

**Amendment to the Joint Agreement
Between the City of Hastings and the Township of Marshan
For Orderly Annexation**

Whereas, The City of Hastings and Marshan Township have executed an Agreement to allow for the Annexation of Certain property into the City of Hastings; and

Whereas, Said Agreement was submitted to the Minnesota Office of Planning on December 30, 2002; and

Whereas, Minnesota Statutes require inclusion of certain language in annexation documents; and

Whereas, Marshan Township and the City of Hastings seek to amend the previously approved agreement;

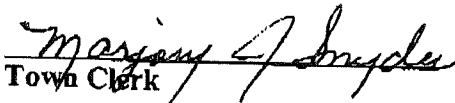
Now, be it resolved: that the previously submitted agreement is hereby amended by including the following language on Page Two at the end of Paragraph #2:

"The Municipal Board (Minnesota Planning) may review and comment, but shall within 30 days order the annexation in accordance with the terms of the Resolution."

This Amendment was approved by the Township of Marshan on the 21 day of Jan, 2003; and by the Hastings City Council on the 6th Day of January, 2003.


Town Board Chair


Hastings Mayor


Town Clerk


Hastings City Clerk

RESOLUTION NO. 10-20-02
MINNESOTA MUNICIPAL BOUNDARY ADJUSTMENT DIVISION
OFFICE OF STRATEGIC AND LONG RANGE PLANNING AS
SUCCESSOR TO THE MINNESOTA MUNICIPAL BOARD

IN THE MATTER OF THE DESCRIPTION
OF AN UNINCORPORATED AREA IN
MARSHAN TOWNSHIP AS IN NEED OF
ORDERLY ANNEXATION TO THE CITY
OF HASTINGS, AND CONFERRING
JURISDICTION OVER SAID AREA TO
THE MUNICIPAL BOUNDARY
ADJUSTMENT DIVISION OF THE OFFICE
OF STRATEGIC AND LONG RANGE
PLANNING AS A SUCCESSOR TO THE
MINNESOTA MUNICIPAL BOARD

JOINT RESOLUTION OF THE
CITY OF HASTINGS AND THE
TOWNSHIP OF MARSHAN FOR
ORDERLY ANNEXATION

WHEREAS, McMenomy & Hertogs, Inc., a Minnesota corporation, Samuel H. Hertogs, William Crist, and Paul W. Lawrence, the fee owners of certain property situated in the Township of Marshan, Dakota County, Minnesota, have filed a petition seeking the annexation to the City of Hastings, of certain real property described on attached Exhibit A; and

WHEREAS, the City of Hastings ("City") and the township of Marshan ("Township") desire to enter into a Joint Resolution approving the annexation of said Property.

NOW, THEREFORE, be it resolved by the City of Hastings and the Township of Marshan as follows:

1. **Orderly Annexation Area.** The Property which is situated within the Township of Marshan, Dakota County, Minnesota, legally described on Exhibit A which is attached hereto and incorporated herein, is designated as unincorporated and in need of orderly annexation pursuant to Minn. Stat. §414, as the same may hereinafter be amended and supplemented from time to time. Said Property legally described on Exhibit A is herein described as the "Orderly

Annexation Area.” The Orderly Annexation Area is in need of City utilities so that it can be developed.

2. Jurisdiction. The parties to this Agreement hereby confer jurisdiction upon the Office of Strategic and Long Range Planning, State of Minnesota, over the annexation in the Orderly Annexation Area, and over the various provisions of this Agreement between the parties hereto as set forth in this Joint Resolution. The parties to this instrument acknowledge legislative changes dissolving the Minnesota Municipal Board and transferring its responsibilities to the Office of Strategic and Long Range Planning and that despite such action the provision of Minn. Stat. §414 have not been modified to reflect such changes. The purposes of this instrument, therefore, references to the Minnesota Municipal Board and to Minn. Stat. §414 shall mean and refer to the Municipal Boundary Adjustment Division of the Office of Strategic and Long Range Planning as in the successor of the Minnesota Municipal Board and administration of State law regarding orderly annexation agreements and to subsequent amendments to State law. Notwithstanding the foregoing, the parties specifically state that no alteration of the stated boundaries of the Orderly Annexation Area is appropriate and that no consideration by the Minnesota Municipal Board is necessary regarding the conditions set forth in this Joint Resolution.

3. Immediate Annexation. The City and Township agree that the Orderly Annexation Area will be annexed to the City upon confirmation by the Office of Strategic and Long Range Planning, State of Minnesota. Parties to this Agreement do hereby consent to said annexation as of the date of the request and grant the Office of Strategic and Long Range Planning, State of Minnesota, their approval to accomplish the annexation in accordance with this Agreement. The City and Township agree they will not oppose said annexation. The Office

of Strategic and Long Range Planning, State of Minnesota, is authorized and requested to take such action as may be appropriate to accomplish the intent of the parties as set forth herein. Any statutory notice period or period to respond is hereby waived by the parties.

