

**OA-1288 Park Rapids/Henrietta Township Joint Agreement**

**CITY OF PARK RAPIDS RESOLUTION NO. 2018-104**

**ANNEXATION RESOLUTION OF THE CITY OF PARK RAPIDS  
IN ACCORDANCE WITH THE ABOVE-REFERENCED JOINT AGREEMENT  
BETWEEN THE CITY OF PARK RAPIDS AND HENRIETTA TOWNSHIP, DATED  
07/27/06, AND AS AMENDED 06/14/07, 08/23/11, 06/10/14, AND 01/12/16 DESIGNATING  
CERTAIN PROPERTY, THE AMENDED PHASE IV AREA, LOCATED IN THE  
ORDERLY ANNEXATION AREA (OAA) OF HENRIETTA TOWNSHIP, AS IN NEED  
OF IMMEDIATE ORDERLY ANNEXATION PURSUANT TO MINNESOTA  
STATUTES, SECTION 414.0325**

**WHEREAS**, the City of Park Rapids (hereinafter the "City") and Henrietta Township (hereinafter the "Township") entered into a Joint Resolution for Orderly Annexation, dated July 27, 2006, describing the procedures and process for immediate and future orderly annexations of certain designated areas of the Township, referred to as the "Orderly Annexation Area" (OAA), for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, Section 414.0325; and

**WHEREAS**, the above-referenced Joint Resolution for Orderly Annexation between the City and Township, dated July 27, 2006, and amendments thereto, dated June 14, 2007, August 23, 2011, June 10, 2014, and January 12, 2016, respectively, have been previously filed with the Office of Administrative Hearings Municipal Boundary Adjustments Unit (OAH-MBAU) and are referenced as Office of Administrative Hearings File No. OA-1288 Park Rapids/Henrietta Township Joint Agreement (hereinafter collectively referred to as the "Joint Agreement"); and

**WHEREAS**, the above-referenced Joint Agreement and the four amendments thereto are attached hereto as Appendix C; and

**WHEREAS**, the above-referenced Joint Agreement, as amended, provide that the land within the Phase IV area of the OAA designated therein and as amended by the Third and Fourth Amendment to the Joint Agreement, dated June 10, 2014, and January 12, 2016, (hereinafter the "Third and Fourth Amendment"), may be annexed by the City at any time after January 1, 2017 during the term of the Joint Agreement (See Appendix C, Joint Agreement at Paragraphs 2 and 4); and

**WHEREAS**, in accordance with Paragraph 4 of the Joint Agreement, and as of the date of this resolution, it is now past January 1, 2017 thereby meeting the stated triggering event for annexation by the City of the Phase IV area, as amended by the Third and Fourth Amendment, and designated and legally described in the Joint Agreement and Third and Fourth Amendment thereto (See Appendix C at Paragraphs 2 and 4 and Exhibits (Exh.) A and B, as amended by the Third and Fourth Amendment at Exh. A and B), which area shall be hereinafter referred to as the "Phase IV Property"; and

**WHEREAS**, the Phase IV Property, as amended by the Third and Fourth Amendment at Exh. A, excludes a portion of the originally designated Phase IV Property in the Joint Agreement from annexation until 2027 with the Phase IV Property as provided in the Joint Agreement; and

**WHEREAS**, the Phase IV Property, as amended by the Third and Fourth Amendment to the Joint Agreement, is hereby designated for immediate orderly annexation and is located within the OAA described in the Joint Agreement as amended by the Third and Fourth Amendment thereto (Appendix C, Joint Agreement at Paragraph 2 and Exh. A and Second Amendment at Exh. A); and

**WHEREAS**, annexation of the Phase IV Property, designated and legally described herein for immediate orderly annexation is in the best interests of the City and property owners, and would benefit the public health, safety and welfare of the community; and

**WHEREAS**, having met all of the stated conditions for orderly annexation of the Phase IV Property as provided in the Joint Agreement (Appendix C), the City may now adopt, execute and file this annexation resolution providing for the immediate annexation of the Phase IV Property as legally described and depicted herein as amended by the Third and Fourth Amendment to the Joint Agreement (See Appendix C, Joint Agreement at Paragraphs 2 and 4 and Exh. A and Third and Fourth Amendment at Exh. A and B); and

**WHEREAS**, in accordance with Paragraphs 2 and 4 of the Joint Agreement and the Third and Fourth Amendment thereto, Appendix C, and Minnesota Statutes, section 414.0325, annexation of the Phase IV Property does not require a hearing or any consideration by the Office of Administrative Hearings (OAH), and the OAH may review and comment thereon, but shall order annexation of the Phase IV Property within 30 days of receipt of this annexation resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Park Rapids, Hubbard County, Minnesota, as follows:

1. This resolution hereby constitutes and shall be referred to as the “Annexation Resolution” as provided in Paragraph 4 of the Joint Agreement. See Appendix C.
2. As of the date of this Annexation Resolution, the calendar date is now after January 1, 2017, and the City may hereby annex the Phase IV Property, as provided in Appendix C at Paragraph 4 and as legally described and depicted in the Joint Agreement, as amended by the Third and Fourth Amendment to the Joint Agreement. See Appendix C, Joint Agreement at Paragraphs 2 and 4 and Exhs. A and B and Third and Fourth Amendment thereto at Exh. A and B.
3. The Phase IV Property is located within the designated OAA legally described in the Joint Agreement and Third and Fourth Amendment thereto, and the City has met all of the stated conditions for the immediate annexation thereof contained in the Joint Agreement and Third and Fourth Amendment thereto. See Appendix C Joint Agreement

at Paragraphs 2 and 4, and Exhs. A and B and Third and Fourth Amendment thereto at Exh. A and B.

4. This Annexation Resolution hereby designates for immediate annexation by the City, the Phase IV Property, as amended by the Third and Fourth Amendment, which is legally described in Appendix A, attached hereto and incorporated herein by reference.
5. A boundary map showing the Phase IV Property designated herein for immediate orderly annexation, legally described in Appendix A, is attached hereto and incorporated herein by reference as Appendix B.
6. The Phase IV Property legally described in Appendix A hereto and designated as in need of immediate orderly annexation is approximately 300.15 acres.
7. The population of the Phase IV Property legally described in Appendix A and designated as in need of immediate orderly annexation is approximately 8.
8. In accordance with Paragraph 4 of the Joint Agreement, Appendix C, the Office of Administrative Hearings may review and comment on this Annexation Resolution, but shall within thirty (30) days of receipt of this Annexation Resolution and a copy of the above-referenced Joint Agreement and amendments thereto (attached as Appendix C), order the annexation of the Phase IV Property designated in this Annexation Resolution and legally described in Appendix A in accordance with the terms and conditions of the above-referenced Joint Agreement and amendments thereto. No alteration of the stated boundaries as described in this Annexation Resolution is appropriate, no consideration by the OAH is necessary, and all terms and conditions for annexation of the Phase IV Property have been met and are contained in the Joint Agreement and amendments thereto, Appendix C.
9. Upon the annexation of the Phase IV Property designated herein for immediate orderly annexation and legally described in Appendix A and depicted in Appendix B, the City shall reimburse the Township for the loss of taxes from the property so annexed in accordance with Paragraph 6 of the Joint Agreement, Appendix C. All conditions for tax reimbursement or any other reimbursement arrangement as provided in Minnesota Statutes, section 414.036 are contained in the Joint Agreement. See Appendix C at Paragraphs 6 and 7.
10. This Annexation Resolution is not subject to the notice and publication requirements of Minnesota Statutes, sections 414.0325, subd. 1b, as the Joint Agreement, Appendix C, previously designated the OAA and the subject area annexed by this Annexation Resolution, and the Joint Agreement was filed with OAH prior to the effective date of Minnesota Statutes, sections 414.0325, subd. 1b and cannot be applied retroactively hereto. Further, section 414.0325, subd. 1b, even if it could be construed to apply to the Joint Agreement, which is cannot, remains inoperative as it can only apply to the initial designation to include property in an orderly annexation area, which occurred July 27, 2006, and not to any subsequent annexation of property from within the designated area,

which is the case here. See Appendix C.

11. Following annexation of the Phase IV Property designated herein for orderly annexation, the City shall be responsible for providing municipal governmental services to the annexed area in accordance with Paragraph 8 of the Joint Agreement. See Appendix C at Paragraph 8.
12. This Annexation Resolution is made pursuant to and shall be construed in accordance with the laws of the State of Minnesota and the above-referenced Joint Agreement and amendments thereto. See Appendix C.
13. Upon adoption and execution of this Annexation Resolution by the City, the City shall file the same with the Township and the OAH-MBAU along with the required filing fee.
14. In the event there are errors, omissions or any other problems with the legal descriptions or mapping provided in Appendix A or Appendix B of this Annexation Resolution, in the judgment of the OAH-MBAU, the City shall make such corrections and file such additional documentation, including a new Appendix A or Appendix B, making the corrections requested or required by the Office of Administrative Hearings as necessary to make effective the annexation of said subject area in accordance with the Joint Agreement as amended, Appendix C, and this Annexation Resolution.

Passed, adopted, and approved by the City Council of the City of Park Rapids, Hubbard County, Minnesota, this 12<sup>th</sup> day of June 2018.

CITY OF PARK RAPIDS

By: 

Pat Mikesch, Mayor

ATTEST:

By: 

Margie M. Vik, City Clerk



## APPENDIX A

The Phase IV Property designated for immediate orderly annexation in this Annexation Resolution and in the Joint Agreement, and excluding the portion of the area designated, described and depicted in the Second Amendment thereto (See also Appendix C Joint Agreement at Exh. A and Second Amendment to Joint Agreement at Exh. A) and shown on Appendix B (See also Appendix C Joint Agreement at Exh. A, Third Amendment to Joint Agreement at Exh. A, and the Fourth Amendment to the Joint Agreement at Exh. A) is legally described as follows:

### **Phase IV (2017)**

#### **South**

The South Half of the Northwest Quarter of Section 30, Township 140 North, Range 34 West of the 5<sup>th</sup> Principal Meridian, Hubbard County, Minnesota

AND

The Southwest Quarter of the Section 30, Township 140 North, Range 34 West of the 5<sup>th</sup> Principal Meridian, Hubbard County, Minnesota

Except the East 250 feet of the South 781.2 feet of said Southwest Quarter.

Subject to any easements, restrictions, and reservations of record.

Tract contains 218.6 acres more or less.

#### **East**

That part of the Southwest Quarter of Section 20, Township 140 North, Range 34 West, of the 5<sup>th</sup> Principal Meridian, Hubbard County, Minnesota. Described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence North 00 degrees 34 minutes 06 seconds East, bearings based on the Hubbard County Coordinate System NAD 83(1996 Adjusted), along the west line of said Southwest Quarter, 2641.32 feet to 2 inch square Hubbard County monument with a 3 inch aluminum cap marking the West Quarter corner of Section 20, also the POINT OF BEGINNING of the parcel of land to be described; thence North 87 degrees 28 minutes 27 seconds East along the North line of the Southwest Quarter, 2034.10 feet to a one-half inch capped rebar marked "Lindow 47924"; thence South 02 degrees 31 minutes 33 seconds East, 572.37 feet to the northerly right-of-way line of Minnesota Trunk Highway No. 34; thence South 21 degrees 33 minutes 06 seconds East, 150.06 feet more or less to the southerly right-of-way line of Minnesota Trunk Highway No. 34; thence southwesterly along said southerly right-of-way line, 255.36 feet along a tangential curve, concave to the southeast, having a radius of 11384.16 feet and a central angle of 01 degrees 17 minutes 07 seconds; thence South 68 degrees 26 minutes 54 seconds West, 290.74 feet along the said southerly right-of-way line to a capped iron marked "Carnell 43415"; thence South 21 degrees 33 minutes 06 seconds East, 724.15 feet to a one-half inch capped rebar marked "Miller 23046"; thence South 68 degrees 00 minutes 48 seconds West, 1316.22 feet to a half-inch capped rebar marked "Miller 23046"; thence South 89 degrees 51 minutes 28 seconds West, 668.87 feet to the west line said of said Southwest Quarter; thence North 00 degrees 34 minutes 06 seconds East,

along the west line of said Southwest Quarter, 1988.35 feet to the POINT OF BEGINNING.  
Subject to any easements, restrictions, and reservations of record.  
Tract contains 81.45 acres more or less.

