

A JOINT RESOLUTION # \_\_\_\_\_  
PROVIDING FOR THE ORDERLY ANNEXATION  
OF CERTAIN AREAS WITHIN HOLT TOWNSHIP  
TO THE CITY OF WHALAN

Holt Township Resolution No. \_\_\_\_\_

City of Whalan Resolution No. 07-  
Motion by \_\_\_\_\_, Second by \_\_\_\_\_

Recitals

**Whereas,** Holt Township, located in Fillmore County, Minnesota (the "Township") and the City of Whalan located in Fillmore County, Minnesota (the "City") agreed to enter into an Orderly Annexation Agreement ("OAA") pursuant to Minnesota Statutes Chapter 414 for the Orderly Annexation of that certain land within the Township.

**Whereas,** the Township and City desire to set out the terms and conditions that will govern the Orderly Annexation Agreement.

**Now Therefore be it Jointly Resolved** by the Holt Township Board of Supervisors and the City of Whalan City Council that:

1. **Recitals.** The Recitals set forth above are incorporated herein and made part of this Joint Resolution.
2. **Designated Land.** This Joint Resolution is intended to establish an Orderly Annexation Agreement between Holt Township and the City of Whalan (hereinafter "OAA"). The OAA consists of the land designated in Exhibit 1 and legally described in Exhibit 2, which Exhibits are incorporated herein and made part of this Joint Resolution ("Orderly Annexation Area"). This Joint Resolution provides for the terms and conditions applicable to the Orderly Annexation of said land and the OAA.
3. **Director of the Office of Strategic and Long Range Planning.**

This Joint Resolution is adopted by the Township and City pursuant to the provisions set out on Minnesota Statutes Section 414.0325 (g)

*If a joint resolution designates an area as in need of orderly annexation, provides for the conditions for its annexation, and states that no consideration by the director is necessary, the director may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the resolution.*

which limits the role of the Director of the Office of Strategic and Long Range Planning or its successor agency to review and comment on an orderly annexation. No consideration by the Director of the Office of Strategic and Long Range Planning or its successor agency is necessary in order for any boundary adjustment to occur within the Orderly Annexation Area pursuant to this Joint Resolution.

The Director of the Office of Strategic and Long Range Planning or its successor agency may review and comment, but shall, within 30 days, order an annexation in the accordance with the terms of this Joint Resolution.

4. **Reasons Land Designated is in Need of Orderly Annexation.** The land designated in Exhibit 1 and Exhibit 2 is in need of Orderly Annexation because:
  - a. The OAA describes with particularity and certainty the terms, conditions and timeframe property will be annexed into the City.
  - b. The designated area is now or about to become urban or suburban in character.
  - c. The annexation will be in the best interest of the designated area.
  - e. The designation is consistent with the findings of the legislature as set forth in Minnesota Statute Section 414.01 Subdivision 1a (1) - (4).
5. **Resolution of City to Annex Designated Areas.** To annex land within Areas as depicted in Exhibit 1 and Exhibit 2, the City shall pass a resolution. The resolution adopted by the City Council pertaining to the annexation shall state that:
  - a. No action by Holt Township or consideration by the



Director of the Office of Strategic and Long-Range Planning or its successor agency is required to effectuate the annexation; and

- b. The Director of the Office of Strategic and Long Range Planning or its successor agency may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the resolution.

## 6. Township/City Property Taxes Applicable.

- 6.1 **Property Taxes.** Property taxes payable on the annexed land shall continue to be paid to the Township for the year in which the annexation becomes effective.
- 6.2 **Property Tax Phasing.** If the annexation becomes effective on or before August 1<sup>st</sup> of a levy year, the City will levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1<sup>st</sup> of a levy year, the Township will continue to levy on the annexed area for that levy year, and the City shall not levy on the annexed area until the following levy year.
- 6.3 **Certain Early Annexations.** The City shall reimburse the Township for lost property tax revenue pursuant to the provisions set forth herein for any property within an area designated for annexation pursuant to Exhibit 1 and Exhibit 2, where the property owner petitions for and annexation occurs prior to the year designated in Exhibit 2.
  - (a) Developer Responsible for Payment to Township. Pursuant to the City's and Fillmore Counties' Subdivision Ordinance, all plats are subject to certain standardized charges. Those charges are the sole responsibility of the developer or property owner or both.
  - (b) Fees. All fees required by the City and/or Township must be paid in full prior to this Resolution taking effect.

