

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF WELLS AND TOWNSHIP OF
CLARK DESIGNATING CERTAIN AREAS AS
IN NEED OF IMMEDIATE ANNEXATION PURSUANT
TO MINNESOTA STATUTES, SECTION 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, the City of Wells (hereinafter the "City") previously filed a petition for annexation of certain lands by director's order pursuant to Minn. Stat. §414.031, subd. 1(a)(1); and

WHEREAS, the City and the Township of Clark (hereinafter the "Township") have reached an agreement regarding an orderly annexation and desire to proceed in accordance with Minn. Stat. §414.0325 instead of §414.031; and

WHEREAS, the City and Township agree that municipal government most effectively provides services in areas which are developed for residential, commercial, industrial, and governmental purposes, and that the Township government most effectively provides services in areas or uses developed for agricultural, open space and rural residential purposes; and

WHEREAS, the City and Township agree that orderly extension of municipal sanitary sewer service to areas needing such service would benefit the public health, safety, and welfare of the entire community; and

WHEREAS, the City and Township agree that the areas proposed to be annexed to the City, are now or are about to become urban in character and the City is capable of providing the services required within a reasonable time; and

WHEREAS, the City and Township agree that immediate annexation of the areas designated herein is one way to promote the public health, safety, and welfare of the entire community by proceeding for the logical development of the community and the extension of municipal services as urban development occurs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wells and the Town Board of Supervisors of Clark Township as follows:

1. Designation of Areas for Annexation.

A. The City and Township agree that the land identified as Area 2 in the City's petition for annexation, Resolution 2002-08, and consisting of approximately 38.5 acres is removed from the area of land to be annexed to the City at this time.

B. The parties hereby designate all of the following areas as in need of immediate annexation pursuant to Minnesota Statutes, Section 414.0325.

1) Annexation Area 1A

"South and West Development Area" being those properties immediately adjoining and lying directly south and west of the existing corporate limits of the City from State Highway 22, on the south to and adjoining State Highway 109 on the north; and to Park Place Addition, on the east; including Garlock addition

and residential property adjoining South State Highway 22 and West State Highway 109.

2) Annexation Area 1B

"North Highway 22 Area" being those properties lying between the previously annexed North Industrial Park and previously annexed lands lying east of Faribault County State Aid Highway No 29, and including State Highway 22.

3) Annexation Area 1C

"The South Industrial Park Extension", lying directly south of the existing Industrial Park Subdivision.

4) Annexation Area 3

Annexation Area 3 is generally referred to as "11th Street SE Residential Area", being that existing and potential residential area lying immediately south of Hansen's First and Second Country Club and Viking Additions.

5) Annexation Area 4

Annexation Area 4 is generally referred to as the "Prestressed Concrete Property", being that existing and potential industrial area lying east of County State Aid Highway Number 29 and north of the existing corporate limits.

2. **Exhibits Incorporated by Reference.** The Annexation Areas referred to herein are legally described on Exhibit A and depicted on the map attached as Exhibit B and both exhibits are incorporated herein by reference.

3. **Immediate Annexation.**

The lands included in Areas 1A, 1B, 1C, 3 and 4 shall be immediately considered annexed into the City, upon Order of the Department of Administration-Municipal Boundary Adjustments ("the Agency"). The City and Township agree that no alteration to the boundaries described herein is appropriate, that no consideration by the Agency is necessary, and that all terms and conditions for annexation of the area are provided for in this resolution. Pursuant to Minnesota Statutes, Section 414.0325, the Agency may review and comment, but shall within thirty (30) days of receipt, order the annexation of Areas 1A, 1B, 1C, 3 and 4 in accordance with the terms and conditions of this Joint Resolution.

4. **In Addition to the Other Terms of this Joint Resolution, the Following Agreements Apply to Area 1A:**

- A. For the year 2004, the City will reimburse Clark Township for 100 % of the loss of taxes generated from the property annexed, based on the amount of taxes collected by the Township on the property in 2003.
- B. Parcels in that part of Area 1A known as the Garlock Addition and identified on the attached Exhibit C, that have an existing on-site septic system that is in compliance at the time of approval of this Agreement, will not be required to hook-up to city sewer until such time as their system is in need of repair, or replacement. Properties in the Garlock Addition only will have a fixed cost for municipal sanitary sewer connection in the amount of \$7,500. In all other areas, the property owner shall be responsible for municipal sanitary sewer connection costs.

