

TO THE OFFICE OF STRATEGIC AND LONG RANGE PLANNING

In the Matter of

The Description of an Unincorporated
Area in New Market Township as in
Need of Orderly Annexation to the City
of New Market

JOINT RESOLUTION OF THE
CITY OF NEW MARKET AND THE
TOWNSHIP OF NEW MARKET FOR
ORDERLY ANNEXATION

WHEREAS, the owners of certain real property situated in the Township of New Market, Scott County, Minnesota have filed a Petition seeking the annexation to the City of New Market of said real property, described on attached Exhibit A; and

WHEREAS, the City of New Market and the Township of New Market, for the purpose of avoiding dispute over the annexation of the property described in said Petition, desire to enter into a joint resolution approving the annexation of the said property to the City of New Market.

NOW THEREFORE, be it resolved by the City of New Market and be it resolved by the Township of New Market, as follows:

1. Orderly Annexation Area. The property situated in the Township of New Market, County of Scott, State of Minnesota, legally described on attached Exhibit A is designated as unincorporated and in need of orderly annexation pursuant to Minn. Stat. §414, as the same may hereafter be amended or supplement from time to time. Said property legally described on Exhibit A is herein referred to as the "Orderly Annexation Area". The Orderly Annexation Area needs City utilities and services so that it can be developed.

2. Jurisdiction. The parties to this Agreement hereby confer jurisdiction upon

the Boundary Adjustment Office of the Department of Administration over the annexation in the Orderly Annexation Area, and over the various provisions of this Agreement between the parties hereto as set forth in this Joint Resolution. The parties to this instrument acknowledge legislative changes dissolving the Minnesota Municipal Board and transferring its responsibilities to the Department of Administration, Boundary Adjustment Office and that despite such action the provisions of Minn. Stat. §414 have not been modified to reflect such changes. For the purposes of this instrument, therefore, references to Minnesota Municipal Board and to Minn. Stat. §414 shall mean and refer to the Municipal Boundary Adjustment Office of the Department of Administration as the successor to the Minnesota Municipal Board in administration of state law regarding orderly annexation agreements and to subsequent amendments to state law.

Notwithstanding the foregoing, the parties specifically state that no alteration of the stated boundaries of the Orderly Annexation Area is appropriate and that no consideration by the Boundary Adjustment Office is necessary. Upon receipt of this joint resolution, the Office may review and comment but shall, within thirty (30) days, order the annexation in accordance with the terms of this joint resolution.

3. Immediate Annexation. The City and Township agree that the Orderly Annexation Area will be annexed to the City immediately upon confirmation by the Boundary Adjustment Office. The parties to this Agreement hereby consent to said annexation as of the date of this request, and grant to the Boundary Adjustment Office their approval to accomplish the annexation in accordance with this Agreement. The City and Township agree they will not oppose said annexation. The Boundary Adjustment Office is authorized and requested to take such actions as may be appropriate to accomplish the intent of the parties as set forth herein.

4. Real Estate Taxes. It is agreed that in the year the Orderly Annexation Area is

Annexed to the City, that portion of the real estate taxes normally allocated to the Township shall be paid to the City. To reimburse the Township for this lost revenue, the property owners of the Orderly Annexation Area will pay New Market Township an amount equal to three times the amount of tax revenue New Market Township received from the subject property in 2004. New Market Township's portion of the 2004 real estate taxes from the subject property was \$ 644.03. Therefore, the total amount due from the property owners to New Market Township will be three times that amount or \$ 1932.09. This shall be paid to New Market Township by the property owners within thirty days after the annexation is ordered by the Boundary Adjustment Office. Thereafter, New Market Township shall not be entitled to any real estate tax revenue from the property in the Orderly Annexation Area described in this Joint Resolution.

5. Tax Capacity Rate. Pursuant to Minn. Stat. §414.035, the Boundary Adjustment Office is requested to provide in its Order that in the calendar year following annexation, the tax capacity rate of the Orderly Annexation Area be increased to equality with the tax capacity rate on property already situated within the City of New Market.

