

**JOINT RESOLUTION OF THE CITY OF OWATONNA AND THE
TOWNSHIP OF CLINTON FALLS AS TO THE ORDERLY
ANNEXATION OF PROPERTY**

WHEREAS, both the City of Owatonna ("Owatonna") and the Town of Clinton Falls ("Township") desire to enter into an agreement allowing for the orderly annexation of certain property, pursuant to Minnesota Statute 414.0325, Subdivision 1; and:

WHEREAS, Owatonna and the Township are in agreement to the orderly annexation of certain lands described herein for the purpose of orderly, planned growth, and

WHEREAS, a development proposal has been advanced for the land described herein which would necessitate the provision of an urban level of services, including sanitary sewer and water, and

WHEREAS, Owatonna will provide the necessary urban level of services to support the development proposal, and

WHEREAS, it is in the best interests of Owatonna, the Township, and their respective residents to agree to an orderly annexation in furtherance of orderly growth, and

WHEREAS, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Joint Resolution.

NOW THEREFORE, BE IT RESOLVED, by the City of Owatonna and the Town of Clinton Falls, Steele County, Minnesota, as follows:

1. The following described lands will hereinafter be described as the annexation area and said property is properly subject to orderly annexation pursuant to Minnesota Statute Section 414.0325, Subd. 1. The parties hereby agree to designate this area as in need of orderly annexation as provided by statute; this area consists of approximately 108.94 acres and is legally described as follows:

The SW1/4 of Section 34, T 108 N, R 20 W, Steele County, Minnesota.

Except: Willow Run Addition;

Except: Willow Run Addition No. 2;

Except: The NE1/4 of the NE1/4 of said SW1/4;

Except: Commencing at the southwest corner of said SW1/4; thence N 0°08'10" W, assumed bearing, 769.64 feet along the west line of said SW1/4; thence N 76°07'09" E 584.33 to the True Point of Beginning; thence N 0°20'23" W 394.61 feet; thence S 89°54'05" E 746.41 feet; thence S 0°57'21" E 580.68 feet; thence N 89°54'05" W 752.65 feet; thence N 0°20'23" W 185.99 feet to said True Point of Beginning: AND

The west 33 feet of the SE1/4 of Section 34, T 108 N, R 20 W, Steele County, Minnesota, lying north of Willowbrook Addition No. 2 and lying south of the south line of the NW1/4 of the NW1/4 of said SE1/4.

Containing 108.94 acres, more or less including road right-of way.

2. The subject property is now or about to become urban or suburban in character and Owatonna is capable of providing the necessary urban level of services.

3. For all property annexed to Owatonna pursuant to this Joint Resolution, Owatonna shall remit to the Township, within thirty days of the annexation of said lands, the equivalent of two and one-half years of property tax revenues normally received by the Township from the property being annexed, based upon taxes that would have been due and payable in the year the annexation becomes effective had said property remained in the Township.

4. The annexation area includes road right-of-way of St. Paul Road and that upon annexation Owatonna shall assume jurisdiction of that portion of the Township road right-of-way and have full improvement and maintenance responsibility, and liability for same.

5. Owatonna shall pay all fees associated with the filing of this resolution with the Minnesota Planning agency.

6. The annexation shall result in a certain property being completely surrounded by Owatonna city limits. Owatonna agrees to not exercise its right to annex by ordinance under Minnesota Statutes 414.033, Subd. 2, clause 2 that property for a period of seven years from the date of this resolution. This provision does not prevent annexation by petition of the property owner or by Joint Resolution of the Township and Owatonna.

7. The Township agrees to permit Owatonna to levy special assessments for street and utility improvements upon properties in the Township that are adjacent to such improvements. Such assessment shall be in accordance with Minnesota Statutes, Chapter 429 and city assessment policy. Assessments levied shall be consistent with the rate schedule adopted by Owatonna for the year the assessments are levied. Assessments levied under this provision shall be deferred until such time the assessed property is annexed into Owatonna. At that time the amount of assessment shall be re-calculated based on the most recent similar construction contract. The unit charge to the property shall be calculated in the same manner as similar properties assessed for improvements. The property owner may choose to pay the assessment in installments over a period of time consistent with city policy and at an interest rate for assessments in the year the annexation or connection to utilities occurs.

8. No alteration in the stated boundary of the subject property is appropriate

9. Pursuant to Minnesota Statutes 414.0325, Subd. 1, Owatonna and the Township both find that no consideration by Minnesota Planning is necessary. As such Minnesota Planning may review and comment, but shall within thirty days of the date of receipt of the Joint Resolution for Orderly

REC'D BY
MMB

MAR 24 2003

Annexation order the annexation of the described property in accordance with the terms of this Joint Resolution.

