

**RESOLUTION 07-746**

**Whereas**, the City of Avon and the Township of Avon desire to provide for the orderly and prudent development of that area agreed upon and designated as the Orderly Growth Area; and

**Whereas**, the parcel herein described as; The North 360.00 feet of the Northeast Quarter of the Southwest Quarter of Section 29, Township 125, range 29, Stearns County, Minnesota, Parcel ID #03.01035.005, and attached as attachment A , meets the requirements set forth in the Orderly Growth Agreement which states, in part: *Approval Process. ... The Joint Planning Board shall adopt a Resolution approving an annexation of property within the annexation area when any of the following have been met: Petition of property owner. (i) the Joint Planning Board receives a petition requesting annexation signed by owners of 100% of individual parcels of record for properties in the area proposed for annexation; (ii) the property proposed for annexation is contiguous to the City; and (iii) the annexation has the approval of the City Council;* now,

**Therefore, be it resolved** by the City of Avon-Avon Township Joint Planning Board to recommend that said parcel described above be annexed to the City of Avon contingent upon approval of the Avon City Council.

Resolved by the City of Avon-Avon Township Joint Planning Board this 22<sup>nd</sup> day of August, 2007.

By: \_\_\_\_\_

Chairperson; City of Avon-Avon Township Joint Planning Board

Approved by the Avon City Council the 10th day of September, 2007.

By: \_\_\_\_\_

Mayor, City of Avon

REC'D BY  
MMB

SEP 17 2007

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

Property Owners Name: Percheron Properties LLC

**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 4.1 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.

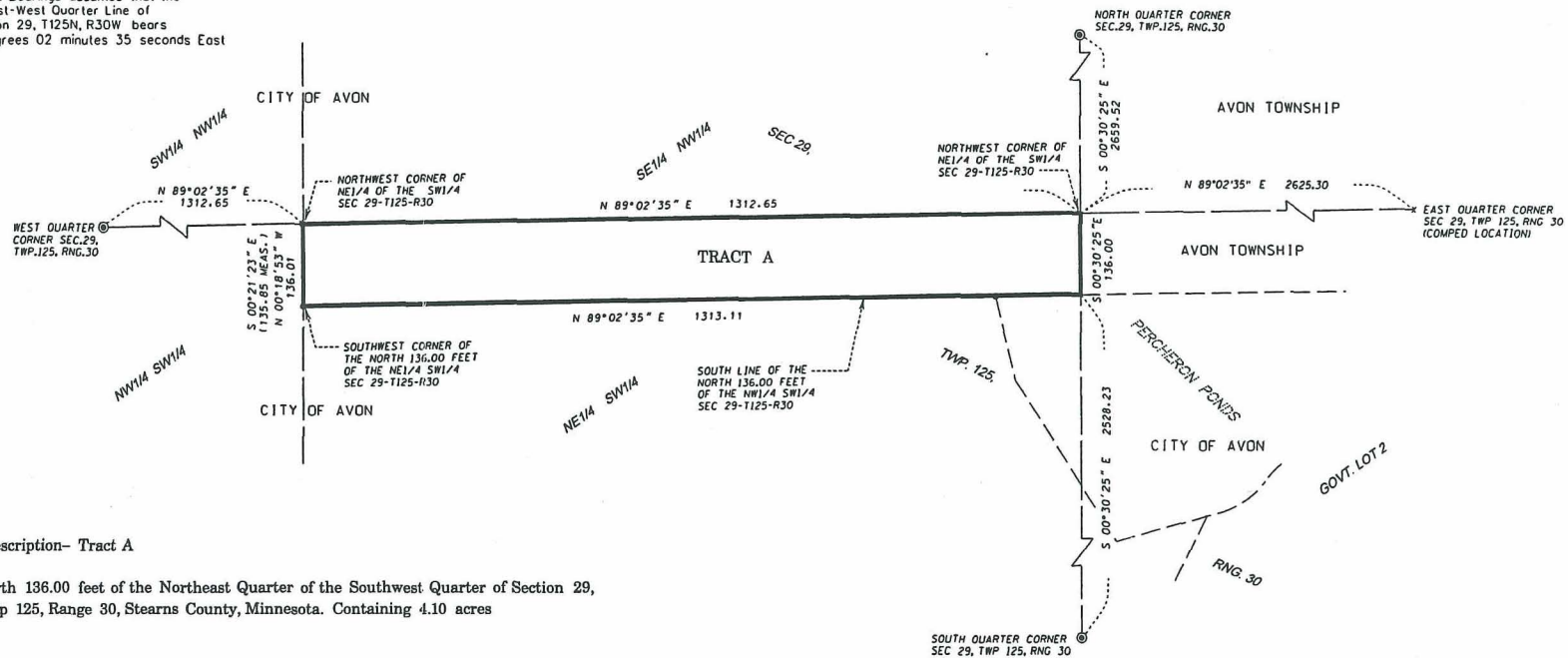


# CERTIFICATE OF SURVEY

In Section 29, Twp. 125 Rng. 30  
Stearns County, Minnesota



Basis of Bearings assumes that the  
East-West Quarter Line of  
Section 29, T125N, R30W bears  
North 89 degrees 02 minutes 35 seconds East



## Legal Description- Tract A

The North 136.00 feet of the Northeast Quarter of the Southwest Quarter of Section 29,  
Township 125, Range 30, Stearns County, Minnesota. Containing 4.10 acres

