

RESOLUTION NO. 6280

A RESOLUTION INITIATING ANNEXATION OF CERTAIN NORTHERN TOWNSHIP PHASE III PROPERTIES IN THE ORDERLY ANNEXATION AREA PURSUANT TO THE JOINT RESOLUTION FOR ORDERLY ANNEXATION, AS AMENDED

WHEREAS, the City of Bemidji ("City") and Northern and Bemidji ("Townships") previously entered into a Joint Resolution for Orderly Annexation (Joint Resolution) pursuant to Minnesota Statute § 414.0325, a copy of which, as amended, is attached hereto and marked as **Exhibit A**, and which Joint Resolution, as amended, was approved by the Office of Municipal Boundary Adjustments; and

WHEREAS, in said Joint Resolution, as amended, the City and Townships agreed to the procedures and process for orderly annexation of property described therein as the Orderly Annexation Area (OAA), including the provision for annexation of the OAA in three (3) phases, with the annexation of "Phase III Properties" being eligible for annexation after January 1, 2020; and

WHEREAS, said Joint Resolution, as amended, was subsequently amended to permit and facilitate Bemidji Township's withdrawal from the Joint resolution for Orderly Annexation, a copy of said amendment is attached hereto and marked as **Exhibit B**; and

WHEREAS, upon occurrence of the eligibility date, any or all of the "Phase III Properties" in Northern Township may be annexed by passage of a resolution of the Bemidji City Council; and

WHEREAS, the Bemidji City Council has determined to annex the Phase III Properties in Northern Township; and

WHEREAS, those "Phase III Properties" in Northern Township determined to be annexed pursuant to this Resolution are legally described in **Exhibit C** attached hereto.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEMIDJI, MINNESOTA:

1. That pursuant to the Joint Resolution, as amended, described above and attached hereto as **Exhibits A and B**, the City of Bemidji exercises its right and ability to annex those "Phase III Properties" in Northern Township described in attached **Exhibit C**.
2. That the City Clerk is directed to file this Resolution with the State Office of Municipal Boundary Adjustments and/or Office of Administrative Hearings (or successor agency) for their review and issuance of an Annexation Order.
3. That upon receipt of the Annexation Order issued by the Office of Administrative Hearings, the City shall provide a copy of the Order to the Beltrami County Auditor as required under the Joint Resolution.
4. That upon annexation of those "Phase III Properties" in Northern Township described in **Exhibit C**, the City shall comply in all respects with the terms and conditions for annexation provided for in said Joint Resolution.

BE IT FURTHER RESOLVED that City staff are directed to take such further actions as are necessary to effectuate the annexation of those "Phase III Properties" in Northern Township and the intentions of the City Council as set forth herein.

The foregoing resolution was offered by Councilmember Meehlhause, who moved its adoption, and on due second by Councilmember Erickson, was passed by the following vote:

Yeas: Albrecht, Meehlhause, Beard, Johnson, Rivera, Erickson
Nays: None
Absent: Thompson

Passed: January 21, 2020

ATTEST:


Michelle R. Miller, City Clerk

APPROVED:


Rita C. Albrecht, Mayor

2020 Proposed Annexation

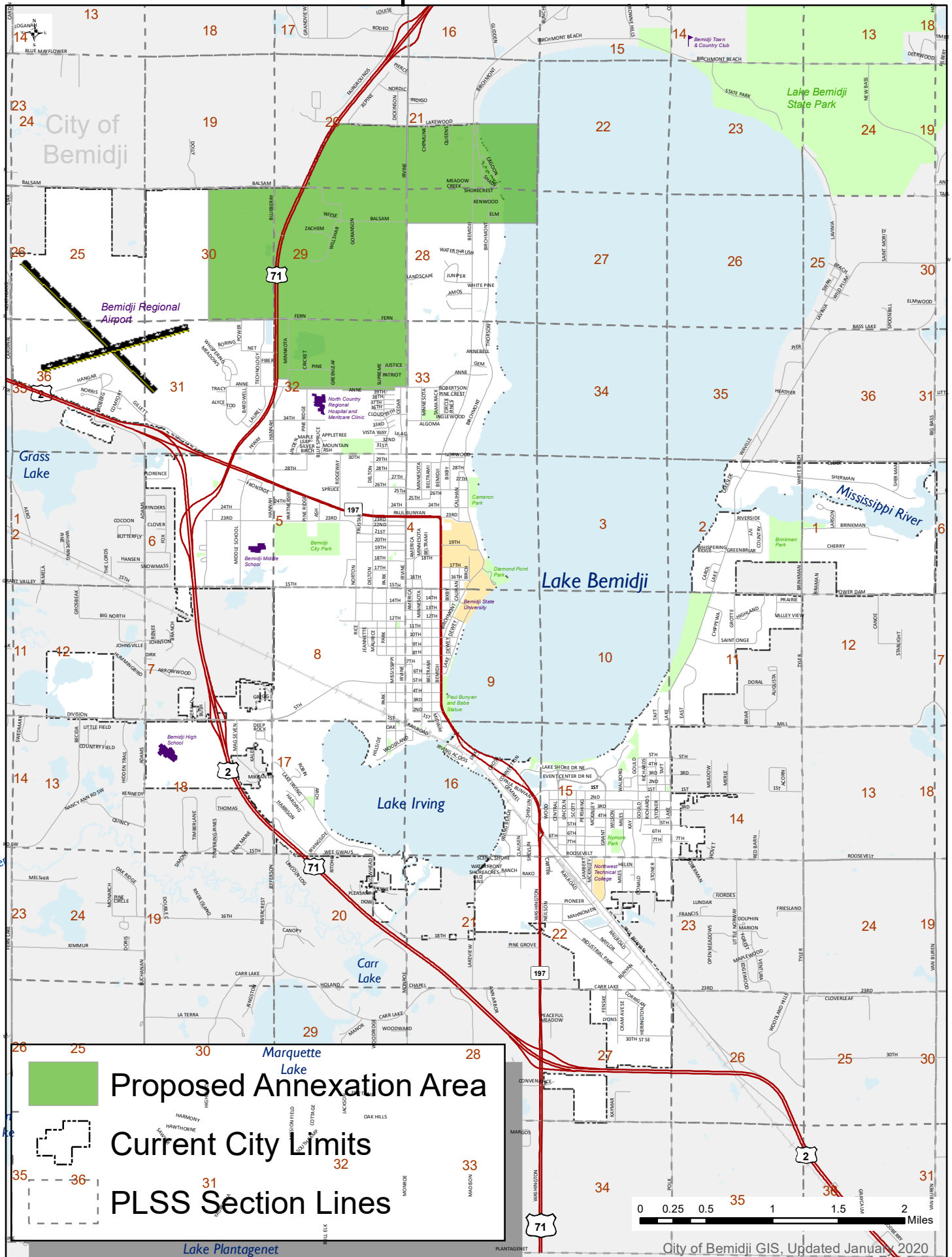


EXHIBIT A TO
RESOLUTION NO. 6280 DATED JANUARY 21, 2020

**BEMIDJI TOWNSHIP RESOLUTION NO. 04-29
NORTHERN TOWNSHIP RESOLUTION NO. 04-04
CITY OF BEMIDJI RESOLUTION NO. 5185**



IN THE MATTER OF THE JOINT RESOLUTION OF
THE CITY OF BEMIDJI AND THE TOWNS OF
NORTHERN AND BEMIDJI DESIGNATING
CERTAIN AREAS AS IN NEED OF ORDERLY
ANNEXATION PURSUANT TO MINNESOTA
STATUTES, SECTION 414.0325

**JOINT RESOLUTION
FOR
ORDERLY ANNEXATION**

WHEREAS, The City of Bemidji ("City") and the Townships of Northern and Bemidji ("Townships") desire to enter into an agreement for the orderly annexation of certain property, legally described herein, pursuant to Minnesota Statutes, Section § 414.0325; and

WHEREAS, the City and Townships agree that the properties legally described herein meet the definition for annexation as contained in applicable Minnesota Statutes; and

WHEREAS, it is in the best interest of the City, the Townships and their respective residents to agree to orderly annexation in furtherance of orderly growth and the protection of the public health, safety, and welfare; and

WHEREAS, the City and the Townships are in agreement as to the procedures and process for orderly annexation of said property described herein for the purpose of orderly, planned growth; and

WHEREAS, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Joint Resolution for Orderly Annexation ("Joint Resolution"); and

WHEREAS, this Joint Resolution is contingent upon the simultaneous passage of a joint resolution establishing the Greater Bemidji Area Joint Powers Agreement ("Joint Powers Agreement") between the City and the Townships to implement and administer joint municipal planning, zoning and subdivision authority within the entire area of the three (3) jurisdictions; and

WHEREAS, The Joint Powers Agreement, which is attached hereto and incorporated within this resolution by reference, is intended to ensure that all three municipalities remain viable and thriving through comprehensive and cooperative planning for growth and development.

