OA-936 Howard Lake/ Middleville Township Joint Agreement

CITY OF HOWARD LAKE RESOLUTION NO. 12-13

ANNEXATION RESOLUTION OF THE CITY OF HOWARD LAKE
IN ACCORDANCE WITH THE ABOVE-REFERENCED JOINT AGREEMENT
BETWEEN THE CITY OF HOWARD LAKE AND MIDDLEVILLE TOWNSHIP,
DATED MAY 13, 2003, DESIGNATING CERTAIN PROPERTY LOCATED IN THE
ORDERLY ANNEXATION AREA OF MIDDLEVILLE TOWNSHIP AS IN NEED OF
IMMEDIATE ORDERLY ANNEXATION PURSUANT TO MINNESOTA
STATUTES, SECTION 414.0325

WHEREAS, the City of Howard Lake (hereinafter the "City") and Middleville Township (hereinafter the "Township") entered into a Joint Resolution for Orderly Annexation, dated May 13, 2003, describing the procedures and process for immediate and future orderly annexations of certain designated areas of the Township, referred to as the "Annexation Area for Orderly Annexation", for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, Section 414.0325; and

WHEREAS, the above-referenced Joint Resolution for Orderly Annexation between the City and Township, dated May 13, 2003, has been previously filed with the Office of Administrative Hearings (hereinafter "OAH") Municipal Boundary Adjustments Unit and is referenced as OAH File No. OA-936 Howard Lake/Middleville Township Joint Agreement (hereinafter referred to as the "Joint Agreement"); and

WHEREAS, in accordance with Paragraph 8 of the above-referenced Joint Agreement, the triggering event for annexation of the following described property (hereinafter described for ease of reference as the "Subject Area") has occurred because Howard Lake has received a Petition For Annexation signed by all of the record owners of the following described property:

Starting at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 34, Township 119, Range 27, Wright County, Minnesota, thence South on 1/16 line a distance of 309.2 feet to the point of beginning, thence South on said 1/16 line which is the center of a Township road a distance of 275 feet; thence deflect 90 degrees 00 minutes left, for a distance 317 feet, thence deflect 90 degrees 00 minutes left, for a distance of 275 feet, thence deflect 90 degrees 00 minutes left, for a distance of 317 feet to the point of beginning, containing 2.0 acres, more or less.

WHEREAS, on July 25, 2012, the City Council held a duly noticed special meeting and considered the Petition For Annexation submitted by all of the property owners of the Subject Area property, and

WHEREAS, the City has notified the Township that an event triggering annexation pursuant to the Joint Agreement has occurred; and

WHEREAS, the City has complied with the Joint Agreement as the City has previously authorized plans and specification and has in fact constructed sewer and water trunk lines in close proximity to the Subject Area such that following annexation thereof sewer and water service is available to connect to the Subject Area property; and

WHEREAS, the Subject Area, designated and legally described herein for immediate orderly annexation and extension of municipal services, is urban or suburban or about to become so, annexation is in the best interests of the City and property owners, and annexation would benefit the public health, safety and welfare of the community; and

WHEREAS, having met all the triggering conditions for orderly annexation of the Subject Area legally described herein, as provided in the Joint Agreement, the City may now adopt, execute and file this "Annexation Resolution" providing for the immediate annexation of the Subject Area designated herein; and

WHEREAS, in accordance with Minn. Stat. § 414.0325, subd. 1(h) and Paragraph 6 of the Joint Agreement, annexation of the Subject Area designated herein pursuant of the Joint Agreement does not require a hearing or any consideration by the Minnesota Office of Administrative Hearings (OAH), except to the extent that the OAH may review and comment thereon, but shall, with 30 days of receipt of this Annexation Resolution and a copy of the Joint Agreement, order the annexation of the Subject Area in accordance with the terms and conditions of the Joint Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Howard Lake, Wright County, Minnesota, as follows:

- 1. This resolution of the City of Howard Lake, Minnesota, hereby constitutes the resolution provided for in the above-referenced Joint Agreement and shall be referred to as the "Annexation Resolution."
- 2. The Subject Area designated in this Annexation Resolution for immediate orderly annexation to the City is legally described in <u>Exhibit A</u>, which is attached hereto and incorporated herein by reference.
- 3. A boundary map showing the Subject Area designated and legally described herein for immediate orderly annexation, is attached hereto and incorporated herein by reference as Exhibit B.
- 4. The above-referenced Joint Agreement between the City and Township, providing the conditions for annexation of the Subject Area legally described in <u>Exhibit A</u> and shown on <u>Exhibit B</u>, is attached hereto as <u>Exhibit C</u>.