## 7. City Sewer and Water Shall Not be Extended. The City shall not

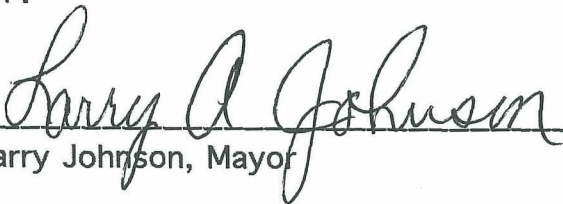
extend sewer and water to annexed areas. The costs to construct private water and sewer the facilities will be paid solely by the benefiting properties. The property owners will also be responsible for paying any and all related fees and/or area charges which may be due. This clause shall be binding on of the annexed properties this clause shall be caused to be recorded in the Fillmore County Records Office to place all future purchasers of lots within the annexed property that the City of Whalan will not extend water and sewer services to the annexed area.

8. **Applicable Zoning Ordinances.** Prior to the annexation of an area, the provisions of the Fillmore County laws, regulations and ordinances shall apply within an OAA area. Subsequent to the annexation of an OAA area, the City of Whalan and Fillmore County laws, regulations and ordinances shall apply.
9. **Termination.** This OAA terminates on December 31, 2007.
10. **Severability.** The provisions of this Orderly Annexation Agreement are severable. If any provision herein is, for any reason, held by a court of competent jurisdiction to be invalid, contrary to law, or unenforceable, such decision shall not affect the remaining provisions of this Orderly Annexation Agreement.
11. **Amendments.** Any amendment to this Joint Resolution shall be adopted pursuant to the process and laws governing and applied to the adoption of this Joint Resolution. This Joint Resolution may not be unilaterally amended by action of the governing body of either the Township or the City. Amendment of this Joint Resolution will require an approval of each governing body.
12. **Headings.** Headings are included solely for the purpose of reference. The language in a heading shall not be interpreted as a substantive provision of this OAA.

RECD BY  
MAM

DEC 17 2007

Adopted by the City Council of the City of Whalan, Fillmore County, Minnesota  
this 18 day of Oct, 2007.

  
\_\_\_\_\_  
Larry Johnson, Mayor

Adopted by the Board of Supervisors of Holt Township, Fillmore County,  
Minnesota this 18 day of October, 2007.

MOTION BY:

SECOND BY:

 11-13-07  
\_\_\_\_\_  
Chair, Holt Township Board

This instrument was drafted by:  
Chiglo Law Office  
Terry A. Chiglo  
210 E Cedar Street  
P.O. Box 507  
Houston, MN 55943

