

03-602

REC'D BY
MMB

NOV 25 2003

**JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN
AVON TOWNSHIP AND THE CITY OF AVON
(Brix Annexation)**

RECITALS

- A. The Town of Avon ("Town") and the City of Avon ("City"), both of Stearns County, Minnesota, agree on the orderly annexation of certain real property described in this resolution for orderly and planned services to the community.
- B. The property proposed to be annexed is not already part of another city, and it adjoins and is contiguous to the City (see attached map).
- C. All owners of the property proposed to be annexed have petitioned the City for annexation.
- D. An orderly annexation of the proposed property is in the best interest of the area proposed for annexation.

RESOLUTION

In consideration of this resolution's mutual terms and conditions, the Town and City jointly resolve and enter into this Joint Resolution for Orderly Annexation ("Joint Resolution") as follows:

1. **Designation of Orderly Annexation Area.** The Town and City designate the area set forth on the map attached as Exhibit 1 and the legal description of the properties attached as Exhibit 2 (designated property) as subject to orderly annexation pursuant to Minnesota Statutes 414.0325.
2. **Minnesota Office of Strategic and Long Range Planning Jurisdiction.** Upon approval by the Town Board and City Council, this Joint Resolution shall confer jurisdiction upon the Minnesota Office of Strategic and Long Range Planning to approve annexation of the designated property pursuant to Minnesota Statutes 414.0325.

3. **No Alteration of Boundaries.** The Town and City agree and state that no alterations by the Office of Strategic and Long Range Planning of the designated property's stated boundaries is appropriate.

4. **Office of Strategic and Long Range Planning Review and Comment.** The Town and City agree and state that this Joint Resolution sets forth all the conditions for annexation of the designated property, and no consideration by the Office of Strategic and Long Range Planning is necessary. The Office of Strategic and Long Range Planning may review and comment, but shall order the annexation of the designated property according to this Joint Resolution's terms within 30 days of the Office of Strategic and Long Range Planning's receipt of this Joint Resolution.

5. **Planning and Land Use Control Authority.** Upon the annexation's effective date, the City's zoning regulations and land use controls shall govern the designated property.

6. **Acreage and Population.** The designated property consists of approximately 65.17 acres and has a current population of zero (0).

7. **Authorization.** The Town and City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.

8. **Modification.** The Town and City may modify, amend or terminate this Joint Resolution only by a mutually signed, written agreement.

9. **Severability.** A determination by any court of competent jurisdiction that any provision of this Joint Resolution is invalid, illegal or unenforceable shall not affect the validity of this Joint Resolution's other provisions. If any of this Joint Resolution's provisions is inapplicable to any person or circumstance, it shall still remain applicable to all other persons or circumstances.

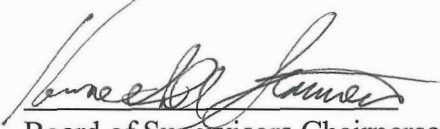
10. **Effective Date.** This Joint Resolution shall be effective from the date of the Office of Strategic and Long Range Planning's order calling for the designated property's annexation to the City.

11. Governing Law. Minnesota law will govern this Agreement.

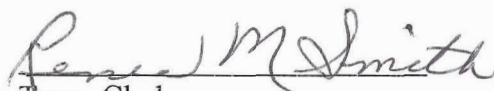
The Town of Avon Board of Supervisors adopts this Joint Resolution on

November 5, 2003.

TOWN OF AVON

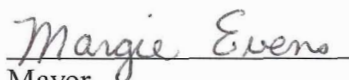
By 
Board of Supervisors Chairperson

ATTEST:


Town Clerk

The Avon City Council adopts this Joint Resolution on November 17, 2003.

CITY OF AVON

By 
Mayor

ATTEST:


