

MAR 21 2013

**IN THE MATTER OF THE AMENDMENT TO THE JOINT RESOLUTION  
FOR ORDERLY ANNEXATION BETWEEN THE TOWN OF MORSE  
AND THE CITY OF ELY, MINNESOTA  
PURUSANT TO MINNESOTA STATUTES 414.0325, SUBD. 1**

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TO: Office of Administrative Hearings  
Municipal Boundary Adjustment Unit  
P.O. Box 64620  
600 N. Robert Street  
St. Paul, MN 55164-0620

WHEREAS, the City of Ely owns a parcel of real property legally described as follows:

**That part of the Northeast Quarter of the Northwest Quarter of Section 33, Township 63 North, Range 12 West. St. Louis County, Minnesota, described as follows: Beginning at the northeast corner of said Northeast Quarter of the Northwest Quarter South 01 degree 14 minutes 15 seconds East, assumed bearing, along the east line of said Northeast Quarter of the Northwest Quarter 293.77 feet to the northerly right of way line of Trunk Highway 169; thence southwesterly 100.52 feet, along said northerly right of way line and along a non-tangential curve concave 10 the southeast, having a radius of 756.20 feet and central angle of 07 degrees 36 minutes 59 seconds. The chord of said curve is 100.45 feet in length and bears South 79 degrees 21 minutes 07 seconds West; thence North 18 degrees 43 minutes 04 seconds West 277.71 feet; thence North 56 degrees 25 minutes 07 seconds East 90.77 feet to the north line of said Northeast Quarter of the Northwest Quarter: thence South 89 degrees 28 minutes 37 seconds East, along said north line 105.88 feet to the point of beginning.**

WHEREAS, the subject property is or is about to become urban and suburban in character and the City of Ely provides municipal services to the subject parcels; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, the Town of Morse (hereinafter "Town") and the City of Ely (hereinafter "City") hereby jointly agree that the Joint Resolution Between the Town of Morse and the City of Ely designating an area for Orderly Annexation dated November 1973 be amended, for this annexation only, to include the following:

1. Both the Town and the City agree that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, both parties agree that for this specific request, no consideration by the Office of Administrative Hearings is necessary. Upon receipt of this resolution, the Municipal Boundary Adjustments Unit may review and comment, but shall within 30 days, order the annexation of the following-described property in accordance with the terms of the joint resolution.

**That part of the Northeast Quarter of the Northwest Quarter of Section 33, Township 63 North, Range 12 West. St. Louis County, Minnesota, described as follows: Beginning at the northeast corner of said Northeast Quarter of the Northwest Quarter South 01 degree 14 minutes 15 seconds East, assumed bearing, along the east line of said Northeast Quarter of the Northwest Quarter 293.77 feet to the northerly right of way line of Trunk Highway 169; thence southwesterly 100.52 feet, along said northerly right of way line and along a non-tangential curve concave 10 the southeast, having a radius of 756.20 feet and central angle of 07 degrees 36 minutes 59 seconds. The chord of said curve is 100.45 feet in length and bears South 79 degrees 21 minutes 07 seconds West; thence North 18 degrees 43 minutes 04 seconds West 277.71 feet; thence North 56 degrees 25 minutes 07 seconds East 90.77 feet to the north line of said Northeast Quarter of the Northwest Quarter: thence South 89 degrees 28 minutes 37 seconds East, along said north line 105.88 feet to the point of beginning.**

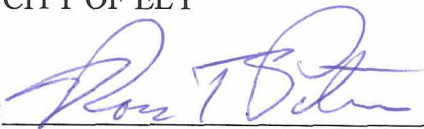
That the corporate boundary map for the City of Ely shall be amended to add the property shown on the attached map, Exhibit "A".


That except for this Amendment, the Joint Resolution for Orderly Annexation Dated November 1973 is hereby reaffirmed.

Municipal Boundary Adjustment Unit may issue an Order consistent with this Amendment to Joint Resolution.

Approved by the City of Ely this 14<sup>th</sup> day of MARCH, 2013.

CITY OF ELY

By:   
Its: Mayor

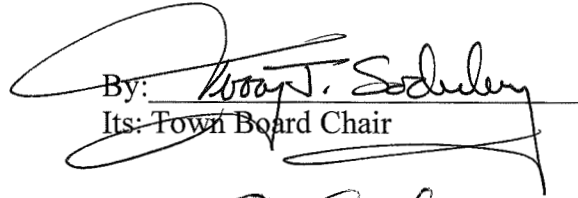
By:   
Its: Clerk-Treasurer

REC'D BY  
MBA

MAR 21 2013

Approved by the Town of Morse this 5 day of March, 2013.