NOW, THEREFORE BE IT RESOLVED by the City of Bemidji, Beltrami County, Minnesota, and the Townships of Bemidji and Northern, Beltrami County, Minnesota, as follows:

- 1. Filing of Joint Resolution:** Upon execution by the respective governing bodies of the City and Townships, the City shall file this Joint Resolution with Minnesota Planning (or successor agency).
- 2. Designation of Annexation Area:** The following described lands will hereinafter be designated as the Orderly Annexation Area ("OAA") and said property is properly subject to orderly annexation pursuant to Minnesota Statute Section § 414.0325, Subdivision 1 and detachment pursuant to Minnesota Statute Section § 414.06. The OAA is legally described in Exhibit A and illustrated on a Boundary Map marked as Exhibit B, both exhibits being attached hereto and incorporated herewith. In the event that there are errors, omissions or any other problems with the legal description or mapping provided in Exhibits A and B in the judgment of Minnesota Planning, the parties agree to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by Minnesota Planning as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution.

3. **Interim Status:** All properties within the OAA shall remain in the Townships until annexed to the City in accordance with the terms of this Joint Resolution.

4. **Annexation/Detachment Procedure & Phasing:** Property lying within the OAA shall be annexed by the City in accordance with the procedures outlined in this paragraph:

A. **Annexation:** All the area within the OAA designated in Paragraph 2 shall be annexed over a period of fifteen (15) years. The Townships and City agree that phasing annexation and assimilation of the growth envisioned to occur within the OAA would benefit the City by reducing the financial risk of extending core facilities and municipal services into the OAA by extending such facilities all at one time. In turn, the parties mutually agree that a phased development, orderly annexation and detachment plan as envisioned by the Joint Resolution would benefit the Townships by phasing the impact of lost tax base on the remaining Townships' government and easing financial and lifestyle impacts that an immediate annexation of the area could impose on Township residents. For the purposes of this Joint Resolution, the OAA is divided into three (3) phases as legally described in Exhibit A.

Phase I: See Exhibit A
Phase II: See Exhibit A
Phase III: See Exhibit A

B. **Detachment:** Upon annexation of Phase I properties in the OAA, and in accordance with Minn. Stat. § 414.06, Subd. 1, the City shall by petition filed with Minnesota Planning or its successor entity, initiate a proceeding to detach from the City the four (4) properties situated in Bemidji Township and described in Exhibit C attached hereto and incorporated herewith, hereinafter referred to as the "detached property."

For purposes of taxation, property taxes payable on the detached property shall continue to be paid to the City in the year in which the detachment becomes effective. If the detachment becomes effective on or before August 1st of a levy year, Bemidji Township may levy on the detached property beginning with the year of detachment. However, if detachment becomes effective after August 1st of a levy year, the City may continue to levy on the detached property for that levy year (i.e., property taxes payable and collected the following year), and Bemidji Township may not levy on the detached property until the following levy year.

In the event of an objection to detachment, City and Bemidji Township representatives agree to meet and cooperate in regards to any required formal response to such objection, and to negotiate any allocation of responsibility and/or cost necessary to resolve a contested detachment proceeding.

C. **Timing:** The OAA shall be annexed in phases as set forth below with the City filing an Annexation Resolution with Minnesota Planning (or its successor agency) at any time after the following:

1. Phase I property shall be annexed after January 1, 2010.
2. Phase II property shall be annexed after January 1, 2015.
3. Phase III property shall be annexed after January 1, 2020.

Upon receipt of an annexation Resolution as provided herein, Minnesota Planning may review and comment, but shall within thirty (30) days of receipt of said resolution and copy of this Joint Resolution, order the annexation of the area designated in the Annexation Resolution in accordance with the terms and conditions of this Joint Resolution. The City and Townships agree that no alteration of the stated boundaries as described in the Joint Resolution is appropriate, that no consideration by the Minnesota Planning is necessary and that all terms and conditions for annexation are provided for in this Joint Resolution. Upon receipt of the Annexation Order, the City shall provide a copy to the Beltrami County Auditor.

5. **Annexation Prohibition:** The City will not annex, attempt to annex, or support the annexation of any land lying within or outside the OAA except for those properties owned by the City and except by mutual agreement of the parties herein. It is anticipated that this Joint Resolution will have the full force and effect as is referenced in Minnesota Statute Section § 414.0325, Subd. 6.