6. Detachment of Property. In the event the Orderly Annexation Area is not subject to preliminary plat approval by the City of New Market for a school or residential subdivision thereof on or prior to December 31, 2008, then, upon the submission of a Petition by the property owners of the Orderly Annexation Area in accordance with the provisions of Minn. Stat. §414.06, the City of New Market agrees to approve and submit to the Boundary Adjustment Office a resolution of the City of New Market for detachment of the Orderly Annexation Area from the municipality, and in connection with any such hearing thereon, agrees that the Orderly Annexation Area is not needed for reasonably anticipated future development and that the detachment of the Orderly Annexation Area would not unreasonably affect the symmetry of the

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City of New Market nor cause any hardship in the City of New Market's ability to carry on the functions of government.

7. **Entire Agreement.** The foregoing, with the exhibit referenced above and attached hereto, constitutes the entire agreement of the parties regarding the order annexation of the Order Annexation Area described in attached Exhibit A.

This Joint Resolution was duly passed and approved by the Township of New Market on the 5th day of April, 2005.

TOWNSHIP OF NEW MARKET

By: Letoy L. Clanton
Town Board Chair

By: Albert Zwick
Clerk

This Joint Resolution was duly passed and approved at a duly called meeting of the City Council of the City of New Market on the 13th day of July, 2005.

CITY OF NEW MARKET

By: Jim Fudge
Mayor

Attest:

Jan Seykora
City Clerk

EXHIBIT A**LEGAL DESCRIPTION**

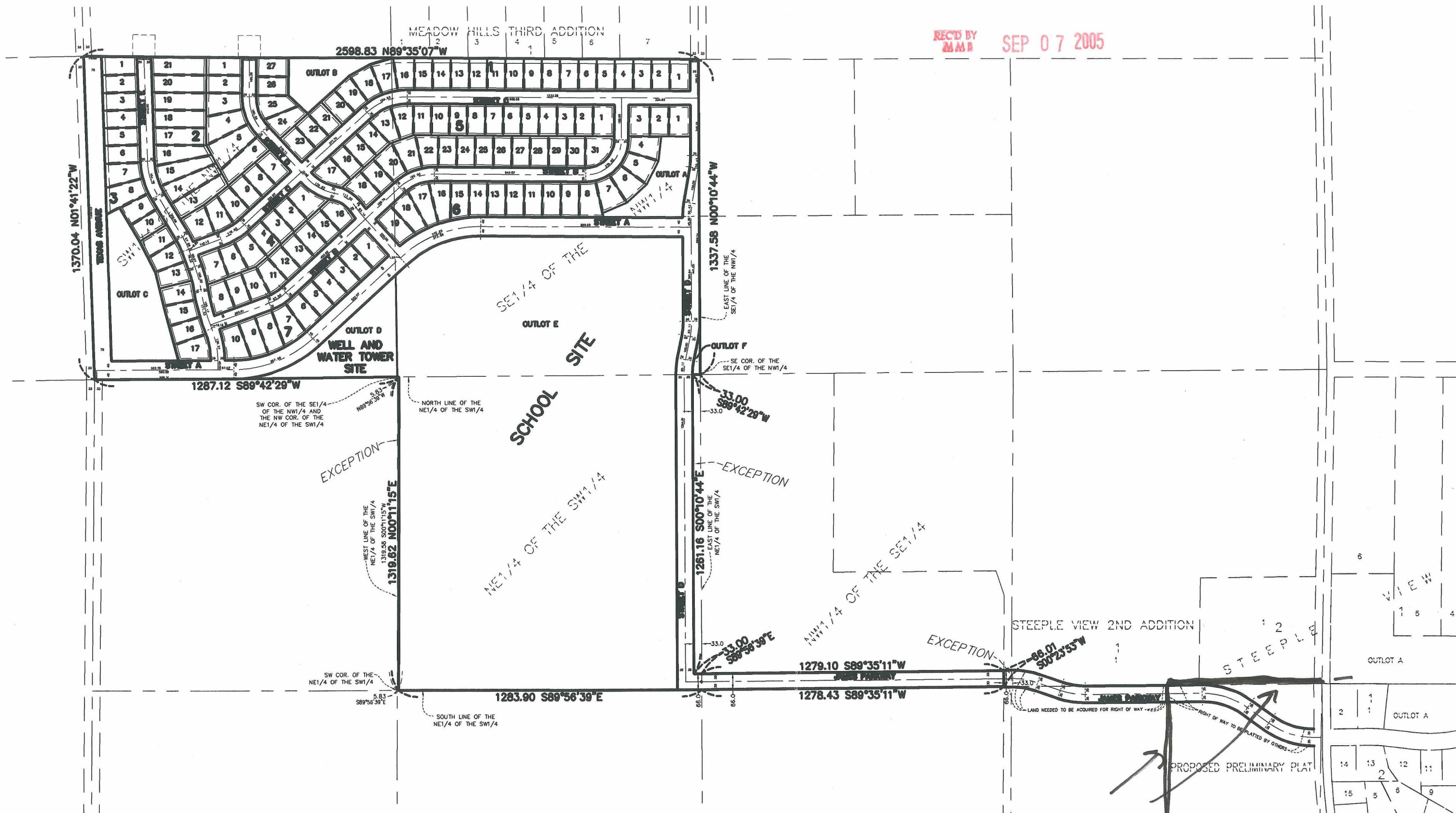
The Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter, Section 20, Township 113, Range 21, Scott County, Minnesota.

