

TOWN OF LESAUK RESOLUTION NO. 95 3

CITY OF SARTELL RESOLUTION NO. 72-1995

AMENDED AND RESTATED
JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN THE
TOWN OF LESAUK AND THE CITY OF SARTELL, MINNESOTA

WHEREAS, the Town of LeSauk (hereinafter the "Town") and the City of Sartell (hereinafter the "City") have had numerous discussions regarding the planning and development of land areas adjacent to the City; and

WHEREAS, the Town Board and the City Council have undertaken a study of the factors impacting growth and development; and

WHEREAS, the Town Board and the City Council have determined that future planning and development of land areas adjacent to the City is of mutual benefit to both parties and the residents thereof; and

WHEREAS, the Town Board and the City Council desire to accomplish future planning and development of land areas adjacent to the City in an orderly fashion and, insofar as is reasonable and possible, to resolve any present and future differences between said Town and said City by mutual agreement.

NOW, THEREFORE, BE IT RESOLVED by the Town Board and the City Council of Sartell as follows:

1. Designation of Orderly Annexation Area: The Town and the City desire to designate, by joint resolution and agreement, the area encompassing the entire territory of said Town ("Orderly Annexation Area") as subject to orderly annexation under and pursuant to Minnesota Statutes Section 414.0325. Said Orderly Annexation Area is further described as that area set forth in the maps attached hereto and incorporated herein as Exhibit 1 and Exhibit 2, and the legal description attached hereto and incorporated herein as Exhibit 3.

2. Municipal Board Jurisdiction: That upon approval by the respective governing bodies of the Town and the City, this Joint Resolution and Agreement shall confer jurisdiction upon the Minnesota Municipal Board ("Municipal Board") so as to accomplish said orderly annexation in accordance with the terms of this Joint Resolution and Agreement.

3. No Alternations of Boundaries: The Town and the City mutually state that no alterations by the Municipal Board of the boundaries of the area designated herein for orderly annexation is appropriate.

4. Review and Comment by Municipal Board: The Town and the City mutually state that this Joint Resolution and Agreement sets

forth all the conditions for annexation of the area designated herein for orderly annexation and that no consideration by the Municipal Board is necessary. The Municipal Board may review and comment, but shall, within thirty (30) days order annexation in accordance with the terms and conditions of this Joint Resolution and Agreement.

5. Special Terms and Conditions for Orderly Annexation: The Town and the City mutually agree and resolve that the following terms and conditions shall govern annexations under this Joint Resolution and Agreement for Orderly Annexation:

- a. Any request for annexation of a described area may be subject to annexation to the City only upon presentation of a petition signed by at least sixty percent (60%) of the property owners of record in a described portion of the Orderly Annexation Area requesting such annexation. Any petition for annexation signed by less than one hundred percent (100%) of the property owners of record in the described area requesting annexation shall have a joint public hearing of the Town Board and the City Council held thereon. Annexation to the City shall require the approval of a majority of both the Town Board and the City Council acting as separate bodies.
- b. The City and the Town agree that when at least fifty-one percent (51%) of the property owners of record of the remaining Town petition the City for annexation, and the petition is approved by the Town Board, the City shall approve such annexation and forward such petition to the Municipal Board for review and comment.

6. "Trunk Reserve" or "Excess Sewage Capacity Fund": Upon recovering its costs for development of commercial or industrial properties from areas annexed pursuant to this Joint Resolution and Agreement, the City shall, for a period of five (5) years dedicate twenty-five percent (25%) of the City's share of property taxes of said areas to a separate "Trunk Reserve" or "Excess Sewage Capacity" fund for the purpose of developing oversizing for public sanitary sewer and excess sanitary sewer capacity to residents. The City and the Town shall mutually develop guidelines for the use of these funds. Said guidelines shall be adopted by a majority vote of both the Town Board and the City Council acting as separate bodies.

7. Phase-in of Property Taxes: Whenever any annexation of developed property occurs pursuant to this Joint Resolution and Agreement, the tax rate of the City on said property shall be increased in substantially equal proportions over five (5) years to equality with the local tax rate on the property already within the City. For purposes of this Joint Resolution and Agreement, the term "developed property" shall mean property platted prior to the effective date of this Joint Resolution and Agreement or existing property developed and occupied prior to the date of annexation.