TOWN OF MORSE

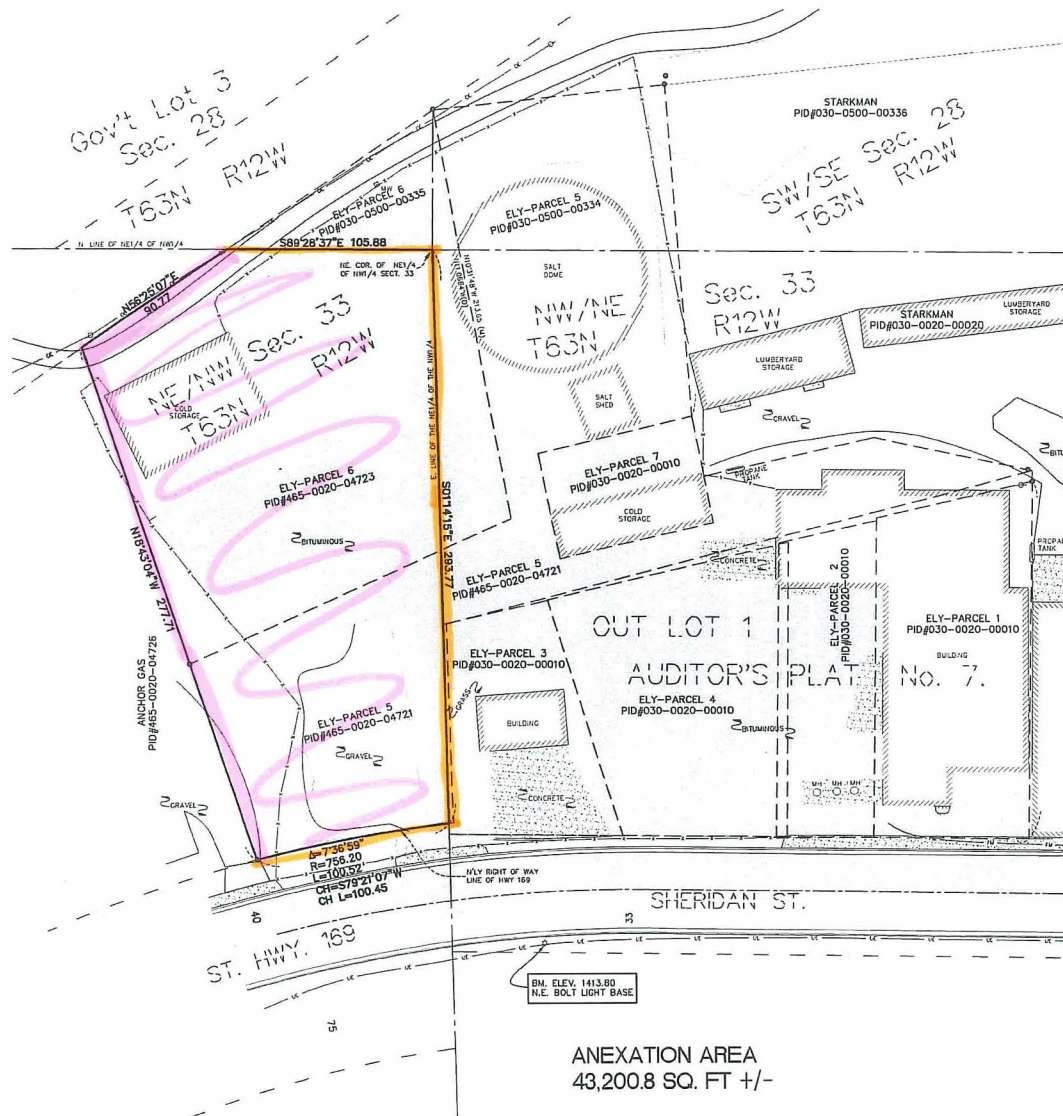
By:   
Its: Town Board Chair

By:   
Its: Town Board Clerk

## ANNEXATION SKETCH for CITY OF ELY

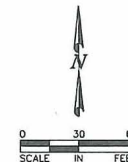
REC'D BY  
MBA

MAR 21 2013



## Annexation Description

That part of the Northeast Quarter of the Northwest Quarter of Section 33, Township 63 North, Range 12 West, St. Louis County, Minnesota, described as follows: Beginning at the northeast corner of said Northeast Quarter of the Northwest Quarter; thence South 01 degree 14 minutes 15 seconds East, assumed bearing, along the east line of said Northeast Quarter of the Northwest Quarter, 293.77 feet to the northerly right of way line of Trunk Highway 169; thence southwesterly, 100.52 feet, along said northerly right of way line and along a non-tangential curve concave to the southeast, having a radius of 756.20 feet and a central angle of 07 degrees 36 minutes 59 seconds. The chord of said curve is 100.45 feet in length and bears South 79 degrees 21 minutes 07 seconds West; thence North 18 degrees 43 minutes 04 seconds West 277.71 feet; thence North 55 degrees 25 minutes 07 seconds East 50.77 feet to the north line of said Northeast Quarter of the Northwest Quarter; thence South 89 degrees 28 minutes 37 seconds East, along said north line, 105.88 feet to the point of beginning.



303 East 19th Street  
P.O. Box 656  
Hibbing, MN 55746  
Phone: (218) 262-5528  
Fax: (218) 262-5059  
www.jpjeng.com

Hibbing, MN • Duluth, MN

ANNEXATION SKETCH  
AND DESCRIPTION  
ELY, MNCITY OF ELY  
OLD COUNTY GARAGE

REVISION DATE	DESCRIPTION

BOOK #	
PAGE #	
DRAWN	TDL
CHECKED	TDL

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

Timothy D. Larson  
Timothy D. Larson  
DATE 09/17/12 LIC. NO. 43809

PROJECT # 11-538

1 of 1

Annexation Area  
City Limits



Resolution 2005-5

REC'D BY  
M M B

MAR 07 2005

**IN THE MATTER OF THE AMENDMENT TO THE JOINT RESOLUTION  
FOR ORDERLY ANNEXATION BETWEEN THE TOWN OF MORSE  
