

06.674

03.00.450.400
03.00.892.500

REC'D BY
MMB

APR 10 2006

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

Property Owners Name: City of Avon

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 32.5 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 will govern this Agreement.

The Township of Avon Board of Supervisors adopts this Joint Resolution on the 1st day of March, 2006.

TOWNSHIP OF AVON

By Gly Gorkunger
Town Chair

ATTEST:

Renee Smith
Town Clerk

The Avon City council adopts this Joint Resolution on the 6 day of February, 2006.

CITY OF AVON

By Margie Evans
Mayor

ATTEST:

John Austine
City Clerk/Administrator

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This Indenture. Made this 16th day of January, 1976,
between Philip J. Keppers and Lucy Keppers, his wife

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MMB

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461733

of the County of Stearns and State of Minnesota,
parties of the first part, and City of Avon
municipal
a corporation under the laws of the State of Minnesota, party of the second part,

Witnesseth, That the said parties of the first part, in consideration of the sum of
One Dollar (\$1.00) and other good and valuable consideration DOLLARS,
to them in hand paid by the said party of the second part, the receipt whereof is
hereby acknowledged, do hereby Grant, Bargain, Quitclaim, and Convey unto the said party of
the second part, its successors and assigns, Forever, all the tract or parcel of land lying and being
in the County of Stearns and State of Minnesota, described as follows, to-wit:

The East 50.00 feet of the East One-half of the Northwest Quarter ($E\frac{1}{2}NW\frac{1}{4}$)
of Section Twenty-two (22), in Township One Hundred Twenty-five (125) North,
of Range Thirty (30) West, Stearns County, Minnesota, the West 636.00 feet of
the East 686.00 feet of the North 2020.00 feet of said $E\frac{1}{2}$ of the $NW\frac{1}{4}$ of
Sec. 22 and that part of the South 136.00 feet of the Southeast Quarter of the
Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) of Section Fifteen (15) in said Township and Range
which lies East of the Northerly extension of the West line of the East 686.00
feet of said $E\frac{1}{2}$ of the $NW\frac{1}{4}$ of Sec. 22. Together with an easement being a
strip of land 100.00 feet in width in the South One-half of the Southwest
Quarter ($S\frac{1}{2}SW\frac{1}{4}$) of said Sec. 15 and running Northwesterly from the above
described land to the center of Spunk Creek, the center line of said ease-
ment being described as follows: Commencing at the Southeast corner of said
 $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of Sec. 15; thence West along the South line thereof for 671.00
feet; thence North at an angle of 90° and $05'$ with said South line, as
measured from East to North, for 136.00 feet to the point of beginning of the
line to be described; thence Northwesterly deflecting 45° and $47'$ to the left
for 860 feet more or less to the center of Spunk Creek and there terminating,
in Stearns County, Minnesota.

EXEMPT FROM STATE DEED TAX.

To Have and to Hold the Same, Together with all the hereditaments and appurtenances there-
unto belonging or in anywise appertaining, to the said party of the second part, its successors and assigns,
Forever.

In Testimony Whereof, The said parties of the first part have hereunto set their
hands the day and year first above written.

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0A-1198-3
32.5 acres
city wastewater

Spunk Creek

OCHOTTO
LAKE

R1

C2

CO Rd 155

R2

C2



A

A

CO. ROAD 5
PRINCEW