**PID NUMBERS:**

**13.20.01410 Louks, Terry T:**

Sect-20 Twp-140 Range-034 22.68 AC P/O NW1/4 OF SW1/4 N OF HWY 34 R/W & SE'LY & SW'LY OF FOL LN: FR NW COR NW1/4 SW1/4 S474.79 AL W LN TO PB NE1359.95 SE452.8 NE152.07 SE129.64 TO N LN HWY 34 R/W & TERM

**13.20.01411 Frontline Ministries**

Sect-20 Twp-140 Range-034 9.96 AC P/O NW1/4 OF SW1/4 FR NW COR E1237.48 AL N LN SE210.97 SW1359.95 TO W LN NW1/4 OF SW1/4 N474.79 TO PB /TRACT A/

**13.20.01412 Harlan, Bradley J.**

Sect-20 Twp-140 Range-034 9.95 AC P/O NW1/4 OF SW1/4 FR NW COR E1237.48 AL N LN TO PB SE663.77 NE152.07 SE129.64 TO N LN HWY 34 R/W NE AL R/W TO A PT N572.46 TO N LN NW1/4 SW1/4 W796.6 TO PB /TRACT B/

**13.20.01420 State Bank of Park Rapids**

Sect-20 Twp-140 Range-034 11.39 AC P/O SW1/4 FR SW COR N653.03 E669 N296.69 PB N495.74 TO HWY R/W NE326.96 SE20 NE500 NW20 NE190.78 SE450 SW1204.45 TO PB

**13.20.01421 Breitwieser, Joseph**

Sect-20 Twp-140 Range-034 7.93 AC P/O SW1/4 FR SW COR N653.03 E669 PB NE1316.17 NW274 SW1204.45 S296.69 TO PB /TRACT A/

**13.20.01440 C&D Scribed Homes**

Sect-20 Twp-140 Range-034 7.36 AC 20-8E PT OF SW 1/4 FR SW COR N653.03 PB N528.8 TO HWY RW NE AL RW 722.11 S792.43 W669 TO PB EX HWY R/W

**13.30.01400 Jacobson, Agnes**

Sect-30 Twp-140 Range-034 54.97 AC FR S1/2 OF NW1/4 EX S354.5

**13.30.01411 Leckner, Ryan J.**

Sect-30 Twp-140 Range-034 6.59 AC W810 OF S354.5 OF FRAC SW1/4 OF NW1/4

**13.30.01800 Schmidt, Kathleen**

Sect-30 Twp-140 Range-034 71.12 AC 30-13 S1/2 OF SW1/4 EX E250 OF S871.2

**13.30.02081 Hubbard County**

Sect-30 Twp-140 Range-034 13.40 AC LG S354.5 OF NW1/4 EX W810

**13.30.04021 St. Peter's Church**

Sect-30 Twp-140 Range-034 18.75 AC RU NW SW-PART OF /CEMETERY/

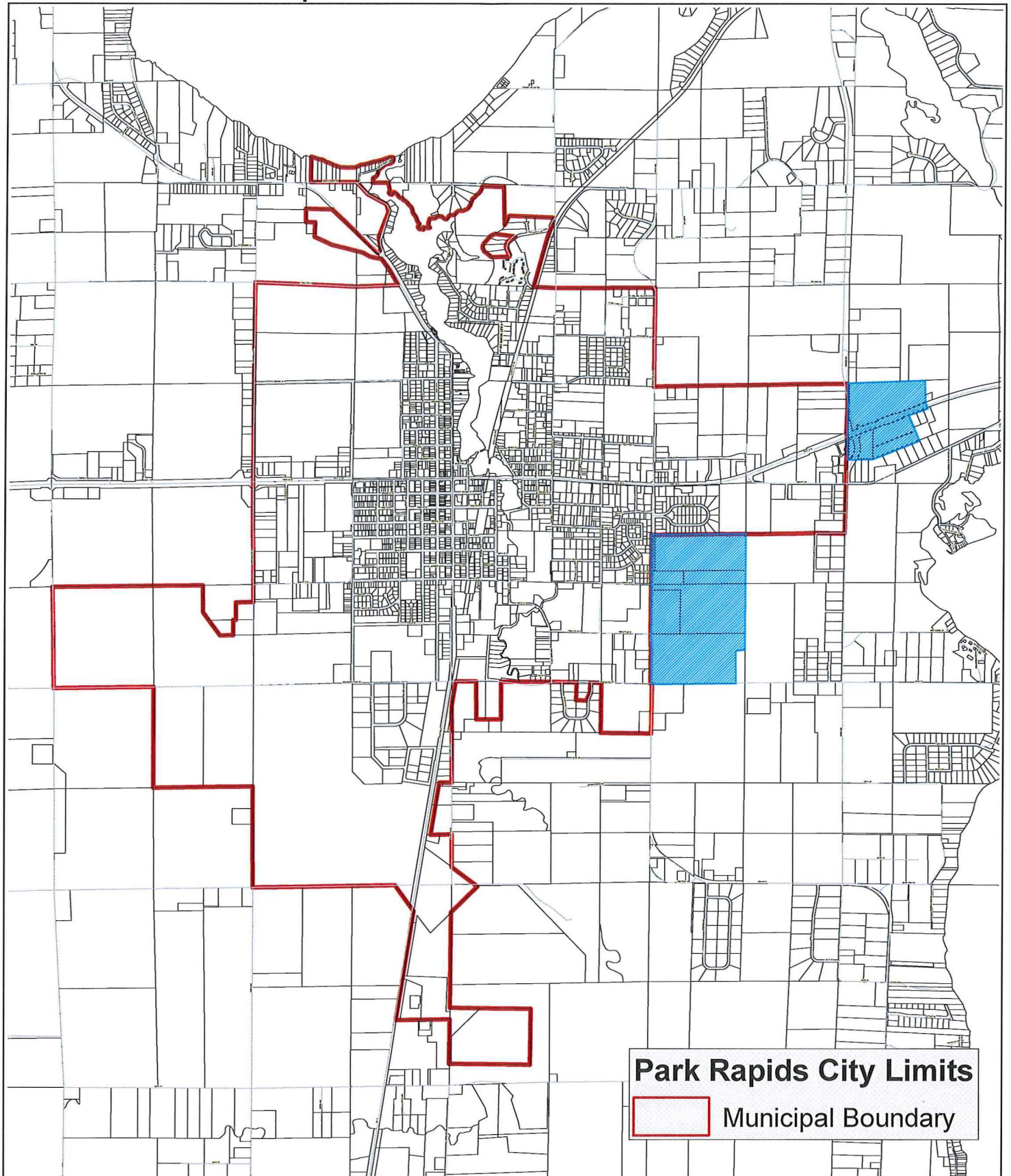
**13.30.04071 Hubbard County**

Sect-30 Twp-140 Range-034 60.25 AC YT N1/2 SW-PART OF SOUTH TRANSFER STATION

## **APPENDIX B**

The boundary map referenced in this Annexation Resolution showing the Phase IV Property, as amended by the Third and Fourth Amendment to the Joint Agreement, designated for immediate orderly annexation and legally described in Appendix A, is attached hereto. (See also Appendix C Joint Agreement at Exh. B and Third Amendment to Joint Agreement at Exh. D, and the Fourth Amendment to Joint Agreement at Exh. B).

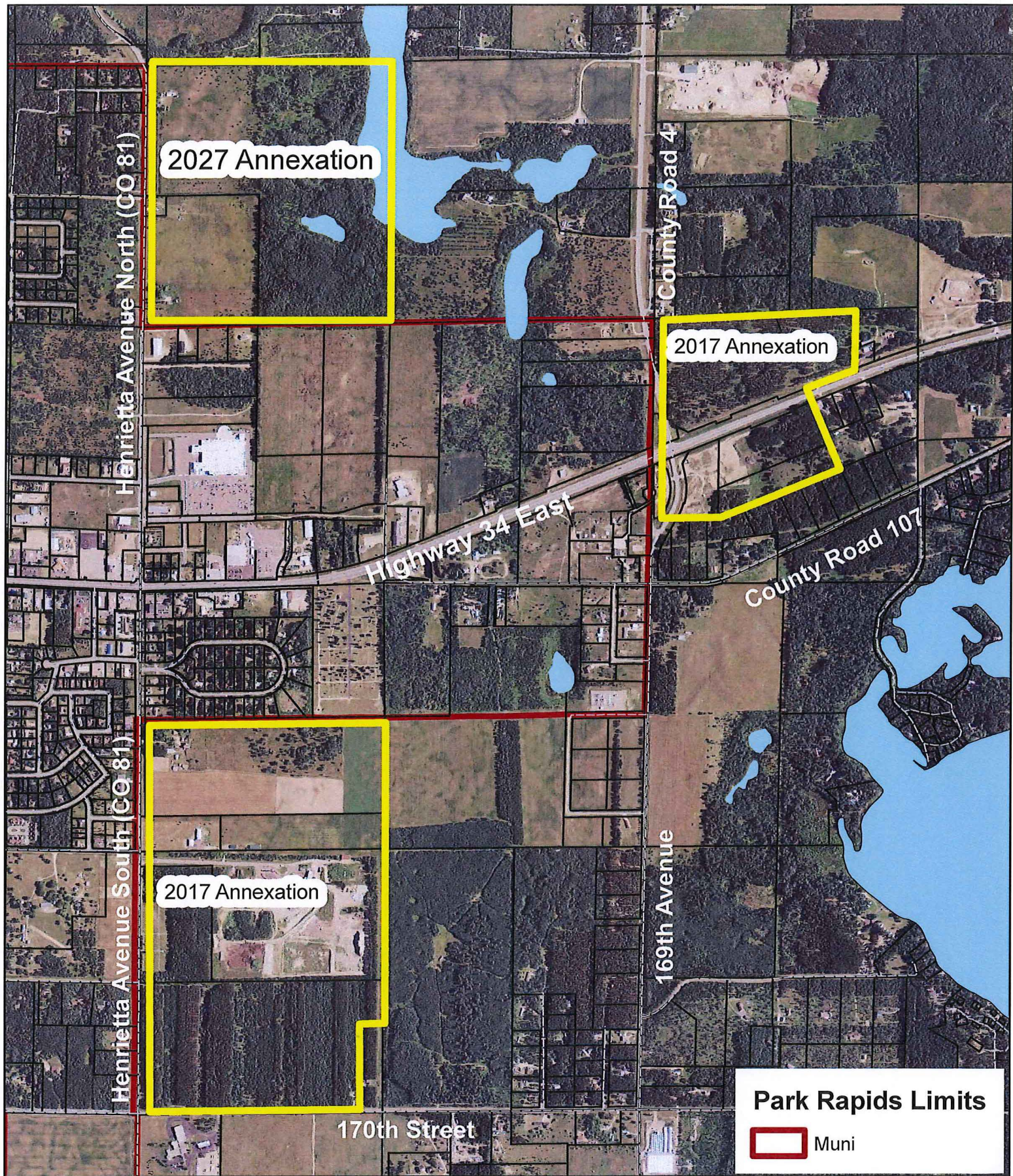
# City of Park Rapids Properties to Be Annexed in 2017



Appendix B  
Properties to be Annexed in Blue







# Properties in Yellow to Remain in Orderly Annexation Agreement 2017





### **APPENDIX C**

The Joint Agreement (Joint Resolution for Orderly Annexation between the City and Township, dated July 27, 2006, and amendments thereto, dated June 14, 2007, August 23, 2011, June 10, 2014, and January 12, 2016 respectively) providing for this Annexation Resolution and designating the Phase IV Property as amended by the Third and Fourth Amendment to the Joint Agreement for orderly annexation is attached hereto.