AND THE CITY OF ELY, MINNESOTA  
PURSUANT TO MINNESOTA STATUTES 414.0325, SUBD. 1**

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TO: Minnesota Planing  
Municipal Boundary Adjustments  
658 Cedar Street – Room 300  
St. Paul, MN 55155-1603  
(651) 284-3383

WHEREAS, the requisite portion of property owners have requested detachment of the subject property from the Town of Morse and annexation to the City of Ely; and

WHEREAS, the subject property is or is about to become urban or suburban in character and the City has available and is capable of providing municipal services to the subject parcel and the area is in need of a municipal service; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, the Town of Morse and the City of Ely hereby jointly agree that the Joint Resolution Between the Town of Morse and the City of Ely designating an area for Orderly Annexation dated November 1973 be amended to include the following:

1. Both the Town and the City agree that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, both parties agree that for this specific request, no consideration by the Minnesota Planning is necessary. Upon receipt of this resolution, Minnesota Planing may review and comment, but shall, within 30 days, order the annexation of the following-described property in accordance with the terms of the joint resolution.
2. The subject property to be detached from the Town of Morse and annexed to the City of Ely is described as follows. TO WIT:

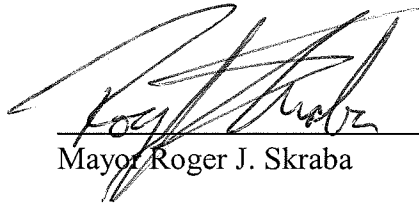
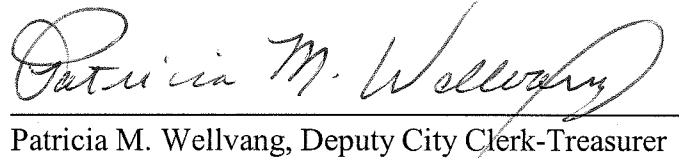
Lots One (1), Two (2), and Three (3), Block Six (6), AHOLA PLAT,

EXCEPT minerals and mineral rights,

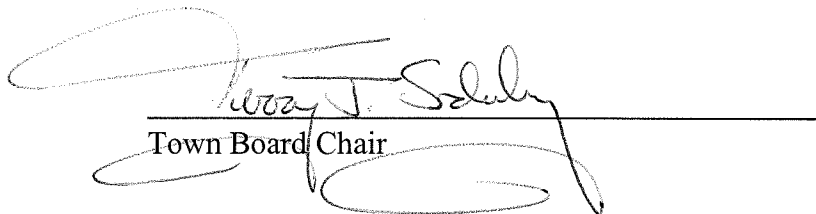
SUBJECT TO easements, conditions and restrictions of record including easement for ingress and egress running in favor of Lots 5 and 6, Block 6, AHOLA PLAT.