6. **Taxes:**

A. **Tax Levy Phase – In for property owners:** When property is annexed, the City shall proportionally equalize any difference that may exist between the tax rate of the City and the tax rate of the Township so that the owners of the property annexed will pay an increased phase-in tax rate in substantially equal proportions over a period of five (5) years to equality with the tax rate on property already within the City in the same tax classification.

B. **Taxes to be Distributed to Townships:** OAA property annexed to the City shall retain the zoning classification(s) as legislated under the originating Township's zoning ordinance, unless and until reclassified by the City acting through the Greater Bemidji Area Joint Planning and Zoning Board or its successor planning and zoning agency. The City shall complete each phase of annexation prior to August 1st of the year of annexation, thereby enabling the City to levy against the annexed property in the year of annexation. However, in regards to property tax distribution, in the year of annexation each Township shall retain 100% of the property taxes payable in the year of annexation (levied by the Township the previous year) which would have been distributed to the Township but for annexation. In the first year following the year of annexation, the City shall make a cash payment to each Township in an amount equal to 80% of the property taxes levied by the City against the annexed area within that Township in the year of annexation; in the second year, the City shall make a cash payment in an amount equal to 60% of the property taxes levied by the City in the year of annexation; in the third year an amount equal to 40%; and, finally, in the fourth year following the year of annexation, an amount equal to 20% of the property taxes levied by the City in the year of annexation. Property tax redistribution will cease after the fourth calendar year following the year of annexation. Payments shall be made twice a year within 30 days of receipt thereof.

TAX SHARING CHART

Year of Annexation	Township Tax Receipt
1 st Year	100% of Township property taxes in the year of annexation
2 nd Year	80% of City property taxes levied in the year of annexation
3 rd Year	60% of City property taxes levied in the year of annexation
4 th Year	40% of City property taxes levied in the year of annexation
5 th Year	20% of City property taxes levied in the year of annexation

7. **Assessments & Capital Improvements:** Any assessments for public improvements benefiting the annexed property which are still due the Townships will be collected by the City under its assessment collection procedure and such payments will be reimbursed to the Townships until said assessments are paid in full. The Township will provide the City such information as is necessary to ensure the recovery of assessments. The City will reimburse the Townships said assessment payments within thirty (30) days of City's receipt of the County's property tax reconciliation distributions. In the event that payment is received prior to the County property tax reconciliation distribution date to the City, the City will reimburse within thirty (30) days. The Townships and City shall share and discuss capital improvement project plans that may impact areas adjacent to or within the OAA and may negotiate the payment for capital improvements, reimbursement and/or sharing of costs.

8. **Municipal Services:** Upon Annexation, the City shall provide the annexed properties the same services entitled to similarly situated properties within the jurisdiction of the City. Available city services include, but are not limited to the following:

A. **Law enforcement and Fire protection services:** Law enforcement and fire protection services shall be available to all property owners within the annexed areas under the same terms conditions and policies as are available to all city property owners.

B. **Sewer & Water:** When this Joint Resolution has been fully executed by all parties hereto, any resident within the OAA is eligible to petition the City for extension of Municipal sanitary sewer and/or water utility services, subject, however, to the written manual of "Policies for Public Improvements" adopted by the Bemidji City Council on April 6, 1998, and as revised March 2001, including, specifically, the water and sewer connection or payment deferral policy(ies) set forth therein. The parties hereto understand and agree that sanitary sewer and water utility extension requests are typically subject to project specific adjustments to achieve project feasibility and a more equitable distribution of special assessments. However, in the event there is a proposal to revise the actual written policy manual language pertaining to the connection and/or payment deferral policy, the proposed revision shall be reviewed by the Greater Bemidji Area Joint Planning Board before any formal action to revise the policy manual is considered by the City Council. Proposed

revision(s) shall be submitted to the Joint Planning Board a minimum of sixty (60) days prior to any scheduled formal decision by the Council. The Council will seriously consider the recommendations of the Board. The sanitary sewer and water connection and payment deferral policy(ies) shall be uniformly administered within the City and the OAA.

C. **Parks:** The City's Park Department will assume responsibility and authority for public parks located within each phase of annexation immediately upon completion of annexation.

D. **Streets & Roads:** In the event that annexation results in a new border of the City abutting one side of a Township road, that road shall be treated as a line road. Thereafter, City and Township representatives shall meet to develop agreements for equitable division of the costs and responsibilities to be born by each for the maintenance of the line road. Line road agreements shall be subject to approval by each affected jurisdiction's governing body.