**Henrietta Township Resolution No. 06- 05**  
**City of Park Rapids Resolution No. 06- 140**

In The Matter Of The Joint Resolution Of The City  
Of Park Rapids And The Town Of Henrietta  
Designating Certain Areas As In Need Of Orderly  
Annexation Pursuant To Minnesota Statutes, Section  
414.0325

**Joint Resolution  
for  
Orderly Annexation**

**WHEREAS**, The City of Park Rapids ("City") and the Township of Henrietta ("Township") desire to enter into an agreement for the orderly annexation of certain property, legally described herein, pursuant to Minnesota Statutes, Section § 414.0325; and

**WHEREAS**, the City and Township agree that the properties legally described herein meet the definition for annexation as contained in applicable Minnesota Statutes; and

**WHEREAS**, it is in the best interest of the City, the Township and their respective residents to agree to orderly annexation in furtherance of orderly growth and the protection of the public health, safety, and welfare; and

**WHEREAS**, the City and the Township are in agreement as to the procedures and process for orderly annexation of said property described herein for the purpose of orderly, planned growth; and

**WHEREAS**, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Joint Resolution for Orderly Annexation ("Joint Resolution");

**NOW, THEREFORE BE IT RESOLVED** by the City of Park Rapids, Hubbard County, Minnesota, and the Township of Henrietta, Hubbard County, Minnesota, as follows:

1. **Filing of Joint Resolution:** Upon execution by the respective governing bodies of the City and Township, the City shall file this Joint Resolution with the Office of Administrative Hearings – Municipal Boundaries Adjustment Office, with the requisite filing fee contained in Minnesota Rules, part 6000.3400.

2. **Designation of Orderly Annexation Area:** The following described lands will hereinafter be designated as the Orderly Annexation Area ("OAA") and said property is properly subject to orderly annexation pursuant to Minnesota Statute Section § 414.0325 and this Joint Resolution. The OAA is legally described in Exhibit A and depicted on the Boundary Map marked as Exhibit B, both exhibits being attached hereto and incorporated herein by reference. In the event that there are errors, omissions or any other problems with the legal description or mapping provided in Exhibits A and B in the judgment of Office of Administrative Hearings, the parties agree to make such corrections and file any additional

documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the Office of Administrative Hearings as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution.

Acreage. The Township and City agree that the OAA legally described in Exhibit A and designated as in need of orderly annexation is approximately 1217 acres.

3. **Interim Status:** All properties within the OAA shall remain in the Township until annexed to the City in accordance with the terms of this Joint Resolution.

4. **Annexation Procedure & Phasing:** Property lying within the OAA shall be annexed by the City in accordance with the procedures outlined in this paragraph:

A. **Annexation:** All the area within the OAA designated in Paragraph 2 shall be annexed over a period of approximately ten (10) years from the effective date of this Joint Resolution as specified in paragraph 4.B. below. The Township and City agree that phasing annexation and assimilation of the growth envisioned to occur within the OAA would benefit the City by reducing the financial risk of extending core facilities and municipal services into the OAA by extending such facilities all at one time. In turn, the parties mutually agree that a phased development and orderly annexation as envisioned by the Joint Resolution would benefit the Township by phasing the impact of lost tax base on the remaining Township's government and easing financial and lifestyle impacts that an immediate annexation of the area could impose on Township residents. For the purposes of this Joint Resolution, the OAA is divided into four (4) phases as legally described in Exhibit A.

Phase I: See Exhibit A  
Phase II: See Exhibit A  
Phase III: See Exhibit A  
Phase IV: See Exhibit A

B. **Timing:** The OAA shall be annexed in phases as set forth below with the City filing an Annexation Resolution with the Office of Administrative Hearings (or its successor agency) at any time after the following:

1. Phase I property shall be annexed after January 1, 2007.
2. Phase II property shall be annexed after January 1, 2009.
3. Phase III property shall be annexed after January 1, 2012.
4. Phase IV property shall be annexed after January 1, 2017.

Upon receipt of an annexation Resolution from the City as provided herein, the Office of Administrative Hearings (or its successor agency) may review and comment thereon, but shall within thirty (30) days of receipt of said Annexation Resolution and copy of this Joint Resolution, order the annexation of the area designated in the Annexation Resolution in accordance with the terms and conditions of this Joint Resolution. The City and Township agree that no alteration of the stated boundaries as described in the Joint Resolution or



Annexation Resolution is appropriate, that no consideration by the Office of Administrative Hearings is necessary and that all terms and conditions for annexation of the area legally described in the Annexation Resolution are provided for in this Joint Resolution. Upon receipt of an Annexation Order from the Office of Administrative Hearings for annexation of each phase of annexation identified in paragraph 4.B above, the City shall provide a copy thereof to the Hubbard County Auditor.

5. **Annexation Prohibition:** The City will not annex, attempt to annex, or support the annexation of any land located outside the OAA for ten years from the effective date of this resolution except by mutual agreement of the parties hereto. It is anticipated that this Joint Resolution will have the full force and effect as is referenced in Minnesota Statute Section § 414.0325, Subd. 6.

6. **Taxes:**

A. **Tax Levy Phase – in for property owners:** When property is annexed, the City shall proportionally equalize any difference that may exist between the tax rate of the City and the tax rate of the Township so that the owners of the property annexed will pay an increased phase-in tax rate in substantially equal proportions over a period of five (5) years to equality with the tax rate on property already within the City in the same tax classification.

B. **Taxes to be distributed to the Township:** The City shall complete each phase of annexation prior to August 1<sup>st</sup> of the year of annexation, thereby enabling the City to levy against the annexed property in the year of annexation. However, in regards to property tax distribution, in the year of annexation the Township shall retain 100% of the property taxes payable in the year of annexation (levied by the Township the previous year) which would have been distributed to the Township but for annexation. For the five (5) years following the year of annexation, the City shall make a cash payment in each of these years to the Township within thirty (30) days of receipt of payment in an amount equal to the amount the Township received from property taxes in the year of annexation.

**TAX SHARING CHART**

Year of Annexation	Township Tax Receipt
1 <sup>st</sup> Year	100% of the township taxes levied in the year of annexation
2 <sup>nd</sup> Year	100% of the township taxes levied in the year of annexation
3 <sup>rd</sup> Year	100% of the township taxes levied in the year of annexation
4 <sup>th</sup> Year	100% of the township taxes levied in the year of annexation
5 <sup>th</sup> Year	100% of the township taxes levied in the year of annexation

7. **Assessments & Capital Improvements:** Any assessments for public improvements benefiting the annexed property which are still due the Township, will be collected by the City under its assessment collection procedure and such payments will be reimbursed or paid to the Township for an appropriate levied assessment until said assessments are paid in full to the extent a covered property has been benefited by an improvement for which an assessment was levied by the Township in an area annexed by the City. The Township will provide the City such information as is necessary to ensure the recovery of assessments. The City will

reimburse the Township, to the extent it receives assessments, said assessment payments within thirty (30) days of City's receipt of the County's property tax reconciliation distributions. In the event that payment is received prior to the County property tax reconciliation distribution date to the City, the City will reimburse within thirty (30) days.

In the event the City agrees to extend municipal sewer and/or water service to properties in the area to be annexed, the township agrees to cooperate with the City in the assessment process. Also, the Township shall notify the City, prior to the establishment of assessments, of any reasonable administrative costs that the Township incurs as part of this process. The Township shall be reimbursed for these reasonable administrative costs. Reimbursement shall be made within thirty (30) days upon receipt.

The Township and City shall discuss capital improvement project plans that may impact areas adjacent to or within the OAA and may negotiate subsequent agreements providing for the sharing of the payment for capital improvements, reimbursement and/or sharing of costs.

8. **Municipal Services:** Upon annexation, the City shall provide the annexed properties the same services entitled to similarly situated properties within the jurisdiction of the City to the extent such services are needed in the judgment of the City or have been requested by property owners. Available city services include, but are not limited to the following:

A. **Law enforcement and Fire protection services:** Law enforcement and fire protection services shall be available to all property owners within the annexed areas upon annexation.

B. **Sewer & Water:** When this Joint Resolution has been fully executed by all parties hereto, any resident within the OAA is eligible to petition the City for extension of Municipal sanitary sewer and/or water utility services, subject, however, to the written "City of Park Rapids Special Assessment Policy" adopted by the Park Rapids City Council on June 11, 2002. The parties understand and agree that sanitary sewer and water utility extension requests are typically subject to project specific adjustments to achieve project feasibility and a more equitable distribution of special assessments. However, in the event there is a proposal to revise the actual written policy manual language pertaining to the connection and/or payment deferral policy, the proposed revision shall be reviewed by the Henrietta Town Board before any formal action to revise the policy manual is considered by the City Council. Proposed revision(s) shall be submitted to Henrietta Township a minimum of sixty (60) days prior to any scheduled formal decision by the Council. The Council will give serious consideration to the recommendations of the Henrietta Town Board. The sanitary sewer and water provision policies shall be uniformly administered within the City and the OAA.

C. **Parks:** The City's Park Department will assume responsibility and authority for public parks located within each phase of annexation immediately upon completion of annexation.

D. **Streets & Roads:** In the event that annexation results in a new border of the City abutting one side of a Township road, that road shall be treated as a line road. Thereafter, City and Township representatives shall meet to develop agreements for equitable division of the costs and responsibilities to be borne by each for the maintenance of the line road. Line road agreements shall be subject to approval by each affected jurisdiction's governing body.

Township maintenance of services. The Township agrees that it will be responsible for normal and regular maintenance of all township roads, streets, bridges, drainage facilities and other public rights of way that it is currently maintaining within the OAA prior to annexation thereof. Maintenance of Township infrastructure within the designated OAA by the Township shall be consistent with other standard maintenance practices employed by the Township elsewhere in the Township.

9. **Planning and Zoning in the Areas to be Annexed.** In accordance with Minnesota Statutes § 414.0325, Subd. 5(d)1, the Township hereby gives authorization to the City to extend its zoning and subdivision regulations to the entire OAA area designated herein for orderly annexation. In order to develop modifications to the City's Comprehensive Plan, zoning ordinance and subdivision regulations to cover this area, a Task Force of City and Township representatives will be formed to guide the process. This Task Force shall make recommendations to the Park Rapids City Council. Before these amendments are adopted by the City, the Township shall approve the amendments. OAA property shall retain the zoning classification(s) as set forth under the Township's zoning ordinance, until reclassified by the City. The amendments to the City's Plan, Zoning Ordinance and Subdivision Regulations that have been approved by the Township shall be adopted by the City no later than April 1, 2007.

In the event an agreement has not been passed on changes to the City's Comprehensive Plan and ordinances by April 1, 2007, then this resolution hereby establishes a joint board to exercise planning and land use control authority within any area designated as an orderly annexation area pursuant to this section, in the manner prescribed by section 471.59, subdivisions 2 to 8, inclusive. This Board shall adopt a plan, and ordinances in the area to be annexed no later than October 1, 2007.

10. **State Building Code.** In accordance with Minnesota Statutes Section § 16B.62, Subd. 1, the Township hereby gives the City permission to extend the enforcement of the State Building Code to the entire OAA area designated herein for orderly annexation. The City will commence with the enforcement of the State Building Code on the day this agreement takes effect.

11. **Term of Joint Resolution/Amendment:** This Joint Resolution shall be in full force and effect immediately upon the document being fully executed by all parties hereto, and shall terminate upon annexation of Phase IV properties in the OAA. The on-going obligations for tax levy phase-in, property tax distribution and assessment reimbursement set forth under Paragraphs 6 and 7 herein, shall survive and remain in full force and effect until those obligations are fully satisfied. The orderly annexation agreement memorialized in this

Joint Resolution may be terminated earlier by mutual, written joint resolution of the City and Township. Similarly, this Joint Resolution also may be amended or changed upon mutual, written agreement of all the parties hereto. City and Township representatives agree to meet from time to time and no less than at least once annually, to discuss requested or necessary modifications and amendments to this Joint Resolution.

12. **Governing Law:** This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

13. **Severability:** In the event that any portion of this Joint Resolution is declared null and void or unenforceable by a court of law, the validity of the remaining terms and provisions shall not be affected and the Joint Resolution shall be construed and enforced as if the Joint Resolution did not contain the particular term or provision held to be invalid. The City and Township agree to implement the procedures under Paragraph 16 to correct any such provision that was stricken.

14. **Responsibility for Costs.** The City and Township agree to share equally all fees related to the drafting and filing of this document. The City and Township shall pay their own respective attorney and planner fees and any other costs related to the review of this document.

15. **Entire Agreement:** The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future attachments or exhibits, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.