3. That the corporate boundary map for the City of Ely shall be amended to add the property shown on the attached map, Exhibit "A".
4. That except for this Amendment, the Joint Resolution for Orderly Annexation Dated November 1973 is hereby ratified.
5. Minnesota Planning may issue an order consistent with this Joint Resolution.

Approved by the City of Ely this 1<sup>ST</sup> day of FEBRUARY, 2005.

  
\_\_\_\_\_  
Mayor Roger J. Skraba  
\_\_\_\_\_  
Patricia M. Wellvang, Deputy City Clerk-Treasurer

Approved by the Town of Morse this 8<sup>TH</sup> day of February, 2005.

  
\_\_\_\_\_  
Town Board Chair  
\_\_\_\_\_  
Town Board Clerk

IN THE MATTER OF THE AMENDMENT TO THE JOINT RESOLUTION  
FOR ORDERLY ANNEXATION BETWEEN THE TOWN OF MORSE  
AND THE CITY OF ELY, MINNESOTA  
PURSUANT TO MINNESOTA STATUTES 414.0325, SUBD. 1

---

*Resolution 2002-38*

TO: Minnesota Planning  
Municipal Boundary Adjustments  
658 Cedar Street – Room 300  
St. Paul, MN 55155-1603  
(651) 284-3383

WHEREAS, the requisite portion of property owners have requested detachment of the subject property from the Town of Morse and annexation to the City of Ely; and

WHEREAS, the subject property is or is about to become urban or suburban in character and the City has available and is capable of providing municipal services to the subject parcel and the area is in need of a municipal service; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, the Town of Morse and the City of Ely hereby jointly agree that the Joint Resolution Between the Town of Morse and the City of Ely designating an area for Orderly Annexation dated November 1973 be amended to include the following:

1. Both the Town and the City agree that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, both parties agree that for this specific request, no consideration by the Minnesota Planning is necessary. Upon receipt of this resolution, Minnesota Planning may review and comment, but shall, within 30 days, order the annexation of the following-described property in accordance with the terms of the joint resolution.
2. The subject property to be detached from the Town of Morse and annexed to the City of Ely is described as follows. TO WIT:

Lots Two (2) through Fifteen (15), Block One (1), and Lots Two (2) through Five (5), Block Two (2), MAKI ADDITION TO TOWN OF MORSE, according to the Plat thereof, together with that portion of Forest Street and Second Avenue East, as shown on the attached sketch, incorporated herein by reference.

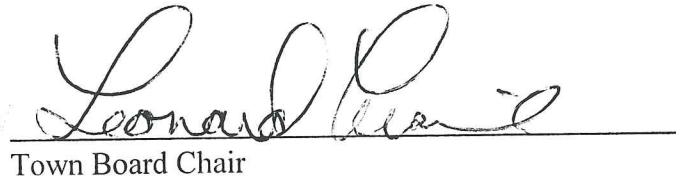
3. That the corporate boundary map for the City of Ely shall be amended to add the property shown on the attached map, Exhibit "A".
4. That except for this Amendment, the Joint Resolution for Orderly Annexation Dated November 1973 is hereby ratified.
5. Minnesota Planning may issue an order consistent with this Joint Resolution.

Approved by the City of Ely this 7<sup>th</sup> day of November, 2002.

  
Mayor Lolita Schnitzius

  
Terry Lowell, City Clerk/Treasurer

Approved by the Town of Morse this 8<sup>th</sup> day of October, 2002.

  
Town Board Chair

  
Town Board Clerk



JOINT RESOLUTION AS TO ORDERLY ANNEXATION

TOWN OF MORSE AND CITY OF ELY

ST. LOUIS COUNTY, MINNESOTA

WHEREAS, the Municipal Commission of the State of Minnesota presently has before it for hearing and consideration a petition for the annexing of certain portions of the Town of Morse and the City of Ely; and

WHEREAS, the Town of Morse and the City of Ely are parties to the said hearing, as well as are private petitioners who have petitioned for the annexation of certain portions of the Town of Morse as described in said petition, to the City of Ely; and

WHEREAS, there is a basis for agreement between the parties to this action upon which the petition presently before the Minnesota Municipal Commission can be settled, and the municipal parties hereto desire to set forth such terms of settlement by means of this resolution, individually and jointly.

