

IN THE MATTER OF THE JOINT RESOLUTION OF THE TOWN OF PAYNESVILLE AND THE CITY OF PAYNESVILLE DESIGNATING AN UNINCORPORATED AREA WITHIN PAYNESVILLE TOWNSHIP AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE DEPARTMENT OF ADMINISTRATION, MUNICIPAL BOUNDARY ADJUSTMENTS BOARD PURSUANT TO M.S.A. 414.0325.

2006 - 19

JOINT RESOLUTION FOR ORDERLY ANNEXATION

The Township of Paynesville and the City of Paynesville hereby jointly agree to the following:

1. The following described area in Paynesville Township is subject to orderly annexation pursuant to M.S.A. 414.0325 and the previous agreement of the parties hereto (RE: 0A-1220, Joint Resolution No. 205-38) and the parties hereto designate this area for orderly annexation, which area is legally described as follows, to-wit:

That part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and that part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Township 122 North, Range 32 West, Stearns County, Minnesota, described as follows: Beginning at the Southwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence North $00^{\circ}31'54''$ East (assumed bearing) along the West line thereof, a distance of 1563.08 feet to the Southeasterly right of way line of Minnesota Trunk Highway 23; thence Northeasterly along a non-tangential curve concave to the Northwest, a distance of 156.65 feet, radius of 2034.86 feet, having a central angle of $04^{\circ}24'39''$, chord bearing of North $55^{\circ}22'16''$ East, chord length of 156.61 feet; thence North $53^{\circ}09'56''$ East tangent to said curve, along said right of way line, a distance of 218.37 feet to the Southerly right of way line of the Soo Line Railroad; thence South $78^{\circ}26'34''$ East, along said right of way line, a distance of 309.91 feet; thence South $11^{\circ}33'26''$ West, a distance of 542.86 feet; thence South $00^{\circ}31'54''$ West, parallel with the West line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 1200.00 feet to the South line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence North $88^{\circ}44'56''$ West, along said South line, a distance of 502.01 feet to the point of beginning.

Containing 20.39 acres, more or less.

2. The Township of Paynesville does, upon the passage of this Resolution and its adoption by the City Council of the City of Paynesville, Minnesota, and upon acceptance by the Department of Administration, Municipal Boundary Adjustments Board, confer jurisdiction on the Department of Administration, Municipal Boundary Adjustments Board over the various provisions contained in this agreement.

3. That the property described in Paragraph 1 above abuts the City of Paynesville and is presently urban or suburban in nature or is about to become so. Further, the City of Paynesville is capable of providing services to this area within a reasonable time after annexation and annexation would be in the best interest of the area proposed to be annexed. Therefore, this property should be annexed to the City of Paynesville. The current population residing within the property described above is two (2).

4. The effect of annexation on population shall be that the population of the area annexed pursuant to this Resolution shall be treated for all purposes as part of the population of the City of Paynesville immediately upon approval of annexation by the Department of Administration, Municipal Boundary Adjustments Board.

5. The taxes due and/or delinquent on the date of annexation with regard to the above property remain the property of Paynesville Township. All taxes and assessments accrued after the date of annexation are the property of the City of Paynesville, subject only to the provisions of Paragraph 7 below. The City of Paynesville, upon annexation, becomes the owner or beneficiary of all roads, easements and rights of way, or other interests in property within the annexed area previously held by Paynesville Township and shall bear the responsibility associated with those rights.

6. Any person owning the land described above shall have the following rights with regard to the payment of assessments and hook-up charges on projects previously completed by the City which may be assessable against said annexed property:

- a) Hook-up charges shall be payable upon hook-up to municipal services.
- b) Hook-up charges will be based on costs to the City determined by the City Council from time to time.
- c) Any assessment for existing improvements benefiting annexed properties shall be payable over the same number of years and at the same interest rate as the original project provided for.

7. As to the above-described property, of the base tax payable to the Township at the time of annexation, the following shall occur:

In the first year after annexation the Township will receive 90% of that base tax. In the second year after annexation the Township will receive 70% of that base tax. In the third year after annexation the Township will receive 50% of that base tax. In the fourth year after annexation the Township will receive 30% of that base tax. Finally, in the fifth year after annexation the Township shall receive 10% of that base tax from the City of Paynesville. Thereafter, all taxes collected, if any, shall belong to the City of Paynesville.

8. The parties hereto acknowledge that this Joint Resolution for Orderly Annexation has been triggered by a request from the owner of the parcel of property described above, which complies with the prior agreement entered into by and between the City of Paynesville and Paynesville Township and the City Council has agreed that annexation is desirable and that the City can provide the required services within two (2) years after the date of annexation.

9. No consideration by the Department of Administration, Municipal Boundary Adjustments Board is necessary. The Board may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Resolution.

10. Any alterations, variations, modifications or waivers of the provisions of this Joint Resolution for Orderly Annexation shall only be valid if they have been reduced to writing and signed by authorized representatives of the parties.

11. The provisions of this Joint Resolution for Orderly Annexation shall be deemed to be severable. If any part of this contract is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of the contract unless the part or parts which are

void, invalid or otherwise unenforceable shall substantially impair the value of the entire contract with respect to either party.

The parties further agree to substitute for any invalid provision a valid provision which most closely approximates the economic effect and intent of the invalid provision.