16. **Resolution of Disputes:** If there is a disagreement as to the interpretation or implementation of the Joint Resolution, the City and Township shall implement the below-outlined dispute resolution procedures in the following sequence:

A. **Negotiation:** Representatives of the City and Township will meet a minimum of one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.

B. **Mediation:** If negotiation is not successful, parties shall participate in a minimum of one (1) mediation session with a mutually agreed upon mediator to resolve the dispute.

C. **Binding Arbitration/Adjudication:** If mediation is not successful or the parties are unable to agree on a mediator, the parties may agree to submit their respective grievances to binding arbitration or may seek relief through initiation of an action in a court of competent jurisdiction, which may include, but not be limited to specific performance to compel the performance as outlined in this Joint Resolution. In addition to the remedies afforded to the parties through law and equity, the Court shall have the authority to award

reasonable attorney fees, costs and expenses to a party found to be in violation of the terms of this agreement.

17. **Heading & Captions:** Headings and Captions are for convenience only and are not intended to alter any of the provisions of this joint resolution for orderly annexation.

**Exhibit A**  
**Legal Descriptions of Annexation Areas**

**Phase I**

**(2007)** All those un-annexed parcels located in the South Half (S ½) of Section Nineteen (19), Township One Hundred Forty (140), Range Thirty-four (34) lying West of the East line of the West 525 feet of the West Half of the Southeast Quarter (W ½ SE ¼) and North of State Highway 34,

AND

All those un-annexed parcels located in the North Half of the Northwest Quarter (N ½ NW ¼) of Section Thirty (30), Township One Hundred Forty (140), Range Thirty-four (34) lying immediately North and adjacent to the plat of Green Acres.

**Phase II**

**(2009)** All that part of the South Half of Section Nineteen (19), Township One Hundred Forty (140), Range Thirty-four (34) lying South of State Highway 34,

AND

The Southeast Quarter (SE ¼) of Section Nineteen (19), Township One Hundred Forty (140), Range Thirty-four (34), EXCEPT the West 525 feet thereof lying North of State Highway 34 and EXCEPT the North Half of the Northeast Quarter of the Southeast Quarter (N ½ NE ¼ SE ¼) thereof.

**Phase III**

**(2012)** The North Half of the Northeast Quarter of the Southeast Quarter (N ½ NE ¼ SE ¼) of Section Nineteen (19), Township One Hundred Forty (140), Range Thirty-four (34),

AND

The North Half of the Northwest Quarter (N ½ NW ¼) of Section Thirty, Township One Hundred Forty (140), Range Thirty-four (34) (including the Plat of Green Acres, but not excepting those parcels previously annexed),

AND

The North Half of the Northeast Quarter (N ½ NE ¼) of Section Thirty, Township One Hundred Forty (140), Range Thirty-four (34),

AND

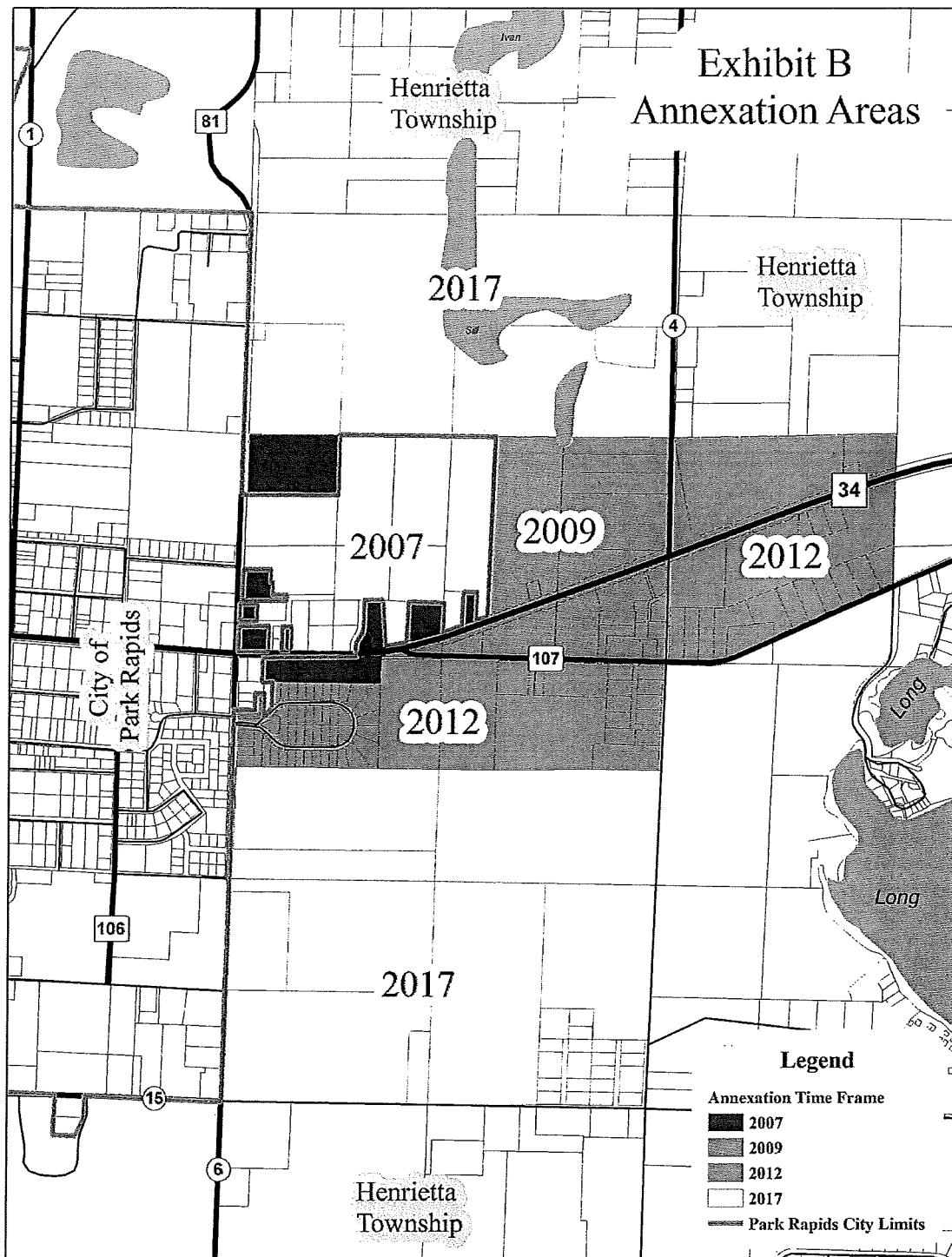
The Southwest Quarter (SW ¼) of Section Twenty (20), Township One Hundred Forty (140), Range Thirty-four (34), EXCEPT those parts lying Southerly of County Road 107

**Phase IV**

**(2017)** All of Section Thirty, Township One Hundred Forty (140), Range Thirty-Four (34), EXCEPT the North Half of the Northwest Quarter ( $N \frac{1}{2} NW \frac{1}{4}$ ) and EXCEPT the North Half of the Northeast Quarter ( $N \frac{1}{2} NE \frac{1}{4}$ ) thereof,

AND

The North Half ( $N \frac{1}{2}$ ) of Section Nineteen (19), Township One Hundred Forty (140), Range Thirty-Four (34).





City Of Park Rapids, Minnesota

ADOPTED by the City Council of the City of Park Rapids this 25<sup>th</sup> day of July, 2006.

Ted Godfrey  
Ted Godfrey, Mayor

Brian Weuve  
Brian Weuve, City Administrator

ATTEST:

Margie Vik

Margie Vik, City Clerk

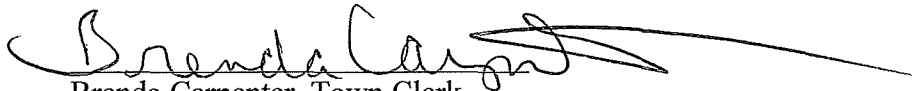
**Henrietta Township, Minnesota**

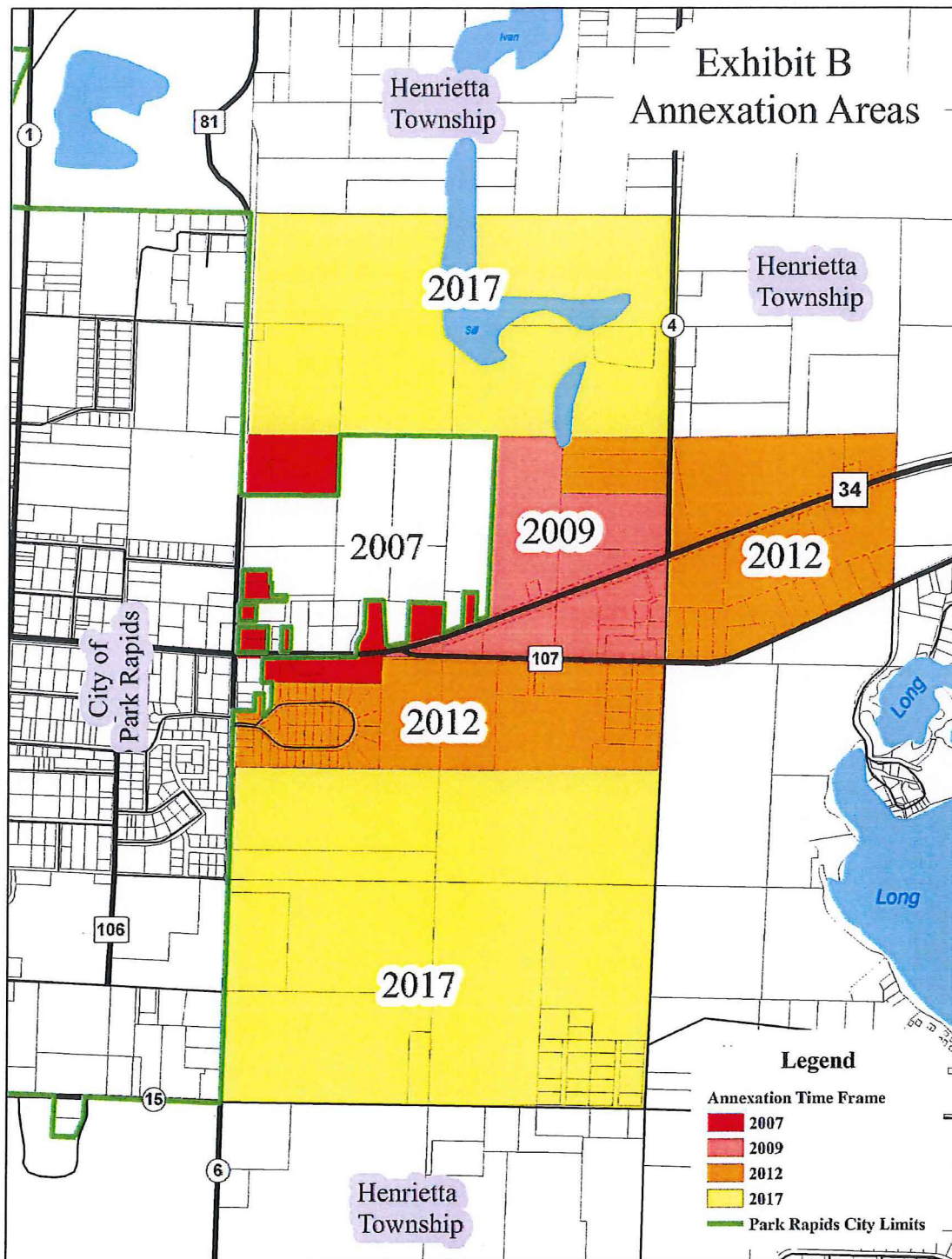
**ADOPTED** by the Township Board of Supervisors for the Township of Henrietta this  
27<sup>th</sup> day of July, 2006.



