

**TOWN OF EMPIRE  
CITY OF FARMINGTON**

REC'D BY  
M M B

FEB 07 2005

**IN THE MATTER OF THE JOINT  
RESOLUTION OF THE TOWN OF  
EMPIRE AND THE CITY  
OF FARMINGTON, DESIGNATING  
AN UNINCORPORATED AREA AS  
IN NEED OF ORDERLY ANNEXATION  
AND CONFERRING JURISDICTION  
OVER SAID AREA TO THE DEPARTMENT  
OF ADMINISTRATION, BOUNDARY  
ADJUSTMENT OFFICE, PURSUANT TO  
M.S. §414.0325**

**JOINT RESOLUTION**

**WHEREAS**, Jeffrey A. Cumpston and Jaime L. Cumpston are the sole owners of property currently located in Empire Township with an address at 3291 213<sup>th</sup> Street, and;

**WHEREAS**, the City has previously extended city water and sewer services in the area as part of recent urban-type developments, and has caused 213<sup>th</sup> to be improved to city standards, and has annexed other properties abutting 213<sup>th</sup> Street and in the area pursuant to other joint resolutions for orderly annexation with the Township, and

**WHEREAS**, the Cumpston's have petitioned the City for sewer, water, and other urban services and for annexation to the City and have agreed to be assessed for connecting to city sewer and water service, and;

**WHEREAS**, the City of Farmington is willing and able to provide the requested urban services and;

**WHEREAS**, other properties surrounding the Cumpston's have previously been made a part of the City;

**NOW, THEREFORE**, the Township of Empire and the City of Farmington jointly agree to the following:

1. The Township and City hereby establish an Orderly Annexation Area ("OAA") as authorized by Minnesota Statute §414.0325, Subdivision 1, as shown on the attached

Exhibit B and legally described on Exhibit A, and have determined that the area of the property involved in this annexation is approximately one-third of an acre (15,440 square feet), is currently improved with one single-family dwelling and that the population of the area is currently two.

2. That the purpose of the annexation of the property involved in this annexation is to transfer jurisdiction over the property in order to provide urban services including but not limited to sewer, water, refuse collection, police and fire protection from the City of Farmington.

3. That in order to accomplish this purpose, the property owned by the Cumpstons with an address of 3291 213<sup>th</sup> Street should be immediately annexed to and made part of the City of Farmington.

4. Upon approval by the respective governing bodies of the City and the Township, this joint resolution and agreement shall confer jurisdiction upon the Director of the Office of Strategic and Long-range Planning (or his or her successor designee responsible for administering Minnesota Statutes Chapter 414) so as to immediately annex the lands described in the attached Exhibit A in accordance with the terms of this joint resolution and agreement without need for any subsequent resolution(s) of the parties.

5. The City and the Township mutually state that no alteration by the director to the OAA boundaries, as illustrated on Exhibit B and described in Exhibit A, is appropriate or permitted.

6. The City and Township agree that upon annexation all planning, official controls, and governmental services for the annexed area shall become the responsibility of the City, and that the provisions of Minn. Stat. §§414.035 and 414.036 authorizing differential taxation and municipal reimbursement for the annexed property will not be applied in this proceeding .

7. The City and the Township mutually state that the annexation of the property will not result in any change of electrical service and will not require joint planning since upon final approval of this joint resolution and issuance of the annexation order by the Director the property will immediately be fully subject to the official controls and other ordinances of the City of Farmington, including all land use controls. Further, that differential taxation under M.S. §414.035, or reimbursement under M.S. §414.036 is not required.

8. Having designated the area illustrated on Exhibit B and described in Exhibit A as in need of orderly annexation, and having provided for all of the conditions of its annexation within this document, the parties to this agreement

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agree that no consideration by the director is necessary. The director may review and comment but shall within thirty (30) days order the annexation in accordance with the terms of this Resolution.

Approved and Adopted  
this 12 day of Dec, 2005.

**TOWN OF EMPIRE**

BY: Terry H. Cross

Its Town Board Chair

AND Kathleen B. Kipp

Its Town Board Clerk

Approved and Adopted  
this 14th day of January, 2005.