4. **Real Estate Taxes.** It is agreed that in the year the Orderly Annexation Area is annexed to the City, that portion of the real estate taxes normally allocated to the Township will be paid to the City. To reimburse the Township for this lost revenue, the Property owners of the Orderly Annexation Area will pay Marshan Township an amount equal to twice the amount of tax revenue Marshan Township would have received from the annexed Property in 2003. Marshan Township's portion of the 2003 real estate taxes from the subject property is the sum of \$ 169.58. Therefore, the total amount due from the Property owners to Marshan Township will be two times that amount for the sum of \$ 339.16. This shall be paid to Marshan Township by the Property owners within thirty days after the annexation is ordered by the Office of Strategic and Long Range Planning, State of Minnesota. Thereafter, the Township shall not be entitled to any real estate revenue from the Property in the Orderly Annexation Area described in this Joint Resolution.

5. **Tax Capacity Rate.** Pursuant to Minn. Stat. §414.035, the Minnesota Municipal Board has a request to provide in its Order that in the calendar year following annexation, the tax capacity rate of the Orderly Annexation Area be increased to equality with the tax capacity rate of the Property currently situate within the City.

6. **Michael Avenue.** The City and Township agree that Michael Avenue may be partially relocated as a result of expected improvements to the intersection of Michael Avenue with State Trunk Highway 316. The City of Hastings agrees that it will not permit any development of lots or land within the annexation area after one (1) year from the completion of

the said Highway 316 improvement until and unless Michael Avenue shall have been paved to standards normally and usually required by Marshan Township for other township roads for a distance of fifty (50) feet westerly of the westerly edge of its intersection with any road constructed within South Pines Addition.

7. **Road Maintenance.** The City agrees that it will be responsible for snow removal on the aforesaid paved portion of Michael Avenue. The City shall not be responsible for any other road maintenance on Michael Avenue.

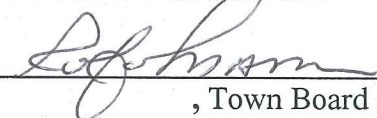
8. **Reservation for Future Road.** The owners of the land in the Orderly Annexation Area shall be required by the City to plat the South seventy-five feet (75 ft.) of the SE ¼ of Section 3, Township 114N, Range 17W as an outlot, which outlot shall be reserved for use as a future road, and to maintain such land free of noxious weeds according to City Ordinance.

9. **General Funds.** The City agrees it will not apply for any Township general funds or other assets, and that the Township agrees it will not apply for any City general funds or other assets, as a result of the is Agreement.


10. **Entire Agreement.** The foregoing, with the exhibit referenced above and attached hereto constitutes the entire agreement of the parties regarding the Orderly Annexation of the Orderly Annexation Area described in attached Exhibit A.

This Joint Resolution was duly passed and approved by the Township of Marshan on the 19 day of Nov., 2002.

TOWNSHIP OF MARSHAN



_____, Town Board Chair

ATTEST:


_____, Town Clerk

This Joint Resolution was duly passed approved at a duly called meeting of the City Council of the City of Hastings on the 21st day of October, 2002.

CITY OF HASTINGS



Michael D. Werner, Mayor

ATTEST:



, City Clerk



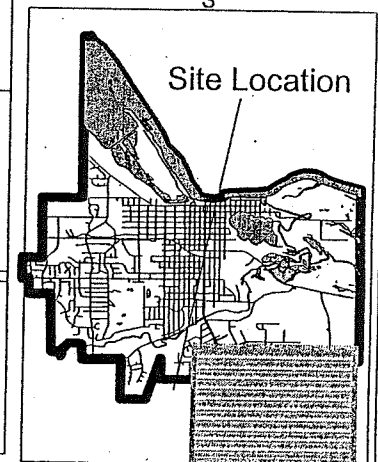
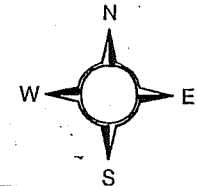
South Pines IV Site Location Comp Plan



Legend

2020 comp plan city.shp

- C - Commercial
- I - Industrial
- MXD - Mixed Use
- O - Office
- P - Public
- U-I - Urban Resid 1-3 units/acre
- U-II - Urban Resid 4-6 units/acre
- R - Rural
- U-III - Urban Resid 6+ units/acre
- ROW - Right of Way
- W&T - Water
- Road.shp
- Buildings.shp



This is not a survey