- DENOTES: SET IRON PIPE  
WITH CAP STAMPED "DELEO 40341"
- DENOTES: SET MAGNETIC "PK" NAIL
- DENOTES: FOUND IRON MONUMENT
- DENOTES: FOUND CAST IRON MONUMENT

0 100 200  
SCALE IN FEET

No.	Date	REVISIONS	Survey By: PH, JF	I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
1	2/2/2007	ADDED ANNEXATION INFORMATION	Drawn By: JF	Signature: <i>Samuel J. DeLeo</i> Date: 11/01/2007
2	11/01/2007	REVISED LEGAL DESCRIPTION	Checked By: SD	Samuel J. DeLeo, MN License No. 40341
			PROJECT NO. CMNLD0605	

**KLD**  
KRAMER LEAS DELEO  
SURVEYING • ENGINEERING • PLANNING  
11 North 7th Avenue  
Suite 100  
St. Cloud, MN 56303  
320-259-1268  
BRAINERD ST. CLOUD

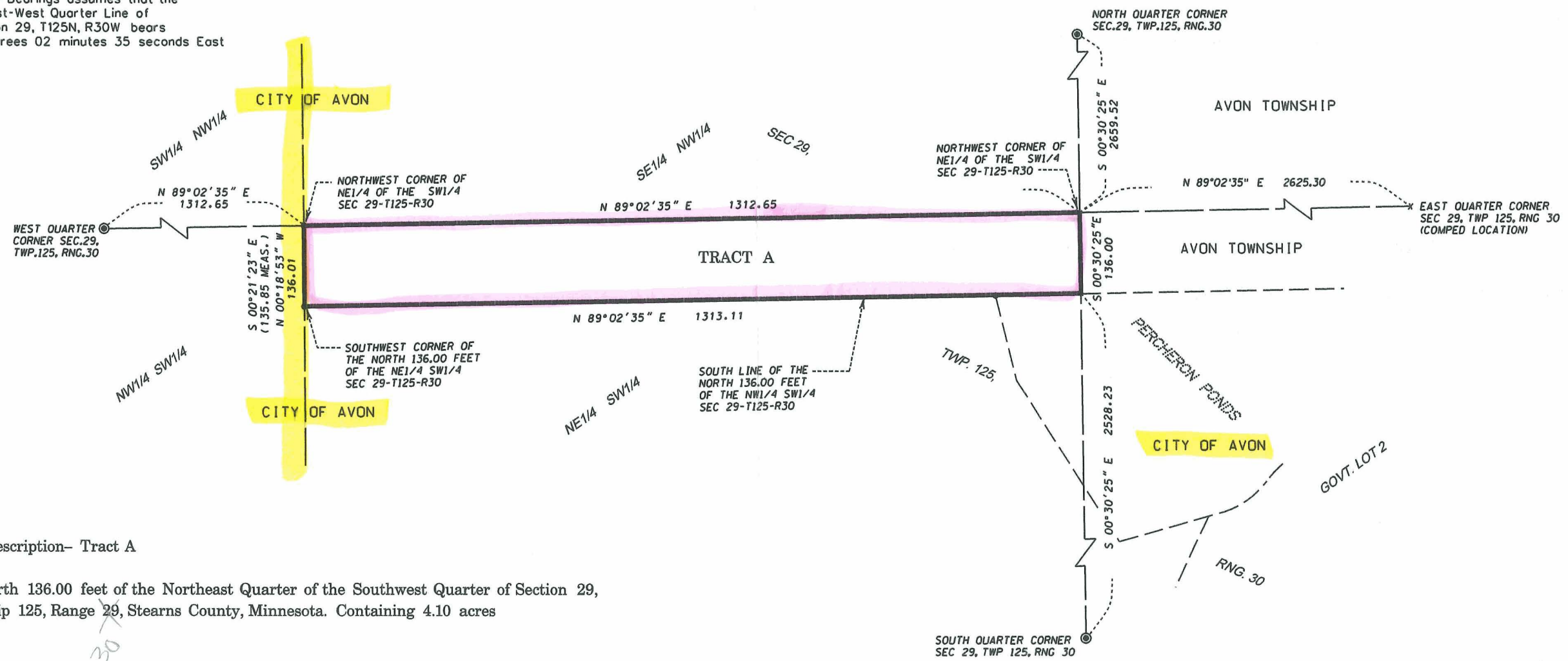
0A-1198-4  
Percheron

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Stearns County, Minnesota

REC'D BY  
MMB SEP 17 2007

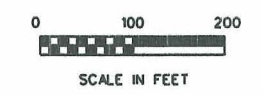
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No.	Date	REVISIONS
1	2/2/2007	ADDED ANNEXATION INFORMATION

Survey By:  
PH, JF  
Drawn By:  
JF  
Checked By:  
SD  
I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT  
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION  
AND THAT I AM A DULY REGISTERED LAND SURVEYOR  
UNDER THE LAWS OF THE STATE OF MINNESOTA.  
Signature: Samuel J. DeLeo Date: 8/14/2006  
Samuel J. DeLeo, MN License No. 40341  
PROJECT NO. CMNLD0605

**KLD**  
11 North 7th Avenue  
Suite 100  
St. Cloud, MN 56303  
320-259-1266  
**KRAMER LEAS DELEO**  
SURVEYING • ENGINEERING • PLANNING  
BRainerd ST. CLOUD