

Minnesota Planning Docket No.
City of Wyoming Resolution No. ~~05-32~~ 12-06-05E
Township of Wyoming Resolution No. 05-32

**JOINT RESOLUTION AS TO ORDERLY ANNEXATION
BY AND BETWEEN THE CITY OF WYOMING AND
THE TOWNSHIP OF WYOMING**

WHEREAS, the City of Wyoming (the "City") and the Township of Wyoming (the "Town") have had numerous discussions regarding the consolidation of the two governmental entities; and

WHEREAS, the City and the Town desire to provide for the orderly development and extension of services to areas of the town that are or are about to become urban or suburban in character; and

WHEREAS, the City and the Town wish to encourage development and extension of services to properties in an orderly manner;

WHEREAS, the City and the Town have determined that immediate annexation of the Town will be mutually beneficial to and in the best interests of the residents of the City and the residents of Town; and

WHEREAS, the City and the Town engaged in and agreed to a Joint Plan and Analysis for the orderly annexation of the Town, which Plan and Analysis is attached hereto as **Exhibit C** and incorporated herein by reference.

**NOW, THEREFORE, IT IS RESOLVED, BY THE COUNCIL OF THE
CITY OF WYOMING AND THE BOARD OF SUPERVISORS OF THE TOWN
OF WYOMING:**

1. Description of Area Designated for Orderly Annexation. The City and the Town desire to designate by this Joint Resolution and Agreement the area encompassing the entire territory of the Town as subject to orderly annexation under and pursuant to Minnesota Statutes §414.0325 (the "Annexation Area"). The Annexation Area is legally described on the attached **Exhibit A** and is further described as that area set forth in the map attached hereto as **Exhibit B**.
2. Municipal Boundary Adjustments/Office of Administrative Hearings. Upon approval by the parties, this Agreement shall confer jurisdiction upon the Director of Municipal Boundary Adjustments (hereinafter the "Director").

3. No Alterations of Boundaries. The City and the Town mutually state that no alteration by the Director of the boundaries of those areas designated by this Agreement for orderly annexation is appropriate. The Director may review and comment but may not alter the boundaries.
4. Review and Comment by Director. The City and the Town mutually state that this Joint Resolution and Agreement sets forth all the conditions for annexation of the area designated herein for orderly annexation and that no consideration by the Director is necessary. The terms and conditions set forth herein shall govern annexation under this Agreement. The Director may review and comment, but shall within thirty (30) days order annexation in accordance with the terms and conditions of this Joint Resolution and Agreement.
5. Effective Date of Annexation. The City and the Town mutually agree that the area encompassing the entire territory of the Town be annexed effective immediately upon issuance of an Order of the Director.
6. Land Use Controls. The City and the Town mutually agree that it will be beneficial to utilize the existing zoning and subdivision ordinances of the City and the Town for a period of time following the effective date of the annexation, until such time as the new city can incorporate both ordinances into a single zoning and subdivision ordinance to be applied throughout the new city.
 - a. Zoning and subdivision ordinances. Following the effective date of the annexation the City shall adopt the zoning and subdivision ordinances of the Town (Ordinance Nos. 05-01 and 00-03). The ordinances shall apply to the former territory of the Town in the same manner as the ordinances applied on the day immediately preceding the effective date of the annexation. The zoning and subdivision ordinances shall continue in effect until such time as the City adopts a unified zoning ordinance and subdivision ordinance.
 - b. Comprehensive Plan. The City shall use the funds currently in its budget to prepare and adopt a new comprehensive plan, with a goal of completing the comprehensive plan within one year following the annexation. In doing so, the City shall incorporate and use as its guide the Town's current comprehensive plan.
 - c. Continuation of farming operations. The City shall adopt measures to the extent necessary to ensure that any farm land that is in existence at the time of the execution of this Agreement may continue to be farmed and developed as a farming enterprise including the construction and expansion of agricultural buildings,

the maintenance of livestock, the employment of manure storage facilities and any and all agricultural practices that are employed by the land owner or their successors or assigns subsequent to the execution of this Agreement, provided, that such activities are in accord with federal and state laws.