City Clerk/Administrator

REC'D BY
MMB

DEC 23 2003

Avon, Minnesota
A-AVONM 0304.00
August 6, 2003
Revised December 16, 2003

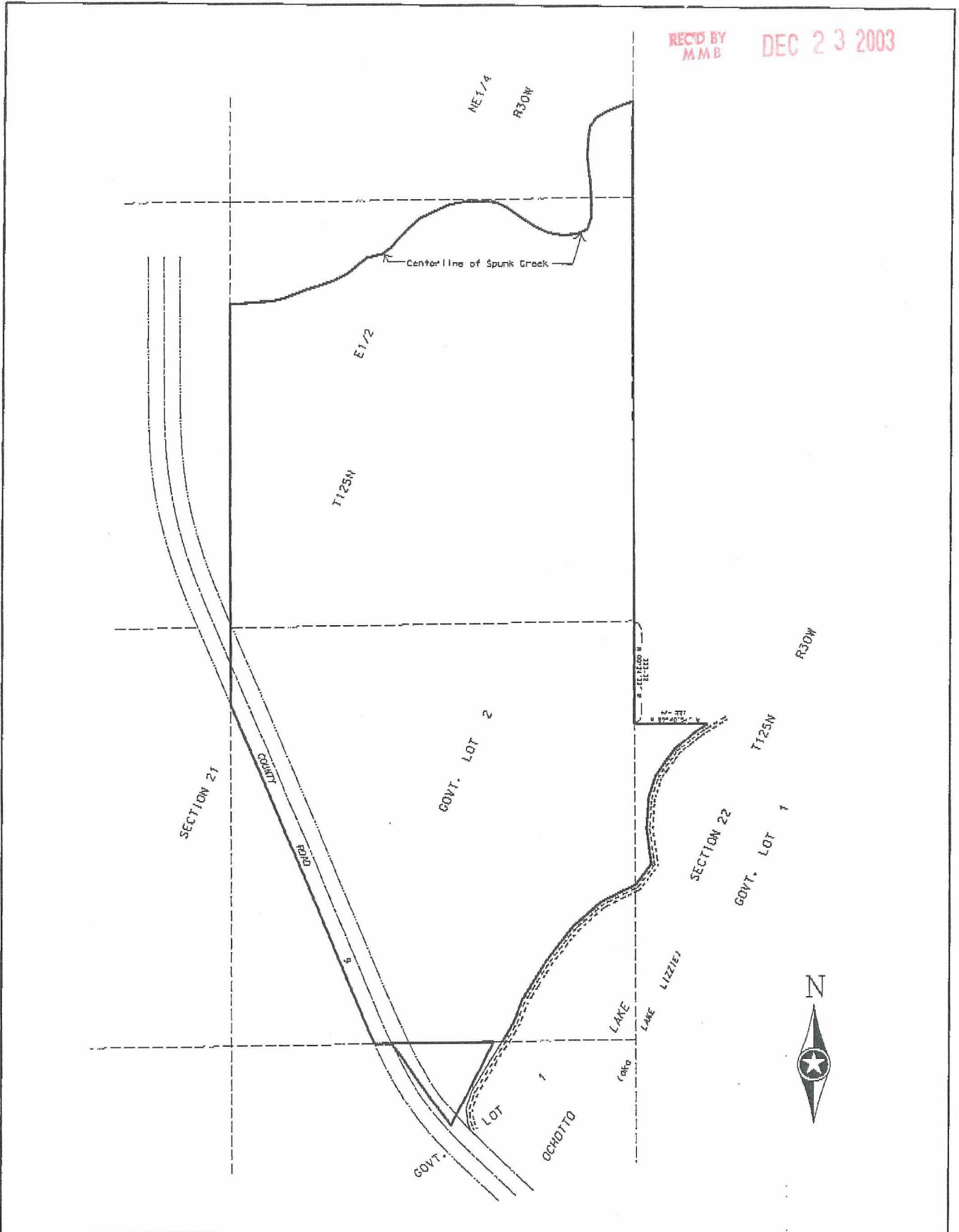
Annexation Description

The East Half of the Northeast Quarter (E 1/2 NE 1/4) of Section Twenty-one (21), Township One Hundred Twenty-five (125) North, Range thirty (30) West which lies southerly of Spunk Creek. All of Government Lot (2) in Section 21, Township 125, Range 30 LESS AND EXCEPT All that part of Government Lot 2 lying Westerly of State Aid Road #9. All that part of Government Lot One (1), Section 21, Township 125, Range 30 described as follows: Beginning at a point on the North line of Lot 1 on West side of Ochotto Lake (aka Lake Lizzie); running thence West 322 feet to centerline of highway; thence South 34 degrees East along highway 328 feet; thence North 28 degrees East 297 feet to place of beginning. All that part of Government Lot 1, Section 22, Township 125, Range 30, Stearns County, Minnesota lying South of a line described as beginning at a point on the west line of said Government Lot 1 distant 323.32 feet South of the West quarter section corner of said Section 22; thence East at an angle of 90 degrees 43 minutes 39 seconds with said west line, as measured from North to East, for 227 feet more or less to the shore of Ochotto Lake (aka Lake Lizzie) and there terminating.

