

**Resolution 2019- 10**  
**JOINT RESOLUTION FOR ORDERLY ANNEXATION**  
**BETWEEN THE TOWN OF AVON AND THE CITY OF AVON**

Property Owner's Name: Elmer Keppers Revocable Trust  
Property Identification Number: 03.00953.0000

**RECITALS**

- A. The Township of Avon ("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 has reviewed this annexation request and affirm that the annexation is in compliance with the Orderly Annexation Agreement between the City and Town.

## RESOLUTION

1. **Office of Administrative Hearings, Municipal Boundary Adjustment Jurisdiction.** Upon approval by the Town Board and City Council, this Joint Resolution shall confer jurisdiction upon the Office of Administrative Hearings, Municipal Boundary Adjustments to approve annexation of the designate property pursuant to Minnesota Statutes §414.0325.
2. **No Alteration of Boundaries.** The Town and City agree and state that no alterations by the Office of Administrative Hearings, Municipal Boundary Adjustments of the designated property's stated boundaries is appropriate.
3. **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 Office of Administrative Hearings, Municipal Boundary Adjustments is necessary. The Office of Administrative Hearings, 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 Office of Administrative Hearings, Municipal Boundary Adjustment's receipt of this Joint Resolution.
4. **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. The property will be brought into the city with the zoning classification of "C-2 Highway Commercial".
5. **Acreage and Population.** The designated property consists of 1.52 acres and has a current population of zero (0).
6. **Revenue Sharing.** In respect to the annexed property, the taxes shall for six years following the annexation of the property be rebated to the Township an amount equal to the property taxes collected by the Town for the property in the year of annexation.
7. **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.
8. **Authorizations.** The Town and City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.
9. **Modification.** The Town and City may modify, amend, and terminate this Joint Resolution only by a mutually signed, written agreement.
10. **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 circumstances, it shall still remain applicable to all other persons or circumstances.

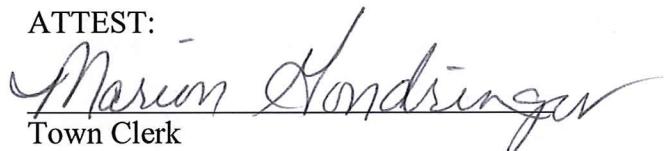
11. **Effective Date.** This Joint Resolution shall be effective from the date of the Office of Administrative Hearings, Municipal Boundary Adjustment's order calling for the designated property's annexation to the City.
12. **Governing Law.** Minnesota law will govern this Agreement.

The Township of Avon Board of Supervisors adopts this Joint Resolution on the 16th  
day of April, 2019.

TOWNSHIP OF AVON

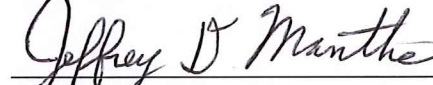
  
Town Chair

ATTEST:

  
Town Clerk

The Avon City Council adopts this Joint Resolution on the 6th  
day of May, 2019.

CITY OF AVON

  
Mayor

ATTEST:

  
City Clerk/Administrator

PROPOSED PROPERTY DESCRIPTION – TRACT A

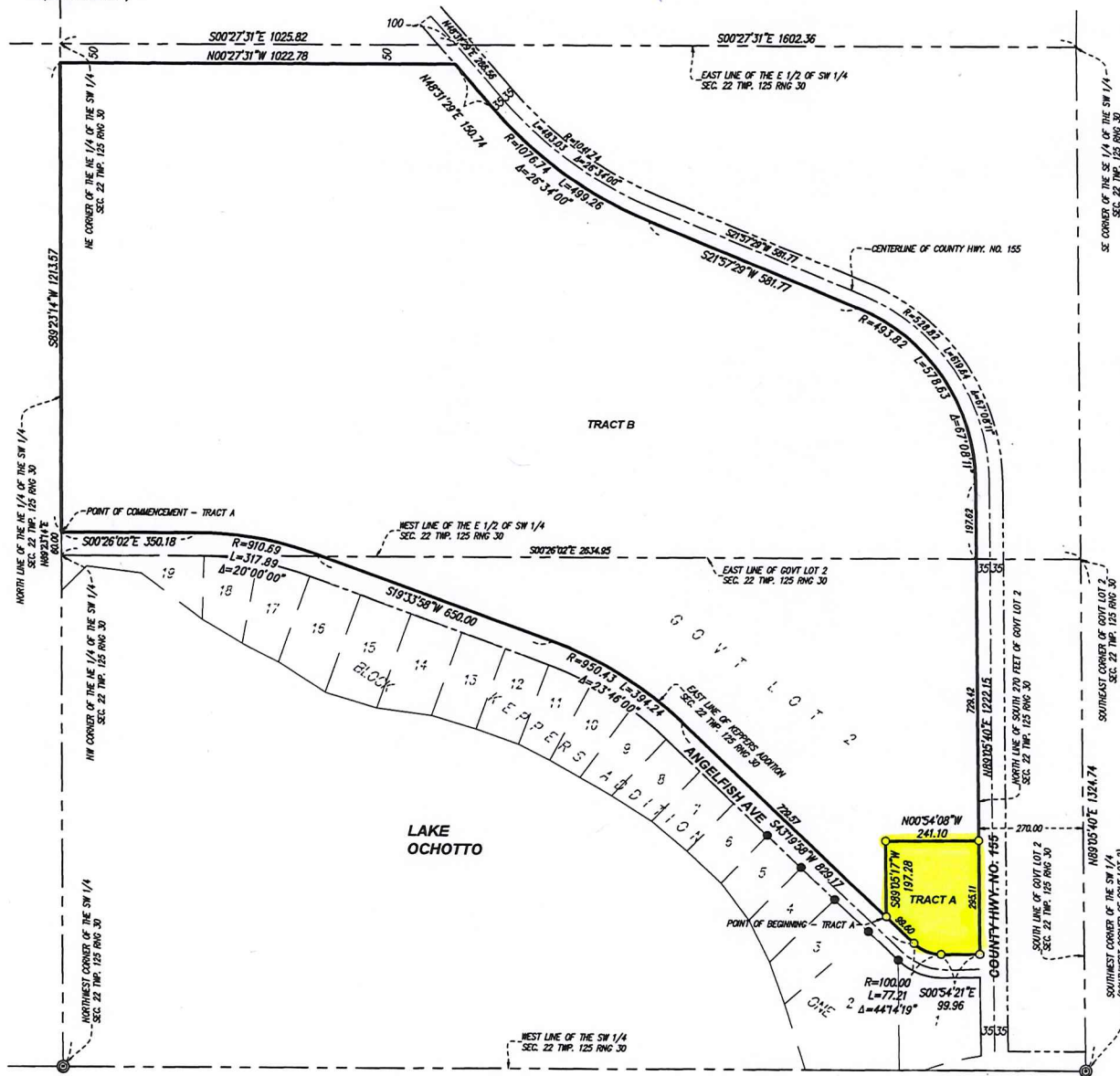
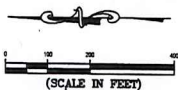
All that part of Government Lot 2 of Section 22, Township 125, Range 30, Stearns County, Minnesota, described as follows:

Commencing at a point on the North line of the Northeast Quarter of the Southwest Quarter of said Section 22 distant 60.00 feet East of the Northwest corner thereof; thence South 00 degrees 26 minutes 02 seconds East, assumed bearing, parallel with the West line of said Northeast Quarter of the Southwest Quarter, a distance of 350.18 feet; thence deflect right along a tangential curve, having a radius of 910.69 feet and a central angle of 20 degrees 00 minutes 00 seconds, a distance of 317.89 feet; thence South 19 degrees 33 minutes 58 seconds West, tangent to the last described curve, a distance of 650.00 feet; thence deflect right along a tangential curve, having a radius of 950.43 feet and a central angle of 23 degrees 46 minutes 00 seconds, a distance of 394.24 feet; thence South 43 degrees 19 minutes 58 seconds West, tangent to the last described curve, a distance of 729.57 feet to the point of beginning of the parcel to be described; thence continuing South 43 degrees 19 minutes 58 seconds West, a distance of 99.60 feet; thence deflect left along a tangential curve, having a radius of 100.00 feet and a central angle of 44 degrees, 14 minutes 19 seconds, a distance of 77.21 feet; thence South 00 degrees 54 minutes 21 seconds East, tangent to the last described curve, a distance of 100.00 feet, more or less, to the North line of the South 270.00 feet of said Government Lot 2; thence North 89 degrees 05 minutes 40 seconds East, along said North line of the South 270.00 feet, a distance of 295.11 feet; thence North 00 degrees 54 minutes 08 seconds West, a distance of 241.10 feet, more or less, to its intersection with a line bearing North 89 degrees 05 minutes 17 seconds East from said point of beginning; thence South 89 degrees 05 minutes 17 seconds West, a distance of 197.28 feet to said point of beginning and there terminating. Less and except any land previously annexed to the city.

