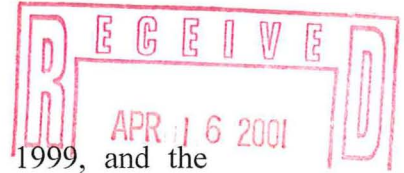


THE JOINT RESOLUTION OF THE CITY OF COLOGNE  
AND BENTON TOWNSHIP TERMINATING A  
PRIOR ORDERLY ANNEXATION AGREEMENT

01-01



WHEREAS, the City of Cologne (the "City") on August 2, 1999, and the Township of Benton (the "Township") on March 9, 2000, adopted a joint resolution for the orderly annexation of property (the "2000 Orderly Annexation Agreement"); and

WHEREAS, the City and the Township had previously entered into an Orderly Annexation Agreement on August 5, 1974 (the "1974 Orderly Annexation Agreement") which is on file with the Minnesota Office of Strategic and Long Range Planning ("Minnesota Planning") as Docket No. OA-110; and


WHEREAS, the 2000 Orderly Annexation Agreement supersedes the 1974 Orderly Annexation Agreement; and

WHEREAS, Minnesota Planning has requested that the City and the Township terminate the 1974 Orderly Annexation Agreement.

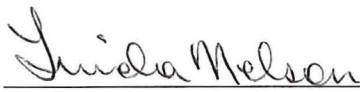
NOW, THEREFORE, it is hereby stipulated and agreed by and between the parties hereto as follows:

1. The 1974 Orderly Annexation Agreement entered into by and between the City and the Township is terminated and shall be of no further effect.
2. The 2000 Orderly Annexation Agreement by and between the City and the Township shall remain in full force and effect and binding upon both the City and the Township.

Adopted by the City Council of the City of Cologne this 16<sup>th</sup> day of January, 2001.

  
Barbara Swanson, Mayor

Attest:

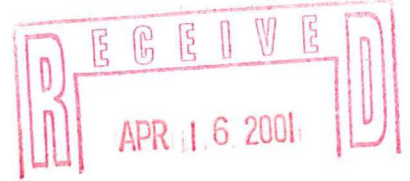
  
Linda Nelson  
City Clerk

Adopted by the Board of Supervisors of Benton Township this 12 day of April, 2001.

Wayne Ridd  
\_\_\_\_\_  
Township, Chair

Attest:

Larry Buessell  
\_\_\_\_\_  
Township Clerk



Larry/cologne/annex/jointres2

0A-110  
AUG 7 1974

JOINT RESOLUTION AS TO ORDERLY ANNEXATION

COLOGNE CITY - BENTON TOWN

WHEREAS, the City of Cologne and the Town of Benton, Carver County, Minnesota, are in agreement as to the Orderly Annexation of certain lands described herein for the purpose of orderly, planned growth; and,

WHEREAS, such orderly and planned growth is of benefit to the City of Cologne, the Town of Benton, and the County of Carver; and,

WHEREAS, the municipal parties hereto desire to set forth such terms of Orderly Annexation by means of this Resolution,

NOW, THEREFORE, Be it Resolved by the Town of Benton and the City of Cologne as follows:

1. That the following described area in Benton Township is properly subject to Orderly Annexation under and pursuant to Minnesota Statutes 414.032, and the parties hereto do hereby designate this area as in need of Orderly Annexation as provided by statute:

The following described area is located in the  $S\frac{1}{2}$  of Section 12, Township 115, Range 25: the  $SE\frac{1}{4}$  of the  $SW\frac{1}{4}$  with exceptions; the  $SW\frac{1}{4}$  of the  $SW\frac{1}{4}$  with exceptions; a tract in the  $S\frac{1}{2}$  of the  $NW\frac{1}{4}$  of the  $NW\frac{1}{4}$  of the  $SW\frac{1}{4}$ ; a tract in the  $S\frac{1}{2}$  of the  $NE\frac{1}{4}$  of the  $SW\frac{1}{4}$ ; a tract in the  $SE\frac{1}{4}$  of the  $NE\frac{1}{4}$  of the  $SE\frac{1}{4}$ , Section 11, Township 115, Range 25; the  $E\frac{1}{2}$  of the  $SE\frac{1}{4}SE\frac{1}{4}$ , Section 11, Township 115, Range 25; a tract in the  $NE\frac{1}{4}$  of the  $NE\frac{1}{4}$  of the  $SE\frac{1}{4}$ , Section 11, Township 115, Range 25; part of the  $NW\frac{1}{4}$  of the  $NW\frac{1}{4}$  of the  $SW\frac{1}{4}$ , Section 12, Township 115, Range 25; part of the  $NE\frac{1}{4}$  of the  $SW\frac{1}{4}$ , Section 12, Township 115, Range 25; the  $SE\frac{1}{4}$  of Section 12, Township 115, Range 25, including the exception therein of a tract in the  $SW\frac{1}{4}$  of the  $SE\frac{1}{4}$ ; and, the  $N\frac{1}{2}$  of the  $NE\frac{1}{4}$ , Section 12, Township 115, Range 25.