7. Police protection. The property annexed into the City shall be served by the City police department from the effective date of the annexation.
8. Fire protection. Following the effective date of the annexation, the City shall consider an appropriate time to cancel the Township's contract with the City of Chisago and its Joint Powers Agreement with Forest Lake and Columbus Township. The property annexed into the City shall be served by the City fire department from the date the contract and joint powers agreement are canceled.
9. City Council. The City and the Town agree that, in order to provide for equal representation for the former Town residents, two member of the current City Council shall resign their positions at the first City Council meeting following the effective date of the annexation. At that same meeting, the remaining members of the City Council shall appoint two members of the current Town Board to fill the vacated council positions.
10. Planning Commission and Park Board.
 - a. Planning Commission. Following the effective date of the annexation, the City shall appoint the Town's existing Planning Commission for the purposes of reviewing and advising the City Council on matters relating to the Town's zoning and subdivision ordinances. During the period that the City's and Town's zoning and subdivision ordinances are both in effect.
 - b. Park Board. Following the effective date of the annexation, the City shall appoint a new Park Board from members on the City's and Town's existing Park Boards.
11. Employees. The City and the Town mutually agree that during the period from execution of this Agreement until the effective date of the annexation, neither will hire additional employees without first consulting the other. The City will hire and assimilate the former Town employees into the City's workforce as follows:
 - a. All former Town employees shall be hired by the City effective as of the effective date of the annexation. Upon employment, the former Town employee's salary and benefits shall be as determined pursuant to negotiations with the City's union representatives.

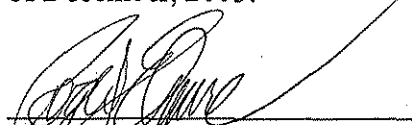
- b. No employee shall be terminated from the City due to the elimination of the employee's job for a period of one year following the effective date of the annexation.
 - c. Nothing in this Agreement shall be construed as restricting an employer from terminating an employee for cause.
12. Municipal Services. The City shall adopt sewer and water ordinances that require appropriate sizing of trunk sewer and water lines and other sewer and water facilities. The ordinances shall provide for anticipated development as set forth in the combined city's Comprehensive Plan. The City shall have as its goal the provision of sewer and water services to areas of the Town as necessary in a logical, orderly and cost efficient manner, provided that the City shall have as a primary goal to first extending municipal water and sewer services to the Greenway/Highway 8 corridor.
- a. Assessment Rates. Assessment or connection charges to annexed properties will be at the City's customary rates for improvements of a similar type at the time of benefit and/or connection to said service.
 - b. Time-line for Connection. So long as municipal sewer and/or water service is available to a property, annexed properties must connect to municipal services on the earlier of one of the following:
 - 1. The property owner petitions for service;
 - 2. Fifty-one percent (51%) or more of the property owners in a platted subdivision petition the City for sewer or water service.
 - 3. The property is sold or otherwise transferred for purposes other than agricultural;
 - 4. The property's septic system is failing;
 - 5. State or Federal law requires connection; or
 - 6. Five years have past since sewer or water service has been available to the property.

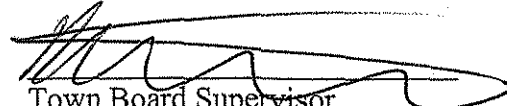
- c. No Assessments for Utilities Running Past Township Property. The City will not assess or charge township properties for utilities running in front or past those properties unless the properties are connected to the utilities in accordance with this Section 12.
- d. Additional septic systems. The City may pass an ordinance prohibiting the installation of new septic systems within City limits, or requiring cluster septic systems for new subdivisions in the City.
13. Assessments for existing projects. Property within the former territory of the Town shall not be assessed for City projects completed or initiated prior to the effective date of the annexation.
14. Rural Service Taxation District. In accordance with Minn.Stat. § 272.67, the new city shall be divided into an urban service district and a rural service district for taxation purposes. Because property within the former territory of the Town will not be benefited to the same degree as other property in the new city by municipal services financed by general taxation, the rural service district shall include all of the former territory of the Town except those parcels classified for tax purposes as Commercial or Industrial. All parcels not included in the rural service district shall be included in the urban service district. The City and the Town have determined that, in their judgment, the approximate ratio that will exist between the benefits resulting from general tax supported municipal services to parcels of land of like market value situated in the urban service district and the rural service district will initially be 50 percent (50%). It is anticipated that the tax supported services to the former Town properties will increase as police and fire services are increased and as additional administrative services are added. Therefore, in the fourth year following the annexation, the tax ratio for the rural service district shall be increased to sixty percent (60%) of the urban service district and in the fifth year the ratio shall be increased to seventy percent (70%) of the urban service district. Thereafter the ratio may be adjusted by the City to reflect the ratio of benefits from municipal services.
15. Assets. Upon the effective date of the annexation, all of the assets and fund balances of the Town shall become assets and fund balances of the City. All of the records of the Town shall become records of the City. All rights and obligations of the Town existing on the effective date of the annexation shall become rights and obligations of the City.
16. Roads. The City shall ensure that Town roads existing at the time of the annexation are adequately maintained to provide annexed properties adequate road access. In adopting a roadway maintenance and snow plowing schedule, the City shall consider the anticipated use of and