5. **In Addition to the Other Terms of this Joint Resolution, the Following Agreements Apply to Area 1B, Area 1C, Area 3 and Area 4**
- A. The City will work with the County Tax Assessor to create an Agricultural District that will allow agricultural property in these Annexation Areas to continue to be taxed at an agricultural rate, until the land is developed. "Developed" is defined as both municipal sanitary sewer and water service being available to the property after the date of this Agreement. The property owner shall be responsible for all costs associated with the extension of municipal sanitary sewer and water service as they are determined at the time, unless the City agrees to other arrangements.
- B. The City agrees to reimburse Clark Township for the loss of taxes generated from the annexed property for twelve (12) years following the tax year that Clark Township last collects a levy. The City will reimburse the Township in the amount of taxes that were collected by the Township in the year 2003, so long as the land remains undeveloped. "Developed" is defined as both municipal sanitary sewer and water service being available to the property after the date of this Agreement. When all or any portion of the property is developed or after twelve (12) years, the City will no longer reimburse the Township.
6. **Differential Taxation.** Pursuant to Minn. Stat. §414.035, the parties agree that the tax rate of the City on the areas annexed shall be increased in substantially equal proportions over not more than six (6) years to equality with the tax rate on the property already within the City. The appropriate period may be shortened based on the time reasonably required to effectively provide municipal services to the annexed areas.
7. **Governing Law.** This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
8. **Modification/Amendment.** This Joint Resolution shall not be modified, amended, or altered except upon the written joint resolution of the City and Township duly executed adopted by the City Council and the Township Board of Supervisors and filed with the Agency.
9. **Entire Agreement.** The terms, covenants, conditions, and provisions of this Joint Resolution, including the present and all future attachments, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and respective successors and assigns of the City and Township.
10. **Severability.** In the event that any provision of this Joint Resolution is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect, and the parties hereto shall negotiate in good faith and agree to such amendments or modifications or to this Joint Resolution or other appropriate actions as shall, to the maximum extent practicable in light of such determination, implement and give effect to the intentions of the parties.

11. **Notice.** Any notices required under the provision of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by certified or registered mail, return receipt requested, as follows:

If to the City: Ronda Allis, City Administrator
 125 South Broadway
 Wells, MN 56097

If to the Township: Mr. Charlie Johnson (or his successor)
 Clark Township Board Chairman
 14582 550th Avenue
 Wells, MN 56097

SEP 17 2003

Approved by the City of Wells this 25th day of August 2003.

CITY OF WELLS

By: David Jacobson

Its: Mayor

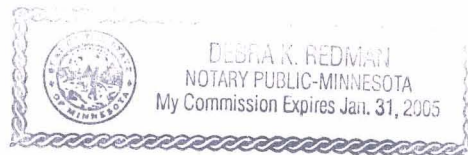
By: Ronda C. Allis

Its: City Clerk

STATE OF MINNESOTA)
COUNTY OF Faribault) ss.

The foregoing instrument was acknowledged before me this 26 day of August, 2003, by David Jacobson and Ronda C. Allis the mayor and city clerk, respectively, of the city of Wells, a municipal corporation under the laws of Minnesota, on behalf of the municipal corporation.

Debra K. Redman
Notary Public



REC'D BY
MMB

SEP 17 2003

Approved by the Township of Clark this 12 day of September 2003

CLARK TOWNSHIP

By: James Stern
Its: Chair

By: Jacelyn K. Voigt
Its: Town Clerk

STATE OF MINNESOTA)

) ss.
COUNTY OF Faibault

The foregoing instrument was acknowledged before me this 12 day of September 2003, by James Stern and Jacelyn K. Voigt, the chair and town clerk, respectively, of Clark Township, on behalf of the Township.

Zoa S. Heckman
Notary Public

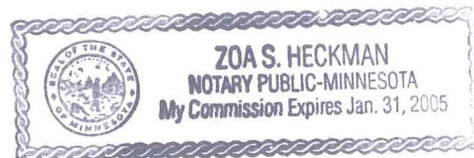


EXHIBIT A**LEGAL DESCRIPTIONS OF ANNEXATION AREAS**

City of Wells
F32.01367

Bolton & Menk, Inc.
December 4, 2001
Revised Date: April 23, 2003
Revised Date: August 18, 2003

City of Wells, Minnesota**Orderly Annexation Descriptions****Area 1A**

The East 621.00 feet of the West Half of Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota excepting Westside Subdivision to the City of Wells, Faribault County, Minnesota according to the plat on file and of record in the office of the Faribault County Recorder.