Passed and adopted this 18th day of March, 2003 with the following vote: Aye 5; No 0; Absent 2.

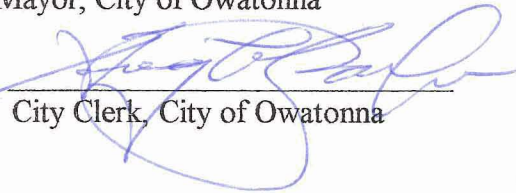
Approved and signed this 18th day of March, 2003.

CITY OF OWATONNA



Mayor, City of Owatonna

ATTEST:

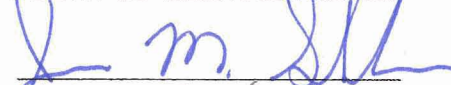


City Clerk, City of Owatonna

Passed and adopted this 10th day of March, 2003 with the following vote: Aye 3; No 0; Absent 0.

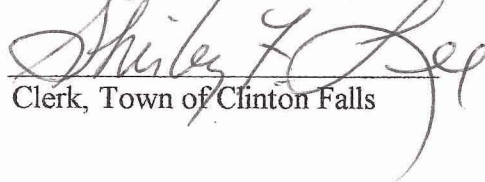
Approved and signed this 10 day of March, 2003.

TOWN OF CLINTON FALLS



Chairman, Clinton Falls Town Board

ATTEST:



Clerk, Town of Clinton Falls

CERTIFICATE OF SURVEY

REC'D BY
M M B

MAR 24 2003

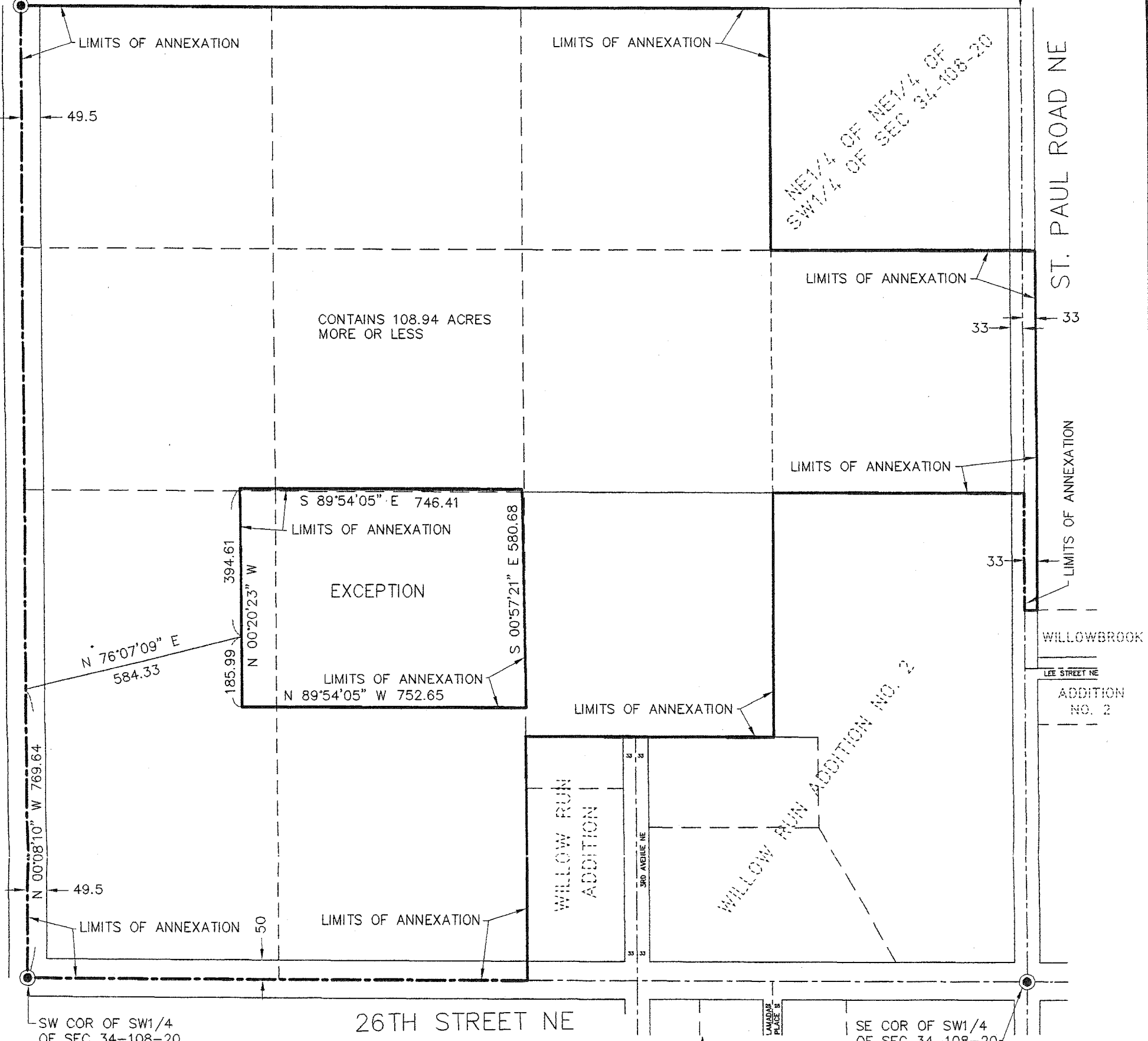
NE COR OF SW1/4
OF SEC 34-108-20

NW COR OF SW1/4
OF SEC 34-108-20

CEDAR AVENUE N

ST. PAUL ROAD NE

NE1/4 OF NE1/4 OF
SW1/4 OF SEC 34-108-20



LEGAL DESCRIPTION: Proposed Annexation

The SW1/4 of Section 34, T 108 N, R 20 W, Steele County, Minnesota.

Except:

Willow Run Addition

Except

Willow Run Addition No. 2

Except

The NE1/4 of the NE1/4 of said SW1/4

Except

Commencing at the southwest corner of said SW1/4; thence N 0°08'10" W, assumed bearing, 769.64 feet along the west line of said SW1/4; thence N 76°07'09" E 584.33 to the True Point of Beginning; thence N 0°20'23" W 394.61 feet; thence S 89°54'05" E 746.41 feet; thence S 0°57'21" E 580.68 feet; thence N 89°54'05" W 752.65 feet; thence N 0°20'23" W 185.99 feet to said True Point of Beginning.

And

The west 33 feet of the SE1/4 of Section 34, T 108 N, R 20 W, Steele County, Minnesota, lying north of Willowbrook Addition No. 2 and lying south of the south line of the NW1/4 of the NW1/4 of said SE1/4

Containing 108.94 acres, more or less;



● STEELE COUNTY MONUMENT (FOUND)
BEARINGS ARE ASSUMED



I hereby certify that this survey, plan or report 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.