- 5. Pursuant to the Joint Agreement, the City has previously authorized plans and specifications and has in fact constructed municipal sewer and water trunk lines in close proximity to the Subject Area such that City sewer and water services are now available to the Subject Area for connection.
- 6. The City has provided notice to the Township of an event triggering annexation of the Subject Area.
- 7. The City has met all of the stated conditions for the immediate orderly annexation of the Subject Area as contained in the Joint Agreement.
- 8. This Annexation Resolution, therefore, as provided in the Joint Agreement, authorizes the immediate orderly annexation by the City of the Subject Area as legally described herein.
- 9. The Subject Area legally described in <u>Exhibit A</u> and designated herein for immediate orderly annexation is approximately 2.0 acres.
- 10. The population of the Subject Area legally described in Exhibit A and designated herein for immediate orderly annexation at the present time is zero.
- 11. In accordance with the Joint Agreement, Exhibit C, the OAH may review and comment on this Annexation Resolution, but shall within thirty (30) days of receipt of the Annexation Resolution and a copy of the above-referenced Joint Agreement (attached as Exhibit C), order the annexation of the Subject Area designated in this Annexation Resolution and legally described in Exhibit A in accordance with the terms and conditions of the above-referenced Joint Agreement, Exhibit C. No alteration of the stated boundaries as described in this Annexation Resolution is appropriate, no consideration by the OAH is necessary, and all terms and conditions for annexation thereof have been met as provided for in the Joint Agreement, Exhibit C.
- 12. Upon the annexation of the Subject Area designated herein for immediate orderly annexation and legally described in <u>Exhibit A</u>, the City shall reimburse the Township \$689.80 for the loss of taxes from the property so annexed in accordance with Paragraph 20 of the Joint Agreement. All conditions for tax reimbursement or any other reimbursement arrangement as provided in Minnesota Statutes, section 414.036 are contained in the Joint Agreement.
- 13. In accordance with paragraph 15 of the Joint Agreement, the Township shall maintain any shared road that is gravel in the Subject Area and the City shall maintain any shared road that has an improved surface, and the City shall provide the snow plowing.
- 14. Following annexation of the Subject Area designated herein for immediate orderly annexation, the City shall be responsible for providing municipal governmental services to the annexed area in accordance with the Joint Agreement (See Exhibit C).

- 15. This Annexation Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota and the above-referenced Joint Agreement (See Exhibit C).
- 16. Upon adoption and execution of this Annexation Resolution by the City, the City shall file the same with the Township and the OAH Municipal Boundary Adjustments Unit along with the required filing fee.
- 17. In the event there are errors, omissions or any other problems with the legal descriptions or mapping provided in <u>Exhibit A</u> or <u>Exhibit B</u> of this Annexation Resolution, in the judgment of the OAH Municipal Boundary Adjustments Unit, the City shall make such corrections and file such additional documentation, including a new <u>Exhibit A</u> or <u>Exhibit B</u>, making the corrections requested or required by the OAH as necessary to make effective the annexation of said Subject Area in accordance with Joint Agreement, <u>Exhibit C</u>, and this Annexation Resolution.

Passed, adopted and approved by the City Council of the City of Howard Lake, Wright County, Minnesota, this 25th day of July, 2012.