Subject to easements, restrictions, or reservations of record, if any.

# LOT SPLIT CERTIFICATE

part of the SW 1/4 of Sec. 22, Twp. 125, Rng. 30, Stearns Co., Minnesota



## EXISTING PROPERTY DESCRIPTION (PER ABSTRACT)

That part of Government Lot Two (2), of Section Twenty-two (22), in Township One Hundred Twenty-five (125) North, of Range Thirty (30) West, Stearns County, Minnesota which lies Southeastly of Line "A", hereafter described, West of the East 50.00 feet of said E 1/2 of the SW 1/4 and Northwesterly of a line drawn Parallel with and 35.00 feet to the right of the following described lines: Commencing at a point on the East line of said E 1/2 of the SW 1/4 distant 1602.36 feet North of the Southeast corner thereof; thence Northwesterly at an angle of 48° and 59' with said East line for 100.00 feet to the point of beginning of the line to be described; thence Southwesterly along the last said course for 286.56 feet; thence deflect left along a tangential curve, having a radius of 1041.74 feet and a central angle of 26° and 34' for 483.03 feet; thence Southwesterly on tangent to said curve for 581.85 feet more or less, to a tangential curve, having a radius of 528.82 feet concave to the Northwest, said curve being also tangential to a line drawn parallel with and 235 feet North of, as measured at right angles to, the South line of the SW 1/4 of said Sec. 22; thence deflect right along said curve, having a radius of 581.85 feet, for 619.61 feet more or less, to said line drawn parallel to the South line of the SW 1/4; thence West along said parallel line for 1522.37 feet to the West line of said Government Lot 2 and thence terminating. Line "A" Beginning at a point on the North line of the NE 1/4 of the SW 1/4 of said Sec. 22 distant 60.00 feet East of the Northwest corner thereof; thence South, parallel with the West line thereof, for 350.18 feet; thence deflect right along a tangential curve, having a radius of 910.69 feet and a central angle of 20', for 317.89 feet; thence Southwesterly on tangent to said curve for 650.00 feet; thence deflect right along a tangential curve, having a radius of 950.43 feet and a central angle of 23° and 46' for 394.24 feet; thence Southwesterly on tangent to said curve for 829.17 feet; thence deflect left along a tangential curve, having a radius of 100.00 feet and a central angle of 44', 14' and 19', for 77.21 feet; thence South on tangent to said curve for 100.00 feet to the North line of the South 270.00 feet of said Government Lot 2 and there terminating, all being in Stearns County, Minnesota.

## PROPOSED PROPERTY DESCRIPTION - TRACT A

All that part of Government Lot 2 of Section 22, Township 125, Range 30, Stearns County, Minnesota, described as follows: Commencing at a point on the North line of the Northeast Quarter of the Southwest Quarter of said Section 22 distant 60.00 feet East of the Northwest corner thereof; thence South 00 degrees 26 minutes 02 seconds East, assumed bearing, parallel with the West line of said Northeast Quarter of the Southwest Quarter, a distance of 350.18 feet; thence deflect right along a tangential curve, having a radius of 910.69 feet and a central angle of 20 degrees 00 minutes 00 seconds, a distance of 317.89 feet; thence South 19 degrees 33 minutes 58 seconds West, tangent to the last described curve, a distance of 650.00 feet; thence deflect right along a tangential curve, having a radius of 950.43 feet and a central angle of 23 degrees 46 minutes 00 seconds, a distance of 394.24 feet; thence South 43 degrees 19 minutes 58 seconds West, tangent to the last described curve, a distance of 729.57 feet to the point of beginning of the parcel to be described; thence continuing South 43 degrees 19 minutes 58 seconds West, a distance of 99.60 feet; thence deflect left along a tangential curve, having a radius of 100.00 feet and a central angle of 44 degrees, 14 minutes 19 seconds, a distance of 77.21 feet; thence South 00 degrees 54 minutes 21 seconds East, tangent to the last described curve, a distance of 100.00 feet, more or less, to the North line of the South 270.00 feet of said Government Lot 2; thence North 89 degrees 05 minutes 40 seconds East, along said North line of the South 270.00 feet, a distance of 295.11 feet; thence North 00 degrees 54 minutes 08 seconds West, a distance of 241.10 feet, more or less, to its intersection with a line bearing North 89 degrees 05 minutes 17 seconds East from said point of beginning; thence South 89 degrees 05 minutes 17 seconds West, a distance of 197.28 feet to said point of beginning and there terminating.