Ryan Leckner, Town Board Chair

ATTEST TO:

  
Brenda Carpenter, Town Clerk



**OA-1288 Park Rapids/Henrietta Township Joint Agreement**

**Henrietta Township Resolution No. 2007-02  
City of Park Rapids Resolution No. 2007-131**

In The Matter Of The Joint Resolution Of  
The City Of Park Rapids And The Town Of  
Henrietta Designating Certain Areas As In  
Need Of Orderly Annexation Pursuant To  
Minnesota Statutes, Section 414.0325

**Amendment to  
Joint Resolution for  
Orderly Annexation**

WHEREAS, the City of Park Rapids (hereinafter the "City") and Henrietta Township (hereinafter the "Township") entered into a Joint Resolution for Orderly Annexation, dated July 27, 2006 (hereinafter referred to as the "Joint Agreement"), describing the procedures and process for orderly annexations of certain designated areas of the Township, referred to as the "Orderly Annexation Area" (the "OAA"), for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, section 414.0325; and

WHEREAS, the Joint Agreement was filed with the Office of Administrative Hearings Municipal Boundary Adjustments Office (hereinafter "OAH-MBAO") and is referenced as Office of Administrative Hearings File No. OA-1288 Park Rapids/Henrietta Township Joint Agreement by OAH-MBAO; and

WHEREAS, the Joint Agreement is attached hereto and incorporated herein by reference as Exhibit (hereinafter "Exh.") A; and

WHEREAS, the Joint Agreement, provides, in part, that the City and Township agree that the City shall extend its zoning and subdivision regulations within the OAA (Exh. A ¶ 9) following execution of the Joint Agreement; and

WHEREAS, it was the intent of the parties to the Joint Agreement that the extension of the above-mentioned land use controls would be in accordance with Minnesota Statutes, section 414.0325, subd. 5(d)(1), which requires Hubbard County (hereinafter the "County") to agree to the extension of such land use controls within the OAA, based on the understanding of the City and Township at the time that the County would not needlessly and without basis withhold its third party approval of the City's and Township's agreement for the extension of City land use controls within the OAA (See Exh. A ¶ 9); and

WHEREAS, the County, as of the date of this joint resolution, has failed to agree to the extraterritorial extension of the above-mentioned land use controls by the City pursuant to the Joint Agreement resulting in the City and Township not being able to move forward with their mutual agreements and understandings as contained in the Joint Agreement; and

WHEREAS, Minnesota Statutes, section 414.0325, subd. 5(a) specifically provides for an alternate procedure to section 414.0325, subd. 5(d)(1) for the extension of land use controls that conforms with and is consistent with the mutual intent, agreements and understandings of the City and Township contained in the Joint Agreement notwithstanding the acts or omissions of the County with respect thereto; and

WHEREAS, the City and Township have express statutory authority pursuant to Minnesota Statutes, section 414.0325, subd. 5(a) and Minnesota Statutes, section 471.59 to exercise planning and land use control authority in accordance with Minnesota Statutes, sections 462.351 to 462.364 within the designated OAA stated in the Joint Agreement without any agreement or involvement required from the County; and

WHEREAS, the City has adopted the Task Force recommended amendments to its comprehensive plan, zoning ordinances, and subdivision regulations for application within the designated OAA as provided for in the Joint Agreement; and

WHEREAS, the Joint Agreement may be modified and amended upon the mutual, written agreement of the City and Township (See Exh. A ¶ 11); and

WHEREAS, the City and Township hereby desire to modify and amend the Joint Agreement as provided herein in the best interests of the community and in keeping with the stated intent and purpose and mutual agreements and understanding contained in the Joint Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Board of Supervisors of the Township of Henrietta, Hubbard County, Minnesota, and the City Council of the City of Park Rapids, Hubbard County, Minnesota, as follows:

1. This joint resolution between the City and Township shall modify and amend the above-referenced Joint Agreement as provided herein and shall be referred to as the "Amendment to Joint Agreement."
2. Pursuant to Minnesota Statutes, sections 414.0325, subd. 5(a), and 471.59, and notwithstanding Paragraph 9 or any other provision of the Joint Agreement, the parties agree as follows:
  - a. The City and Township hereby establish a board to exercise planning and land use control authority within the OAA (hereinafter the "Board");
  - b. The City and Township agree the City Council shall constitute the Board and the Township hereby delegates and transfers to the Board all duties and responsibilities to carry out planning and zoning activities within the OAA;
  - c. The Board shall have all of the powers contained in Minnesota Statutes, Sections 462.351 to 462.364 within the OAA, subject to the terms and conditions of the Amended Joint Agreement;

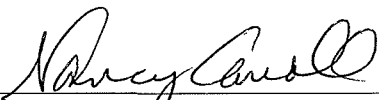
- d. The Board shall be solely responsible for administering and enforcing the City's official controls, as amended to apply within the OAA, utilizing the City's planning agency, staff, and following the same procedures as if the OAA was within the City. The City agrees to defend, indemnify, and hold the Township, its officers, employees, and agents, harmless for any and all claims, liability, loss, damages, and costs, including attorney fees, arising out of or by reason of any act or omission of the Board or City in implementing or carrying out any planning and zoning activities within the OAA;
  - e. Without limiting the ability of the Board to amend its comprehensive plan or official controls, it is the intent of the parties that any changes made to those portions of the plan or official controls amended specifically to apply within the OAA and relating to unsewered areas and the R1-A Single-Family Residential in Annexation Area District will, to the extent practicable and as determined by the Board, continue to reflect the original adopted recommendations of the Task Force for unsewered areas and the R1-A Single-Family Residential in Annexation Area District. The Board shall provide the Township written notice at least 15 days before a hearing of any proposed amendments to the plan or official controls directly affecting the OAA with respect to the above-identified districts. The Township Board may provide the Board written comments on the proposed amendment, including whether the proposed amendment constitutes a substantial deviation from the original recommendations of the Task Force prior to the Board's hearing on the matter. The Board shall consider the Township's comments and recommendations in determining the need for the proposed amendment and whether it would constitute a substantial deviation; and
  - f. Nothing in the Joint Agreement or this Amendment to Joint Agreement shall be construed as constituting agreement, permission or authority from the Township for the City to extend application of its zoning ordinances, subdivision regulations, the building code, or any other authority outside the limits of the City except within the OAA as expressly provided for in the Joint Agreement as amended.
- 3. This Amendment to Joint Agreement is not subject to the notice, publication and informational meeting requirements of Minnesota Statutes, sections 414.0325, subd. 1b or 414.0333 because the Joint Agreement, Exhibit A, previously designated the OAA.
  - 4. This Amendment to Joint Agreement is effective the date of the latest signature and attestation affixed hereto.
  - 5. Upon adoption and execution of this Amendment to Joint Agreement by the Township and City, the City shall thereafter and as soon as practicable, file the same with the Township and the OAH-MBAO along with any applicable filing fee.

6. This Amendment to Joint Agreement shall hereby modify and amend the Joint Agreement. It is the intent of the parties hereto that this Amendment to Joint Agreement be read together with the Joint Agreement, but shall supersede the Joint Agreement only to the extent that any term or condition in the Joint Agreement is inconsistent or in conflict with this Amendment to Joint Agreement. This Amendment to Joint Agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.

**City of Park Rapids, Minnesota**

Passed, adopted, and approved by the City Council of the City of Park Rapids, Hubbard County, Minnesota, this 12<sup>th</sup> day of June, 2007.

CITY OF PARK RAPIDS

By:   
Nancy Carroll, Mayor

ATTEST:

By:   
Margie Vik, City Clerk


**Henrietta Township, Minnesota**

Passed, adopted, and approved by the Township Board of Supervisors for the Township of Henrietta, Hubbard County, Minnesota, this 14<sup>th</sup> day of June, 2007.

HENRIETTA TOWNSHIP

By:   
Ryan Leckner, Town Board Chair

ATTEST:

By:   
Brenda Carpenter, Town Clerk

**EXHIBIT A**

Joint Resolution for Orderly Annexation Between the City of Park Rapids and Township of Henrietta, dated July 27, 2006 – Office of Administrative Hearings File No. OA-1288 Park Rapids/Henrietta Township.



**OA-1288 Park Rapids/Henrietta Township Joint Agreement**

**HENRIETTA TOWNSHIP RESOLUTION NO. 2011-05  
CITY OF PARK RAPIDS RESOLUTION #2011-126**

In The Matter Of The Joint Resolution Of  
The City Of Park Rapids And The Town Of  
Henrietta Designating Certain Areas As In  
Need Of Orderly Annexation Pursuant To  
Minnesota Statutes, Section 414.0325

**Second Amendment to  
Joint Resolution for  
Orderly Annexation**

**WHEREAS**, the City of Park Rapids (hereinafter the “City”) and Henrietta Township (hereinafter the “Township”) (collectively the “Parties”) entered into a Joint Resolution for Orderly Annexation (Henrietta Township Resolution No. 06-05 and City of Park Rapids Resolution No. 06-140), dated July 27, 2006 (hereinafter referred to as the “Joint Agreement”), describing the procedures and process for orderly annexations of certain designated areas of the Township, referred to as the “Orderly Annexation Area” (the “OAA”), for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, section 414.0325; and

**WHEREAS**, the Joint Agreement was filed with the Office of Administrative Hearings Municipal Boundary Adjustments Unit (hereinafter “OAH-MBAU”) on August 16, 2006 and is referenced as Office of Administrative Hearings File No. OA-1288 Park Rapids/Henrietta Township Joint Agreement by OAH-MBAU; and

**WHEREAS**, the Joint Agreement is incorporated herein by reference; and

**WHEREAS**, the Parties subsequently amended the Joint Agreement by a joint resolution (Henrietta Township Resolution No. 2007-02 and City of Park Rapids Resolution No. 2007-131), dated June 14, 2007, (hereinafter referred to as the “First Amendment to Joint Agreement”), and filed with OAH-MBAU on June 15, 2007; and

**WHEREAS**, the First Amendment to Joint Agreement is incorporated herein by reference; and

**WHEREAS**, the Joint Agreement may be modified and amended upon the mutual, written agreement of the City and Township (See Joint Agreement ¶ 11); and

**WHEREAS**, the Joint Agreement divides the land designated for orderly annexation into four phases and establishes a date after which the property within each of the phases becomes eligible for annexation (See Joint Agreement ¶ 4 and Joint Agreement Exhibits A and B); and

**WHEREAS**, the Parties desire to amend the Joint Agreement to extend the date after which a certain portion of the Phase III property identified herein shall be annexed from after January 1, 2012 to after January 1, 2017; and

**WHEREAS**, the Phase III property to which this amendment relates is limited to the portion of Phase III lying to the east of County Highway 4 and north of County Road 107 as shown on the map attached hereto as Exhibit A, which is incorporated herein by reference, and which is more particularly described as follows (hereinafter referred to as the “Identified Property”):

The Southwest Quarter (SW1/4) of Section Twenty (20), Township One Hundred Forty (140), Range Thirty four (34), EXCEPT those parts lying Southerly of County Road 107; and

**WHEREAS**, the City and Township hereby desire to modify and amend the Joint Agreement as provided herein in keeping with the stated intent and purpose and mutual agreements and understanding contained in the Joint Agreement and First Amendment thereto; and

**WHEREAS**, the Parties agree the following amendment is consistent with the original intent of the Joint Agreement, furthers the cooperative working relationship existing between the Parties, and is in the best interests of the communities involved.

NOW, THEREFORE, BE IT RESOLVED by the Township Board of Supervisors of the Township of Henrietta, Hubbard County, Minnesota, and the City Council of the City of Park Rapids, Hubbard County, Minnesota, as follows:

1. **Second Amendment to Joint Agreement.** This Joint Resolution between the City and Township shall modify and amend the above-referenced Joint Agreement as provided herein and shall be referred to as the “Second Amendment to Joint Agreement.”
2. **Eligibility for Annexation.** Notwithstanding anything to the contrary in the Joint Agreement and First Amendment thereto, the Identified Property shall not be eligible for annexation by the City of Park Rapids until after January 1, 2017 and such Identified Property shall be treated as being in Phase IV for all purposes under the Joint Agreement and First Amendment thereto.
3. **Intent.** The Parties intend this Second Amendment to Joint Agreement modify and amend the Joint Agreement and First Amendment thereto, but only to the extent of changing the date after which the Identified Property becomes eligible for annexation under the Joint Agreement. No other changes to the Joint Agreement are intended by this amendment.
4. **Filing.** Following adoption and execution, the Parties agree the Township will be responsible for filing this Second Amendment to Joint Agreement with the OAH-MBAU and for paying any required filing fees.
5. **Effective Date.** This Second Amendment to Joint Agreement shall be effective the date of the latest signature and attestation affixed hereto and following immediately upon its receipt and acceptance by the OAH-MBAU.

