

Minnesota Planning Docket No. _____
City of Montrose Resolution No. 2002-11
Town of Marysville Resolution No. _____

**JOINT RESOLUTION AS TO ORDERLY ANNEXATION
BY AND BETWEEN THE CITY OF MONTROSE AND
THE TOWN OF MARYSVILLE**

WHEREAS, The City of Montrose has entered into a developer's agreement with Trison Development, Inc. to develop some property which borders Marysville Township and as a condition of City of Montrose approval of this project, the developer has agreed to provide bituminous surfacing for 55th Street SW (also known as 3rd Street North) between the eastern boundary of the plat of Pheasant Hills to County Road 12 (also known as Buffalo Avenue North).

WHEREAS, Trison Development, Inc. has agreed to be solely responsible for the costs of paving 55th Street SW to both City and Township road specifications; and

WHEREAS, 55th Street SW is a shared road between the City of Montrose and Marysville Township; and

WHEREAS, the City of Montrose and Marysville Township have reached an agreement which is in the best interests of both citizens of the City and of the Town that the City of Montrose shall annex to the City that portion of 55th Street SW that is to be improved by Trison Development, Inc.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF
THE CITY OF MONTROSE AND THE BOARD OF SUPERVISORS OF
THE TOWN OF MARYSVILLE, WRIGHT COUNTY, MINNESOTA:**

1. That the City of Montrose has the Township's permission to have Trison Development, Inc. immediately begin paving the relevant portion of 55th Street SW to both City of Montrose and Marysville Township road specifications. Specifically, that at the point of transition from the black top to gravel portion of the subject roadway the Developer shall place gravel at a higher level than the level of the paved surface of the roadway;
2. That the City of Montrose shall construct and maintain said relevant portion of 55th Street SW (as legally described below) to the whole width thereof, including the cost of constructing and maintaining any and all bridges, culverts, and conduits for natural waterways or existing drainage ditches,

including the cost of constructing and maintaining bridges, culverts and conduits as may be made necessary by the subject improvement to the roadway and/or construction of a drainage ditch or by the changing, widening or alteration of any drainage ditch, or by the altering or changing of any water course on said portion of the roadway described below in the future.

3. That the City of Montrose agrees to allow field entrances that currently exist on the roadway to remain and further agrees not to prohibit farm equipment from utilizing the subject roadway.
4. That the City of Montrose agrees that should the number of vehicles using 55th Street SW substantially increase from the traffic count dated January 2002, attached hereto as Exhibit A, due to either the development of the lands along the subject roadway or the paving of the roadway, that the City agrees to contribute money to maintain the gravel portion of the roadway.
5. That the City of Montrose shall to hold Marysville Township and its officers and employees harmless from any and all claims made by third parties for damages sustained or costs incurred resulting from said roadway legally described below.
6. That the City of Montrose shall indemnify Marysville Township and its officers and employees for all costs, damages or expenses which they or the Township may pay or incur in consequence of such claims, including attorney's fees.
7. That the following roadway legally described below is properly subject to orderly annexation under and pursuant to Minnesota Statute 414.0325, and the parties do hereby designate this area for orderly annexation as provided by statute:

That part of the Northwest Quarter of Section 36, Township 119 North, Range 26 West of the 5th Principal Meridian, Wright County, Minnesota, described as follows:

The South 33.00 feet of the Northwest Quarter of Section 36, Township 119 North, Range 26 West.

8. That upon approval by the parties, this agreement shall confer jurisdiction upon the Office of Strategic and Long-Range Planning (successor to the Minnesota Municipal Board pursuant to Minn. Stat. § 414.11, hereinafter the

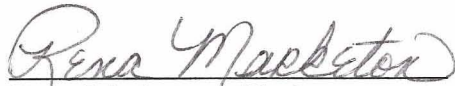
"Board") so as to accomplish said orderly annexation of said roadway in accordance with the terms of this agreement.

9. The City of Montrose and Marysville Township mutually state that no alteration by the Board of the boundaries of the area designated herein for orderly annexation is appropriate.
10. The City of Montrose and Marysville Township mutually state that this resolution sets forth all of the conditions for annexation of the area designated herein for orderly annexation and that no consideration by the Board is necessary, the Board may review and comment, but shall, within (30) days, order annexation as provided herein.
11. The appropriate officers of the City of Montrose and Marysville Township are hereby authorized to carry the terms of this Joint Resolution and Agreement into effect.
12. This Joint Resolution and Agreement is effective upon its adoption by the representative governing bodies of the City of Montrose and Marysville Township, as provided by law.