Subject to easements, restrictions, or reservations of record, if any.

## PROPOSED PROPERTY DESCRIPTION - TRACT B

That part of Government Lot Two (2), of Section Twenty-two (22), in Township One Hundred Twenty-five (125) North, of Range Thirty (30) West, Stearns County, Minnesota which lies Southeastly of Line "A", hereafter described, West of the East 50.00 feet of said E 1/2 of the SW 1/4 and Northwesterly of a line drawn Parallel with and 35.00 feet to the right of the following described lines: Commencing at a point on the East line of said E 1/2 of the SW 1/4 distant 1602.36 feet North of the Southeast corner thereof; thence Northwesterly at an angle of 48° and 59' with said East line for 100.00 feet to the point of beginning of the line to be described; thence Southwesterly along the last said course for 286.56 feet; thence deflect left along a tangential curve, having a radius of 1041.74 feet and a central angle of 26° and 34' for 483.03 feet; thence Southwesterly on tangent to said curve for 581.85 feet more or less, to a line drawn parallel with and 235 feet North of, as measured at right angles to, the South line of the SW 1/4 of said Sec. 22; thence deflect right along said curve, having a radius of 581.85 feet, for 619.61 feet more or less, to said line drawn parallel to the South line of the SW 1/4; thence West along said parallel line for 1522.37 feet to the West line of said Government Lot 2 and thence terminating. Line "A" Beginning at a point on the North line of the NE 1/4 of the SW 1/4 of said Sec. 22 distant 60.00 feet East of the Northwest corner thereof; thence South, parallel with the West line thereof, for 350.18 feet; thence deflect right along a tangential curve, having a radius of 910.69 feet and a central angle of 20', for 317.89 feet; thence Southwesterly on tangent to said curve for 650.00 feet; thence deflect right along a tangential curve, having a radius of 950.43 feet and a central angle of 23° and 46' for 394.24 feet; thence Southwesterly on tangent to said curve for 829.17 feet; thence deflect left along a tangential curve, having a radius of 100.00 feet and a central angle of 44', 14' and 19', for 77.21 feet; thence South on tangent to said curve for 100.00 feet to the North line of the South 270.00 feet of said Government Lot 2 and there terminating, all being in Stearns County, Minnesota.

EXCEPTING THEREFROM all that part of Government Lot 2 of Section 22, Township 125, Range 30, Stearns County, Minnesota, described as follows:

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Subject to easements, restrictions, or reservations of record, if any.

**CERTIFICATION**  
I HEREBY CERTIFY THAT THIS SURVEY 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.

## LEGEND

- DENOTES SET IRON PIPE
- DENOTES FOUND IRON PIPE
- ⊙ DENOTES FOUND CAST IRON MONUMENT

DATED: 3/21/2019

KYLE J. RODDY, MN LIC. NO. 42627

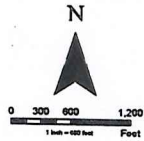
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254 Oxford St., Suite 100 Cambridge, MA 02142 (617) 552-8542  
F.L.S. 110175002 Design/Curvey/1817154 Area, 1817157154 Lot 2



**CITY OF AVON  
2016 OFFICIAL ZONING  
MAP**



LEGEND			
R1 - 1 & 2 FAMILY RESIDENTIAL	PUD/R1 - UNIT DEVELOPMENT		
R2 - MULTI FAMILY RESIDENTIAL	PUD - SERENITY AT AVON		
R3 - APARTMENTS, ASSISTED LIVING FACILITY	PUD - AVON ESTATES CIRCLE		
I - INDUSTRIAL	PUD - WATERS EDGE		
C1 - CORE COMMERCIAL	P - PARKS		
C2 - GENERAL COMMERCIAL	CORPORATE LIMITS		
	SECTION LINES		

