

R16-06
**TOWN OF EMPIRE
CITY OF FARMINGTON**

REC'D BY
M M T

2006

**IN THE MATTER OF THE JOINT
RESOLUTION OF THE TOWN OF
EMPIRE AND THE CITY
OF FARMINGTON, DESIGNATING
AN UNINCORPORATED AREA AS
IN NEED OF ORDERLY ANNEXATION
AND CONFERRING JURISDICTION
OVER SAID AREA TO THE DEPARTMENT
OF ADMINISTRATION, BOUNDARY
ADJUSTMENT OFFICE, PURSUANT TO
M.S. §414.0325**

JOINT RESOLUTION

WHEREAS, Jerry and Anne Sauber (the "Saubers") are the sole owners of unplatted property currently located in Empire Township, and legally described as stated in Attachment A, and;

WHEREAS, the property abuts land within the City limits, located east of Trunk Highway 3 and south of 208th /C.R. 66 Street in the northeasterly area of the City, is approximately 1.16 acres in size, and has one household, a population of two, and an improved residential structure, and;

WHEREAS, the Saubers have petitioned the City for annexation of their property for the purpose of receiving city services, including but not limited to sewer, water, refuse collection, police and fire protection from the City of Farmington, and;

WHEREAS, the City of Farmington can provide the requested urban services to the property.

NOW, THEREFORE, the Township of Empire and the City of Farmington jointly agree to the following:

1. The Township and City hereby establish an Orderly Annexation Area ("OAA") as authorized by Minnesota Statute §414.0325, Subdivision 1, for the property legally described on Exhibit A and as shown on the attached Exhibit B.
2. That the purpose of the annexation of the property involved in this annexation is to transfer jurisdiction over the property in order to provide urban services including but not limited to sewer, water, refuse collection, police and fire protection from the City of Farmington.

3. That in order to accomplish this purpose, the property owned by the Saubers described herein should be immediately annexed to and made part of the City of Farmington.
4. Upon approval by the respective governing bodies of the City and the Township, this joint resolution and agreement shall confer jurisdiction upon the Office of Administrative Hearings-Boundary Adjustments (OAH/BA) (or other state agency responsible for administering Minnesota Statutes Chapter 414) so as to immediately annex the lands described in the attached Exhibit A in accordance with the terms of this joint resolution and agreement without need for any subsequent resolution(s) of the parties.
5. The City and the Township mutually state that no alteration by the OAH/BA to the OAA boundaries, as illustrated on Exhibit B and described in Exhibit A, is appropriate or permitted.
6. The City and Township agree that upon annexation all planning, official controls, and governmental services for the annexed area shall become the responsibility of the City, and that the provisions of Minn. Stat. §§414.035 and 414.036 authorizing differential taxation and municipal reimbursement for the annexed property will not be applied in this proceeding.
7. The City and the Township mutually state that the annexation of the property will not result in any change of electrical service.
8. Having designated the area illustrated on Exhibit B and described in Exhibit A as in need of orderly annexation, and having provided for all of the conditions of its annexation within this document, the parties to this agreement agree that no consideration by the OAH/BA is necessary. The OAH/BA may review and comment but shall within thirty (30) days order the annexation in accordance with the terms of this Resolution.

Approved and Adopted
this 14 day of Feb, 2006.

Approved and Adopted
this 6th day of Feb, 2006.

TOWN OF EMPIRE

BY: 

Its Town Board Chair

AND 

Its Town Board Clerk

CITY OF FARMINGTON

BY: 

Kevin A. Soderberg
Its Mayor

AND 

Robin Roland
Its Acting City Administrator

EXHIBIT A

REC'D BY
MMB

FEB 23 2006

Legal description of property subject to immediate annexation:

That part of the South One Half (1/2) of the Northwest Quarter (1/4) of Section Twenty-nine (29), Township One Hundred Fourteen (114), Range Nineteen (19), Dakota County, Minnesota, lying Southeasterly of the centerline of CSAH No. 66 as now laid out and traveled and Southwesterly of the following described line:

Commencing at a point on the west Quarter (1/4) line of Section Twenty-nine (29), said point being 550.10 feet distant and bearing North 89° 47' West from the center of Section Twenty-nine (29); thence North 47° 47' West a distance of 384.50 feet, more or less, to the centerline of CSAH No. 66 as now laid out and traveled.