Adopted by the Town Board of Supervisors for the Town of Marysville the 28th
day of May, 2002.

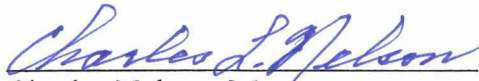


Augie Riebel, Chairman



Rena Marketon, Clerk

Adopted by the City Council for the City of Montrose the 10 day of
June, 2002.



Charles Nelson, Mayor

REC'D BY
M M B

JUN 20 2002

Attest:

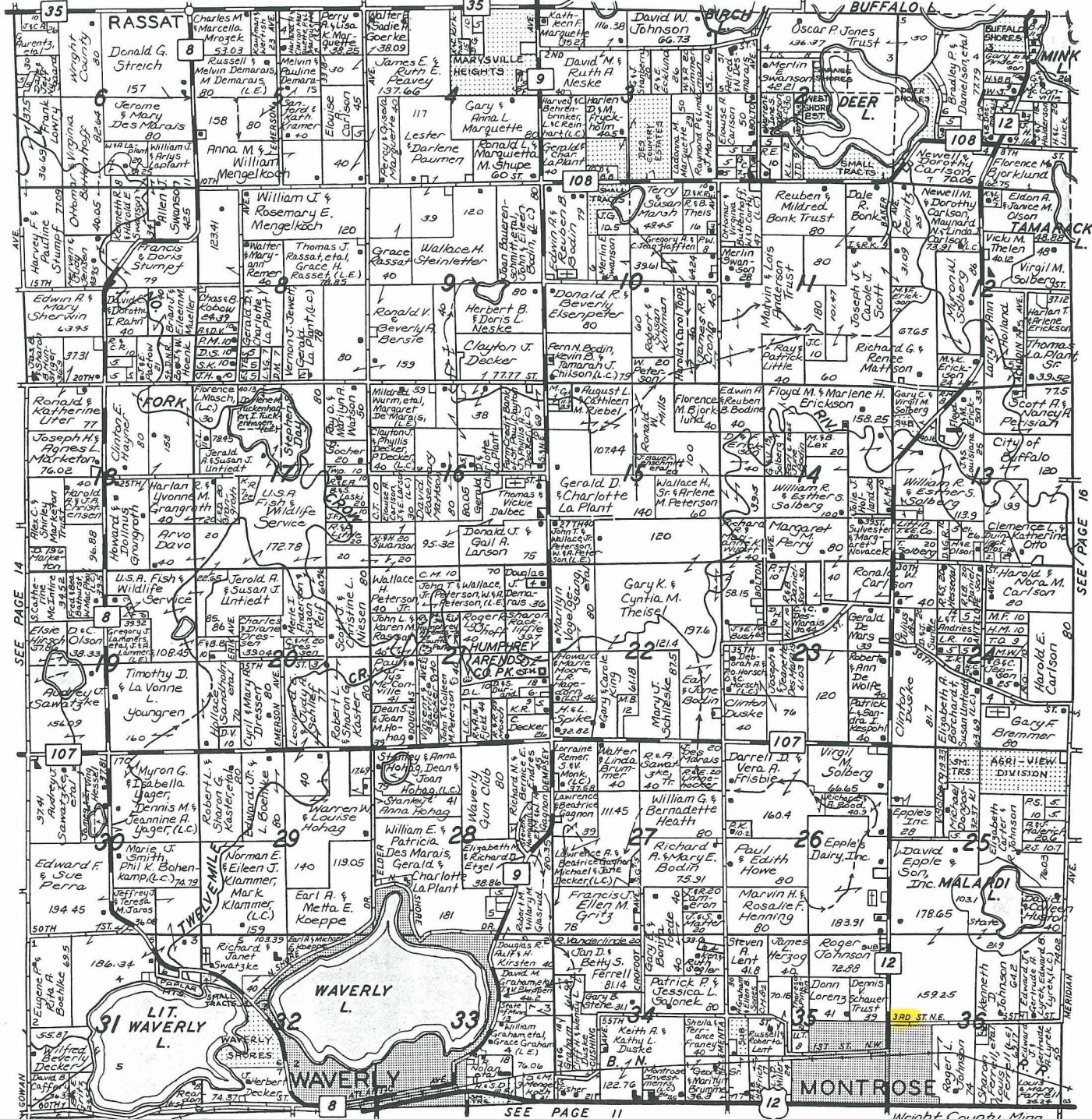


Barbara Swanson, City Administrator

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MARYSVILLE T. 119 N. - R. 26 W.

SEE PAGE 20



SEE PAGE 11

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Wright County, Minn.

REC'D BY MMB JUN 20 2002