragraph XV above, the City and the Township shall do the following:
- A. Within ten (10) days of the receipt by the City of a Petition for Annexation, the City shall forward a copy of same to the Township.
  - B. The City shall schedule a Public Hearing and notify all contiguous property owners and the Township of said Public Hearing.
  - C. Within forty (40) days of the receipt by the Township of the Petition for Annexation, the Township shall provide its written comments, if any, to the City.
  - D. If the City adopts a Resolution approving the annexation, the City shall provide a copy of said Resolution to the Township within five (5) business days.
- XVII. This Resolution shall be a binding contract upon the parties herein, and may be enforced in either Law or Equity, notwithstanding future amendments in Minnesota Statutes, except as specifically provided otherwise in this Agreement.

Approved by the Township of High Forest, this 5 day of December, 2001.

TOWNSHIP OF HIGH FOREST

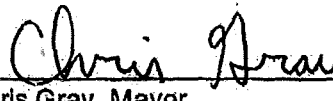


Township Board Chair



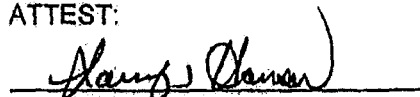
Township Board Clerk

Approved by the City of Stewartville, this 11 day of December, 2001.



Chris Gray, Mayor

ATTEST:



Larry D. Hansen  
City Administrator

## EXHIBIT A

July 10, 2001  
YCA #7555 sd01.doc  
FJG

## DESCRIPTION

That part of the Southwest Quarter of Section 2, Township 104 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Beginning at the northeast corner of said Southwest Quarter; thence westerly on a Minnesota State Plane Grid Azimuth from north 269 degrees 54 minutes 43 seconds along the northerly line of said Southwest Quarter and the southerly lines of Radcliffe Third Subdivision, Radcliffe Second Subdivision, and Bucknell First Subdivision, according to the plats thereof on file at the County Recorder's office, Olmsted County, Minnesota, 1719.17 feet; thence southerly 179 degrees 54 minutes 46 seconds azimuth 1291.99 feet; thence easterly 89 degrees 54 minutes 46 seconds azimuth 1767.34 feet to the east line of said Southwest Quarter; thence northerly 357 degrees 46 minutes 40 seconds azimuth along said east line 1292.91 feet to the point of beginning.

Said tract contains 51.71 acres, more or less.

REC'D BY  
MBA

NOV 16 2015

**EXHIBIT B**

Parcel 1

That part of the NW quarter of the NE quarter of section 28 Township 105 North,  
Range 14 West lying South-Easterly of the Interstate 90 ROW

Parcel 2

That part of the SW quarter of Section 35 Township 105 North, Range 14 West not  
already contained within the city limits of Stewartville.

**ANNEXATION DESCRIPTION  
EXHIBIT C**

The following property contained in High Forest Township, Township 105 North, Range 14 West, Olmsted County, Minnesota:

That part of Section 21 lying southeast of Interstate 90;

That part of Section 22 lying southeast of Interstate 90;

The Southwest Quarter of Section 23 and the West Half of the Southeast Quarter of Section 23;

That part of Section 28 lying southeast of Interstate 90;

Section 27;

The West Half of Section 26 and the West Half of the East Half of Section 26;

Section 33;

Section 34;

The West Half of Section 35;

Along with the following property in High Forest Township, Township 104 North, Range 14 West, Olmsted County, Minnesota:

The East Half of the Northeast Quarter of the Northeast Quarter of Section 3; and

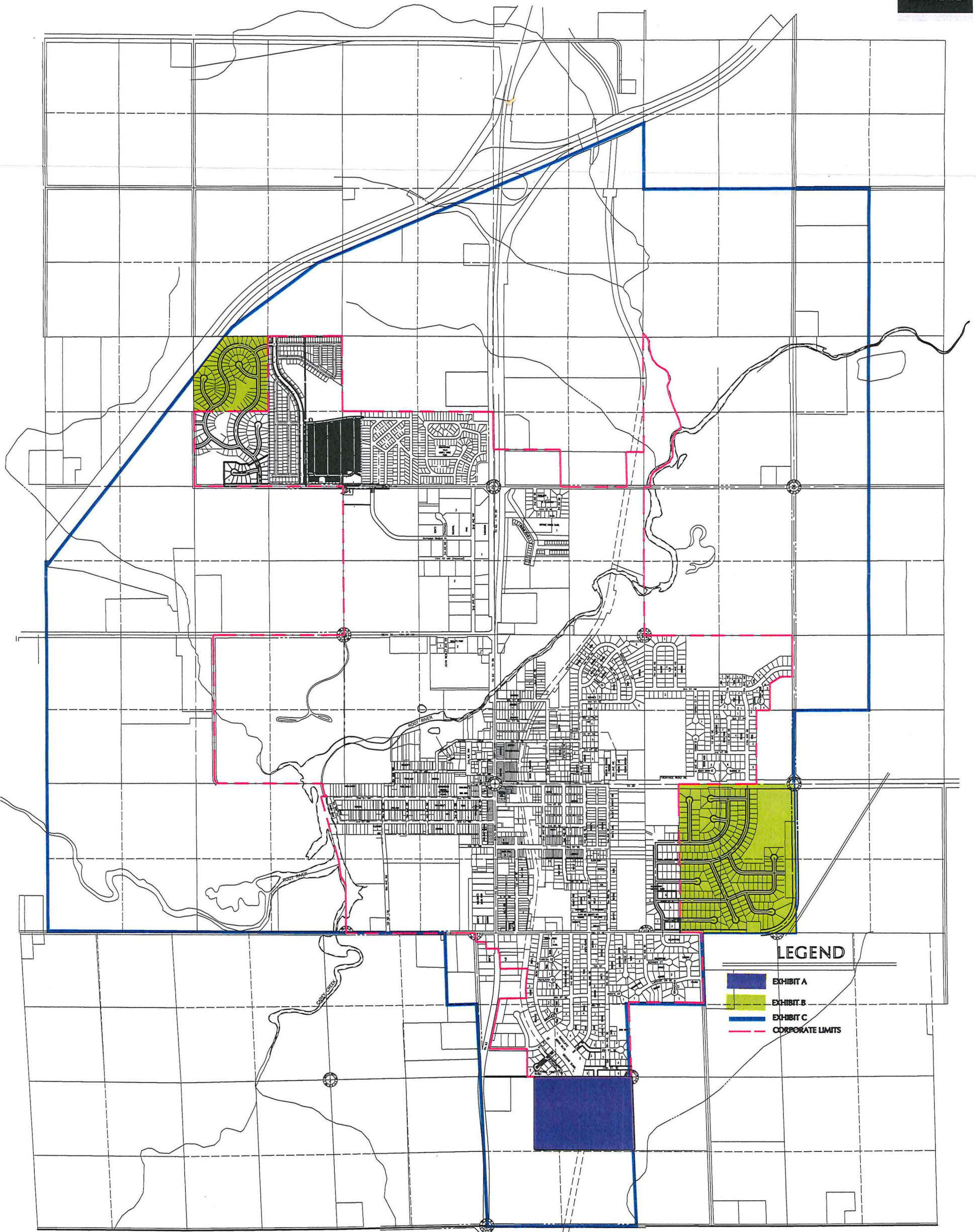
The West Half of Section 2.