**CITY OF FARMINGTON**

BY: Thomas A. Soderberg

Its Mayor

AND John M. Hall

Its City Administrator

EXHIBIT A

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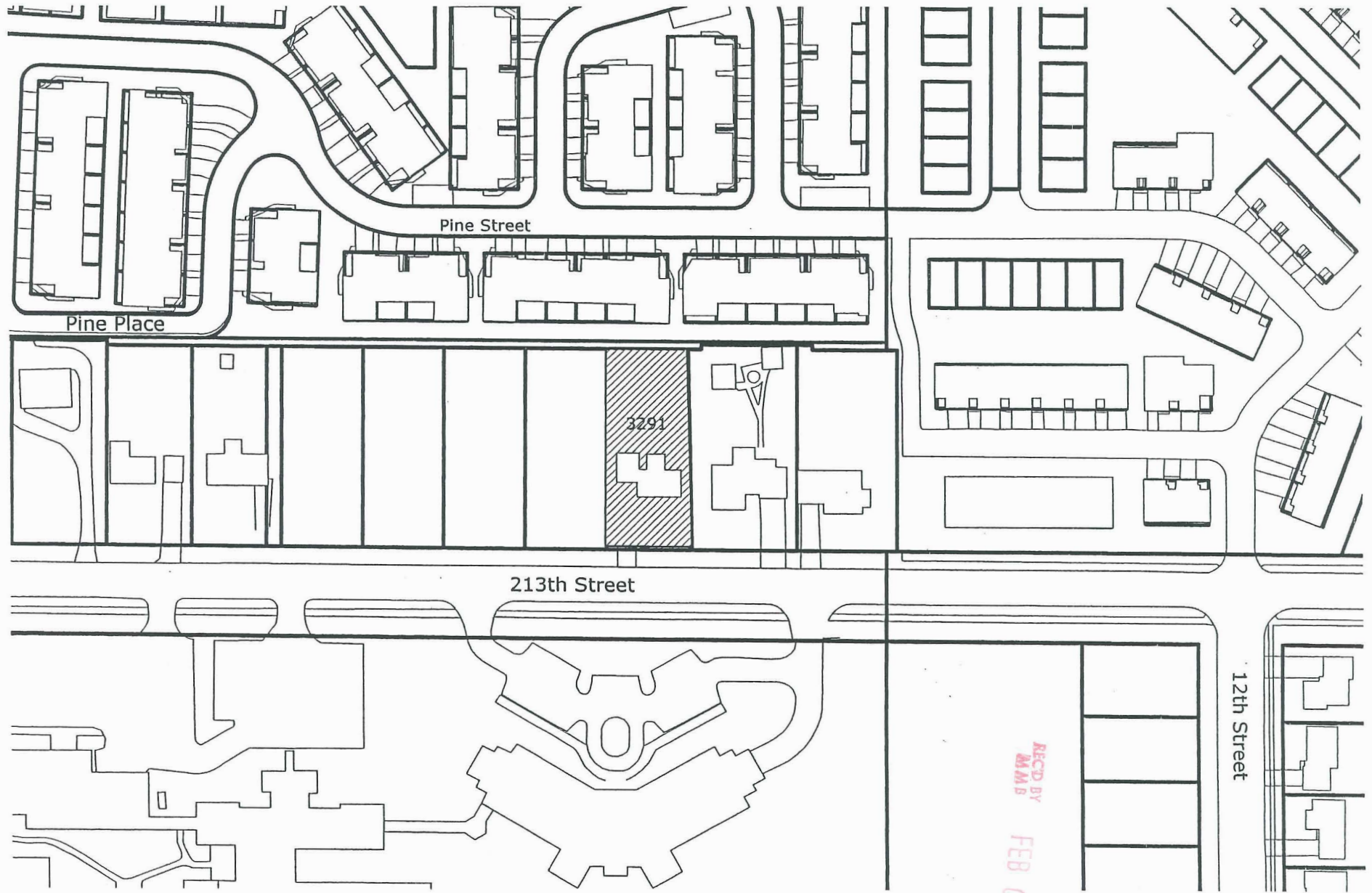
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Legal description of property subject to immediate annexation:

That part of the Northwest Quarter of the Northwest Quarter (NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ) described as commencing at the Southwest corner thereof; thence East along the South line of the said Northwest Quarter of the Northwest Quarter (NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ) One Thousand Sixty-one (1061) feet to the point of beginning; thence deflecting to the left Ninety degrees Fifty-seven minutes One Hundred Ninety-three feet (90 degrees 57 minutes 193 feet); thence deflecting to the right Ninety degrees Fifty-seven minutes Eighty feet (90 degrees 57 minutes 80 feet); thence deflecting to the right Eighty-nine degrees Three minutes One Hundred Ninety-three feet (89 degrees 03 minutes 193 feet) to the South line of the said Northwest Quarter of the Northwest Quarter (NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ); thence West along the said South line Eighty (80) feet to the point of beginning in Section Thirty-two (32), Township One Hundred Fourteen (114), Range Nineteen (19), according to the Government Survey thereof.



# Exhibit "B"



40 0 40 80 Feet

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-  City of Farmington
-  Empire Township