Together with the East 1651.00 feet of the North Half of the North Half of the Northwest Quarter of Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota, except the East 621.00 feet thereof.

Together with the South Half of the Southeast Quarter of Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota.

Together with all that part of the Northwest Quarter of the Southeast Quarter of Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota lying south of Moja Subdivision to the City of Wells according to the plat on file and of record in the office of the Faribault County Recorder. Excepting therefrom that part of Sixth Avenue SW lying south of Moja Subdivision.

Together with the East 1651.00 feet of the South Half of the South Half of the Southwest Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota.

Together with all that part of the South Half of the Southwest Quarter of the Southeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota, lying west of Park Place Addition to the City of Wells according to the plat on file and of record in the office of the Faribault County Recorder.

Together with the West 464.50 feet of the Southwest Quarter of the Southwest Quarter of Section 9, Township 103 North, Range 24 West in Faribault County, Minnesota.

Together with the North 165.00 feet of the East 458.00 feet of the Northeast Quarter of the Northeast Quarter of Section 17, Township 103 North, Range 24 West in Faribault County, Minnesota.

Annexation Area 1A contains 232.8 acres, more or less.

City of Wells
F32.01367

Bolton & Menk, Inc.
December 4, 2001

City of Wells, Minnesota
Orderly Annexation Descriptions
Area 1B

A tract of land in the Southeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota and in Garden Addition, described as follows:

Beginning at the Northeast corner of the Southeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota; thence North 89 degrees 09 minutes 00 seconds West (assumed bearing) along the North line of the Southeast Quarter a distance of 748.50 feet; thence South 0 degrees 00 minutes 00 seconds West parallel with the East line of the Southeast Quarter a distance of 1451.98 feet to the centerline of vacated Cleveland Street, according to the Plat of Garden Addition, on file and of record in the office of the Faribault County Recorder; thence North 89 degrees 09 minutes 00 seconds West along the centerline of vacated Cleveland Street and westerly extension thereof a distance of 654.67 feet to the southerly railroad right-of-way line of the I & M Rail Link; thence South 47 degrees 12 minutes 00 seconds East along said southerly railroad right-of-way line a distance of 185.85 feet to a circular curve, concave northeasterly and having a radius of 2048.69 feet; thence southeasterly along said southerly railroad right-of-way line and circular curve through a central angle of 9 degrees 01 minutes 00 seconds an arc length of 322.40 feet to end of curve; thence South 56 degrees 13 minutes 00 seconds East along said southerly railroad right-of-way line a distance of 1219.85 feet to the East line of the Southeast Quarter of Section 5; thence North 0 degrees 00 minutes 00 seconds East along the East line of the Southeast Quarter a distance of 2435.32 feet, more or less, to the point of beginning.

Together with that part of the Southeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota bounded as follows:

On the South, by the westerly extension of the centerline of vacated Cleveland Street according to the plat of Garden Addition, on file and of record in the office of the Faribault County Recorder;

On the Southwest, by the southerly railroad right-of-way line of the I & M Rail Link, said right-of-way line also being the northerly line of Park Place Addition to Wells, according to the plat on file and of record in the office of the Faribault County Recorder;

On the West, by the northerly extension of the west line of Lot 2 of Block Thirteen of said Park Place Addition;

And on the Northeast by the northeasterly right-of-way line of Minnesota Trunk Highway No. 22.

Together with the South 330 feet of the East 748.50 feet of the Southeast Quarter of the Northeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota.

Together with all that part of the right-of-way of Minnesota Trunk Highway No. 22 in the Southeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota lying westerly of the East 748.50 feet of the Southeast Quarter.

Annexation Area 1B contains 54 acres, more or less.

City of Wells
F32.01367

Bolton & Menk, Inc.
December 4, 2001

City of Wells, Minnesota

Orderly Annexation Descriptions

Area 1C

That part of the Southeast Quarter of Section 9, Township 103 North, Range 24 West in Faribault County, Minnesota bounded as follows:

On the North by the south line of the Industrial Park Subdivision in the City of Wells, Minnesota according to the plat on file and of record in the office of the Faribault County Recorder;

On the East by a line lying parallel with and 2007.02 feet East (measured at right angles) of the West line of the Southeast Quarter of Section 9, Township 103 North, Range 24 West in Faribault County, Minnesota;

On the South by a line lying parallel with and 925 feet South (measured at right angles) of the south line of the Industrial Park Subdivision;

And on the West by the West line of the Southeast Quarter of Section 9.