9. **Joint Planning and Zoning Powers Agreement:** Under a Joint Powers Agreement, initiated by resolution of each participating jurisdiction, the City and Townships shall create the Greater Bemidji Area Joint Planning Board for the purpose of exercising planning, zoning and subdivision controls within the OAA as well as the entire area encompassing the three municipalities. The resolution initiating the joint powers agreement shall be adopted at the same time as this Joint Resolution.

10. **Term of Joint Resolution/Amendment:** This Joint Resolution shall be in full force and effect immediately upon the document being fully executed by all parties hereto, and shall terminate upon annexation of Phase III properties in the OAA. The on-going obligations for tax levy phase-in, property tax distribution and assessment reimbursement set forth under Paragraphs 6 and 7 herein, shall survive and remain in full force and effect until those obligations are fully satisfied. The orderly annexation agreement memorialized in this Joint Resolution may be terminated earlier by mutual, written joint resolution of the City and Townships. Similarly, this Joint Resolution also may be amended or changed upon mutual, written agreement of all the parties. City and Township representatives agree to meet from time to time and no less than at least once annually, to discuss requested or necessary modifications and amendments to this Joint Resolution. Participation of other townships within the Greater Bemidji Area, may be joined under this Joint Resolution upon mutual written agreement of all the parties.

11. **Governing Law:** This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

12. **Severability:** In the event that any portion of this Joint Resolution is declared null and void or unenforceable by a court of law, the validity of the remaining terms and provisions shall not be affected and the Joint Resolution shall be construed and enforced as if the Joint Resolution did not contain the particular term or provision held to be invalid. The City and Townships agree to implement the procedures under Paragraph 15 to correct any such provision that was stricken.

13. **Responsibility for Costs.** The City and Townships agree to share equally all fees related to the drafting and filing of this document. The City and Townships shall pay their own respective attorney and planner fees and any other costs related to the review of this document.

14. **Entire Agreement:** The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future attachments or exhibits, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Townships.

15. **Resolution of Disputes:** If there is a disagreement as to the interpretation or implementation of the Joint Resolution, the City and Townships shall implement the below-outlined dispute resolution procedures in the following sequence:

A. **Negotiation:** Representatives of the City and Townships will meet a minimum of one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.

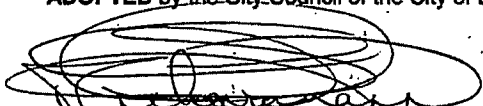
B. **Mediation:** If negotiation is not successful, parties shall participate in a minimum of one (1) mediation session with a mutually agreed upon mediator to resolve the dispute.

C. **Binding Arbitration/Adjudication:** If mediation is not successful, the parties may agree to submit their respective grievances to binding arbitration or may seek relief through initiation of an action in a court of competent jurisdiction, which may include, but not be limited to specific performance to compel the performance as outlined in this Joint Resolution. In addition to the remedies afforded to the parties through law and equity, the Court shall have the authority to award reasonable attorney fees, costs and expenses to a party found to be in violation of the terms of this agreement.

16. **Heading & Captions:** Headings and Captions are for convenience only and are not intended to alter any of the provisions of this joint resolution for orderly annexation.

CITY OF BEMIDJI, MINNESOTA

ADOPTED by the City Council of the City of Bemidji this 1st day of November, 2004.


Richard Lehmann, Mayor


David J. Minke, City Manager

ATTEST:


Shirley Sherman, City Clerk

BEMIDJI TOWNSHIP, MINNESOTA

ADOPTED by the Township Board of Supervisors for the Township of Bemidji this 8th
day of November, 2004.

Absent
Ken Howe, Town Chairperson

Becky Livemore
Becky Livemore, Town Supervisor

Absent
Lowell Vagel, Town Supervisor

John Rowles
John Rowles, Town Supervisor

Mark Paulson
Mark Paulson, Town Supervisor

ATTEST:

Lance Paulson
Lance Paulson, Town Clerk

NORTHERN TOWNSHIP, MINNESOTA

ADOPTED by the Township Board of Supervisors for the Township of Northern this 8th
day of November, 2004.


Dan Bahr, Town Chairperson


Dale Hoosier, Town Supervisor.


Kristi Miller, Town Supervisor


Nathan Ringgenberg, Town Supervisor


Paul Wiese, Town Supervisor

ATTEST:

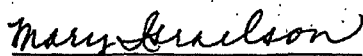

Mary Isaelson, Town Clerk

EXHIBIT A
TO 2004 JOINT ORDERLY ANNEXATION RESOLUTION

EXHIBIT A - LEGAL DESCRIPTIONS
Northern Township
Annexation Parcels

5 year - Phase 1

1. South one-half (S 1/2) of Section 33, Township 147N, Range 33W, less previously annexed tracts.

10 year - Phase 2

1. Section 28, Township 147N, Range 33W, less North one-half of the Northwest Quarter (N 1/2 of NW 1/4), and less Government Lot 1.
2. North one-half (N 1/2) of Section 33, Township 147N, Range 33W, less previous annexed tracts.

