

ALEXANDRIA TOWNSHIP RESOLUTION NO. 02-16
CITY OF ALEXANDRIA RESOLUTION NO. 02-104

STATE OF MINNESOTA

REC'D BY
MMB

NOV 25 2002

OFFICE OF STRATEGIC AND LONG-RANGE PLANNING

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

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, the City of Alexandria ("City") and the Township of Alexandria ("Township") desire to enter into an Agreement for the orderly annexation of certain property, legally described herein, pursuant to Minnesota Statutes, Section § 414.0325, and

WHEREAS, the City and the Township are in agreement as to the procedures and process for orderly annexation of certain lands described herein for the purpose of orderly, planned growth; and

WHEREAS, it is in the best interest of the City, the Township and their respective residents to agree to orderly annexation in furtherance of orderly growth and the protection of the public health, safety and welfare; and

WHEREAS, the City and the Township desire to establish a joint planning board to administer planning regulations within the Orderly Annexation Area, (OAA) legally described herein; and

WHEREAS, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Joint Resolution for Orderly Annexation ("Joint Resolution"); and

WHEREAS, the City and Township desire to accomplish the orderly annexation of the areas described herein in accordance with the process established in this Joint Resolution and without the need for further hearings;

NOW, THEREFORE, BE IT RESOLVED by the City of Alexandria, Douglas County, Minnesota, and the Township of Alexandria, Douglas County, Minnesota, as follows:

1. Upon approval by the respective governing bodies of the City and the Township, the City shall file this Joint Resolution with Minnesota Planning.
2. The City and Township agree that this Joint Resolution provides for the joint exercise by the City and Township of their respective planning and land use control authority pursuant to Minnesota Statutes § 471.59 and Minnesota Statutes § 414.0325 (Subd. 5).
3. The following described lands will hereinafter be described as the Orderly Annexation Area ("OAA") and said property is properly subject to orderly annexation pursuant to Minnesota Statute § 414.0325, Subdivision 1. The parties hereto do hereby designate the following area as in need of orderly annexation as provided by statute; this area is legally described as follows, to wit:

Sections 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 28, 29, 32 and 33, in the Township of Alexandria, (Township 128, Range 37) Douglas County, State of Minnesota within the Chain of Lakes Area as shown per Exhibit A which is a map showing the OAA and its relationship to the City. Exhibit A is hereby made a part hereof and incorporated herein by reference.

4. All properties within the OAA shall remain in the Township until annexed to the City in accordance with the terms of this Joint Resolution.
5. Tax levy phase-in: The City and Township state that the difference in City/Township tax rate to the owners of property annexed shall be equalized proportionally over a period of four years following its annexation to the City.
6. Property lying within the OAA shall be annexed by the City in accordance with the procedures outlined in this Paragraph:
 - A. Annexation - All the area within the OAA designated in Paragraph 3 is to be annexed over a period of twelve (12) years. The Township and City agree that phasing the growth envisioned for the orderly annexation area designated herein would benefit the City by reducing the financial risk of extending core facilities into the Orderly Annexation Area by extending such facilities gradually rather than at one time. This would also allow for the burden imposed by the growth to be gradually borne by the City so that the level of services needed by the new development could be supplied on a gradual and phased basis. The Township has agreed that a phased development and orderly annexation plan as envisioned by the Joint Resolution would benefit the Township by

phasing the impact of lost tax base on the remaining Township government and easing financial and lifestyle burdens that an immediate annexation of the entire area could impose on Township residents. For the purposes of this Joint Resolution, the Orderly Annexation Area will be divided into four (4) phases described as follows (the phases designated below are shown on the map attached hereto as Exhibit A):

Phase I: Sections 16, 17, and 18.

Phase II: Sections 20, 21, 28, 29, 32 and 33.

Phase III: Sections 6 and 7.

Phase IV: Sections 5, 8 and 9.