CITY OF HOWARD LAKE

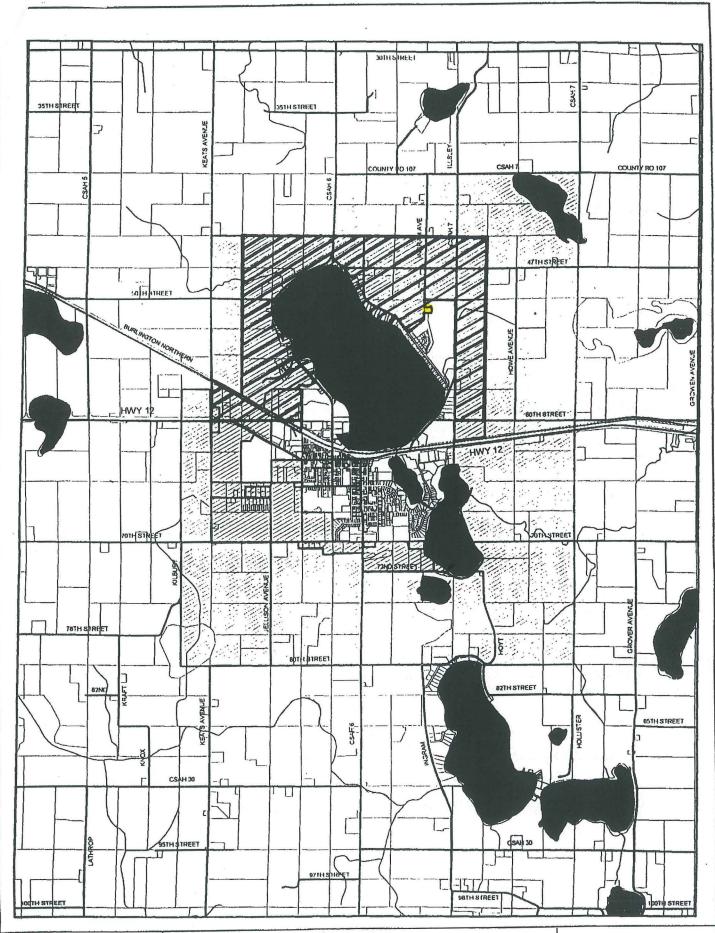
Richard Lammers

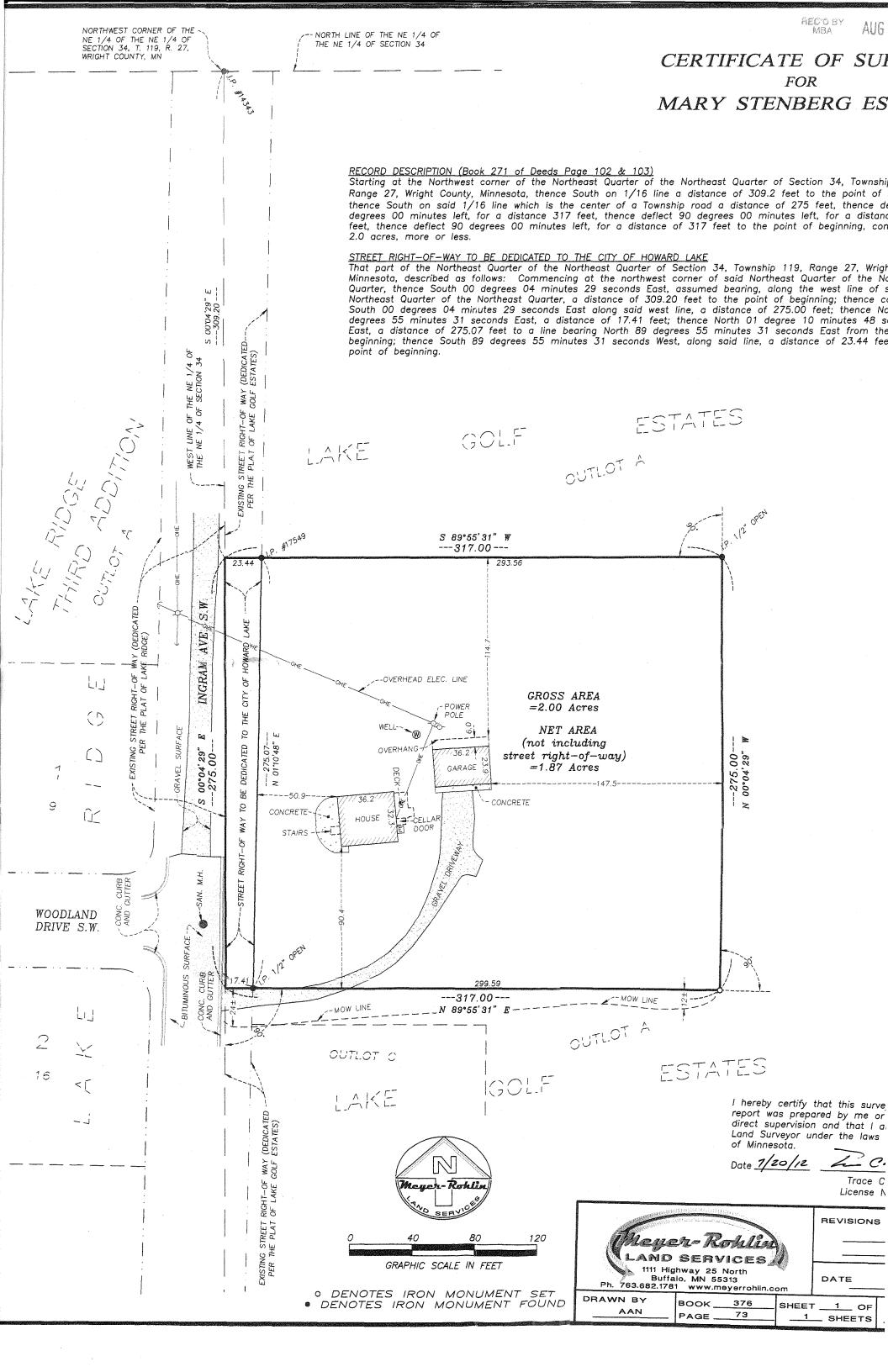
ATTEST:

Gene Gilbert, City Clerk

EXHIBIT A

Starting at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 34, Township 119, Range 27, Wright County, Minnesota, thence South on 1/16 line a distance of 309.2 feet to the point of beginning, thence South on said 1/16 line which is the center of a Township road a distance of 275 feet, thence deflect 90 degrees 00 minutes left, for a distance of 317 feet, thence deflect 90 degrees 00 minutes left, for a distance of 275 feet, thence deflect 90 degrees 00 minutes left, for a distance of 317 feet to the point of beginning, containing 2.0 acres, more or less.





15/00

JOINT RESOLUTION BETWEEN THE TOWN OF MIDDLEVILLE AND THE CITY OF HOWARD LAKE DESIGNATING AN AREA FOR ORDERLY ANNEXATION

The Town of Middleville, a public corporation under the laws of the State of Minnesota ("Middleville Township"), and the City of Howard Lake, a Minnesota municipal corporation ("Howard Lake"), jointly agree and resolve as follows:

- 1. Howard Lake and Middleville Township, through this joint resolution, intend to accomplish annexation into Howard Lake of property lying within Middleville Township and legally described on Exhibit A, attached hereto and incorporated herein (hereinafter referred to as the "Annexation Area").
- 2. Middleville Township and Howard Lake hereby designate the Annexation Area for orderly annexation, pursuant to Minnesota Statutes 414.0325.
- 3. Middleville Township and Howard Lake do, upon their adoption of the joint resolution and upon acceptance of it by the State of Minnesota, Department of Administration, Office of Municipal Boundary Adjustments (the "Boundary Adjustments Office"), confer jurisdiction upon the Boundary Adjustments Office, over the Annexation Area so as to accomplish said orderly annexation in accordance with the terms of this Resolution.
- 4. No consideration by the Boundary Adjustments Office is necessary.
- 5. After the Boundary Adjustments Office accepts this Joint Resolution, Howard Lake after receipt of a petition as hereinafter described may annex any part of the Annexation Area by submitting to the Boundary Adjustment Office's Executive Director a separate City of Howard Lake resolution designating a portion of the Annexation Area for annexation.
- 6. The Boundary Adjustment Office may review and comment, but shall, within 30 days of the date that the Boundary Adjustment Office receives Howard Lake's separate designating resolution, order annexation in accordance with the terms of this Joint Resolution and the separate designating resolution. No alteration of the stated boundaries of the orderly Annexation Area or a designated area within the Annexation Area is appropriate.
- 7. For all lots of record located within the Annexation Area and already improved by single-family residences as of the date of this Joint Resolution agreement and separately designated by Section Number on the attached Exhibit B, Howard Lake shall only consider annexation of said groupings of improved lots in accordance with the following procedure:

Each grouping of single-family residences separately designated by it's own Section Number on the attached Exhibit B shall only be considered by Howard Lake for annexation as a unit or group of homes after a majority of all of the property owners located within said separately designated Section Number petition Howard Lake for annexation. It shall be the policy of Howard Lake not to annex any of the homes located within each separate Section Number unless a majority of all of the lot owners located within the Section Number petition Howard Lake for annexation of all of the single-family residential lots located within the said Section Number. Provided, however, if sewer and water utility lines are already installed in a street adjacent to a single-family residential lot of record located within any of the Exhibit B Section Numbers and if the septic system of said single-family residential lot of record fails, Howard Lake shall consider said single-family residential lot of record for annexation if all of the owners of said single-family residential lot of record petition Howard Lake for annexation.

- 8. For all lots of record located within the Annexation Area and already improved by single-family residences as of the date of this Joint Resolution agreement and not separately designated by Section Number on the attached Exhibit B, Howard Lake shall only consider annexation of said improved lots on a one-by-one basis after all of the record owners of said undesignated lot petition Howard Lake for annexation.
- 9. Subject to all of the other terms and provisions of this joint resolution Howard Lake shall consider annexation of unimproved portions of the Annexation Area after a majority of all of the property owners of said unimproved land petition Howard Lake for annexation.
- 10. The Annexation Area is now or about to become urban or suburban in nature. The Annexation Area is unincorporated and in need of orderly annexation. Howard Lake is capable of providing the services required by the Annexation Area within a reasonable time.
- 11. It shall be the policy of Howard Lake to consider petitions for land annexation if said land is (1) adjacent to the Howard Lake city limits and (2) provided said land allows for a logical extension of sanitary sewer and water utilities.
- 12. By proceeding with orderly annexation within this Annexation Area, timely development will occur in accordance with the Howard Lake Capital Improvement Plan that will not overburden Howard Lake's utility infrastructure. Annexation may occur in anticipation of planned utility improvements designed to serve the Annexation Area.
- 13. Howard Lake will pursue annexations of specific portions of the Annexation Area that, in Howard Lake's judgment, are of sufficient size to allow for area planning for streets, utilities

and land use patterns. Howard Lake will seek to avoid incomplete or dead-end utility or street systems.

- 14. The separate designating resolution for annexation of each specific parcel of the Annexation Area shall not be submitted to the Boundary Adjustment Office until receipt by Howard Lake of a site design plan acceptable to Howard Lake for such specific parcel. Prior to Howard Lake approving a final plat for any such specific parcel, Middleville Township will be given the opportunity to review and comment on the drainage plan for the specific parcel. Howard Lake retains the right to approve the drainage plan for each parcel in the Annexation Area.
- 15. After the date of this Joint Resolution Agreement all road construction and maintenance policy within the Annexation Area shall be determined by mutual agreement between Middleville Township and Howard Lake. The terms of said right of way agreement shall be contained within the separate City of Howard Lake resolution submitted to the Boundary Adjustment Office's Executive Director and described in paragraph 5 above. In addition, Howard Lake and Middleville Township shall discuss the construction design and schedule for those roads lying outside the Annexation Area in order to provide, where reasonably feasible, for continuity of street construction and timing. Unless otherwise agreed to in said separate City of Howard Lake designating resolution, Middleville Township and Howard Lake agree as follows with regard to the roads located within the Annexation Area:
 - a. Middleville will maintain any shared road that is gravel and Howard Lake will maintain any shared road that has an improved surface.
 - b. Middleville and Howard Lake shall discuss and reach an agreement regarding the responsibility for snow plowing.
 - c. All roadways serving new developments located off a township road shall be improved by Howard Lake from the access of the development to the County, City or State road.
- 16. Within development agreements entered into between Howard Lake and developers of the Annexation Area, the developers of the Annexation Area shall be directed to use Wright County roads and Howard Lake roads for construction traffic wherever reasonably feasible. Howard Lake shall not object in the event that Middleville Township requests payment from any such developer for the cost of road repairs to a Township road damaged because of the developer's construction traffic, or requests the developer to repair a damaged Township road.
- 17. Howard Lake's policy for deferred, delayed, or future assessments for improvements located within the Annexation Area is as follows:
 - a. Sanitary Sewer and Water Utilities. Howard Lake

reserves the right to impose deferred, delayed, or future assessments against properties in Middleville Township for construction of sanitary sewer and water utilities located within the Annexation Area. The deferred, delayed or future assessments will not be assessed until notice to the affected owners and hearings, as required by law, are completed; will only be payable when any such property is annexed into Howard Lake; and will only be assessed in an amount equivalent to the benefit received by each such parcel. Howard Lake will determine a per unit cost of construction for the sanitary sewer and water utility system. The deferred, delayed, or future assessment will represent the construction cost adjusted for inflation at the time the assessment is paid.

