

RESOLUTION NO. R54-22

**JOINT RESOLUTION REQUESTING THE OFFICE OF ADMINISTRATIVE HEARINGS TO INITIATE
ANNEXATION UNDER ORDERLY ANNEXATION AGREEMENT UPON ISSUANCE OF ORDER
INCORPORATING PORTIONS OF EMPIRE TOWNSHIP**

Whereas, on the 19th day of March, 2008, the City of Farmington and Empire Township entered into a Joint Resolution/Orderly Annexation Agreement Between Empire Township and the City of Farmington ("Orderly Annexation Agreement"); and

Whereas, on the 16th day of May, 2022, the City of Farmington approved and signed an amendment to the Orderly Annexation Agreement entitled "Amendment to Joint Resolution/Orderly Annexation Agreement Between Empire Township and the City of Farmington" ("OAA Amendment"); and

Whereas, on the 24th day of May, 2022, Empire Township approved and signed the OAA Amendment; and

Whereas, on OAA Amendment has been duly submitted to the Office of Administrative Hearings; and

Whereas, Empire Township has filed a petition with the Minnesota Office of Administrative Hearings to incorporate as a City pursuant to Minn. Stat. § 414.02; and

Whereas, on June 2, 2022, the Office of Administrative Hearings conducted an evidentiary hearing on Empire's Incorporation Petition; and

Whereas, the parties desire to clarify for the Office of Administrative Hearings that the parties desire to initiate the annexation of those properties identified on Exhibit B of the OAA Amendment upon issuance of an order incorporating portions of Empire Township;

NOW, THEREFORE, the City of Farmington and Empire Township agree as follows:

1. In the event the Office of Administrative Hearings issues an order incorporating any portion of Empire Township as the City of Empire, the City of Farmington and Empire Township jointly request the Office of Administrative Hearings to annex those properties identified on Exhibit B of the OAA Amendment to the City of Farmington pursuant to the terms of the Orderly Annexation Agreement as modified by the OAA Amendment and that this Joint Resolution be deemed the document that initiates the annexation of said Exhibit B properties to the City of Farmington.
2. The parties request that the Office of Administrative Hearings' order annexing the properties listed on said Exhibit B require tax reimbursement pursuant to the terms of the Orderly Annexation Agreement.

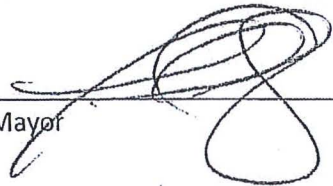
3. The Town Clerk of Empire Township is hereby authorized and directed to file a copy of this Joint Resolution with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings.

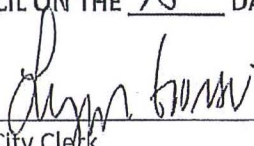
ADOPTED BY THE EMPIRE TOWNSHIP BOARD OF SUPERVISORS ON THE 26TH DAY OF JULY, 2022.


Terry Holmes
Town Board Chair


Charlie Sempel-Teng
Town Clerk

ADOPTED BY THE FARMINGTON CITY COUNCIL ON THE 18th DAY OF July, 2022.


Mayor


City Clerk

RESOLUTION NO. R36-22/ EMPIRE RESOLUTION NO. 2022-5B
AMENDMENT TO JOINT RESOLUTION/ORDERLY ANNEXATION AGREEMENT
BETWEEN EMPIRE TOWNSHIP AND THE CITY OF FARMINGTON

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Farmington, Minnesota, was held in the council chambers of said City on the 16th day of May 2022 at 7:00 p.m.

Members Present: Hoyt, Bernhjelm, Lien, Porter, Wilson

Members Absent: None

Member Bernhjelm
and

Member Lien

introduced and seconded the following:

THIS AMENDMENT TO Joint Resolution/Orderly Annexation Agreement between Empire Township and the City of Farmington is entered by and between the City of Farmington, Minnesota ("City") and Empire Township ("Township").