Annexation Area 1C contains 42.6 acres, more or less.

City of Wells
F32.01367

Bolton & Menk, Inc.
December 4, 2001

City of Wells, Minnesota

Orderly Annexation Descriptions

Area 3

That part of the Southwest Quarter of Section 9, Township 103 North, Range 24 West in Faribault County, Minnesota bounded as follows:

On the North by the south line of the First Extension of Hansen's First and Second Country Club Additions and the south line of Viking Subdivision all in the City of Wells, according to the plats on file and of record in the office of the Faribault County Recorder;

On the East by the East line of the Southwest Quarter of Section 9, Township 103 North, Range 24 West in Faribault County, Minnesota;

On the South by a line lying parallel with and 380.00 feet South (measured at right angles) of the south line of said First Extension of Hansen's First and Second Country Club Additions and the south line of said Viking Subdivision;

And on the West by the East line of the West 464.50 feet of the Southwest Quarter of Section 9.

Annexation Area 3 contains 18.7 acres, more or less.

City of Wells, Minnesota

Orderly Annexation Descriptions

Area 4

The South Half of the Northwest Quarter of Section 4, Township 103 North, Range 24 West in Faribault County, Minnesota.

Together with the South 66.00 feet of the Northeast Quarter of the Northwest Quarter of Section 4, Township 103 North, Range 24 West in Faribault County, Minnesota.

Annexation Area 4 contains 82 acres, more or less.

EXHIBIT C
GARLOCK ADDITION

Garlow, Marcella	Or Current Resident	16975 State Hwy 22	Wells, MN 56097
Voigt, Brandon	Or Current Resident	16995 State Hwy 22	Wells, MN 56097
Lacher, Dale	Or Current Resident	17009 Clark St	Wells, MN 56097
Kimpton, Karl	Or Current Resident	17017 State Hwy 22	Wells, MN 56097
Meyer, Herbert	Or Current Resident	17023 Clark St	Wells, MN 56097
Morgan, Building and Equipment	Or Current Resident	17038 State Hwy 22	Wells, MN 56097
Doerr, Lyle Jr & Alice Doerr	Or Current Resident	17043 Clark St	Wells, MN 56097
Michaelson, Ronald	Or Current Resident	17051 State Hwy 22	Wells, MN 56097
Stern, Lyle	Or Current Resident	17053 Clark St	Wells, MN 56097
Stock, Michael and Rhonda	Or Current Resident	17058 State Hwy 22	Wells, MN 56097
Kauffman, Dean	Or Current Resident	17060 Clark St	Wells, MN 56097
Wach, Douglas	Or Current Resident	17074 State Hwy 22	Wells, MN 56097
Plotz, Thomas	Or Current Resident	17075 State Hwy 22	Wells, MN 56097
Koller, Bryan	Or Current Resident	17078 Clark St	Wells, MN 56097
Feist, Mary	Or Current Resident	17092 State Hwy 22	Wells, MN 56097
Lesto, Mike and Patti	Or Current Resident	17096 Clark St	Wells, MN 56097
Elmer, John	Or Current Resident	17118 State Hwy 22	Wells, MN 56097
Elmer, Robert including 04.009.0200	Or Current Resident	17132 State Hwy 22	Wells, MN 56097
Brown, Ronald	Or Current Resident	17139 State Hwy 22	Wells, MN 56097
Elmer, Robert	Or Current Resident	17150 State Hwy 22	Wells, MN 56097

Schuster, Todd	Or Current Resident	17206 State Hwy 22	Wells, MN 56097
Weber, Gene	Or Current Resident	17217 State Hwy 22	Wells, MN 56097
Dylla, Martin	Or Current Resident	17226 State Hwy 22	Wells, MN 56097
Schultz, Bryan	Or Current Resident	17231 State Hwy 22	Wells, MN 56097
Adams, Anthony	Or Current Resident	17235 State Hwy 22	Wells, MN 56097
Cho, Bum Suk	Or Current Resident	56959 Clark St	Wells, MN 56097

CITY OF WELLS, MINNESOTA

REC'D BY
M M B

SEP 17 2003

ANNEXATION AREAS
AUGUST, 2002
REVISED APRIL, 2003
REVISED AUGUST 18, 2003
REVISED AUGUST 28, 2003