b. Street and Curb and Gutter and Storm Sewer Utilities. Howard Lake reserves the right to impose deferred, delayed, or future assessments against properties in Middleville Township for construction of roadways and storm sewers located within the Annexation Area. The deferred, delayed or future assessments will not be assessed until notice to the affected owners and hearings, as required by law, are completed; will only be payable when any such property is annexed into Howard Lake; and will only be assessed in an amount equivalent to the benefit received by each such parcel. Howard Lake will determine a per-unit cost of construction for the street and storm sewer system. The deferred, delayed, or future assessment will represent the construction cost adjusted for inflation at the time the assessment is paid.

Howard Lake reserves the right to enter into development agreements with the developers of any specific parcels of property within the Annexation area, or other Middleville Township properties, that vary from the terms of this paragraph 17 with respect to such parcel.

Upon annexation of specific parcels of unimproved land within the Annexation Area, Howard Lake agrees to compensate Middleville Township for loss of tax revenues to ease Middleville Township's financial adjustment to the annexation. The parties agree that this compensation shall be on a per-acre basis at the rate of \$200.00 per acre of annexed land until June 30, 2008. On July 1, 2008, Middleville Township and Howard Lake shall adjust the said per-acre compensation payable by Howard Lake to Middleville Township. The adjusted per-acre compensation rate shall be determined by averaging the dollars per acre received for orderly annexation by all of the townships adjoining Middleville including Woodland, Victor, Stockholm, Cokato, Marysville, Chatham, Albion and French Lake townships between the period of July 1, 2007 and June 30, 2008. The said adjusted per-acre compensation rate shall be payable by Howard Lake to Middleville Township for all annexations that occur between July 1, 2008 and December 31, 2013,

within the Annexation Area.

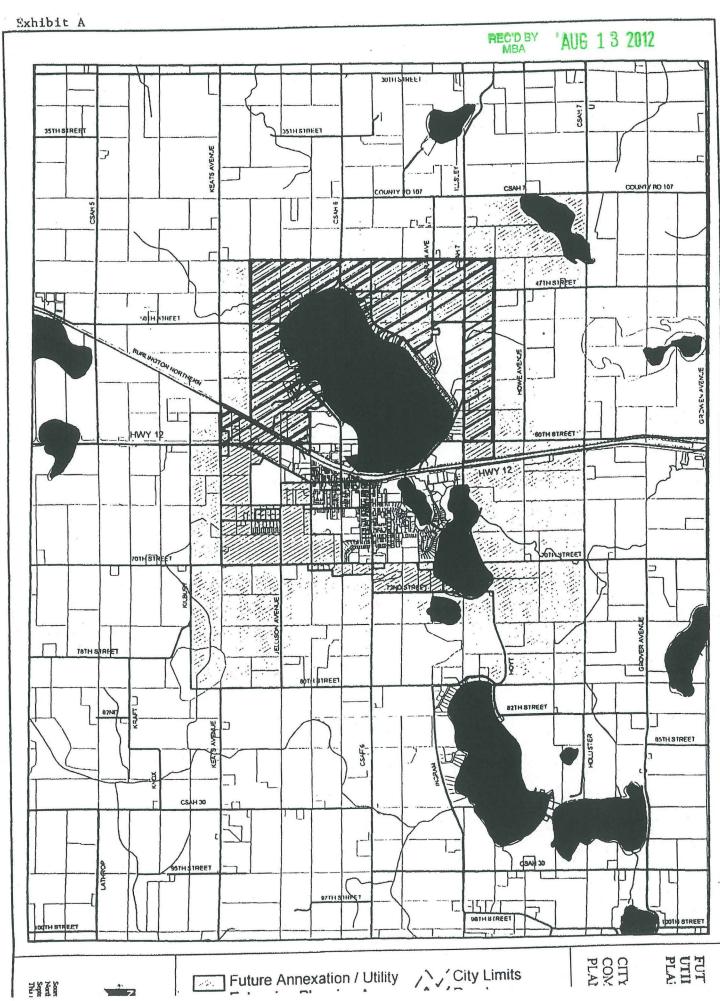
- 19. The compensation to Middleville Township for an annexed parcel of unimproved land referred to in paragraph 18 of this Joint Resolution shall be payable in one lump sum at the time of annexation of such parcel.
- 20. If the annexation of specific parcels of improved land within the Annexation Area becomes effective on or before August 1 of a levy year, Howard Lake may levy on the annexed area beginning with that same levy year; or if the annexation becomes effective after August 1 of a levy year, Middleville Township may continue to levy on the annexed area for that levy year, and Howard Lake may not levy on the annexed area until the following levy year. In the first year following the year when Howard Lake can first levy on the annexed area and thereafter, property taxes on the annexed land shall be paid to Howard Lake, but Howard Lake shall make a cash payment to Middleville Township for the period and in accordance with the following schedule:
 - i. In the first year following the year Howard Lake could first levy on the annexed area, an amount equal to 90% of the property taxes distributed to Middleville Township in regard to the annexed area in the last year the property