## **HENRIETTA TOWNSHIP**

Adopted by the Town Board of Henrietta Township, Hubbard County, Minnesota, this 11<sup>th</sup> day of August 2011.

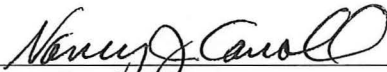
  
David De La Hunt, Chairperson

ATTEST:


  
Ken Kalish, Town Clerk

## **CITY OF PARK RAPIDS**

Adopted by the City Council of the City of Park Rapids, Hubbard County, Minnesota, this 23<sup>rd</sup> day of August 2011.

  
Nancy Carroll, Mayor

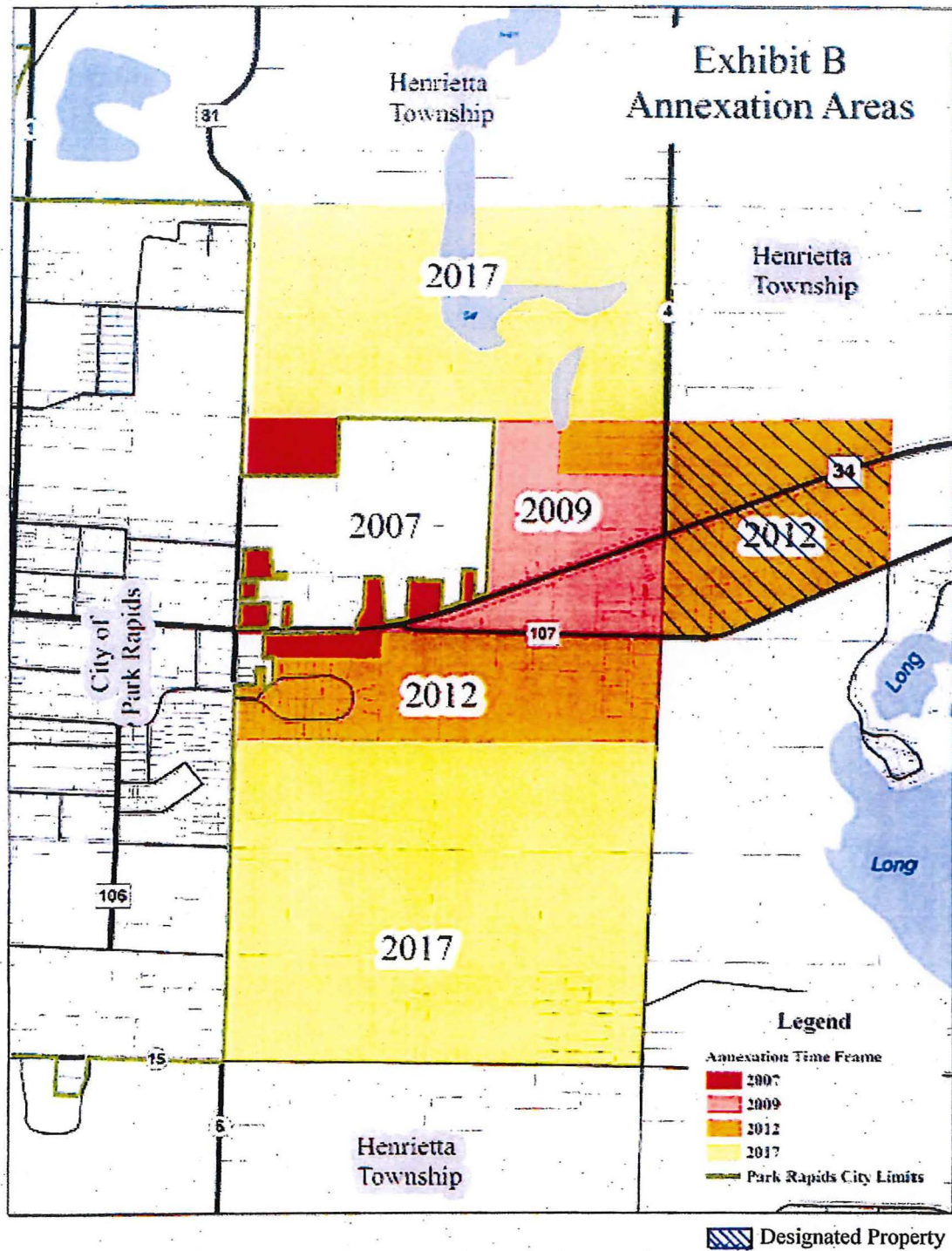
ATTEST:

  
Margie Vik, City Clerk

**EXHIBIT A**

Map showing portion of Phase III property to which this amendment relates lying to the east of County Highway 4 and north of County Road 107, as legally described in the Second Amendment Joint Agreement to which this Exhibit A is attached.

**EXHIBIT A**  
Designated Property



**OA-1288 Park Rapids/Henrietta Township Joint Agreement**

**HENRIETTA TOWNSHIP RESOLUTION NO. 2014-06  
CITY OF PARK RAPIDS RESOLUTION NO. 2014-89**

In The Matter Of The Joint Resolution Of The City  
Of Park Rapids And The Town Of Henrietta  
Designating Certain Areas As In Need Of Orderly  
Annexation Pursuant To Minnesota Statutes, Section  
414.0325

**Third Amendment to  
Joint Resolution for  
Orderly Annexation**

**WHEREAS**, the City of Park Rapids (hereinafter the “City”) and Henrietta Township (hereinafter the “Township”) (collectively the “Parties”) entered into a Joint Resolution for Orderly Annexation (Henrietta Township Resolution No. 06-05, approved on July 27, 2006, and City of Park Rapids Resolution No. 06-140, approved on July 25, 2006) (hereinafter referred to as the “Joint Agreement”), describing the procedures and process for orderly annexations of certain designated areas of the Township, referred to as the “Orderly Annexation Area” (the “OAA”), for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, section 414.0325; and

**WHEREAS**, the Joint Agreement was accepted by the Office of Administrative Hearings Municipal Boundary Adjustments Unit (hereinafter “OAH-MBAU”) on August 16, 2006 and is referenced as Office of Administrative Hearings File No. OA-1288 Park Rapids/Henrietta Township Joint Agreement by OAH-MBAU; and

**WHEREAS**, the Joint Agreement is incorporated herein by reference; and

**WHEREAS**, the Parties subsequently amended the Joint Agreement by a joint resolution (Henrietta Township Resolution No. 2007-02, approved on June 14, 2007, and City of Park Rapids Resolution No. 2007-131, approved on June 12, 2007) (hereinafter referred to as the “First Amendment to Joint Agreement”), and filed with OAH-MBAU on June 15, 2007; and

**WHEREAS**, the Parties adopted a second amendment to the Joint Agreement by joint resolution (Henrietta Township Resolution No. 2011-05, approved on August 11, 2011, and City of Park Rapids Resolution No. 2011-126, approved on August 23, 2011) (hereinafter referred to as the “Second Amendment to Joint Agreement”), and filed with OAH-MBAU on September 19, 2011; and

**WHEREAS**, the First Amendment to Joint Agreement and the Second Amendment to Joint Agreement are incorporated herein by reference; and

**WHEREAS**, the Joint Agreement may be modified and amended upon the mutual, written agreement of the City and Township (See Joint Agreement ¶ 11); and

**WHEREAS**, the Joint Agreement divides the land designated for orderly annexation into four phases and establishes a date after which the property within each of the phases becomes eligible for annexation (See Joint Agreement ¶ 4 and Joint Agreement Exhibits A and B); and

**WHEREAS**, the Parties desire to amend the Joint Agreement to remove from the designated OAA certain portions of the Phase IV properties scheduled for annexation after January 1, 2017 and as identified herein from the Joint Agreement; and

**WHEREAS**, the Phase IV properties to which this amendment relates, and which total approximately 454.73 acres, are limited to those listed in the attached Exhibit A and which are identified with hashmarks on the map attached hereto as Exhibit B (hereinafter referred to collectively as the “Identified Property”); and

**WHEREAS**, the parties agree that upon the acceptance of this third amendment by OAH-MBAU the properties remaining within the OAA shall be limited to those listed in the attached Exhibit C and shown on the map attached hereto as Exhibit D;

**WHEREAS**, the City and Township hereby desire to modify and amend the Joint Agreement as provided herein in keeping with the stated intent and purpose and mutual agreements and understanding contained in the Joint Agreement, the First Amendment thereto, and Second Amendment thereto; and

**WHEREAS**, published notice of this third amendment is not required under Minnesota Statutes, section 414.0325, subdivision 1b as this amendment does not designate additional property for orderly annexation or otherwise expand the OAA; and

**WHEREAS**, the Parties agree the following third amendment is consistent with the original intent of the Joint Agreement, furthers the cooperative working relationship existing between the Parties, and is in the best interests of the communities involved.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of Supervisors of the Township of Henrietta, Hubbard County, Minnesota, and the City Council of the City of Park Rapids, Hubbard County, Minnesota, as follows:

1. **Third Amendment to Joint Agreement.** This Joint Resolution between the City and Township shall modify and amend the above-referenced Joint Agreement, as previously amended, as provided herein and shall be referred to as the “Third Amendment to Joint Agreement.”
2. **Removal of Property.** Notwithstanding anything to the contrary in the Joint Agreement, the First Amendment thereto, and the Second Amendment thereto, the Identified Property shall be and is hereby removed from the Joint Agreement and, as of the date of acceptance of this Third Amendment to Joint Agreement by the OAH-MBAU, shall no longer be designated for orderly annexation by the Joint Agreement. Upon the acceptance of this Third Amendment to Joint Agreement by the OAH-MBAU, the only properties remaining in the OAA shall be those listed in Exhibit C and shown on the map



attached hereto as Exhibit D.


3. **Intent**. The Parties intend this Third Amendment to Joint Agreement to modify and amend the Joint Agreement, the First Amendment thereto, and Second Amendment thereto, but only to the extent of removing the Identified Property from the Joint Agreement and the designated OAA. No other changes to the Joint Agreement, as modified by the First Amendment and Second Amendment, are intended by this amendment.
4. **Filing**. Following adoption and execution, the Parties agree the Township will be responsible for filing this Third Amendment to Joint Agreement with the OAH-MBAU and for paying any required filing fees.
5. **Recitals**. The recitals contained in this resolution are incorporated in and made part of this Third Amendment to Joint Agreement.
6. **Effective Date**. This Third Amendment to Joint Agreement shall be effective the date of the latest signature and attestation affixed hereto and following immediately upon its receipt and acceptance by the OAH-MBAU.

#### **HENRIETTA TOWNSHIP**

Adopted by the Town Board of Henrietta Township, Hubbard County, Minnesota, this 12<sup>th</sup> day of June, 2014.

  
David De La Hunt, Chairperson

ATTEST:

  
Deborah Anderson, Town Clerk



#### **CITY OF PARK RAPIDS**

Adopted by the City Council of the City of Park Rapids, Hubbard County, Minnesota, this 10<sup>th</sup> day of June, 2014.

