

FOLEY CITY RESOLUTION NO. 2006-1GILMANTON TOWNSHIP RESOLUTION NO. 2006-2

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

WHEREAS, the Town of Gilmanton (the "Town"), the City of Foley ("City"), have had discussions regarding the land areas adjacent to the City; and

WHEREAS, an agent of the owners of the property legally described in **Exhibit A** attached hereto (the "Annexed Land") have petitioned the City for the annexation of the Annexed Land to the City; and

WHEREAS, the Town Board and the City Council desire to accomplish future planning and development of the Annexed Land by facilitating orderly annexation of the property to the City by this Joint Resolution for Orderly Annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOWN OF GILMANTON AND THE COUNCIL FOR THE CITY OF FOLEY:

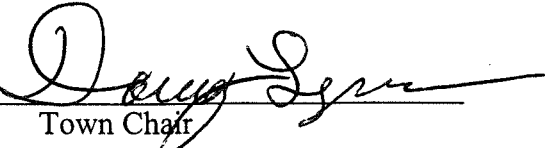
1. Description of Area to be Annexed to the City and Order for Annexation. The Annexed Land, legally described in **Exhibit A**, and whose location is indicated on the map included as **Exhibit B**, is, or is about to become, urban or suburban in character and, as a result, is deemed in need of orderly annexation. The City is capable of providing the services required by the area in a reasonable time. The Annexed Land shall be immediately annexed to the City of Foley pursuant to Minnesota Statute § 414.0325.
2. Department of Administration, Municipal Boundary Adjustment's 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 are 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 for 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 Adjustments receipt of this Joint Resolution.

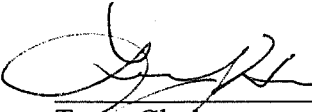
5. Planning and Land Use Control Authority. Upon the annexation's effective date, the City's zoning regulations and land use controls shall govern the designated property.
6. Acreage and Population. The designated property consists of 156 acres and has a current population of 2.
7. Revenue Sharing. With respect to the Annexed Land, the City shall rebate to the Township in the first year following the annexation an amount equal to 90 percent of the property taxes paid in the year the land was annexed; in the second year, an amount equal to 70 percent of the property taxes paid in the year the land was annexed; in the third year, an amount equal to 50 percent of the property taxes paid in the year the land was annexed; in the fourth year, an amount equal to 30 percent of the property taxes paid in the year the land was annexed; and in the fifth year, an amount equal to 10 percent of the property taxes paid in the year the land was annexed.
8. Electric Utility Service. The owners and agents of owners of the Annexed Land have waived the provisions of Minnesota Statutes § 414.0325(1a) relative to notice of the costs of electric utility service.
9. Authorization. The Town and City may modify, amend or terminate this Joint Resolution only by a mutually signed, written agreement.
10. Modification. The Town and City may modify, amend or 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 will govern this Agreement.

The Town Board of Gilmanton adopts this Joint Resolution on the 20 day of
March, 200~~6~~

TOWN OF GILMANTON

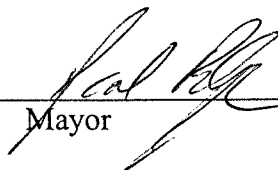
By 
Town Chair

ATTEST:


Town Clerk

The Foley City Council adopts this Joint Resolution on the 17th day of
January, ~~2005~~ 2006

CITY OF FOLEY

By 
Mayor

ATTEST:


City Administrator

REC'D BY
MMB

MAR 24 2006

Exhibit A

LEGAL DESCRIPTION FOR ANNEXATION OF PROPERTY:

The Northwest Quarter (NW1/4) of Section Twenty-six (26), Township Thlrty-seven (37), Range Twenty-nine (29), excepting a strip taken by the State of Minnesota for Trunk Highway purposes and excepting all that property lying within said Northwest Quarter which has been previously annexed into the City of Foley.

CITY OF FOLEY
BENTON COUNTY, MN



CITY BOUNDARY
SECTION



REC'D BY
M M B

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MAR 24 2006

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