taxes from the annexed area were payable to Middleville Township;

- ii. In the second year, an amount equal to 70%;
- iii. In the third year, an amount equal to 50%;
- iv. In the fourth year, an amount equal to 30%; and
- V. In the fifth year, an amount equal to 10%.
- 21. Howard Lake does not assume by this annexation any liability or responsiblity for the payment of any obligations issued to finance public improvements constructed by Middleville Township or for which special assessments were levied by Middleville Township.
- 22. Unless renewed by both parties, this Joint Resolution shall expire and be of no further force and effect after December 31, 2013.

This Joint Resolution shall be effective solely upon approval by both the Middleville Township Board and the Howard Lake City Council.

| APPROVED BY THE TOWNSHIP OF MIDDLEVILLE THIS /3 7H DAY O | F |
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| Mary, 2003. By: Whole Bre | |
| ATTEST:, Chairman | |
| Clerk | |
| APPROVED BY THE CITY COUNCIL OF THE CITY OF HOWARD LAKE THIS | , |
| LOTT DAY OF May, 2003. | |
| By: Shall tell | |
| ATTEST: Gerald R. Smith, Mayor | |
| By: Genel Gilbert City Clerk | |



SATA

Exhibit A

REC'D BY AUG 1 3 2012

- 1. The West Half of the Northwest Quarter, Section 35, Township 119, Range 27, Wright County, Minnesota.
- 2. The West Half of the Southwest Quarter, Section 26, Township 119, Range 27, Wright County, Minnesota.
- The Southeast Quarter, the Northeast Quarter of the Southwest Quarter, Government Lots 1 and 2, all in Section 27, Township 119, Range 24.

(Contains plat of SUNSET RIDGE, contains portion of plat of MILLERS NORTH VIEW ESTATES)

4. That part of the Northeast Quarter of the Northeast Quarter and Government Lots 3 and 4, all in Section 34, Township 119, Range 26, Wright County, Minnesota, described as follows:

Beginning at the northwest comer of said Northeast Quarter of the Northeast Quarter; thence southerly, along the west line of said Northeast Quarter of the Northeast Quarter, a distance of 309.2 feet; thence easterly deflecting 90 degrees left, a distance of 317.00 feet; thence southerly, deflecting 90 degrees right, a distance of 317.00 feet; thence easterly, deflecting 90 degrees right to the west line of the recorded plat of LAKE GOLF ESTATES; thence southerly, along said west line to a northwesterly line of said LAKE GOLF ESTATES; thence southwesterly, along said northwesterly line to the center line of lmhoff Avenue; thence northwesterly, along said center line to the intersection with the northeasterly extension of the easterly line of Lot 3, Block 1, BRIARWOOD, according to the recorded plat thereof; thence southwesterly, along said extension and the easterly line of said Lot 3, to the water's edge of Howard Lake; thence northwesterly, along said water's edge to the north line of said Government Lot 4; thence easterly, along said north line, to the point of beginning.