NOW, THEREFORE, BE IT RESOLVED by the Town of Morse and the City of Ely, as follows:

I.

That the following described area in the Town of Morse, which abutts the City of Ely and consists of land 960 acres in area, is properly subject to orderly annexation under and pursuant to Minnesota Statutes 414.032 as amended, and the parties hereto do hereby designate this area as in need of orderly annexation as provided by statute to wit:

- A. The Northwest Quarter (NW $\frac{1}{4}$ ) and the Southwest Quarter (SW $\frac{1}{4}$ ), and the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 33, Township 63, Range 12;
- B. The Southwest Quarter (SW $\frac{1}{4}$ ) and the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 34, Township 63, Range 12;
- C. The Southwest Quarter (SW $\frac{1}{4}$ ) of Section 35, Township 63, Range 12, all in the Town of Morse, St. Louis County, Minnesota.

That the Town of Morse does upon the passage of this resolution and its adoption by the council of the City of Ely confer jurisdiction

upon the Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

## II.

No annexations will take place anywhere within the area designated as in need of orderly annexation unless the area involved is or is about to become urban or suburban in character and unless the city has available and is capable of providing municipal services such as water, sanitary sewers and storm sewers.

## III.

BE IT FURTHER RESOLVED, by the Town of Morse and the City of Ely as follows:

That the following described area in the Town of Morse to wit:

Starting at a point on the South Boundary line of the City of Ely, which point is the center of the intersection of Boundary Street and Central Avenue; thence South along the center line of Central Avenue extended 1,988.66 feet; thence Easterly 1,488.10 feet; thence Northerly 1,112.5 feet; thence Easterly 1,172.5 feet to the West line of Seventh Avenue East, City of Ely, extended; thence Northerly 826.17 feet to Boundary Street; thence Westerly along Boundary Street to the point of beginning.

All of which land is contained in the area subject to orderly annexation described above, and has become urban and suburban in character and is properly subject to annexation during the year 1973, under and pursuant to M.S.A. 414.32 as amended, subject to all the provisions herein after contained in this agreement.

## IV.

That the Town of Morse, upon the passage of this resolution, and its adoption by the council of the City of Ely, confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish this orderly annexation in accordance with the terms of this resolution.

## V.

BE IT FURTHER RESOLVED, By the Town of Morse, and the City of Ely, that all of the areas included in this agreement, whether to be annexed by 1973, or in the future by orderly annexation, shall be subject to the following terms and conditions and provisions:

A. No annexations will take place anywhere within the afore-designated area as in need of orderly annexation, except the annexation agreed to be proper for the year 1973, unless the area involved is or is about to become urban or suburban in character and unless the City has available and is capable of providing municipal services such as water, sanitary sewers, and storm sewers, in accordance with the provisions of M.S.A. Chapter 414, and future amendments thereto, and as ordered by the Minnesota Municipal Commission.

VI.

Any persons annexed to the City of Ely pursuant to this agreement shall receive a "tax break" consisting of a staged graduated increase in mill rates from the Town rate to the City rate over a five (5) year period.

VII.

The City of Ely agrees that all undeveloped land in the immediate annexed area will be considered rural in character and will carry a rural tax base for local tax purposes.

VIII.

Subject to Number X below, the City agrees not to attempt any annexations of any property within the remainder of the area subject to orderly annexation, unless a majority of at least fifty-one per cent (51%) of the property owners in an area request annexation to the City of Ely, and the area shall have become urban and suburban and in need of municipal services.

IX.

The parties agree that any future annexation within the Town of Morse, outside of the delineated area covered by this Joint Resolution, shall not occur without a positive vote of at least fifty-one per cent (51%) of the property owners in said proposed annexation area.

X.

If sanitary sewer collection systems must be constructed within the above described orderly annexation area not immediately

annexed, because of orders from the Pollution Control Agency or requests from landowners or otherwise, both parties agree to leave the extension of City boundaries to include the sewered areas to the discretion of the Minnesota Municipal Commission. This exception is granted only in order that the City would be enabled to lay any necessary water pipes or storm sewers at the same time that the sanitary sewer collection system is constructed.

## XI.

In all annexations within the orderly annexation area the parties agree to the following division of financial assets and obligations:

### A. Property taxes

In the year of annexation of any of the lands subject to this agreement the Town of Morse shall receive all the real estate tax income. Thereafter such real estate tax income shall belong to the City of Ely.