  
Paul Utke, Acting Mayor

ATTEST:

  
Margie Vik, City Clerk



**EXHIBIT A**  
Description of Identified Property  
*(Properties being removed from the OAA)*

**ALL PROPERTIES TO BE RETURNED TO HENRIETTA TOWNSHIP**

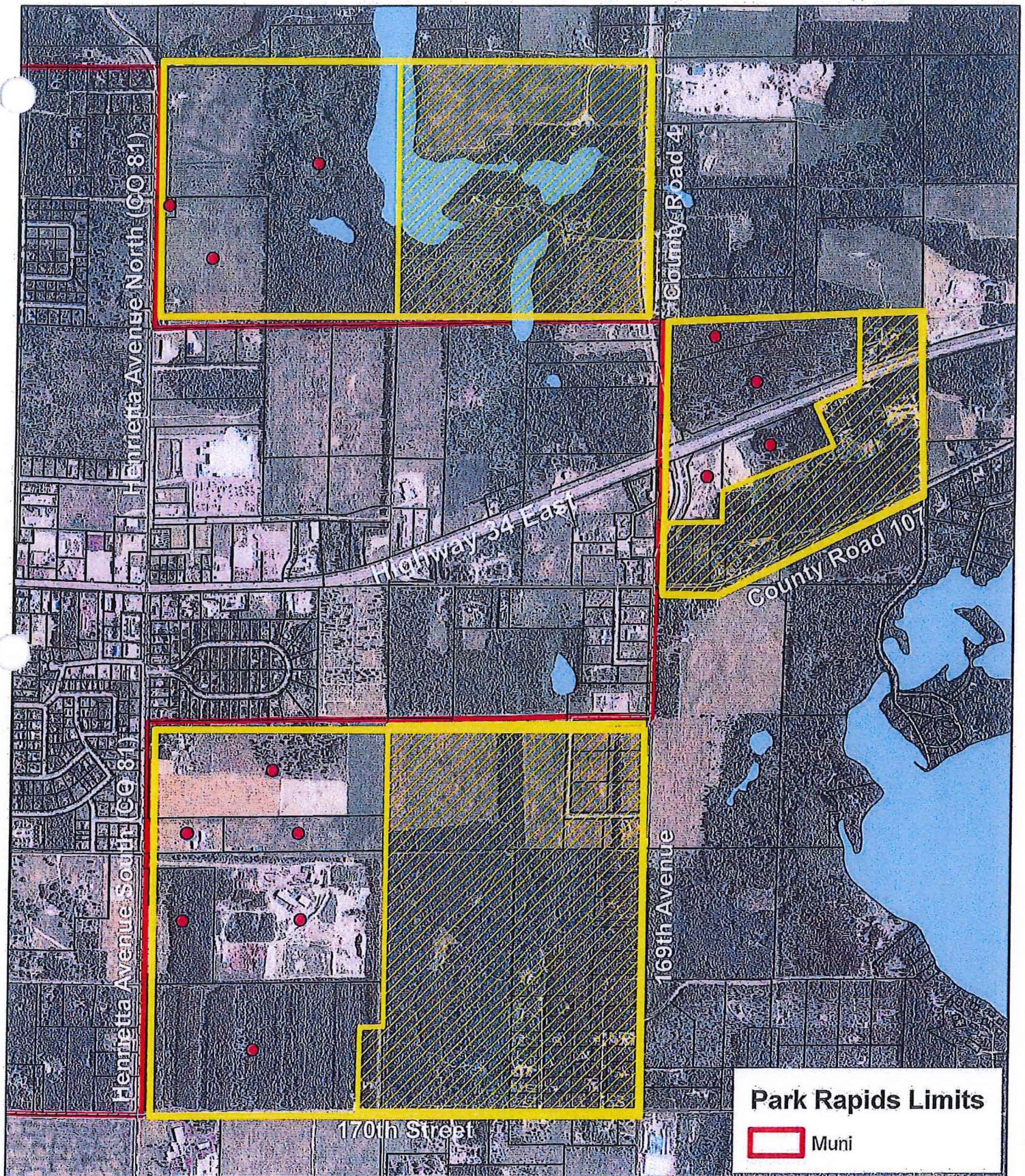
PID#	ACRES	PROPERTY OWNER
13.19.00100	72.37	CREP,ROBERT A & LORALIE R
13.19.00500	80	KOSKELA,ELMER & SHARON
13.19.02110	7.63	ULVIN,RICHARD J II
13.20.01450	3.92	LAAGER,VICKI R
13.20.01460	1.6	ROIKO PROPERTIES LLC
13.20.01461	1.61	MCBRADY,PATRICK T & THERESA A
13.20.01462	7.89	JASPER'S JUBILEE INC
13.20.01463	5.27	GUIDA,DONOVAN & LYNETTE
13.20.01500	6.13	DELAHUNT BROADCAST CORP
13.20.01600	0.92	DELAHUNT ELECTRONICS
13.72.00100	2.63	BREITWESER,DALE A
13.72.00200	2.53	SORVIG,GARY W & SHELBY L
13.72.00300	2.51	DP JOHNSON PROPERTIES LLC
13.72.00400	2.5	DP JOHNSON PROPERTIES LLC
13.72.00500	2.51	SORVIG,GARY W & SHELBY L
13.72.00600	2.51	BREITWESER,JOSEPH
13.72.00700	3.89	LAAGER,VICKI R
13.72.00800	3.9	LAAGER,VICKI R
13.72.00900	2.54	EHRESMANN,BRIAN & LISA
13.72.01000	2.47	THOMPSON-BLAINE,LISA M
13.72.01100	1.22	THOMPSON-BLAINE,LISA M
13.30.01500	2.88	ENTWISTLE,ROXANNA
13.30.01510	1.02	HENDERSON,WILLIAM & THERESA
13.30.01520	31.16	NATER,KATHLEEN L
13.30.01530	1.36	HENDERSON,WILLIAM & THERESA
13.30.01600	80	HEMMERICH,LEONARD R
13.30.01810	5.01	PRITCHETT,LANCE C & LAURA C
13.53.00100	1	RONNEBAUM,VERNA M
13.53.00200	1	ANDERSON,EUGENE & DEBORAH
13.53.00300	2	ANDERSON,EUGENE & DEBORAH
13.53.00400	1	HILL,KATHRYN M
13.53.00500	1	HENDRICKS,TRACY L
13.53.00600	1	CANFIELD,KEITH D
13.53.00700	1.01	CANFIELD,KEITH D
13.53.00800	1	NORTHWOODS BANK OF MN
13.53.00900	1	D'AMICO,CHERYL
13.53.01000	1	WILSON,CHARLOTTE ANN
13.53.01100	1	WILSON,CHARLOTTE ANN

13.53.01200	2	FUNK,BILL
13.53.01400	1	FUNK,BILL
13.53.01500	1	PATSON,TERRY E
13.53.01700	2	PHILLIPS,TERRY & SANDRA
13.53.01800	1	RIDLON,MICHAEL R & CHRISTINA M
13.53.01900	1	MONAGHAN,SHERRY E
13.78.00100	2.69	CARLSON,CHRISTINA M
13.78.00200	2.69	NATER,LEROY A & KATHLEEN L
13.78.00300	2.69	KELLY,GEORGE
13.78.00400	2.69	NATER,LEROY A & KATHLEEN L
13.78.00500	2.69	NATER,LEROY A & KATHLEEN L
13.78.00600	3.47	HENRY,MATTHEW J & ABIGAIL C
13.78.00700	2.86	NATER,LEROY A & KATHLEEN L
13.79.00100	2.57	HOHNSTADT,MYRON D
13.79.00200	2.57	HOHNSTADT,MYRON D
13.79.00300	2.57	HOHNSTADT,MYRON D
13.79.00400	2.57	HOHNSTADT,MYRON D
13.79.00500	2.57	HOHNSTADT,MYRON D
13.79.00600	2.57	HOHNSTADT,MYRON D
13.79.00700	2.77	HOHNSTADT,MYRON D
13.79.00800	2.77	HOHNSTADT,MYRON D
32.30.01000	56	HOHNSTADT,MYRON D (approximately 27 acres of this property, which totals 83.11 acres, was annexed to the city in 2012 and the remaining approximately 56 acres is in the town and is to be removed from the OAA)

**EXHIBIT B**  
Map of Identified Property

(attached hereto)





**City of Park Rapids and Henrietta Twp.  
Proposed Boundary Adjustment  
for remaining OAA Properties  
(Hashed areas to be returned to Henrietta Twp.)**



Prepared by the City of Park Rapids Planning Staff  
April 14, 2014



**EXHIBIT C**  
Properties Remaining in the OAA

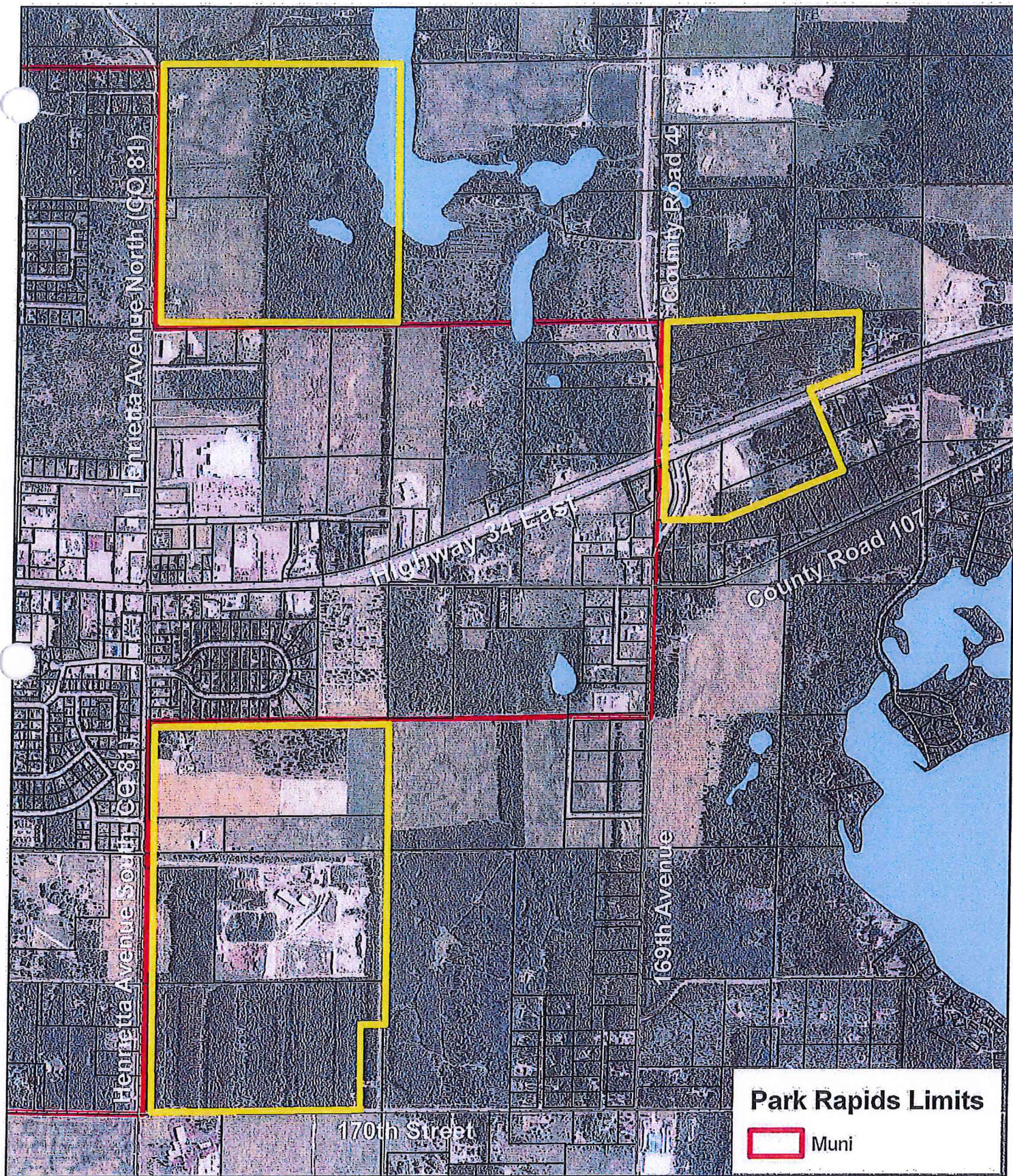
**ALL PROPERTIES TO REMAIN IN OAA**

<b>PID#</b>	<b>ACRES</b>	<b>PROPERTY OWNER</b>
13.19.00400	114.81	RICHARD W & JACKIE MAX
13.19.00800	33.92	ROSEMARIE M FLANNIGAN
13.19.00900	1	GUY E & KATHRYN T ANDERSON L E
13.20.01410	32.94	LOUKS,TERRY T
13.20.01411	9.96	FRONTLINE MINISTRIES
13.20.01420	11.39	STATE BANK OF PARK RAPIDS
13.20.01421	7.93	BREITWESER,JOSEPH
13.20.01440	7.36	C & D SCRIBED HOMES
13.30.01400	52.55	JACOBSON,AGNES
13.30.01411	6.59	LECKNER,RYAN J
13.30.01800	71.12	SCHMIDT,KATHLEEN
13.30.02081	13.4	HUBBARD COUNTY
13.30.04021	18.75	ST PETER'S CEMETERY
13.30.04071	60.25	HUBBARD COUNTY