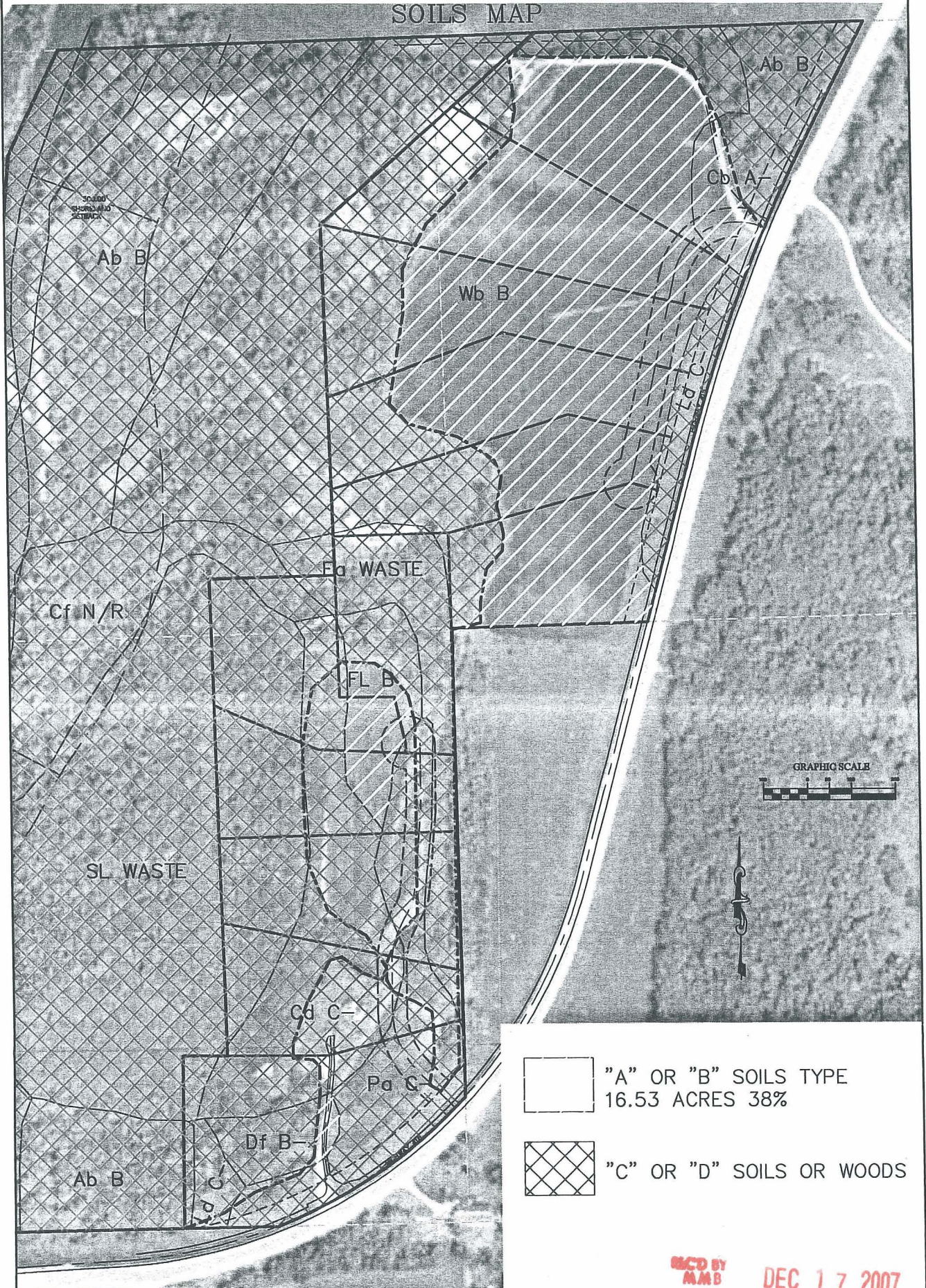
## **EXHIBITS**

**Exhibit 1** - Map of land areas to be annexed to the City of Whalan and the dates of annexation pursuant to this agreement.

**Exhibit 2** - Legal description of each of the lands to be annexed by the City of Whalan pursuant to this agreement.



# RIVERS EDGE SOILS MAP



"A" OR "B" SOILS TYPE  
16.53 ACRES 38%



"C" OR "D" SOILS OR WOODS

REC'D BY  
A.M.B.

DEC 17 2007

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

REVISED DATE: 9-25-07

Prepared For:

Hill Country Properties  
10403 County Road 113  
Mabel, MN 55654

DATE: \_\_\_\_\_  
REG. NO. 21940

FILE NO.: 08-083.dwg

**GGG INC.**

14070 Hwy 52 SE  
Chotfield, MN 55923

Engineering  
Surveying  
Planning

Ph. 507-887-1858  
Fax 507-887-1665

SHEET 1  
OF 1 SHEETS



# RIVERS EDGE





Parcel I: The West  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 9, Township 103 North, Range 9 West, except that part which lies North and West of the Root River, and except that part of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  lying South and East of State Highway 16, in Section 9, Township 103 North, Range 9 West, Fillmore County, Minnesota.

Parcel II: The NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 9, Township 103 North, Range 9 West, except all that part of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 9 East of US Highway 16 all in Township 103 North, Range 9, Fillmore County, Minnesota.

Agreement between the City of Whalan and Holt Township to amend OA-1371/OA-1371-1 to include a negotiated provision for the reimbursement of taxes payable on the annexed property.

The City of Whalan hereby agrees to reimburse Holt Township for taxes that would have been payable to the Township based on the lands Agricultural Tax Classification for the tax years 2008 and 2009. These payments shall be made in equal payments in November of each year. The Township did not assign any special assessments on the property.

