

**JOINT RESOLUTION FOR ORDERLY ANNEXATION
BETWEEN THE TOWN OF AVON AND THE CITY OF AVON**

Property Owners Name: Martin J. Stone

RECITALS

A. The Town of Avon (the "Town") and the City of Avon ("City"), both of Stearns County, Minnesota, agree on the orderly annexation of certain real property described in this Resolution for orderly and planned services to the community.

B. The property proposed to be annexed (as described on Exhibit A and set forth on the map as Exhibit B) is subject to orderly annexation under and pursuant to Minnesota statutes, Section 414.0325. The property to be annexed is part of an Orderly Annexation Area between the City and Town which Agreement was executed by the City on August 11, 2005 and executed by the Township on August 17, 2005.

C. All owners of the property proposed to be annexed have petitioned the City and the Town for annexation.

D. The Joint Planning Board of the City of Avon and the Township of Avon have reviewed this annexation request and affirm that the annexation is in compliance with the Orderly Annexation Agreement between the City and Town.

RESOLUTION

1. **Designation of Property.** The Town and City designate the area set forth in the legal description of the properties attached as Exhibit A and set forth on the map attached as Exhibit B as subject to orderly annexation pursuant to Minnesota Statutes §414.0325.

2. **Department of Administration, Municipal Boundary Adjustment Jurisdiction.** Upon approval by the Town Board and City Council, this Joint Resolution shall confer jurisdiction upon the Department of Administration, Municipal Boundary Adjustments to approve annexation of the designated property pursuant to Minnesota Statutes §414.0325.

3. **No Alteration of Boundaries.** The Town and City agree and state that no alterations by the Department of Administration, Municipal Boundary Adjustments of the designated property's stated boundaries is appropriate.

4. **Department of Administration, Municipal Boundary Adjustments Review and Comment.** The Town and City agree and state that this Joint Resolution sets forth all the conditions for annexation of the designated property, and no consideration by the Department of Administration, Municipal Boundary Adjustments is necessary. The Department of Administration, Municipal Boundary Adjustments may review and comment, but shall order the annexation of the designated property according to this Joint Resolution's terms within 30 days of the Department of Administration, Municipal Boundary Adjustment's receipt of this Joint Resolution.

5. **Planning and Land Use Control Authority.** Upon the annexation's effective date, the City's zoning regulations and land use controls shall govern the designated property.

6. **Acreage and Population.** The designated property consists of 1.2 acres and has a current population of 0.

7. **Revenue Sharing.** In respect to the annexed property, the City shall for six years following the annexation of the property rebate to the Township an amount equal to the property taxes collected by the Town for the property in the year of annexation. This fixed amount will then be paid each year during the six-year term.

8. **Authority of Joint Planning Board.** The Joint Planning Board may review and comment on drainage plans, concept plans, sewer and water lines, utility locations, and traffic/roadway access issues.

9. **Authorizations.** The Town and City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.

10. **Modification.** The Town and City may modify, amend and terminate this Joint Resolution only by a mutually signed, written agreement.

11. **Severability.** A determination by any court of competent jurisdiction that any provision of this Joint Resolution is invalid, illegal or unenforceable shall not affect the validity of this Joint Resolution's other provisions. If any of this Joint Resolution's provisions is inapplicable to any person or circumstance, it shall still remain applicable to all other persons or circumstances.

12. **Effective Date.** This Joint Resolution shall be effective from the date of the Department of Administration, Municipal Boundary Adjustment's order calling for the designated property's annexation to the City.

13. **Governing Law.** Minnesota law shall govern this Agreement.

The Township of Avon Board of Supervisors adopts this Joint Resolution on the 16 day of November, 2005.

TOWNSHIP OF AVON

By 219 Gordon
Town Chair

ATTEST:

Renee Smith
Town Clerk

The Avon City council adopts this Joint Resolution on the 3rd day of October 2005.