8. Joint Planning Board: The City and the Town mutually agree to create a Joint Planning Board as a part of this agreement pursuant to Minnesota Statutes Section 471.59, so as to implement zoning, subdivision, building and fire code regulations. The Joint Planning Board shall have the powers granted under the terms of a Joint Powers Agreement authorized and executed by the City and Town and consistent with the powers contained in Minnesota Statutes § 462.351 through § 462.364. Membership on the Joint Planning Board shall consist of an equal number of City residents and Town residents. Whenever a Town resident who is a member of the Joint Planning Board becomes a resident of the City as a result of annexation, that member may continue on the Joint Planning Board until a new member is appointed by the Town Board, or until their term expires, after which a new member shall be appointed by the Town Board.

- a. The City and the Town mutually agree that the Joint Planning Board will review, on a continuous bases, the factors impacting orderly annexation and will from time-to-time report to the Town Board and the City Council its recommendations for changing the conditions for orderly annexation and the desirability of annexing specific areas including the remaining Town. The first such report shall be presented to the Town and the City three (3) years from the effective date of this resolution.

9. Agricultural Preservation: The City and the Town mutually agree that the preservation and protection of agricultural land is beneficial and shall immediately take steps to establish an agricultural preservation policy pursuant to Minnesota Statutes. Such program will be subject to the review of the Joint Planning Board, and shall be implemented within one (1) year after the effective date of this Joint Resolution and Agreement.

10. Joint Cost Sharing: The City agrees that the Town's cost of joint participation in the fire department, government center, and other joint Town-City projects shall be reviewed and adjusted annually at the Sartell-LeSauk Government Center Meeting.

11. Authorization: The appropriate officers of the City and the Town are hereby authorized to carry the terms of this Joint Resolution and Agreement into effect.

12. Severability and Repealer: All prior resolutions and ordinances of the Town and City, or portions of resolutions and ordinances in conflict herewith, are hereby repealed. Should any section of this Joint Resolution and Agreement be held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions shall remain in full force and effect.

13. Effective Date: This amended Joint Resolution and Agreement shall be effective immediately upon its adoption by the respective governing bodies of the Town and the City and shall amend and supersede City Resolution No. 117-1992 and Town

Resolution No. 93-1 entitled "Joint Resolution and Agreement of Orderly Annexation for the Town of LeSauk and City of Sartell".

Adopted by the Town Board of Supervisors for the Town of LeSauk this 34th day of October, 1995.

TOWN OF LESAUK

By Kevin Pullis
Its Chairman

Attest:

Marilyn L. Plante
Marilyn L. Plante, Town Clerk

Adopted by the City Council for the City of Sartell this 9th day of October, 1995.

CITY OF SARTELL

By Robert J. Pagani
Its Mayor

Attest:

Robert Therres
Robert Therres
City Clerk/Administrator

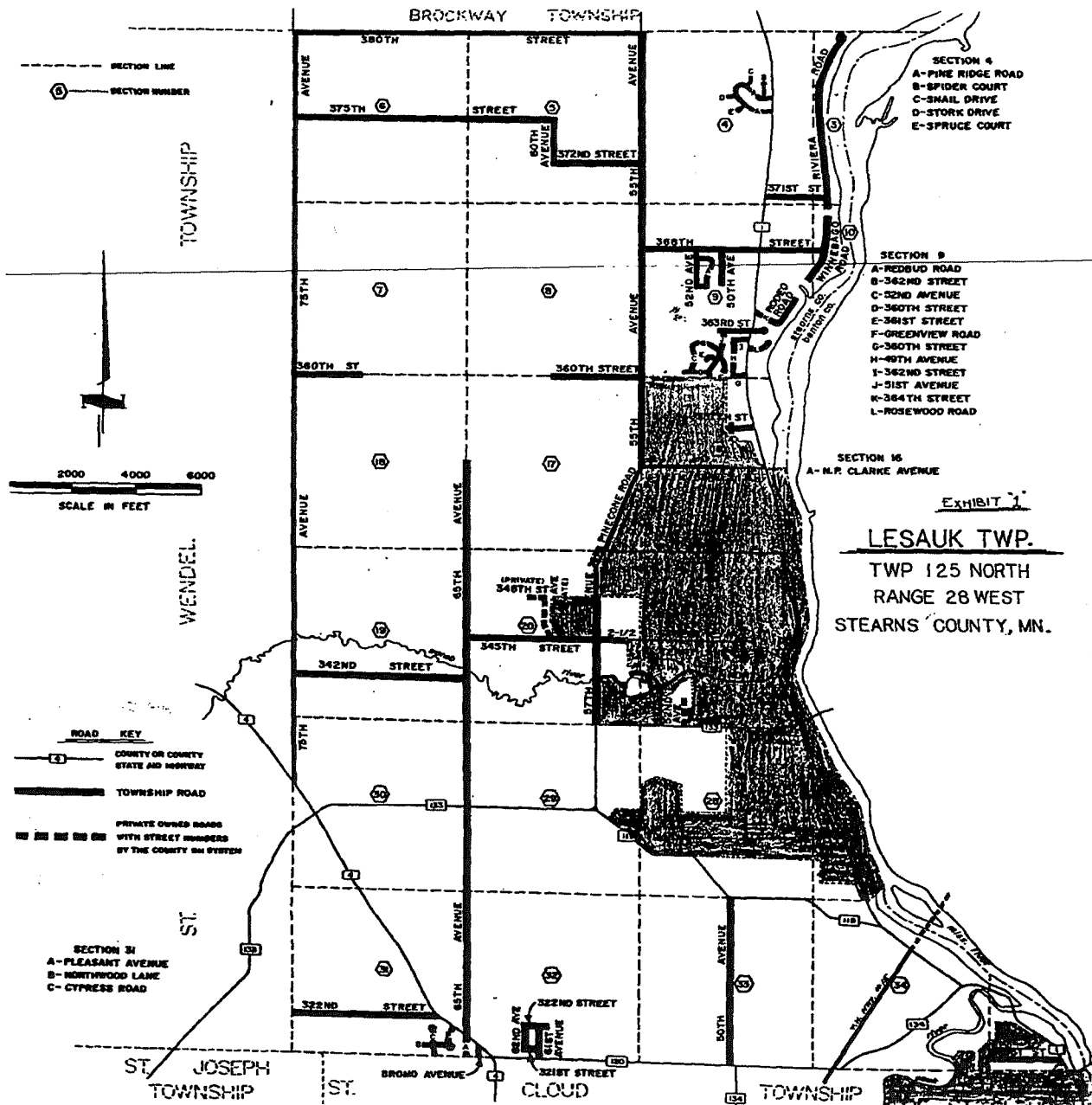


EXHIBIT '2'