12. This Joint Resolution for Orderly Annexation is the final expression of the agreement of the parties and the complete and exclusive statement of the terms agreed upon and shall supersede all prior negotiations, understandings and agreement. There are no representations, warranties or stipulations, either oral or written, not herein contained.

13. It is specifically acknowledged and understood that the parties are represented by and have available to them, independent counsel. As a matter of convenience, one party to this agreement may have taken on the bulk of the task of drafting this agreement. This agreement shall not be construed against the drafting party merely because of its role in drafting this agreement.

CITY OF PAYNESVILLE

Passed and adopted by the City Council of the City of Paynesville this 12th day of April, 2006.

Attest:


Ron Mergen, Acting City Administrator


Jeff Thompson, Mayor

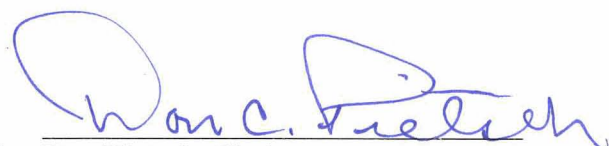
PAYNESVILLE TOWNSHIP

Passed and adopted by the Town Board of the Town of Paynesville this 8th day of May, 2006.

Attest:

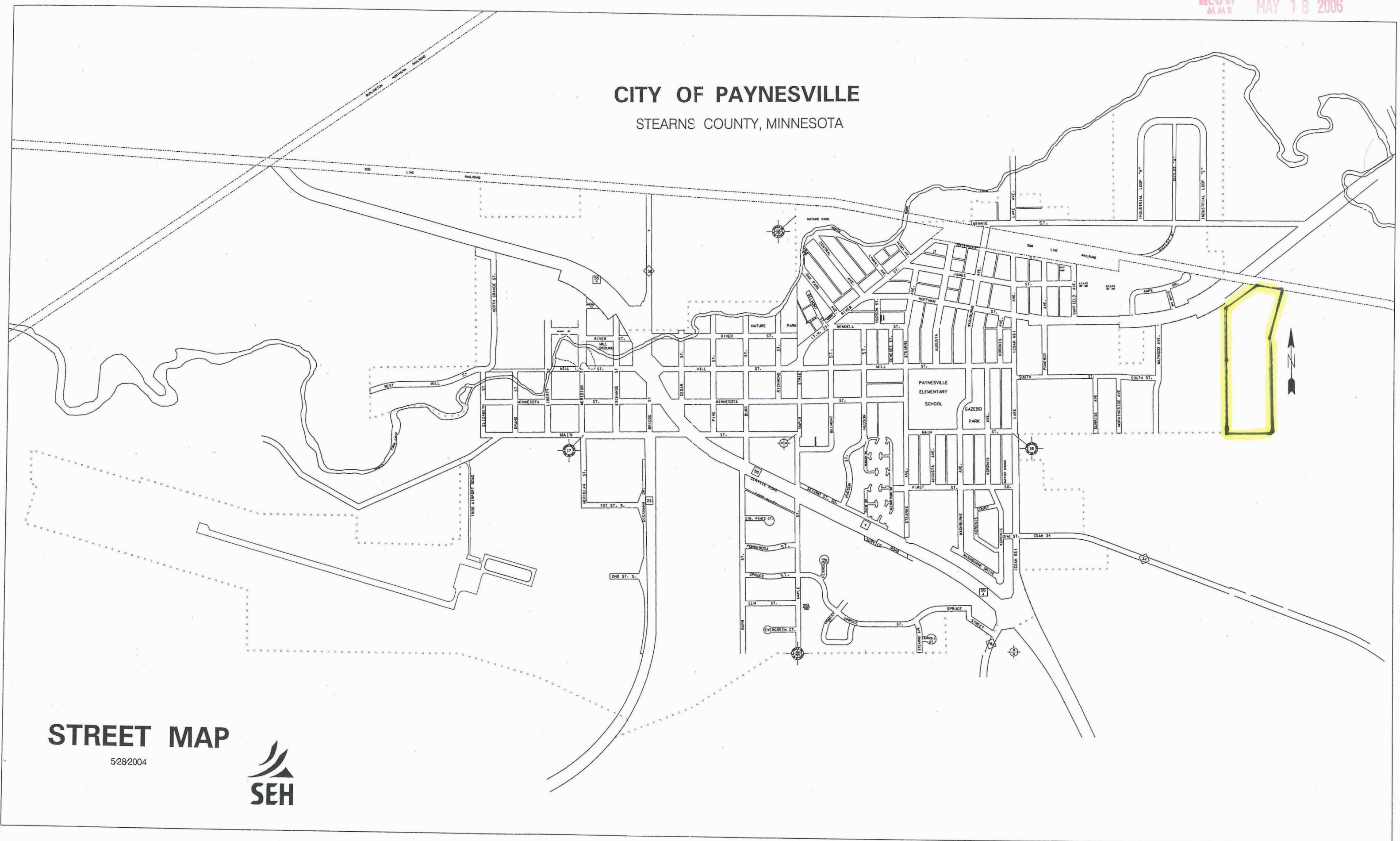

Don Wiese, Town Clerk




Don Pietsch, Chairman

CITY OF PAYNESVILLE

STEARNS COUNTY, MINNESOTA



STREET MAP

5/28/2004