historical maintenance schedule for the former Town roads, but may also consider the maintenance needs for roadways elsewhere in the City.

17. Increase in size of Council. By ordinance adopted at least sixty (60) days before the next general City election, the City shall submit to the voters the question of whether the City Council should be increased from five (5) to seven (7) members.
18. Venue. The venue for all actions concerning this Agreement shall be Chisago County, Minnesota.
19. Authorization. The appropriate officers of the City and the Town are hereby authorized to carry the terms of this Joint Resolution and Agreement into effect.
20. Severability and Repealer. All prior resolutions and ordinances of the Town and City, or portions of resolutions and ordinances in conflict with this Resolution, are hereby repealed. If any section of this Joint Resolution and Agreement is held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions will remain in full force and effect. In the event of litigation, neither the City nor the Town will seek to have any provision of this Agreement declared null and void. If a court issues an order declaring a portion of this Agreement unconstitutional or void, the parties mutually agree to request of that court reformation of the contract and/or legislation, both actions being for the purpose of reinstating the original intent of this Agreement.
21. Effective Date. This Joint Resolution and Agreement is effective upon its adoption by the respective governing bodies of the Town and the City, as provided by law.
22. Amendments. Any amendment to this Joint Resolution and Agreement will require adoption and approval by the City Council and the Town Board.

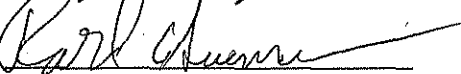
Adopted by the Town Board of Supervisors for the Town of Wyoming the 6th day of December, 2005.


Town Board Chair

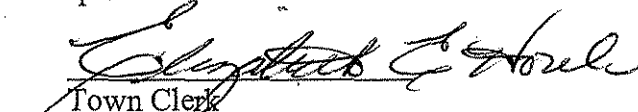

Town Board Supervisor


Town Board Supervisor


Town Board Supervisor


Town Board Supervisor

Attest:


Town Clerk

Adopted by the City Council for the City of Wyoming the 6th day of December, 2005.


Mayor


City Council Member


City Council Member


City Council Member


City Council Member

Attest:


City Clerk

EXHIBIT A
(Legal Description)

Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of Township 33 North, Range 21 West, Chisago County, Minnesota, except that part thereof which is incorporated as the City of Wyoming.