It is further resolved that the following area, as described above, be annexed to the City of Cologne as soon as feasible, but no sooner than January 2, 1975: In Section 12, Township 115, Range 25: [REDACTED] the  $SE\frac{1}{4}$  of the  $SW\frac{1}{4}$  with exceptions; the  $SW\frac{1}{4}$  of the  $SW\frac{1}{4}$  with exceptions; a tract in the  $S\frac{1}{2}$  of the  $NW\frac{1}{4}$  of the  $NW\frac{1}{4}$  of the  $SW\frac{1}{4}$ ; and, a tract in the  $S\frac{1}{2}$  of the  $NE\frac{1}{4}$  of the  $SW\frac{1}{4}$ ; and, the following described area in Section 13, Township 115, Range 25: A tract in the  $SW\frac{1}{4}$  of the  $NE\frac{1}{4}$  of the  $SE\frac{1}{4}$ ; and, the  $E\frac{1}{2}$  of the  $SE\frac{1}{4}SE\frac{1}{4}$ .

And further, that the Township of Benton does upon passage of this resolution and its adoption by the City Council of Cologne, confer jurisdiction upon

- the Minnesota Municipal Commission so as to accomplish said Orderly Annexation in accordance with the terms of this Resolution.
2. No annexations shall 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 may be capable of providing municipal services such as water, sanitary sewer and storm sewers.
  3. Any persons annexed to the City 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 three to five year period, depending on the length of time necessary to provide services to the area proposed to be annexed, which shall include sewer and water services.
  4. Because of the uncertainty of Orderly Annexation, both parties agree to leave the question of annexations within this area to the discretion of the Minnesota Municipal Commission upon application to them by either party hereto.
  5. If sanitary sewer collection systems must be constructed within the above described area because of orders from the Minnesota Pollution Control Agency or requests from land owners, or otherwise, both parties agree that the area would be included in the City boundaries.
  6. The Town agrees to exclude the area designated as in need of Orderly Annexation from its zoning and subdivision ordinances if the County will agree to exclude the area from its zoning and subdivision ordinances. This would enable the City to extend the application of zoning and subdivision controls pursuant to Minnesota Statute 462.358 and .359. The City agrees that if it obtains this extraterritorial planning power it will select one township resident to serve on its planning commission from among as many residents as nominated by the Town Board. If the County does not agree to the above agreement, both parties agree to establish a joint planning and zoning committee for the Orderly Annexation Area and to abide by its decisions. The committee shall consist of one appointed representative of the Town Board, one appointed representative of the City, and a neutral member appointed by the County.

7. In all annexations within the Orderly Annexation Area, the parties agree to the following divisions of financial assets and obligations:

a. Property Taxes

The real estate tax income for the year in which the annexation takes place shall be divided on the basis of the decimal fraction of the assessed value of the area to be annexed as opposed to Benton Township's assessed valuation as a whole. This ratio would be further modified by the proportion of the year remaining in which annexation takes place. For example: If the area to be annexed consisted of 10% of the township's total assessed valuation and eight (8) months were remaining in the year at the date of annexation, the amount of property tax revenue forwarded to the City would be ten percent (10%) times 8/12, or 6.6% of Benton's total real estate tax revenue for the year during which the annexation takes place. The Town would retain all rights to receive these tax funds as they become payable from the county treasure, and thereby reimbursing itself for any payments to the City. The Town agrees to forward the indicated amount of tax revenue collected in the year of annexation within thirty (30) days of their receiving the same from the county treasure.

b. Per Capita Aids

The Municipal Commission will determine the ratio of the population annexed to the total population of the Town on the date of its order. This ratio will be further modified by the proportion of the year remaining in which the annexation takes place. The County Auditor will apply this modified ratio to all quarterly or other subsequent payments of state per capita aids to the Town and divide the payment accordingly. Per capita aids received by the Town in the year of annexation, prior to the date of annexation, would be shared by the same modified ratio as explained above.

Unless and until the entitlement of the Town to federal revenue sharing aids is adjusted pursuant to federal regulations relating to boundary changes (31 CFR Section 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 thirty (30) days of receipt of the funds.

c. Town General Fund and Other Assets

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

8. Unless and until a further Orderly Annexation agreement is negotiated; the City agrees not to attempt any further annexations with the Benton Township area for a period of twenty (20) years from the date of this agreement unless there is a unanimous petition of the landowners involved.

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TOWN OF BENTON:

Passed and adopted by the Benton Town Board this 5<sup>th</sup> day of August, 1974.

ATTEST: Fred J. Hermann BY Frank H. Harnitz  
Town Clerk Chairman, Benton Town Board

CITY OF COLOGNE:

Passed and adopted by the City of Cologne this 5<sup>th</sup> day of August, 1974.

ATTEST: E. E. Willem BY Frank R. Rappert  
City Clerk Mayor, City of Cologne

Attached:  $\frac{1}{2}$  - Section Maps indicating Orderly Annexation Boundaries,  
red lined for immediate annexation, blue lined for Orderly.