CITY OF AVON

By Margie Evans
Mayor

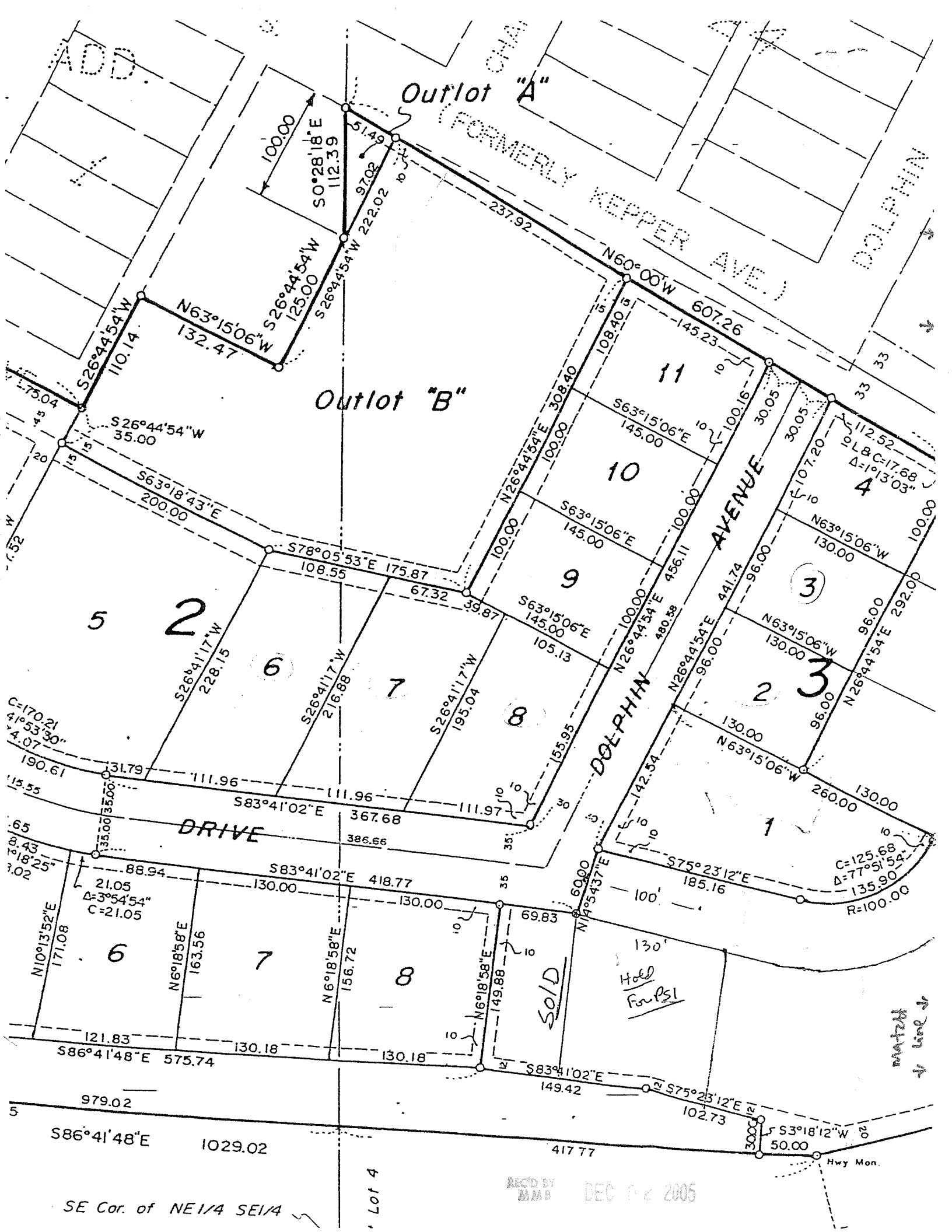
ATTEST:

Godi Austin
City Clerk/Administrator

Marty
Stone

EXHIBIT "A"