B. Timing of Annexation of Phases.

1. Phase I property is hereby designated for immediate annexation and will be annexed to the City after the execution of this Joint Resolution. Pursuant to Minnesota Statutes, Section 414.0325, the City and the Township state that no consideration by Minnesota Planning is necessary, no alteration of the boundaries of Phase I is appropriate and that all conditions of annexation of Phase I have been provided for in this Joint Resolution. Minnesota Planning may review and comment only, and within thirty (30) days of receipt of this Joint Resolution, shall order the annexation of Phase I in accordance with the terms and conditions contained in this Joint Resolution.
 2. Phase II property may be annexed pursuant to Paragraph 13 herein by the City filing an Annexation Resolution with Minnesota Planning (or its successor agency) at any time after January 1, 2006.
 3. Phase III property may be annexed pursuant to Paragraph 13 herein by the City filing an Annexation Resolution with Minnesota Planning (or its successor agency) at any time after January 1, 2009.
 4. Phase IV property may be annexed pursuant to Paragraph 12 herein by the City filing an Annexation Resolution with Minnesota Planning (or its successor agency) at any time after January 1, 2012.
 5. As an exception to the Phasing Schedule described in Paragraph 6.B (above), the City may annex property, pursuant to Paragraph 13 herein, by Annexation Resolution, prior to the date described in Phases II, III or IV: 1.) If the property abuts the City and is completely surrounded by property within the City borders, or, 2.) Even if the property does not abut the City, if the property contains a private primary well that is contaminated, or, 3.) Even if the property does not abut the City, if the property is owned by the City.
7. The City and Township may mutually waive the orderly time schedule set forth by this Joint Resolution via a separate joint resolution.
 8. The City will not annex, attempt to annex, or support the annexation of any land lying within Alexandria Township, outside of the OAA while this Joint Resolution is in force. In the event the City violates this provision, the City shall pay the Township all taxes collected from said lands annexed from outside the OAA without the Township's written consent for the duration of this Joint Resolution.
 9. For each phase of annexation, all property taxes payable in the first year of annexation of that phase will go to the Township. The City and Township agree that the City will pay the Township an amount equal to 100% of the Township property taxes in the year of annexation collected from the annexed property in the calendar year following the annexation. In each of the five succeeding years, the City shall pay the Township an amount equal to 50% of the City-portion of taxes in the year of annexation collected from said property. Such tax reimbursement will cease after the end of the sixth calendar year following annexation.
 10. The City and Township state that any assessments for public improvements benefiting the annexed property which are still due the Township will be collected by the City under its normal assessment procedure and such payments will be returned to the Township until said assessments are paid. The Township agrees to provide the City such information as necessary to affect this action.
 11. The City and Township state that the following municipal services shall be provided to substantially all property annexed under this Agreement, on the following schedule:
 - Water:** Municipal water shall be extended to the parcels in this territory within three (3) years of the date of annexation (the City's annexing resolution). The City's assessment and connection process is outlined in the attached Exhibit B and incorporated as a part of this Joint Resolution.
 - Street Lighting:** The City will provide street lighting in accordance with the process outlined in Exhibit B. attached to and incorporated within this Joint Resolution.
 - Public Safety:** The annexed property will begin being served by the Alexandria Police Department and Fire Department immediately upon notification by Minnesota Planning of the completion of the annexation.