15 year - Phase 3

1. That part of South one-half (S 1/2) of Section 20, Township 147N, Range 33W, lying southeasterly of US Trunk Highway 71.
2. South one-half (S 1/2) of Section 21, Township 147N, Range 33W.
3. North one-half of the Northwest Quarter (N 1/2 of NW 1/4), and Government Lot 1, all in Section 28, Township 147N, Range 33W.
4. Section 29, Township 147N, Range 33W.
5. East one-half (E 1/2) of Section 30, Township 147N, Range 33W.
6. North one-half (N 1/2) of Section 32, Township 147N, Range 33W, less previously annexed tracts.

EXHIBIT A – LEGAL DESCRIPTIONS CONTINUED
Bemidji Township
Annexation Parcels

5 year - Phase 1

1. Southeast Quarter (SE 1/4), Section 7, Township 146N, Range 33W, less previously annexed tracts.
2. Southwest Quarter (SW 1/4), Section 14, Township 146N, Range 33W.
3. Northeast Quarter (NE 1/4), Section 18, Township 146N, Range 33W, less previously annexed tracts.
4. That part of the Southeast Quarter (SE 1/4), Section 18, Township 146N, Range 33W, lying northeasterly of Trunk Highway 2 and 71.
5. That part of Section 20, Township 146N, Range 33W, lying northeasterly of US Trunk Highway 2 and 71.
6. Northwest Quarter (NW 1/4), Section 21, Township 146N, Range 33W.
7. North one-half of the North one-half of the Southwest Quarter (N 1/2 of N 1/2 of SW 1/4), Section 21, Township 146N, Range 33W, less previously annexed tracts.
8. South one-half of the Northeast Quarter (S 1/2 of NE 1/4), Section 22, Township 146N, Range 33W.
9. That part of the Southeast Quarter (SE 1/4), Section 22, Township 146N, Range 33W, lying northeasterly of the BNSF Railroad right-of-way.
10. That part of the Northeast Quarter (NE 1/4), Section 27, Township 146N, Range 33W, lying northeasterly of the abandoned former M&I Railroad right-of-way.

10 year - Phase 2

1. Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4), Section 1, Township 146N, Range 33W.
2. South one-half of the Southeast Quarter (S 1/2 of SE 1/4), Section 2, Township 146N, Range 33W.
3. Northeast Quarter (NE 1/4), Section 7, Township 146N, Range 33W.
4. South one-half of the Southwest Quarter (S 1/2 of SW 1/4), Section 7, Township 146N, Range 33W, less previously annexed tracts.
5. Northwest Quarter (NW 1/4), Section 14, Township 146N, Range 33W.
6. Southeast Quarter (SE 1/4), Section 21, Township 146N, Range 33W, less previously annexed tracts.
7. That part of the South one-half of the North one-half of the Southwest Quarter (S 1/2 of N 1/2 of SW 1/4), and the Southeast Quarter of the Southwest Quarter (SE 1/4 of SW 1/4), all in Section 21, Township 146N, Range 33W, lying northeasterly of Trunk Highway 2 and 71 bypass.
8. Southwest Quarter (SW 1/4), Section 22, Township 146N, Range 33W, less previously annexed tracts.

15 year - Phase 3

1. Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4), and the West one-half of the Southwest Quarter (W 1/2 of SW 1/4), all in Section 6, Township 146N, Range 33W.
2. Northwest Quarter (NW 1/4), and North one-half of the Southwest Quarter (N 1/2 of SW 1/4), all in Section 7, Township 146N, Range 33W.
3. Section 11, Township 146N, Range 33W, less previously annexed tracts.
4. West one-half (W 1/2) of Section 27, Township 146N, Range 33W, less previously annexed tracts.
5. That part of the Northeast Quarter (NE 1/4), Section 28, Township 146N, Range 33W, lying northeasterly of Trunk Highway 2 and 71.