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REC'D BY
MMB

DEC 23 2003



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FILE NO.
AVONM0304.00
DATE:
12/16/03

ANNEXATION EXHIBIT
WATERS EDGE PLAT
AVON, MN

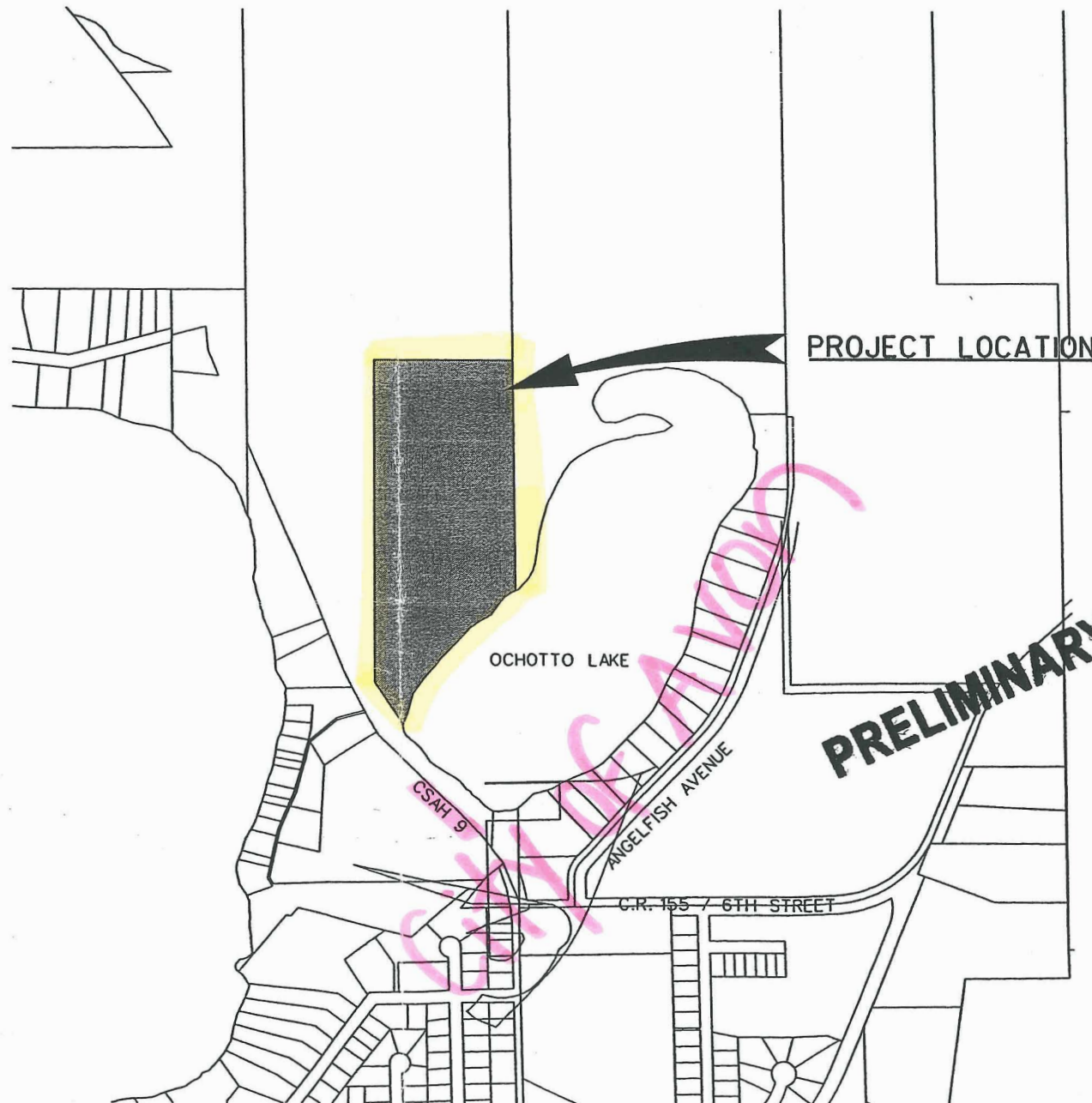
FIGURE
NO. 1

CITY OF AVON, MINNESOTA

PRELIMINARY PLANS FOR

2003 BRIX FARM DEVELOPMENT

REC'D BY JMB NOV 25 2003



LEGEND	
5	STREET CENTERLINE
---	EXISTING
	CORPORATE LIMITS
----	RIGHT OF WAY
----	PERMANENT EASEMENT
----	PROPERTY LINE
FM	SANITARY SEWER AND MANHOLE FORCEMAIN
FM	SANITARY SEWER SERVICE
W	WATERMAIN, HYDRANT AND VALVE
W	WATER SERVICE AND CURB STOP BOX
W	WATER VALVE MANHOLE
W	STORM SEWER, MANHOLE AND CATCH BASIN
W	CULVERT
W	BULKHEAD
E	UNDERGROUND ELECTRIC CABLE OR CONDUIT
E	UNDERGROUND ELECTRIC DUCT
G	GAS MAIN
T	UNDERGROUND TELEPHONE CABLE OR CONDUIT
T	UNDERGROUND TELEPHONE DUCT
TV	UNDERGROUND TELEVISION CABLE OR CONDUIT
TV	UNDERGROUND TELEVISION DUCT
ECTRL	ELECTRIC CONTROL CABINET/BOX
EM	ELECTRIC MANHOLE
ET	ELECTRIC TRANSFORMER/PEDESTAL
PP	POWER POLE & GUY ANCHOR
LP	LIGHT POLE
GV	GAS VALVE, GAS SIGN & GAS VENT
TS	TRAFFIC SIGNAL, STANDARD
HH	HAND HOLE
TM	TELEPHONE MANHOLE
TP	TELEPHONE PEDESTAL
CTV	CABLE TV PEDESTAL
SB	SOIL BORING
TP	TRAVERSE POINT
CG	CONCRETE CURB AND GUTTER
CONC	EXISTING PAVEMENT OR SIDEWALK
BIT	SIGN (HWY, PARK, STOP, ETC.)
SS	STREET SIGN
D	DITCH
RT	RAILROAD TRACKS
BWF	BARBED WIRE FENCE
XC	CHAIN LINK FENCE
XE	ELECTRIC WIRE FENCE
WF	WOOD FENCE
XWF	WOVEN WIRE FENCE
GR	GUARD RAIL
T12	TREE (DECIDUOUS)
T12	TREE (CONIFEROUS)
BS	BUSH-SHRUB
WA	WOODED AREA
BLDG	BUILDING
PROPOSED	
---	NEW RIGHT OF WAY