RE: That part of Government Lot Three (3), of Section Twenty-seven (27), in Township One Hundred Twenty-five (125) North, of Range Thirty (30) West, described as follows, to-wit: Beginning at a point on the center line of Old State Highway, leading from St. Joseph to Avon, where said center line intersects the East line of Govt. Lot 3, thence South on said East line of said Lot 3, to a point 1,404 feet North of the SE corner of said Lot 3, thence running due West for a distance of 230 feet, thence running due South, a distance of 480 feet to a point on a line running West and parallel to the South line of said Lot 3, and starting at a point 924 feet North of the SE corner of said Lot 3, thence from said point running due West to the shore of Linneman Lake a distance of approximately 91.75 feet, thence running in a W'ly direction along the shore line of said Linneman Lake, to where said shore line intersects the West line of said Govt. Lot 3, thence running North along the West line of said Lot 3, to a point where the West line of said Lot 3 intersects the center line of said Old State Road, thence running East along said centerline of said Old Road, to the point of beginning LESS AND EXCEPTING FROM THE ABOVE, all that tract of land platted as Van Heel Subdivision, of a part of Govt. Lot 3, Sec. 27, Twp. 125, Rge 30, according to the plat and survey thereof on file and of record in the Office of the Register of Deeds in and for Stearns County, Minnesota, and LESS AND EXCEPTING a tract of land conveyed to Smith Distributing, Inc. by Deed dated August 16, 1962 and recorded August 16, 1962 in Book 319 of Deeds on page 213; also LESS AND EXCEPTING the tract of land deeded to Steven Hartung by Deed dated August 1, 1962 and recorded August 8, 1962 in Book 312 of Deeds on page 510; ALSO LESS AND EXCEPTING the tract of land deeded to Duane L. Hanauer by deed dated June 8, 1970 and recorded June 23, 1970 in Book 382 of Deeds on page 297. ALSO LESS AND EXCEPTING the tract of land deeded to the City of Avon by Deed dated June 24, 1992 and recorded June 25, 1992 as Document No. 721402; ALSO LESS AND EXCEPTING the tract of land deeded to Peter E. Jansky, Patricia Jansky Henkemeyer, Timothy T. Jansky and Peter E. Jansky and Patricia Jansky Henkemeyer as Trustees of the Tammy J. Jansky Trust, created under the Last Will and Testament of Peter C. Jansky, dated September 7, 1978, as amended by codicils; ALSO LESS AND EXCEPTING the land taken for Interstate 94 purposes as described in Final Certificate recorded in Book 150 of Miscellaneous, page 42, all of the above lands being in Stearns County, Minnesota.
Parcel No. 03-01000-000



Outlot "A"

(FORMERLY KEPPER AVE.)

Outlot "B"

11

10

9

8

7

6

2

5

3

2

3

1

6

7

8

SOLD

Hold For PSL

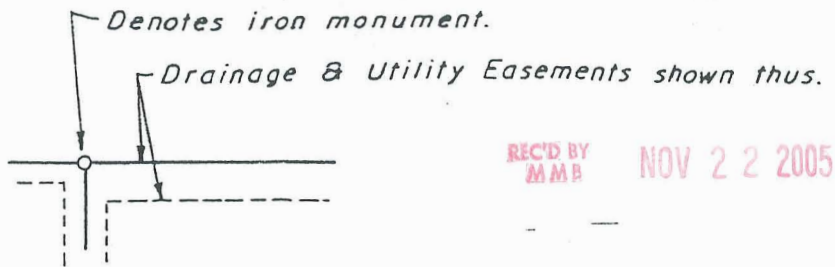
match
to line 4

REC'D BY
MMB

DEC 2 2005

SE Cor. of NE 1/4 SE 1/4

0A-1198-2
 Martin Stone
 1.2 ac.



REC'D BY
 MMB

NOV 22 2005

Bob Psi

356-
 2217