### B. State Per Capita and Municipal Aids

The Municipal Commission will determine the ratio of the population annexed to the total population of the Town of Morse on the date of its order. In the year of annexation the Town of Morse shall receive all the State per Capita and Municipal Aids and thereafter, the County Auditor will apply this modified ratio to all quarterly or other subsequent payments of State per Capita and Municipal Aids to the town and divide the payment as follows:

In the first year after annexation the Town of Morse shall keep eighty per cent (80%) of said state per capita and municipal aids; in the second year, sixty per cent (60%); in the third year, forty per cent (40%); in the fourth year, twenty per cent (20%); and thereafter, all such state per capita and municipal aids shall be paid to the City of Ely.

C. Federal Revenue Sharing Aids

Unless the entitlement of the town to federal revenue sharing aids is adjusted pursuant to federal regulations relating to boundary changes (31 CFR Sec. 51.23); the town agrees to apply the above determined modified population ratio to any federal revenue sharing checks received and to forward the City portion within fifteen (15) days of receipt of the funds, except that:

In the first year after annexation the Town of Morse shall keep eighty percent (80%) of said federal revenue sharing aids; in the second year, sixty percent (60%); in the third year, forty per cent (40%); in the fourth year, twenty per cent (20%); and thereafter all such federal revenue sharing aids shall be paid to the City of Ely.

D. Town General Fund and Other Assets

The City agrees not to apply for any division of the Town's General Funds or other assets.

E. Assessed Valuation

Residents of the area proposed for immediate annexation fear that their property may be assessed at closer to full market value than similar homes in the City of Ely, forcing them to bear a disproportionate share of the city tax burden. In order to avoid this possible injustice, the City and Town agree to the following procedure. The State Department of Taxation - Property Tax Assessment Division will study the assessed value of property in in the area proposed for immediate annexation and the assessed value of similar property in the City of Ely. If property within the area proposed for immediate annexation is assessed at closer to full market value than similar houses in Ely, both parties agree to request that the Minnesota Municipal Commission order the County Auditor to revise tax records in the annexed area to equalize valuations. If there is at any time a

total re-evaluation of property in the City of Ely, it shall prevail.

XII.

The City of Ely agrees to immediately start to upgrade the water service in the area to be annexed and within five (5) years to provide water, sewer, sanitary sewers, storm sewers, streets in the annexed area and not to make any assessment for any of such City services until the service has been completed.

The City also agrees to provide all other City services provided citizens of the City of Ely, to the inhabitants of the newly annexed area.

XIII.

The City of Ely and the Town of Morse agree that the County Auditor of St. Louis County shall comply with any order of the Minnesota Municipal Commission providing for division of assets, taxes, state per capita and municipal aids and federal revenue sharing aids.

XIV.

The City of Ely and the Town of Morse agree that the pending annexation petition (Minnesota Municipal Commission File No. A2074) be dismissed



TOWN OF MORSE

Passed and adopted by the Town Board of the Town of Morse this  
1<sup>st</sup> day of November, 1973.

Attest: [Signature] By [Signature]  
Town Clerk Its Chairman

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CITY OF ELY

Passed and adopted by the City Council of the City of Ely this  
20<sup>th</sup> day of November, 1973.

Attest: [Signature] By [Signature]  
City Clerk Its Mayor

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CLERK'S CERTIFICATE

STATE OF MINNESOTA )  
                                  )ss  
COUNTY OF ST. LOUIS)

I, Ernest Peternel, City Clerk of the City of Ely, County of St. Louis, State of Minnesota, do hereby certify that I have compared the foregoing Resolution with the original minutes now on file and remaining of record in my office; that the same is a true and correct copy and transcript of said original minutes and the whole thereof, so far as said minutes pertain to the matters contained herein.

Witness My Hand and the Corporate Seal of the City of Ely, Minnesota, this 20<sup>th</sup> day of November, 1973.

(SEAL)

[Signature]  
City Clerk, City of Ely, Minnesota

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CLERK'S CERTIFICATE

STATE OF MINNESOTA )  
                                  )ss  
COUNTY OF ST. LOUIS)

I, Geraldine P. Floyd, Town Clerk of the Town of Morse, County of St. Louis, State of Minnesota, do hereby certify that I have compared the foregoing resolution with the original minutes now on file and remaining of record in my office; that the same is a true and correct copy and transcript of said original minutes and the whole thereof, so far as said minutes pertain to the matters contained herein.

Witness My hand this 1<sup>st</sup> day of December, 1973.

[Signature]  
Town Clerk, Town of Morse, Minnesota