And

The Northeast Quarter of the Southwest Quarter and the South 66.00 feet of the Northwest Quarter of the Southeast Quarter, Section 20, Township 113, Range 21, Scott County, Minnesota, EXCEPT the East 33.00 feet of said Northeast Quarter of the Southwest Quarter lying north of the South 66.00 feet of said Northeast Quarter of the Southwest Quarter, EXCEPT the East 33.00 feet of the Northwest Quarter of the Southeast Quarter, EXCEPT that part of said Northeast Quarter of the Southwest Quarter, described as follows:

Beginning at the northwest corner of said Northeast Quarter of the Southwest Quarter; thence South 00 degrees 11 minutes 15 seconds West, (assumed bearing) along the west line of said Northeast Quarter of the Southwest Quarter, 1319.58 feet to the southwest corner of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 56 minutes 39 seconds East, along the south line of said Northeast Quarter of the Southwest Quarter, a distance of 5.83 feet; thence North 00 degrees 11 minutes 15 seconds East a distance of 1319.62 feet to a point on the north line of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 42 minutes 29 seconds West, along said north line, a distance of 5.83 feet to the point of beginning.

AREA = 5,229,260 Square Feet or 120.05 Acres



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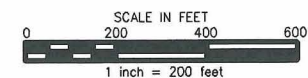
Overall Property Description

The Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter, Section 20, Township 113, Range 21, Scott County, Minnesota.

And

The Northeast Quarter of the Southwest Quarter and the South 66.00 feet of the Northwest Quarter of the Southeast Quarter, Section 20, Township 113, Range 21, Scott County, Minnesota, EXCEPT the East 33.00 feet of said Northeast Quarter of the Southwest Quarter lying north of the South 66.00 feet of said Northeast Quarter of the Southwest Quarter, EXCEPT the East 33.00 feet of the Northwest Quarter of the Southeast Quarter, EXCEPT that part of said Northeast Quarter of the Southwest Quarter, described as follows:

Beginning at the northwest corner of said Northeast Quarter of the Southwest Quarter; thence South 00 degrees 11 minutes 15 seconds West, (assumed bearing) along the west line of said Northeast Quarter of the Southwest Quarter, 1319.58 feet to the southwest corner of said Northeast Quarter of the Southwest Quarter; thence North 89 degrees 56 minutes 39 seconds East, along the south line of said Northeast Quarter of the Southwest Quarter, a distance of 5.83 feet; thence North 00 degrees 11 minutes 15 seconds East a distance of 1319.62 feet to a point on the north line of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 42 minutes 29 seconds West, along said north line, a distance of 5.83 feet to the point of beginning.



James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2500 N. Cty. Rd. 42, Suite 120, Burnsville, MN 55337
PHONE: (612) 890-4044 FAX: (612) 890-4244
1533 94TH LANE NE, Suite B, Burnsville, MN 55340
PHONE: (763) 792-1136 FAX: (763) 792-1740

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
XXXXXXXXXXXX
Date: 08/22/05 Reg. No. XXXXX

New Market School Development Project
NEW MARKET, MINNESOTA
Preliminary Plat
FOR
On-Site Marketing
16817 DULUTH AVENUE SOUTH, PRIOR LAKE, MN.

DRAWN BY	PLM
DATE	8/1/05
REVISIONS	
BOOK/PAGE	NONE
CONTROL NO.	21279
CAD FILE	21279pp.dwg
PROJECT NO.	21279
FILE NO.	DRAWER
PP1	