----	PERMANENT EASEMENT
----	TEMPORARY EASEMENT
----	CONSTRUCTION LIMITS
FM	SANITARY SEWER AND MANHOLE FORCEMAIN
FM	SANITARY SEWER SERVICE
W	WATERMAIN, HYDRANT AND VALVE
W	WATER SERVICE AND CURB STOP BOX
W	WATER VALVE MANHOLE
W	STORM SEWER, CATCH BASIN & MANHOLE
W	CULVERT
W	BULKHEAD
W	DRAIN TILE
CG	CONCRETE CURB AND GUTTER
SF	SILT FENCE
H	HAYBALES
*	LIGHT POLE
TS	TRAFFIC SIGNAL, STANDARD
SS	SIGN (HWY, PARK, STOP, ETC.)
SLFP	STREET LIGHT FEED POINT
SLC	STREET LIGHTING CABLE
X	REMOVE TREE

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NOTE: THE EXACT LOCATION OF UNDERGROUND UTILITIES SUCH AS GAS, TELEPHONE, FIBEROPTIC, ELECTRIC, CABLE TV, AND PIPE LINES ARE UNKNOWN. THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL BEFORE COMMENCING EXCAVATION.

GOPHER STATE ONE CALL SYSTEM.....1-800-252-1166

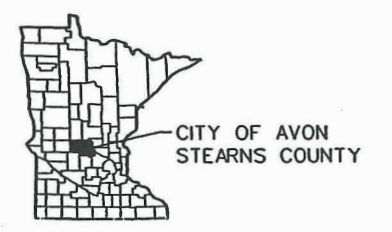
INDEX	
SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	PLAT
3	UTILITY PLAN
4	GRADING PLAN

THIS PLAN CONTAINS 4 SHEETS.

CITY OFFICIALS

- MAYOR _____ MARGIE EVENS
 COUNCIL _____ AL ERNET
 _____ TED BORAN
 _____ JOYCE LINN
 _____ KEITH DICKINSON
 CLERK/ADMINISTRATOR _____ JODI AUSTING-TRAUT
 STREET SUPERINTENDENT _____ RAY SCHMIDT
 WATER/WASTEWATER SUPERINTENDENT _____ TOM BLOMER

PROJECT LOCATION



PLAN REVISIONS

DATE	SHEET NO.	APPROVED BY

AVON, MINNESOTA



1200 25TH AVENUE SOUTH
 P.O. BOX 1717
 ST. CLOUD, MINNESOTA 56302-1717
 PH 320-229-4300 800-572-0617
 FAX 320-229-4301 WWW.SEHINC.COM

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

FILE NO.
 AVONM0304

Date: 09/02/03 Reg. No. 26293

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