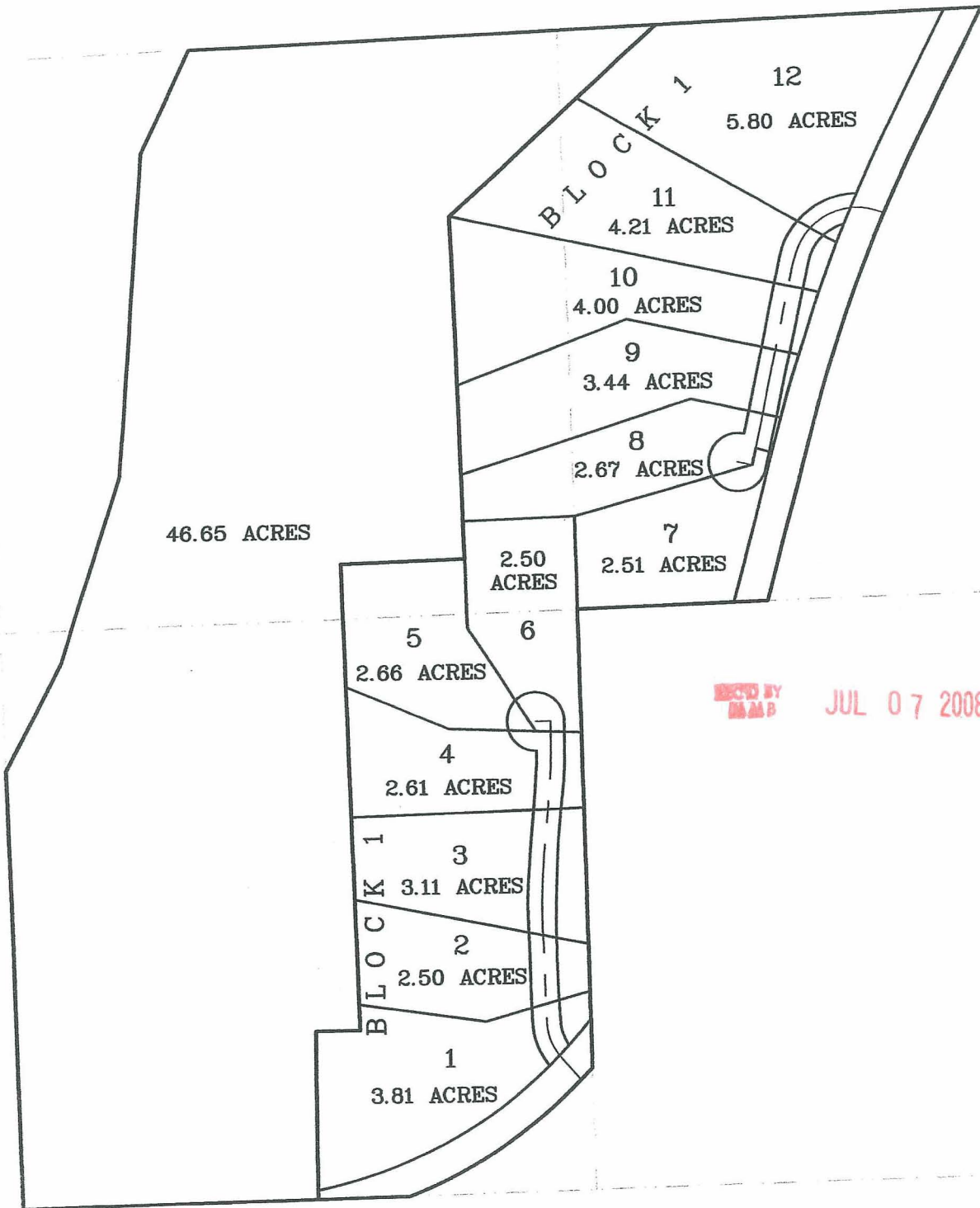
Agreed this 2 day of June, 2008.

Larry A Johnson  
City of Whalan

Loen Berge Chairman  
Holt Township

This agreement is intended to fulfill the requirements of Minnesota Statute 414.036.