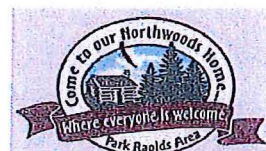
**EXHIBIT D**  
Map of Properties Remaining in the OAA

(attached hereto)





# **Exhibit D** **Properties in Yellow to Remain** **in Orderly Annexation Agreement** **2017**



Prepared by the City of Park Rapids Planning Staff  
April 14, 2014



**OA-1288 Park Rapids/Henrietta Township Joint Agreement**

**HENRIETTA TOWNSHIP RESOLUTION NO. 2015-03  
CITY OF PARK RAPIDS RESOLUTION NO. 2016-23**

In The Matter Of The Joint Resolution Of The City  
Of Park Rapids And The Town Of Henrietta  
Designating Certain Areas As In Need Of Orderly  
Annexation Pursuant To Minnesota Statutes, Section  
414.0325

**Fourth Amendment to  
Joint Resolution for  
Orderly Annexation**

**WHEREAS**, the City of Park Rapids (hereinafter the “City”) and Henrietta Township (hereinafter the “Township”) (collectively the “Parties”) entered into a Joint Resolution for Orderly Annexation (Henrietta Township Resolution No. 06-05, approved on July 27, 2006, and City of Park Rapids Resolution No. 06-140, approved on July 25, 2006) (hereinafter referred to as the “Joint Agreement”), describing the procedures and process for orderly annexations of certain designated areas of the Township, referred to as the “Orderly Annexation Area” (the “OAA”), for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, section 414.0325; and

**WHEREAS**, the Joint Agreement was accepted by the Office of Administrative Hearings Municipal Boundary Adjustments Unit (hereinafter “OAH-MBAU”) on August 16, 2006 and is referenced as Office of Administrative Hearings File No. OA-1288 Park Rapids/Henrietta Township Joint Agreement by OAH-MBAU; and

**WHEREAS**, the Joint Agreement is incorporated herein by reference; and

**WHEREAS**, the Parties subsequently amended the Joint Agreement by a joint resolution (Henrietta Township Resolution No. 2007-02, approved on June 14, 2007, and City of Park Rapids Resolution No. 2007-131, approved on June 12, 2007) (hereinafter referred to as the “First Amendment to Joint Agreement”), and filed with OAH-MBAU on June 15, 2007; and

**WHEREAS**, the Parties adopted a second amendment to the Joint Agreement by joint resolution (Henrietta Township Resolution No. 2011-05, approved on August 11, 2011, and City of Park Rapids Resolution No. 2011-126, approved on August 23, 2011) (hereinafter referred to as the “Second Amendment to Joint Agreement”), and filed with OAH-MBAU on September 19, 2011; and

**WHEREAS**, the Parties adopted a third amendment to the Joint Agreement by joint resolution (Henrietta Township Resolution No. 2014-06, approved on June 12, 2014, and City of Park Rapids Resolution No. 2014-89, approved on June 10, 2014) (hereinafter referred to as the “Third Amendment to Joint Agreement”), and filed with OAH-MBAU on June 18, 2014; and

**WHEREAS**, the First Amendment to Joint Agreement, the Second Amendment to Joint Agreement, and the Third Amendment to Joint Agreement are incorporated herein by reference; and

**WHEREAS**, the Joint Agreement may be modified and amended upon the mutual, written agreement of the City and Township (See Joint Agreement ¶ 11); and

**WHEREAS**, the Joint Agreement divides the land designated for orderly annexation into four phases and establishes a date after which the property within each of the phases becomes eligible for annexation (See Joint Agreement ¶ 4 and Joint Agreement Exhibits A and B); and

**WHEREAS**, the Parties desire to amend the Joint Agreement to extend the time frame for certain portions of the Phase IV properties scheduled for annexation after January 1, 2017 and extend when annexation may occur to January 1, 2027; and

**WHEREAS**, the Phase IV properties to which this amendment relates, and which total approximately 149.02 acres, are limited to those listed in the attached Exhibit A and which are identified with a yellow line on the map attached hereto as Exhibit B (hereinafter referred to collectively as the “Identified Properties”); and

**WHEREAS**, the Parties agree that upon the acceptance of this fourth amendment by OAH-MBAU, the Identified Properties will not be eligible for annexation until January 1, 2027 or as otherwise provided herein; and

**WHEREAS**, the City and Township hereby desire to modify and amend the Joint Agreement as provided herein in keeping with the stated intent and purpose and mutual agreements and understanding contained in the Joint Agreement, the First Amendment thereto, Second Amendment thereto, and Third Amendment thereto; and

**WHEREAS**, published notice of this fourth amendment is not required under Minnesota Statutes, section 414.0325, subdivision 1b as this amendment does not designate additional property for orderly annexation or otherwise expand the OAA; and

**WHEREAS**, the Parties agree the following fourth amendment is consistent with the original intent of the Joint Agreement, furthers the cooperative working relationship existing between the Parties, and is in the best interests of the communities involved.

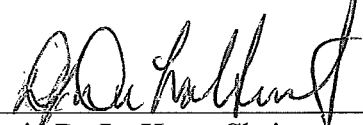
**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of Supervisors of the Township of Henrietta, Hubbard County, Minnesota, and the City Council of the City of Park Rapids, Hubbard County, Minnesota, as follows:

1. **Fourth Amendment to Joint Agreement.** This Joint Resolution between the City and Township shall modify and amend the above-referenced Joint Agreement, as previously amended, as provided herein and shall be referred to as the “Fourth Amendment to Joint Agreement.”


2. **Extension of Annexation Date.** Notwithstanding anything to the contrary in the Joint Agreement, the First Amendment thereto, the Second Amendment thereto, and the Third Amendment thereto, the Identified Properties shall not be eligible for annexation by the City until after January 1, 2027, except that the City may annex a parcel that is part of the Identified Properties before that date if the owners of the parcel: (a) petition the City requesting annexation; (b) make application to develop the parcel by subdividing it for residential or commercial development; (c) request the City extend water or sanitary sewer services to the parcel; or (d) otherwise develop the parcel for more than a single-family detached dwelling.
3. **Intent.** The Parties intend this Fourth Amendment to Joint Agreement to modify and amend the Joint Agreement, the First Amendment thereto, Second Amendment thereto, and the Third Amendment thereto, but only to the extent of extending the timeframe of annexation for the Identified Properties and the circumstances under which it may be annexed before the extended period. No other changes to the Joint Agreement, as modified by the First Amendment, Second Amendment, and Third Amendment are intended by this amendment.
4. **Filing.** Following adoption and execution, the Parties agree the Township will be responsible for filing this Fourth Amendment to Joint Agreement with the OAH-MBAU and for paying any required filing fees.
5. **Recitals.** The recitals contained in this resolution are incorporated in and made part of this Fourth Amendment to Joint Agreement.
6. **Effective Date.** This Fourth Amendment to Joint Agreement shall be effective the date of the latest signature and attestation affixed hereto and following immediately upon its receipt and acceptance by the OAH-MBAU.

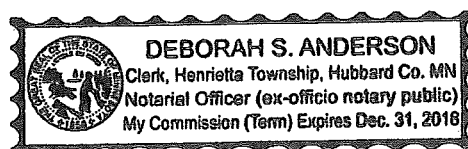
Adopted by the Town Board of Henrietta Township, Hubbard County, Minnesota, this 25 day of January, 2016.

**HENRIETTA TOWNSHIP**

  
David De La Hunt, Chairperson

ATTEST:

  
Deborah Anderson, Town Clerk



Adopted by the City Council of the City of Park Rapids, Hubbard County, Minnesota, this 12<sup>th</sup> day of January, 2016.

**CITY OF PARK RAPIDS**



Pat Mikesch, Mayor

ATTEST:



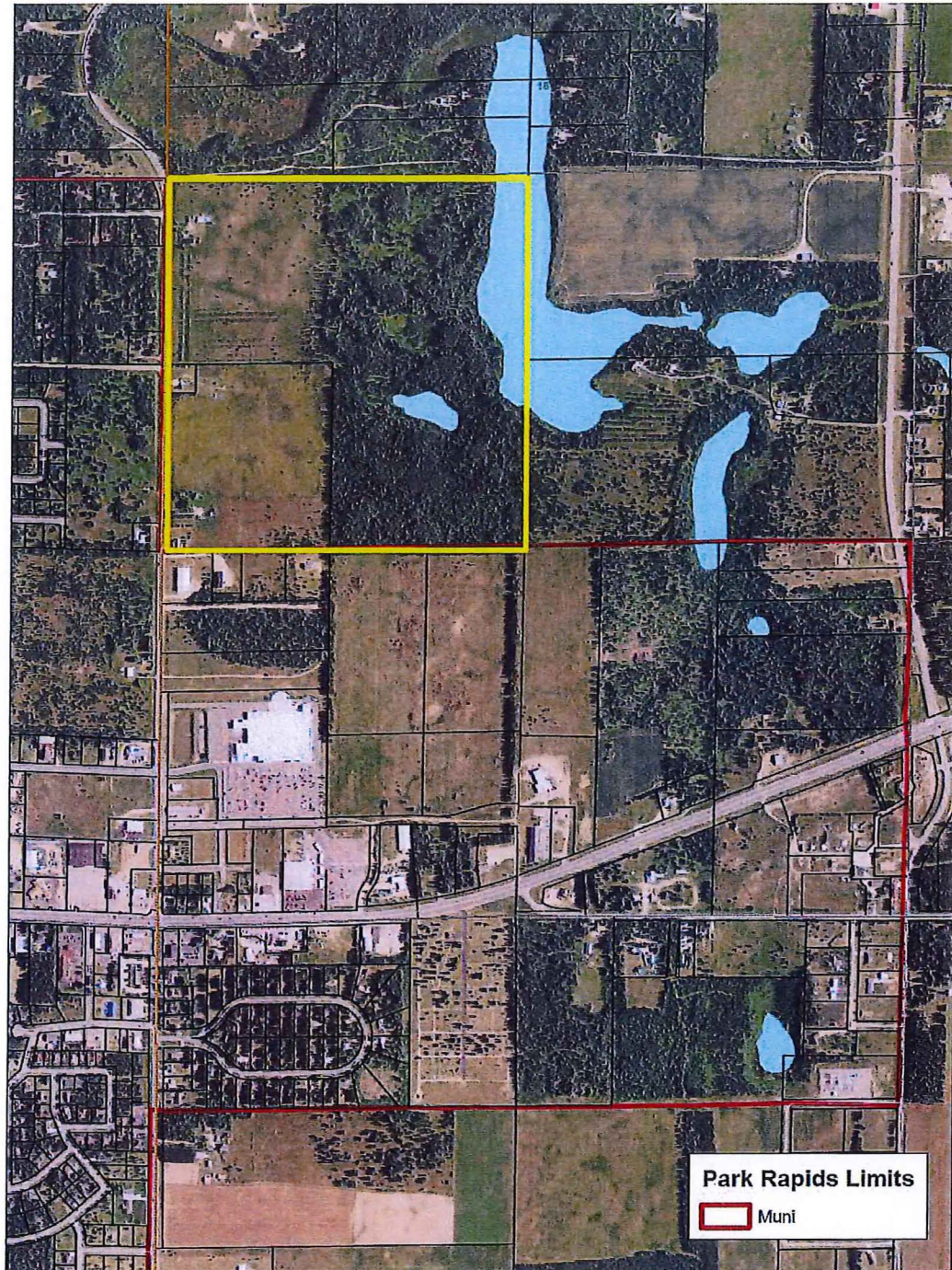
Margie Vik, City Clerk

**EXHIBIT A**  
Description of Identified Properties  
*(Changed Annexation Timeline)*

<b>PID#</b>	<b>ACRES</b>	<b>PROPERTY OWNER</b>
13.19.00400	114.1	MAX, RICHARD W & JACKIE
13.19.00800	33.92	FLANNIGAN, ROSEMARIE M
13.19.00900	1	ANDERSON, GUY E & KATHRYN T



**EXHIBIT B**  
Map of Identified Property



**Exhibit B**

Properties In Yellow to be Annexed in 2027