Applies to all portions not already contained within present city limits.





# CITY OF STEWARTVILLE, MINNESOTA ANNEXATION AGREEMENT

REC'D BY  
MBA

NOV 16 2015



## LEGEND

-  EXHIBIT A
-  EXHIBIT B
-  EXHIBIT C
-  CORPORATE LIMITS

**RESOLUTION EXTENDING THE JOINT RESOLUTION FOR ORDERLY ANNEXATION  
BETWEEN THE CITY OF STEWARTVILLE AND HIGH FOREST TOWNSHIP**

**WHEREAS**, it was the desire of the City of Stewartville and High Forest Township to accommodate growth in the most orderly fashion and;

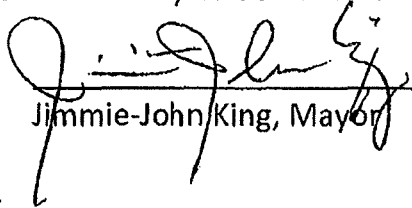
**WHEREAS**, a joint orderly annexation agreement between the parties hereto is beneficial to both parties from the standpoint of orderly planning and orderly transition of government within the area proposed to be annexed, and provides the guidelines under which such annexation shall take place and;

**WHEREAS**, the City of Stewartville and High Forest Township entered into an orderly annexation agreement on December 11, 2001;


**WHEREAS**, Section 14 of the Orderly Annexation Agreement provides for an extension of the contract for five years;

**NOW THEREFORE BE IT RESOLVED**, that the City of Stewartville and High Forest Township have agreed to a five year orderly annexation extension.

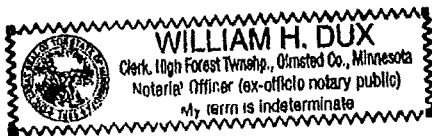
Adopted by the City Council of Stewartville this 25<sup>th</sup> day of October 2011.

  
\_\_\_\_\_  
Jimmie-John King, Mayor

ATTEST:

  
\_\_\_\_\_  
William H. Schimmel, Jr – City Administrator

Adopted by the High Forest Township this 1<sup>st</sup> day of Nov., 2011.



  
\_\_\_\_\_  
Ken Oehlke, Chairman

ATTEST:

  
\_\_\_\_\_  
William Dux, Clerk

RESOLUTION 2006 - 34

**RESOLUTION EXTENDING THE JOINT RESOLUTION FOR ORDERLY ANNEXTION  
BETWEEN THE CITY OF STEWARTVILLE AND HIGH FOREST TOWNSHIP.**

Whereas, it was the desire of the City of Stewartville and High Forest Township to accommodate growth in the most orderly fashion and ;

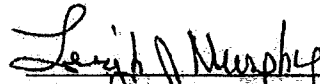
Whereas, a joint orderly annexation agreement between the parties hereto is beneficial to both parties from the standpoint of orderly planning and orderly transition of government within the area proposed to be annexed, and provides the guidelines under which such annexation shall take place and;

Whereas, the City of Stewartville and High Forest Township entered into an orderly annexation agreement on December 11, 2001

Whereas, Section 14 of the Orderly Annexation Agreement provides for an extension of the contract for five years;

Now Therefore Be It Resolved, that the City of Stewartville and High Forest Township have agreed to a five year orderly annexation extension.

Adopted by the City Council of Stewartville this 10<sup>th</sup> day of October, 2006.

  
Leigh J. Murphy, Mayor

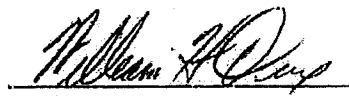
ATTEST:

  
Cheryl Roeder, Planning Coordinator

Adopted by the High Forest Township this 6<sup>th</sup> day of November, 2006.

ATTEST:

  
Ken Oehlke, Chairman

  
William Dux, Clerk