RECD BY  
DAB

JUL 07 2008

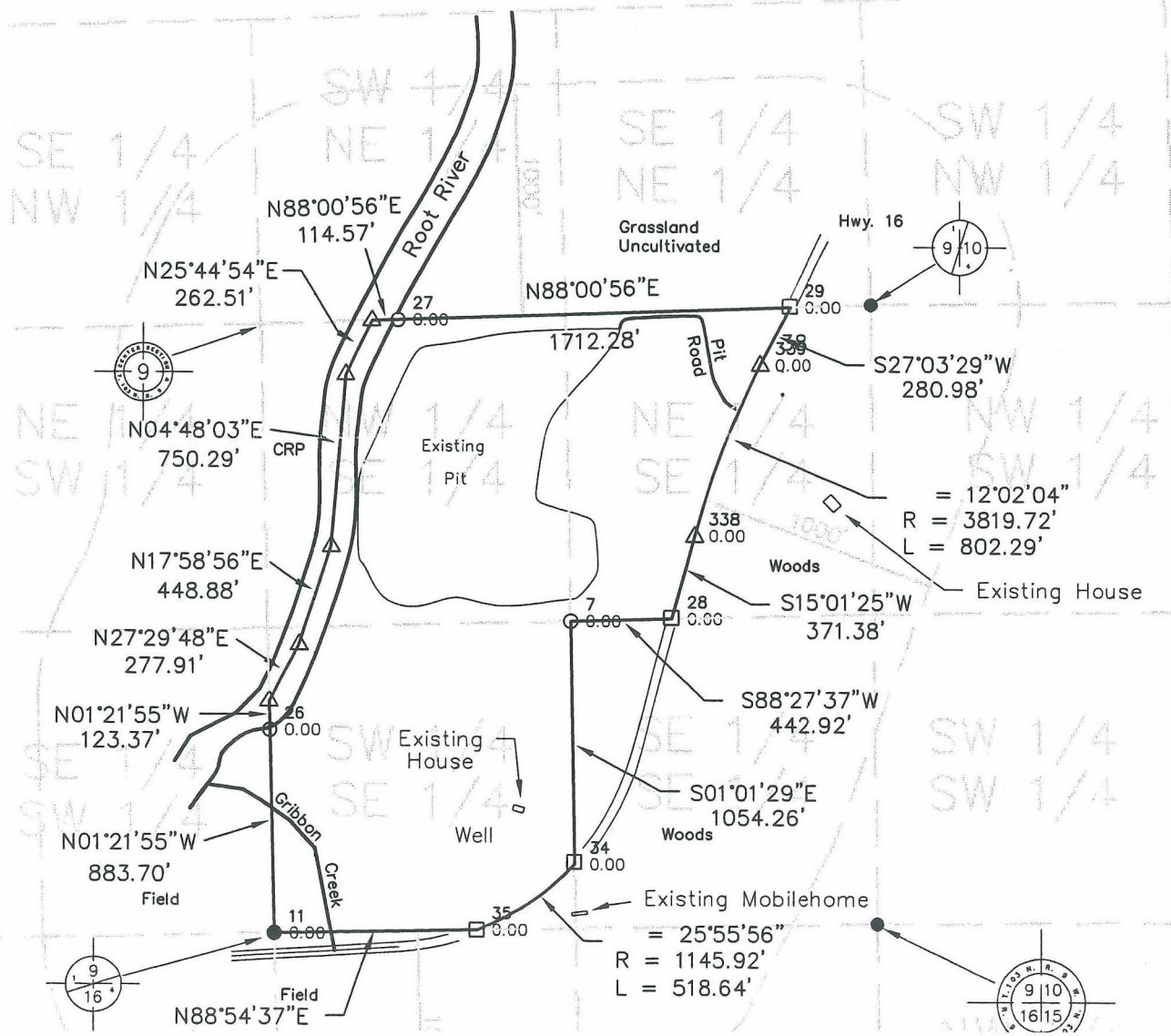
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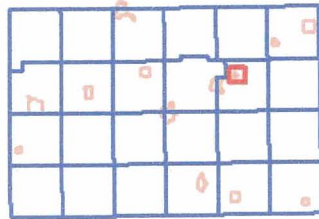
# CERTIFICATE OF SURVEY

SECTION 9

T. 103 N., R. 9 W.







### Legend

- Schools
- Township Halls
- Parks
- Airports

- State Parks
- Parcels
- Township Lines
- Section Lines
- Municipalities

- #### Streams
- Stream (Intermittent)
  - <all other values>

- #### Roads
- US Highway
  - State Highway
  - CSAH
  - County Road
  - Township Road
  - City Street
  - Private Road
  - Driveways