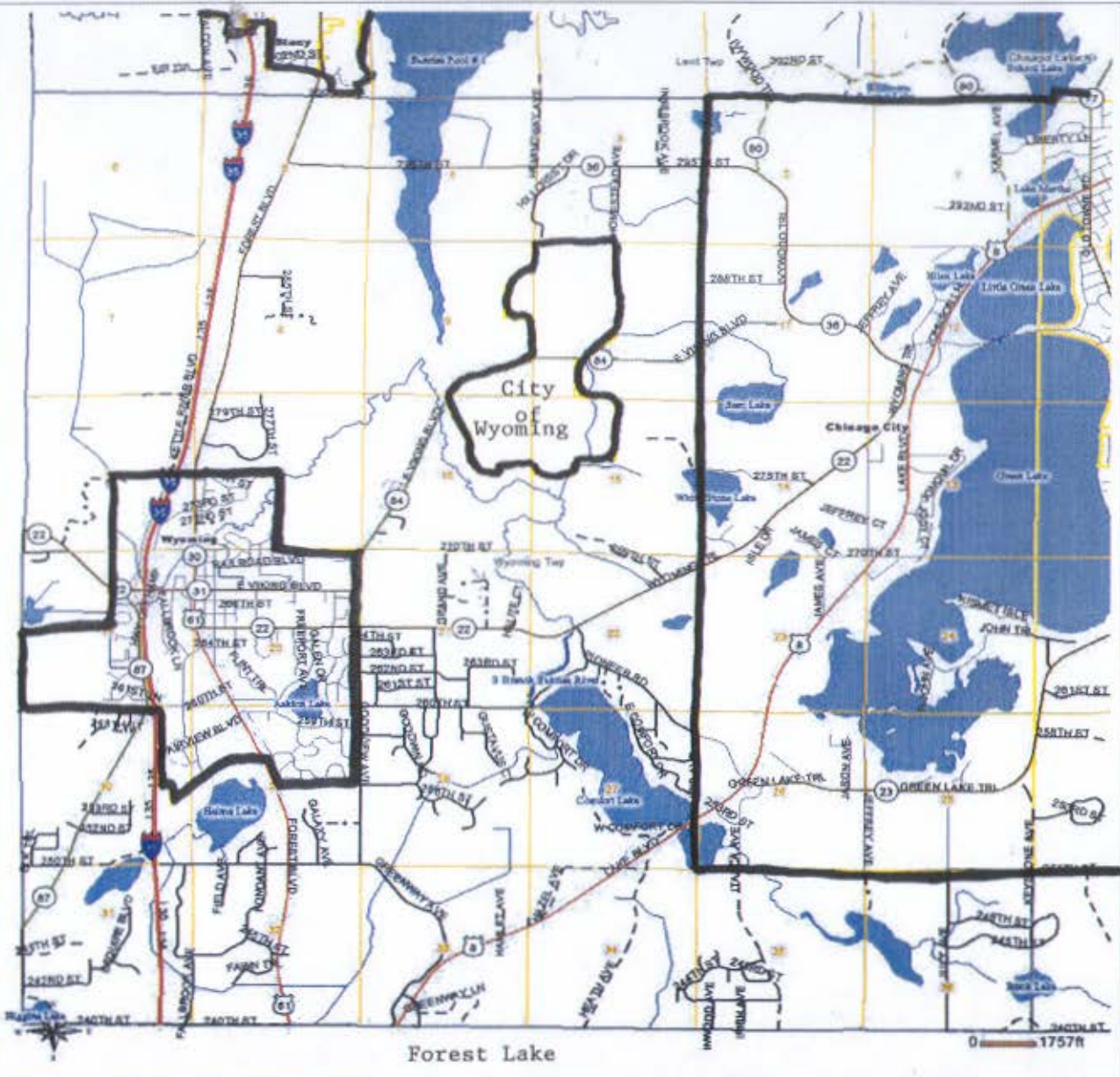


Legend

- ROADS**
- INTERSTATE - US HIGHWAY
 - STATE HIGHWAY
 - COUNTY STATE AID HIGHWAY - BITUMINOUS
 - COUNTY STATE AID HIGHWAY - GRAVEL
 - COUNTY ROAD - BITUMINOUS
 - COUNTY ROAD - GRAVEL
 - TOWNSHIP ROAD - BITUMINOUS
 - TOWNSHIP ROAD - GRAVEL
 - NAMED PRIVATE ROAD
 - RAMP
 - CITY ROAD
 - UNNAMED PRIVATE ROAD
 - OTHER COUNTY ROAD
- CITIES**
- CITIES
 - TOWNSHIPS
 - TOWNSHIP
 - SECTIONS
 - LAKES

Linwood Township

Columbus Township



Chicago Lakes Township

Forest Lake

0 1757R



RECD BY
MAB
DEC 07 2005

Wyoming Township and Cities

December 5, 2005 11:00 am

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