**S A M P L E**

**JOINT RESOLUTION**

**IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN**

**THE CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ AND \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ TOWNSHIP**

**PURSUANT TO MINNESOTA STATUTES § 414.0325**

**WHEREAS,** the City of \_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_ Township designate for orderly annexation, the following described lands located within \_\_\_\_\_\_\_\_\_\_\_\_ Township, County of \_\_\_\_\_\_\_\_\_\_\_\_, Minnesota:

***INSERT THE COMPLETE AND ACCURATE PROPERTY DESCRIPTION.***

***DO NOT USE DESCRIPTIONS FROM PROPERTY TAX STATEMENTS.***

and,

**WHEREAS,** the City of \_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_ Township are in agreement as to the orderly annexation of the unincorporated land described; that both believe it will be to their benefit and to the benefit of their respective residents; and

**WHEREAS,** Minnesota Statutes § 414.0325 provides a procedure whereby the City of \_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_ Township may agree on a process of orderly annexation of a designated area; and

**WHEREAS,** on \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_ a Notice of Intent to include property in an orderly annexation area was published pursuant to the requirements of Minnesota Statutes § 414.0325 Subd. 1b; and

**WHEREAS,** the City of \_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_ Township have agreed to all the terms and conditions for the annexation of the above-described lands within this document and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

**NOW, THEREFORE, BE IT RESOLVED,** jointly by the City Council of the City of \_\_\_\_\_\_\_\_\_\_\_\_ and the Township Board of \_\_\_\_\_\_\_\_\_\_\_\_ Township as follows:

1. **(Property.)**That the following described lands in \_\_\_\_\_\_\_\_\_\_\_\_ Township are subject to orderly annexation pursuant to Minnesota Statutes § 414.0325, and that the parties hereto designate those areas for orderly annexation, to wit:

***INSERT THE COMPLETE AND ACCURATE PROPERTY DESCRIPTION.***

***DO NOT USE DESCRIPTIONS FROM PROPERTY TAX STATEMENTS.***

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**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

***NOTE: Use the following statement only if requesting immediate annexation of part or all of the designated area.***

*It is therefore agreed that the following property be immediately annexed to the City*

*of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to wit:*

***INSERT THE COMPLETE AND ACCURATE PROPERTY DESCRIPTION.***

***DO NOT USE DESCRIPTIONS FROM PROPERTY TAX STATEMENTS.***

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

2**. (Acreage/Population/Usage.)**That the designated area consists of approximately \_\_\_\_\_acres, the population in the subject area is \_\_\_\_\_, and the land use type is \_\_\_\_\_\_\_\_\_\_\_\_\_.

3. **(Jurisdiction.)**That \_\_\_\_\_\_\_\_\_\_\_\_ Township and the City of \_\_\_\_\_\_\_\_\_\_\_\_, by submission of this joint resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confers jurisdiction upon the Chief Administrative Law Judge so as to accomplish said orderly annexation in accordance with the terms of this resolution.

4. **(Need).**That the above-described property is urban or suburban or about to become so, and since the City of \_\_\_\_\_\_\_\_\_\_\_\_ is capable of providing services to this area within a reasonable time, the annexation would be in the best interest of the area.

5. **(Conditions):**

*Phases*

*Timing*

*Initiating Triggers*

*Local procedures*

*Provision of Services*

*Road issues*

*Other intergovernmental agreements*

6. ***(Planning In the Orderly Annexation Area.).*** *Minnesota Statutes § 414.0325 Subd. 5 Optional. The parties may identify which statutory planning option they have agreed will govern the designated area.*

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7. ***(Tax Rate Step Up)****. Minnesota Statutes § 414.035 (1 – 6 years)Optional.*

*The tax capacity rate applicable to the property after annexation shall be increased in substantially equal proportions each year of a six year period until it equals the tax capacity rate of the City of \_\_\_\_\_\_\_\_\_\_\_\_.*

8. **(Municipal Reimbursement).** Minnesota Statutes § 414.036.

**a**. **Reimbursement to Towns for lost taxes on annexed property.**

In the first year following the year in which the City of \_\_\_\_\_\_\_\_\_\_\_\_could

first levy on the annexed area, an amount equal to $\_\_\_\_\_\_\_\_\_\_\_\_\_; and

In the second year, an amount equal to $\_\_\_\_\_\_\_\_\_\_. (Payments may be extended up to 8 years.)

*OR:*

Parties can agree to other payment terms or negotiate other financial arrangements or agree to **no** reimbursement.

**b. Assessments and Debt.**

That pursuant to Minnesota Statutes § 414.036 with respect to any special assessment assigned by the Township to the annexed property and any portion of debt incurred by the Township prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described (herein or attached exhibit) there are (1) no special assessments or debt…. or, (2) there is and the City of \_\_\_\_\_\_\_\_\_\_\_\_ will ……

9. (**Review and Comment).** The City of \_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_ Township agree that upon receipt of this resolution, passed and adopted by each party, the Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

10. ***(Restrictions).***

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11. ***(Terms of Resolution).***

Adopted by affirmative vote of all the members of the \_\_\_\_\_\_\_\_\_\_\_\_ Township Board of Supervisors this \_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_20\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ TOWNSHIP ATTEST:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chairperson Township Clerk

Board of Supervisor

Adopted by affirmative vote of the City Council of \_\_\_\_\_\_\_\_\_\_\_\_ \_, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_20\_\_.

CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ATTEST:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor City Administrator

Approved this \_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_

This sample agreement is for discussion purposes only. Since an orderly annexation agreement is a binding contract among the parties, please consult with appropriate legal counsel prior to adoption.

*Municipal Boundary Adjustment Unit Contact*

*Star Holman* [*star.holman@state.mn.us*](mailto:star.holman@state.mn.us) *651-361-7909*

*(July 2019)*