- D. **Parks:** The City's Park Department will assume responsibility and authority for public parks located within each phase of annexation immediately upon notification by Minnesota Planning of the completion of the annexation
- E. **Streets and Roads:** For public streets and roads located within Phase I, the City's Street department will assume responsibility and authority on October 1, 2003. For public streets and roads located within subsequent phases, the City's Street department will assume responsibility and authority immediately upon notification by Minnesota Planning of the completion of the annexation.
12. If substantially all of the annexed property is not so served with the municipal services described in Paragraph 11 within three (3) years of the date of annexation as specified in the Annexation Resolution, no future annexations of any property from the Township to the City under the terms of Section 6.B.1-4 of this Agreement may occur until said services are extended to said annexed property. For purposes of Paragraphs 11 and 12 herein, "substantially all" means that the City will provide the services in Paragraph 11 to all buildable properties within an annexed area subject to the provisions of the City's zoning and subdivision ordinances.
13. Having designated the area described in Paragraph 3 as in need of orderly annexation, and having provided for all of the conditions of its annexation within this document as pursuant to Minnesota Statutes, Section § 414.0325, the City and Township agree that, upon the occurrence of an event triggering annexation as provided in Paragraph 6.B. or otherwise provided in this Joint Resolution, the City may file a resolution (the "Annexation Resolution") with Minnesota Planning or its successor providing for annexation of all or any portion of a designated area (Phase II – IV) as provided for in Paragraph 6.A. Upon receipt of an Annexation Resolution as provided herein, Minnesota Planning may review and comment, but shall within thirty (30) days of receipt of said resolution and a copy of this Joint Resolution, order the annexation of the area designated in the Annexation Resolution in accordance with the terms and conditions of this Joint Resolution. The City and Township agree that no alteration of the stated boundaries as described in the Annexation Resolution is appropriate, that no consideration by Minnesota Planning is necessary, and that all terms and conditions for annexation are provided for in this Joint Resolution.
14. Pursuant to Minnesota Statute Section § 414.0325, Sub. 5, the parties hereby establish a Joint Planning Board ("Board") to exercise planning and land use control authority within the OAA, said Board to operate in the manner prescribed by Minn. Statute § 471.59, Sub. 2 to 8 inclusive. Said Board shall have all of the powers contained in section § 462.351 to § 462.364. The Board shall have planning, zoning and subdivision jurisdiction in the entire OAA. The City of Alexandria planning, zoning and subdivision ordinances and controls are hereby adopted by reference and shall remain in effect for all land within the OAA until said controls are replaced, modified or amended by the Board. (The City's Future Land Use Plan, as contained in the current Comprehensive Plan, adopted on March 25, 2002, is attached to and incorporated in this Joint Resolution as Exhibit C. The City shall amend its Zoning Ordinance within one (1) year of the date of this Joint Resolution to provide for consistency between the Future Land Use Plan and the Zoning Ordinance and map.) The Board shall serve as the "governing body," "planning commission" and "board of appeals and adjustments" for purposes of section § 462.357 and § 462.358 within the OAA. The City Planner shall be the Zoning Administrator for the OAA, unless the Board designates a different planner. The annual cost of the Board and its operations shall be borne by the City and Township in proportion to their respective general fund expenditures in each year in which the Board operates. The Board shall consist of five members, two appointed by the City, two appointed by the Township and one jointly appointed by both the City and the Township. All members shall serve for a three-year period commencing on January 1, 2003, and the terms shall be continuously staggered such that in Year One, one City and one Township term shall expire; in Year Two, one City and one Township term shall expire; and in Year Three, the jointly appointed term shall expire. Upon termination or expiration of the Joint Planning Board, all property of the Board shall be distributed back to the Township and City in the same proportions as the contributions made to the Board by the City and Township. The parties agree that the organizational meeting of the Board shall be held on January 6, 2003 and that subsequent meetings shall be held on a schedule to be determined by the Board.
15. This Joint Resolution shall be in full force and effect for a term of twelve (12) years commencing on January 1, 2003, unless otherwise terminated earlier by mutual written joint resolution of the City and Township, or upon the annexation of all of the designated areas provided for herein and the conclusion of the terms for annexation contained in this Joint Resolution. This Joint Resolution may be amended or changed if mutually agreed upon by both parties upon the written joint resolution of the City and the Township duly executed and adopted by the City Council and the Township Board of Supervisors and filed with Minnesota Planning (or its successor agency). At the beginning of the final year, the City and Township shall meet to discuss the renewal and/or modification of this Joint Resolution.
16. In the event that any portion of this Joint Resolution is declared null and void or unenforceable by a court of law, the validity of the remaining terms and provisions shall not be affected and the Joint Resolution shall be construed and enforced as if the Joint Resolution did not contain the particular term or provision held to be invalid.

17. Upon request of either the City or the Township, the City and Township shall appoint committee members to meet and discuss proposed modifications to this Joint Resolution, including modifications to the orderly annexation area. This Joint Resolution may be amended from time to time by the City and the Township via a separate joint resolution filed with Minnesota Planning or its successor agency.
18. The City and Township agree to share equally all fees related to the drafting and filing of this document. The City and Township shall pay their own respective attorney and planner fees related to the review of this document.
19. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota in effect on the effective date of this Joint Resolution.
20. The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future attachments or exhibits, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.
21. The City and Township agree as follows:
 - a. Negotiation. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the City and the Township will direct staff members as they deem appropriate to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.
 - b. Arbitration. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to binding arbitration.
 - c. Adjudication. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to binding arbitration, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

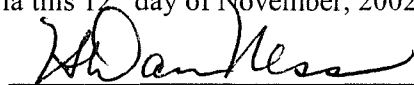
ADOPTED by the Township Board of Supervisors for the Township of Alexandria this 4th day of November, 2002.


Roger Thalman, Board Chair

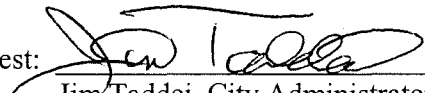
Attest:


Gregg Raisanan, Clerk

ADOPTED by the City Council of the City of Alexandria this 12th day of November, 2002.


H. Dan Ness, Mayor

Attest:


Jim Taddei, City Administrator

City of Alexandria - Orderly Annexation Proposal

Three Year Phasing

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MMB

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