LESNAK TOWNSHIP
TWP. 125 NORTH
RANGE 28 WEST
STEARNS COUNTY, I

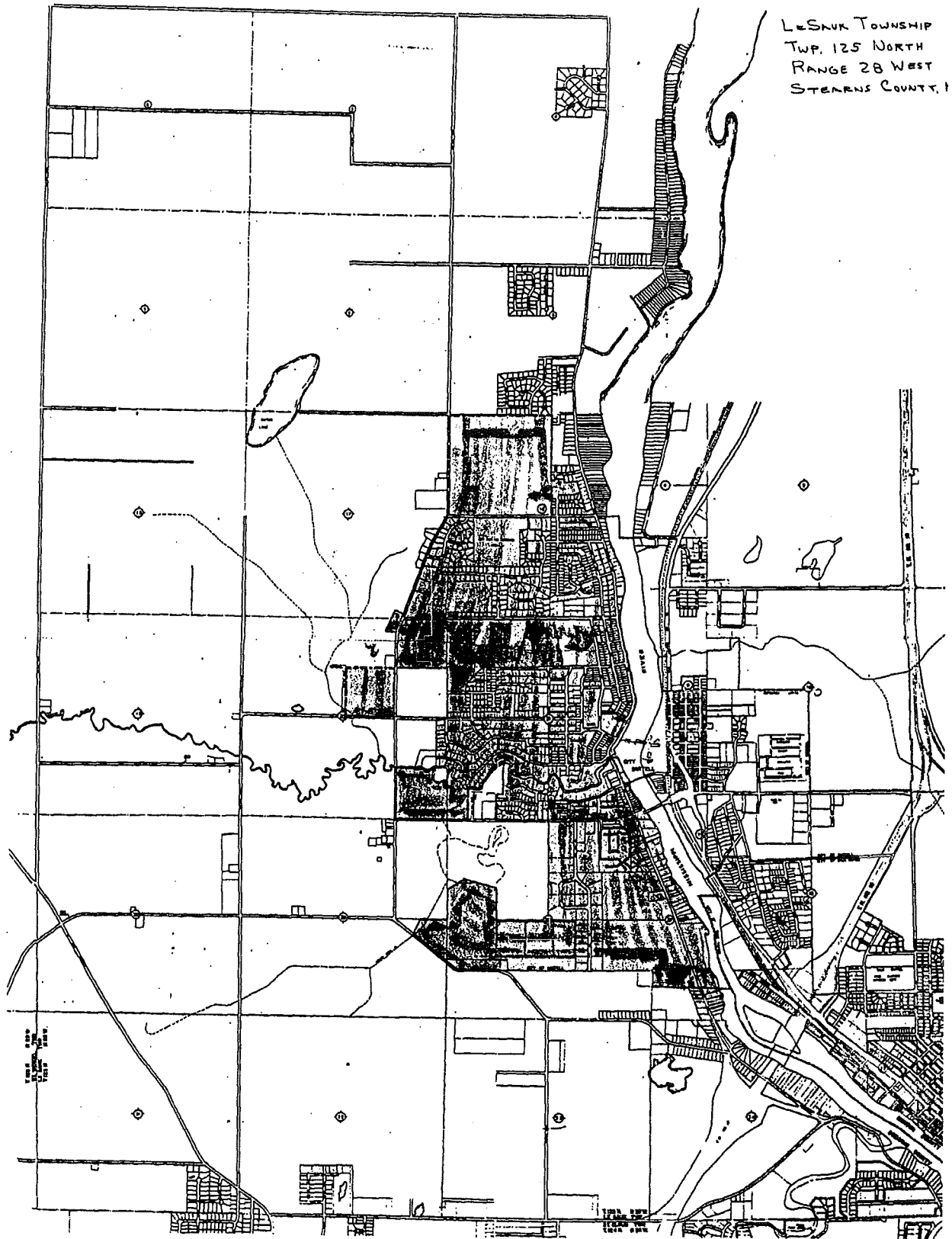


EXHIBIT "3"

LEGAL DESCRIPTION OF ORDERLY ANNEXATION AREA FOR THE
JOINT RESOLUTION AND AGREEMENT FOR ORDERLY ANNEXATION BETWEEN THE
TOWN OF LESAUK AND THE CITY OF SARTELL, MINNESOTA

The entire territory of LeSauk Township, Township 125 North, Range 28 West, Stearns County, Minnesota more particularly described as follows:

Section three (3); Section four (4); Section five (5); Section six (6); Section seven (7); Section eight (8); Section nine (9); Section ten (10); Section sixteen (16), less and except that portion within the limits of the City of Sartell; Section seventeen (17), less and except that portion within the limits of the City of Sartell; Section eighteen (18); Section nineteen (19); Section twenty (20), less and except that portion within the limits of the City of Sartell; Section twenty-one (21), less and except that portion within the limits of the City of Sartell; Section twenty-seven (27), less and except that portion within the limits of the City of Sartell; Section twenty-eight (28), less and except that portion within the limits of the City of Sartell; Section twenty-nine (29), less and except that portion within the limits of the City of Sartell; Section thirty (30); Section thirty-one (31); Section thirty-two (32); Section thirty-three (33); Section thirty-four (34), less and except that portion platted as Charter Oaks and that portion platted as Mill Creek, both within the limits of the City of St. Cloud; and Section thirty-five (35), less and except that portion platted as Mill Creek and that portion platted as R. J. Ganz Estates, both within the limits of the City of St. Cloud, all in LeSauk Township, Township 125 North, Range 28 West, Stearns County, Minnesota.