EXHIBIT B - BOUNDARY MAP TO 2004 JOINT ORDERLY ANNEXATION
RESOLUTION

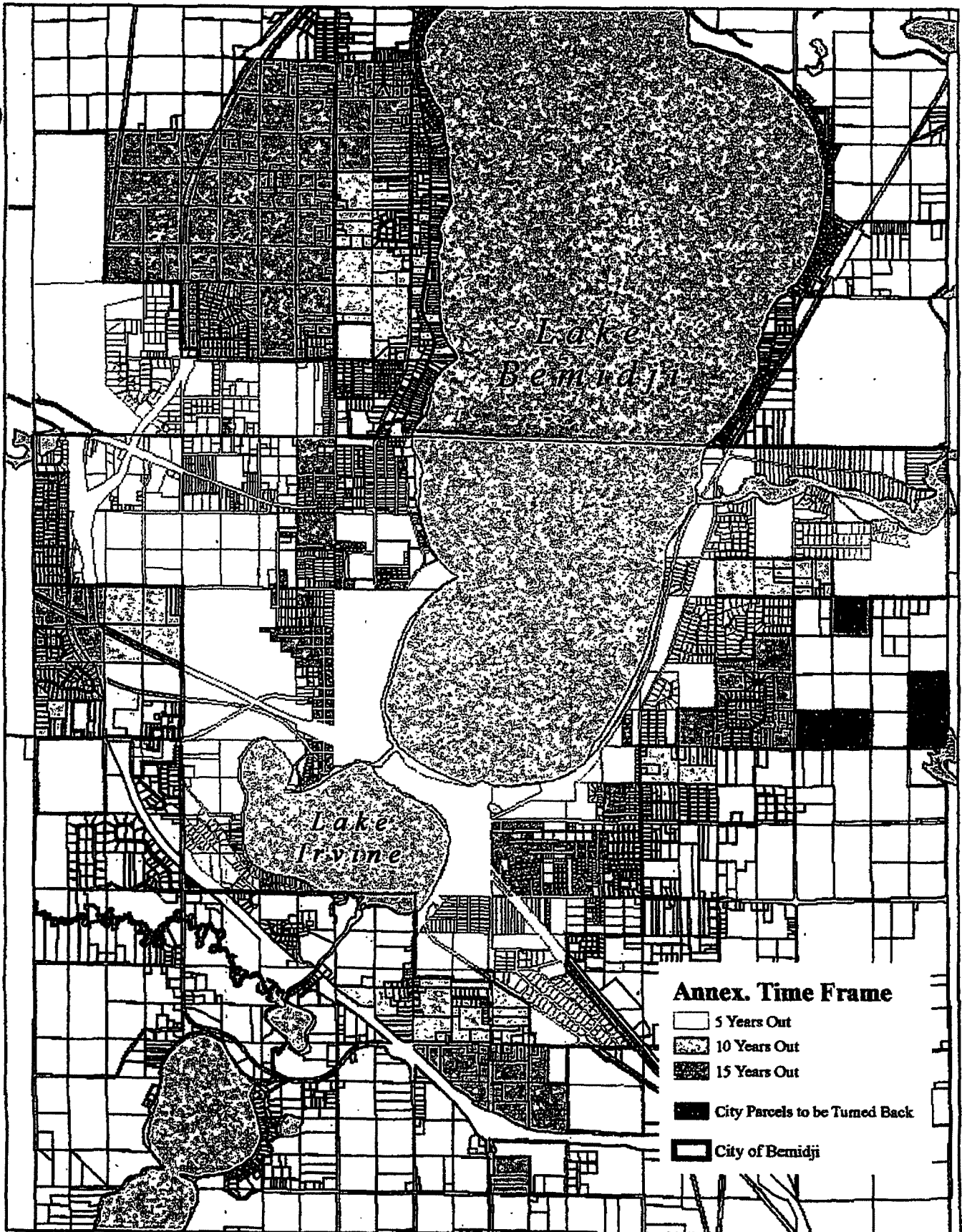


EXHIBIT C
TO 2004 JOINT ORDERLY ANNEXATION
RESOLUTION

EXHIBIT C
Properties Proposed for Detachment
Bemidji Township

1. East one-half of the Southeast Quarter (E 1/2 of SE 1/4), Section 12, T146N, R33W.
2. South one-half of the Southwest Quarter (S 1/2 of SW 1/4), Section 12, T146N, R33W.
3. Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4), Section 12, T146N, R33W.
4. That part of the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4), Section 17, T146N, R33W, lying southwesterly of Trunk Highway 2 and 71.