#### School District

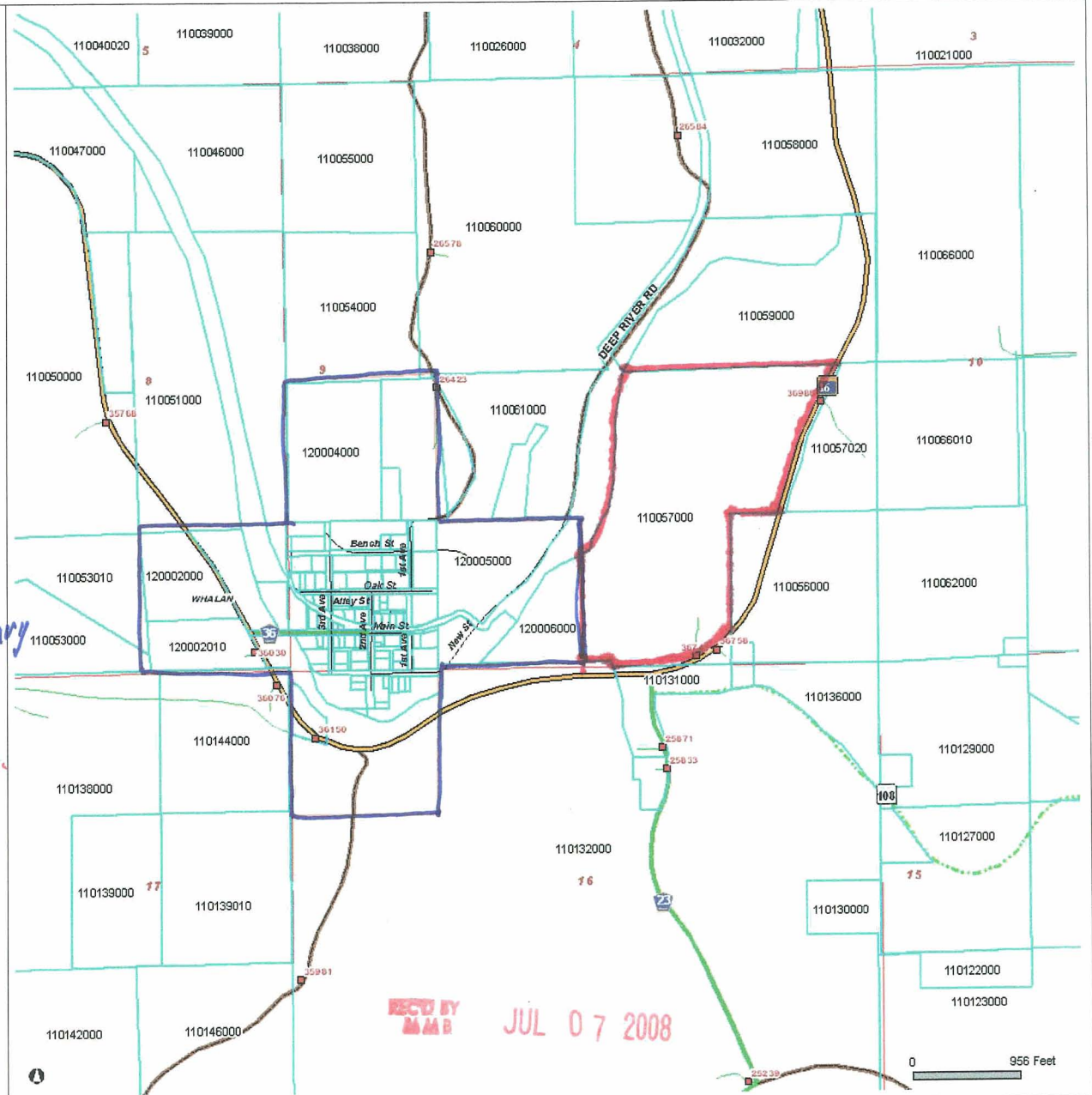
- |      |      |      |
|------|------|------|
| 0227 | 0239 | 0858 |
| 0229 | 0499 | 2137 |
| 0238 | 0534 | 2198 |

#### Commissioner Districts

- |    |    |     |
|----|----|-----|
| I  | II | III |
| IV | V  |     |

*Whalen Boundary*

*Annexation Property Boundary*



# Whalan

March 17, 2008 2:36 pm

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.