(Contains plat of BRIARWOOD, contains portion of plat of MILLERS NORTH VIEW ESTATES)

- 5. The East Half of the Southwest Quarter, Government Lots 1 and 2, all in Section 28, Township 119, Range 27, Wright County, Minnesota.
- 6. Government Lots 1 and 2, the East Half of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter, that part of the Southwest Quarter of the Southwest Quarter which lies southerly of the northeasterly right of way of the Burlington Northern Railroad, all in Section 33, Township 119, Range 27, Wright County, Minnesota.

(contains plat of LAKEWOOD, contains plat of LAKEWOOD IST ADDITION)

7. That part of Government Lot 3, Section 33, Township 119, Range 27, which lies westerly of the center line of County Highway No. 6.

(Contains plat of HORSCH'S ADDITION, contains plat of HORSCH'S 2ND ADDITION)

Except lands described in Doc.#566378 Except lands described in Doc.#781735

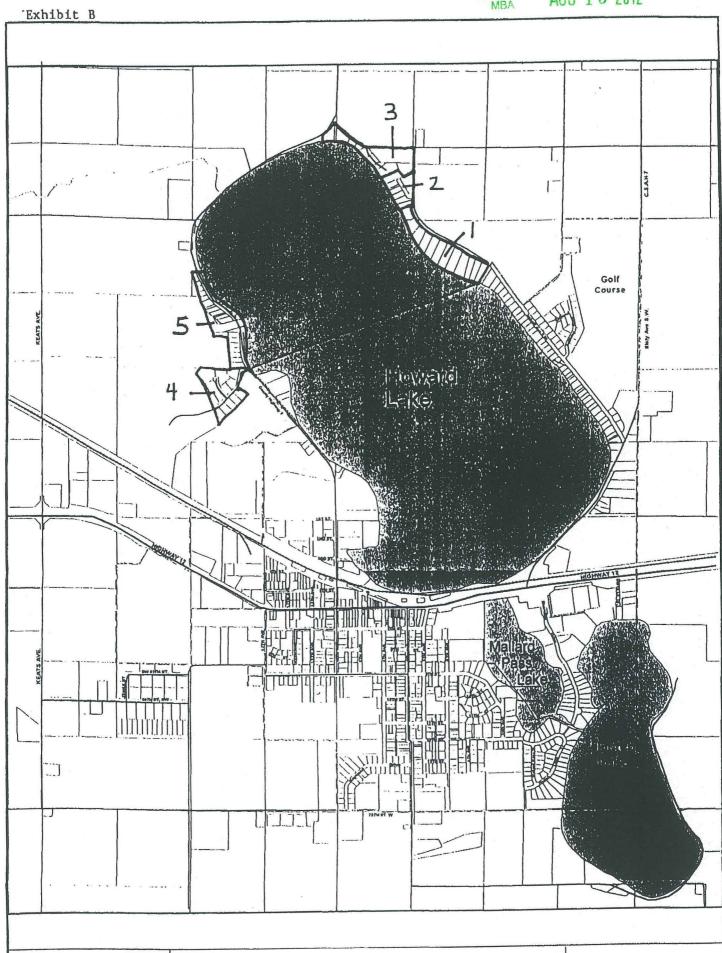


Exhibit B-2

The parcels located within Section 1 are Lots 1-3, Briarwood, and Lots 1-9, Miller's North View Estates, according to plats of record in the office of the Wright County Recorder.

The parcels located within Section 2 are Lots 1-6, Sunset Ridge, according to plat of record in the office of the Wright County Recorder, and Wright County Tax Parcels No. 212-000-273300 and No. 212-000-273308.

The parcels located within Section 3 are Wright County Tax Parcels No. 212-000-273200 and 212-000-273201 and 212-000-273202 and 212-000-273300 and 212-000-273304 and 212-000-273306 and 212-000-273301 and 212-000-273302 and 212-000-273303.

The parcels located within Section 4 are Lots 1-8, Horsch's Addition, and Lots 1-5 Horsch's Second Addition, according to plats of record in the office of the Wright County Recorder.

The parcels located within Section 5 are Lots 1-7, Lakeview, and Lots 1-11, Lakeview 1st Addition, according to plats of record in the office of the Wright County Recorder.