

REC'D
MAY 17 2006

**JOINT RESOLUTION NO. 2006-05
TOWN OF BIG LAKE AND CITY OF BIG LAKE
SHERBURNE COUNTY**

**A JOINT RESOLUTION FOR ANNEXATION OF LAND TO THE
CITY OF BIG LAKE**

WHEREAS, Big Lake Township (the "Township") and the City of Big Lake (the "City") desire to plan appropriately for growth and development in each community; and

WHEREAS, the Township and City desire to prevent the premature conversion of agricultural land for urban development; and

WHEREAS, the Township and City are working together to promote contiguous and orderly growth patterns, consistent with the goals and policies of each community's comprehensive plan; and

WHEREAS, the Township and City acknowledge it is in the best interests of the residents of each community to work cooperatively in the future planning and development of the areas abutting the common borders of the communities; and

WHEREAS, the City of Big Lake currently operates the City's Waste Water Treatment Plant on the Property located on Exhibit A that was annexed by Joint Resolution No. 2005-03; and

WHEREAS, the City initiated a condemnation action and has acquired the area to be annexed (Exhibit B); and

WHEREAS, the use or development proposal is determined by the City of Big Lake to be consistent with the City's adopted land use plan, and utilities are available to the OAA.

WHEREAS, the City of Big Lake's intent for annexation is based on the parcel being owned by the City and the City of Big Lake agrees not to annex contiguous properties to this parcel except as agreed to by the Township; and

WHEREAS, the City and Township held a joint informational meeting on August 23, 2006 at the Big Lake Town Hall and heard testimony from all individuals interested in addressing the City and Township.

NOW, THEREFORE, BE IT RESOLVED the Township and City agree to the following terms and conditions:

1. The Township and City hereby establish an Orderly Annexation Area ("OAA") as authorized by Minnesota Statute §414.0325, Subdivision 1, as shown on the attached Exhibit C and legally described on Exhibit D.
2. The property located within the OAA, shown on Exhibit C and described in Exhibit D, may be immediately annexed to the City without contest by the Township.
3. The City agrees that it shall not at any time in the future attempt to annex any property contiguous to the parcel being annexed hereby by virtue of said property being contiguous pursuant to Minnesota Statute Section 414.033 or any other statute that may permit annexation through contiguity of property with this property located in the City. Should the City attempt an annexation in a manner contrary to this provision, the Township may file a copy of this executed agreement with the Department of Administration or successor agency and upon such filing the parties agree that the Department of Administration or successor agency shall deny the proposed annexation.

4. Upon approval by the respective governing bodies of the City and the Township, this joint resolution and agreement shall confer jurisdiction upon the Department of Administration so as to accomplish the orderly annexation of the lands described in the attached Exhibit A in accordance with the terms of this joint resolution and agreement.
5. The City and the Township mutually state that no alteration of the stated boundaries is appropriate, no conditions for the annexation are required, and no consideration by the Department of Administration is necessary.
6. Having designated the area illustrated on Exhibit C and described in Exhibit D 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 The Department of Administration may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Resolution.
7. The parties may amend this joint resolution by mutual consent at any time.

Approved and Adopted this
23rd day of August, 2006.

BIG LAKE TOWNSHIP



Ewald Petersen, Chair


Attest:



Laura Hayes, Township Clerk

Approved and Adopted this
23rd day of August, 2006

CITY OF BIG LAKE



Donald Orrock, Mayor

Attest:



Gina Wolbeck, City Clerk

Whereupon the motion was duly passed and executed.

EXHIBIT D
Legal Description - Annexed area
(2 pages)

Total Acreage: 45.37 acres

Legal Description:

All those parts of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 31, Township 33, Range 27, and Government Lots 1 and 2, Section 6, Township 32, Range 27, Sherburne County, Minnesota, lying southerly of County State Aid Highway Number 14 and northerly of the Mississippi River, more particularly described as follows, to wit:

The Southeast Quarter of the Southwest Quarter, said Section 31.

EXCEPT

The west 781.77 feet of said Southeast Quarter of the Southwest Quarter, Section 31, Township 33, Range 27.

ALSO EXCEPTING

The South 328.00 feet of the East 430.00 feet of the West 1211.77 feet of said Southeast Quarter of the Southwest Quarter, Section 31, Township 33, Range 27.

AND

All of that part of the Southwest Quarter of the Southeast Quarter, Section 31, Township 33, Range 27, lying West of the East 844.54 feet thereof.

AND

All of that part of Government Lot 1, Section 6, Township 32, Range 27, lying West of the following described line:

Commencing at the Southwest corner of said Southwest Quarter of the Southeast Quarter, Section 31, Township 33, Range 27, marked by a cast iron survey marker, thence easterly, along the South line of said Southwest Quarter of the Southeast Quarter, on an assumed bearing of South 89 degrees 36 minutes 00 seconds East, a distance of 465.46 feet to the Southwest corner of the East 844.54 feet of said Southwest Quarter of the Southeast Quarter and the point of beginning; thence South 00 degrees 17 minutes 43 seconds West, a distance of 479.10 feet to the Mississippi River.

AND

Government Lot 2, Section 6, Township 32, Range 27.

EXCEPT that part thereof lying within SLEEPY HOLLOW SOUTH, according to the plat thereof on file and of record at the Office of Recorder, Sherburne County.

ALSO EXCEPTING

The North 200.00 feet of the East 430.00 feet of the West 1211.77 feet of said Government Lot 2, Section 6, Township 32, Range 27.

RECD BY
MMS

OCT 27 2006

Subject to the right-of-way of County State Aid Highway Number 14 and any easements of record and/or apparent on the ground.

ACCESS EASEMENT LEGAL DESCRIPTION

An easement for access over that part of Government Lots 1 and 2, Section 6, Township 32 North, Range 27 West, Sherburne County Minnesota described as: Government Lot 2 lying easterly of SLEEPY HOLLOW SOUTH and Government Lot 1 lying westerly of the following described line:

Commencing at the Southwest corner of said Southwest Quarter of the Southeast Quarter, Section 31, Township 33, Range 27, marked by a cast iron survey marker, Thence easterly, along the South line of said Southwest Quarter of the Southeast Quarter, on an assumed bearing of South 89 degrees 36 minutes 00 seconds East, a distance of 465.46 feet to the Southwest corner of the East 844.54 feet of said Southwest Quarter of the Southeast Quarter and the point of beginning; thence South 00 degrees 17 minutes 43 seconds West, a distance of 479.10 feet to the Mississippi River.

Excepting therefrom the North 200 feet of both Government Lots 1 and 2.