Date 3/6/03 Reg. No. 15231
John C. Hosfield

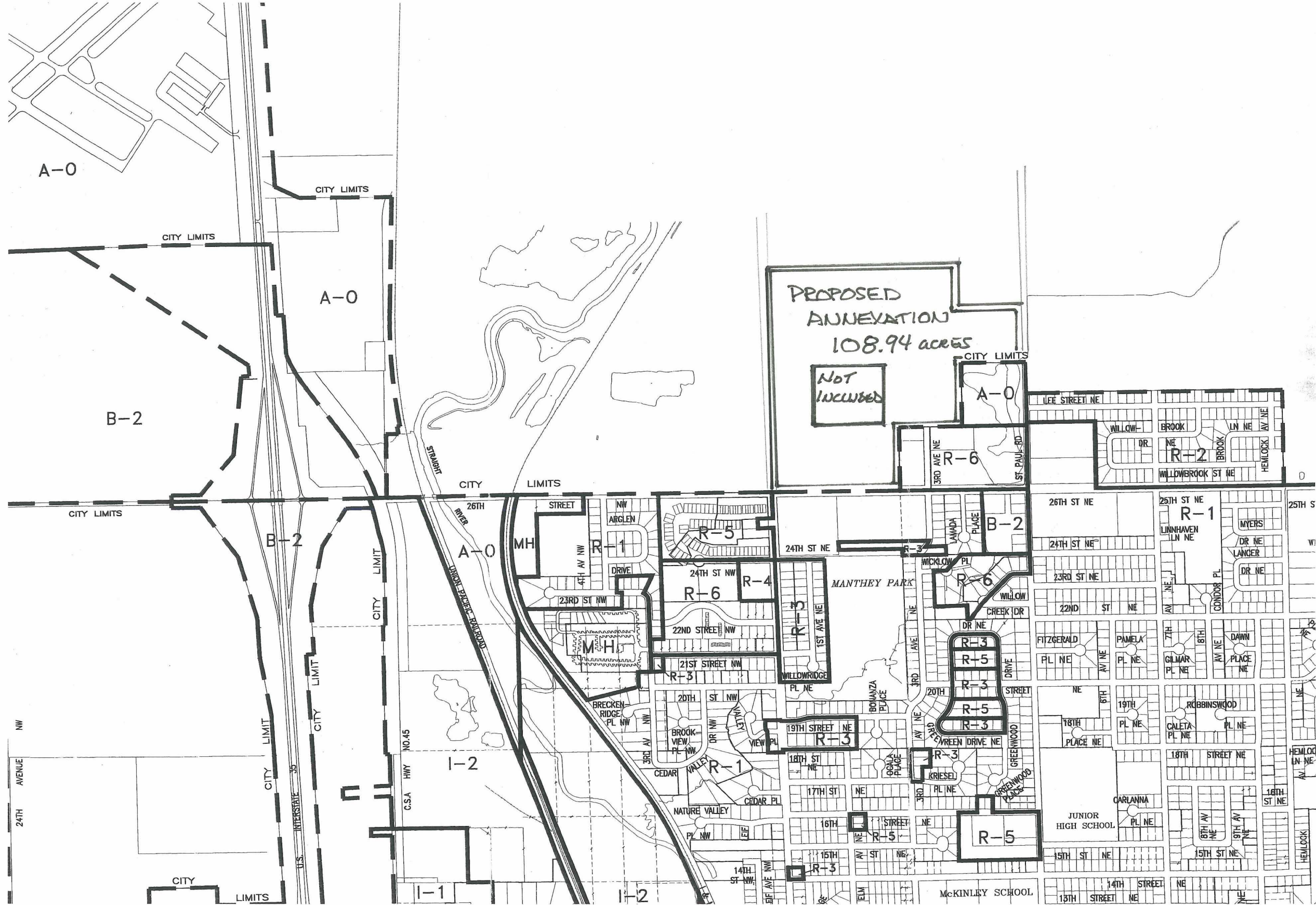
HOSFIELD & ASSOCIATES PROFESSIONAL LAND SURVEYORS

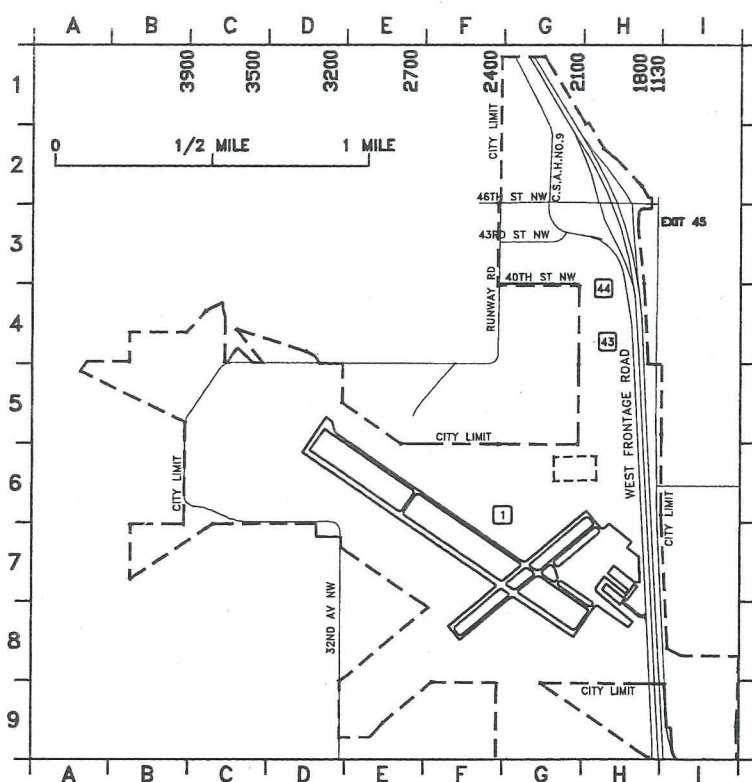
415 WEST NORTH STREET
OWATONNA, MINNESOTA 55060
PHONE (507) 451-4598
FAX (507) 451-1396

SCALE	1" = 300'
DRAWN BY	BLK
DATE	3-5-03
REVISED	
JOB NO.	1834

F:\EPCAD\

REC'D BY
MAMB
MAR 24 2003





REC'D BY
M.M.B. MAR 24 2003



CITY OF OWATONNA