RESOLUTION NO. 6280 DATED JANUARY 21, 2020
EXHIBIT B

BEMIDJI TOWNSHIP
NORTHERN TOWNSHIP
CITY OF BEMIDJI

**A JOINT RESOLUTION AMENDING THE ORDERLY ANNEXATION
AGREEMENT (OA-1117) TO EXCLUDE BEMIDJI TOWNSHIP**

WHEREAS, Bemidji Township, Northern Township, and the City of Bemidji (collectively the "Parties") entered into an orderly annexation agreement by joint resolution (Bemidji Township Resolution No. 04-29; Northern Township Resolution No. 04-04; City of Bemidji Resolution No. 5185) adopted in 2004 and filed in the Municipal Boundary Adjustments Unit of the Office of Administrative Hearings in February 2005 as document number OA-1117 and was subsequently amended on April 15, 2010, (the "Orderly Annexation Agreement" or "Agreement"); and

WHEREAS, Bemidji Township and the City of Bemidji entered into a settlement agreement to resolve a dispute concerning the Orderly Annexation Agreement by which they agreed to the withdrawal of Bemidji Township from the Orderly Annexation Agreement; and Northern Township subsequently consented to the withdrawal;

WHEREAS, the settlement agreement also provided for an opportunity to owners of land previously annexed into the City pursuant to the Agreement to request detachment back into Bemidji Township, but that process was to be accomplished pursuant to Minn. Stat. § 414.06 and separately from this amendment, and, as of January 30, 2014, such detachment has occurred; and

WHEREAS, the Parties agree to amend the Orderly Annexation Agreement to remove all references to Bemidji Township and to hereafter have the terms of the Orderly Annexation Agreement apply only to Northern Township and the City of Bemidji.

NOW, THEREFORE, BE IT RESOLVED, the Parties hereby amend the Orderly Annexation Agreement as follows:

1. Bemidji Township is hereby removed from the Orderly Annexation Agreement and the Agreement shall continue as between Northern Township and the City of Bemidji.
2. All references to Bemidji Township are hereby removed, all references to "Townships" are replaced with "Township", and all references to three communities are replaced with references to two communities.
3. The Legal Descriptions attached to the Orderly Annexation Agreement as Exhibit A are hereby amended to remove the descriptions of all property in Bemidji Township that were not annexed into the City prior to this Resolution.
4. The Boundary Map attached to the Orderly Annexation Agreement as Exhibit B is hereby amended to remove any designated area within Bemidji Township that was not annexed into

the City prior to this Resolution.

5. These amendments shall be effective immediately upon their receipt and acceptance by the Office of Administrative Hearings.
6. The staff of the Greater Bemidji Area Joint Planning Board is hereby authorized and directed to file this Resolution with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings and to take such other steps as may be necessary to complete these amendments to the Orderly Annexation Agreement.

CITY OF BEMIDJI

Adopted by the City Council on the 17th day of April, 2017 as Resolution No. 6073.

FOR THE CITY OF BEMIDJI



Rita C. Albrecht, Mayor



Nathan Mathews, City Manager

ATTEST:



Teresa K. Hanson, Deputy City Clerk

NORTHERN TOWNSHIP

Adopted by the Town Board on the 13 day of April, 2017 as Resolution No.
_____.

FOR NORTHERN TOWNSHIP

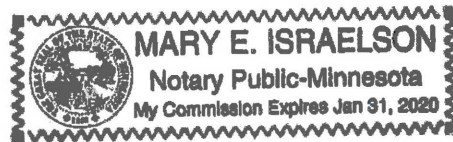
Micheal Kelly

Micheal Kelly, Town Chairperson

ATTEST:

Mary Israelson

Mary Israelson, Town Clerk



BEMIDJI TOWNSHIP

Adopted by the Town Board on the 25 day of April, 2017 as Resolution No. 2017-2.

FOR BEMIDJI TOWNSHIP



Brian Merschman, Town Chairperson

ATTEST:



Johanna Newland, Town Clerk

**City of Bemidji
Resolution No. 6280
Dated January 21, 2020**

EXHIBIT C

That part of South one-half (S 1/2) of Section 20, Township 147N, Range 33W, lying southeasterly of US Trunk Highway 71.

South one-half (S 1/2) of Section-21, Township 147N, Range 33W.

North one-half of the Northwest Quarter (N 1 /2 of NW 1 /4), and Government Lot 1, all in Section 28, Township 147N, Range 33W.

Section 29, Township 147N, Range 33W.

East one-half (E 1/2) of Section 30, Township 147N, Range 33W.

North one-half (N 1/2) of Section 32, Township 147N, Range 33W, less previously annexed tracts.