Whereas, on the 19th day of March, 2008, the City and Township entered into a Joint Resolution/Orderly Annexation Agreement Between Empire Township and the City of Farmington ("Orderly Annexation Agreement"); and

Whereas, Empire Township has filed a petition with the Minnesota Office of Administrative Hearings to incorporate as a City pursuant to Minn. Stat. § 414.02; and

Whereas, the Orderly Annexation Agreement contemplates that those portions of Empire Township designated for orderly annexation in the Orderly Annexation Agreement be annexed to the City of Farmington upon the incorporation of the Township; and

Whereas, the parties desire to clarify the mechanism for annexation of the properties designated for orderly annexation and desire to correct errors and omissions discovered in the legal descriptions contained on Exhibit B attached to the Orderly Annexation Agreement by amending the Orderly Annexation Agreement with this Amendment;

NOW, THEREFORE, the City of Farmington and Empire Township agree as follows:

1. Paragraph 8 of the Orderly Annexation Agreement shall be modified to read as follows:

8. Annexations may occur in three ways, as follows:

- A. A petition for annexation signed by the owners of the properties to be annexed which are located in the orderly annexation area is submitted to the City; or
- B. The City initiates the annexation of property that, as a result of past or proposed annexations is surrounded by the City boundary; or

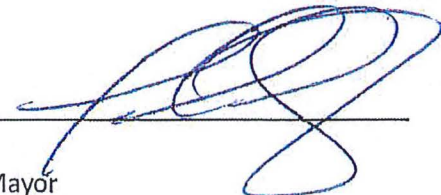
- C. In the event the Office of Administrative Hearings, Municipal Boundary Adjustments, issues an order incorporating a portion of Empire Township as a City pursuant to Minnesota Statute § 414.02, the Administrative Law Judge shall annex to the City of Farmington all areas designated for orderly annexation on Exhibit B that are not already annexed into the City of Farmington. Any such annexation order of the Office of Administrative Hearings shall implement the requirements of paragraphs 11 and 12 of this Agreement, and the terms of such paragraphs 11 and 12 shall survive the termination of the Orderly Annexation Agreement until the terms of such paragraphs 11 and 12 have been fully complied with.
2. The legal descriptions set forth on the attached Exhibit B shall be substituted for the legal descriptions set forth on Exhibit B as originally attached to the Orderly Annexation Agreement.
3. The remainder of the Orderly Annexation Agreement shall remain in force and unchanged except that any portion of the Orderly Annexation Agreement that conflicts with this Amendment shall be deemed superseded by the terms of this Amendment.

ADOPTED BY THE EMPIRE TOWNSHIP BOARD OF SUPERVISORS ON THE 24th DAY OF MAY, 2022.


Terry Holmes
Town Board Chair


Charlie Seipel-Teng
Town Clerk

ADOPTED BY THE FARMINGTON CITY COUNCIL ON THE 16th DAY OF MAY, 2022.


Mayor

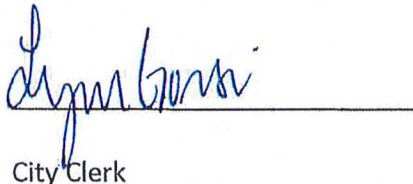

City Clerk

EXHIBIT B

LEGAL DESCRIPTION OF PROPERTIES WITHIN THE ANNEXATION AREA

Section 19, Township 114, Range 19 West:

That part of the Southeast $\frac{1}{4}$ Quarter of Section 19, Township 114, Range 19 lying west of the right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company located in Dakota County, Minnesota.

Section 29, Township 114, Range 19 West:

The Southeast Quarter of Section 29, Township 114 North, Range 19 West.

AND

The south half of the Southwest Quarter of Section 29, Township 114 North, Range 19 West, except that property already within the City of Farmington.

AND

Lot 1, Block 1, Church of St. Michael Cemetery

AND

That part of the West 331.0 feet of the North one-half ($N \frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 29, Township 114, Range 19, lying North of the South 658.5 feet thereof.

AND

That part of the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, of Section 29, Township 114, Range 19, Dakota County, Minnesota described as follows:

Commencing at the North quarter corner of Section 29; thence on an assumed bearing of due South along the North quarter line of said Section 29 a distance of 2262.83 feet; thence North 89 degrees 47 minutes West and parallel with the West quarter line of said Section 29 a distance of 200.00 feet to the point of beginning; thence South 54 degrees 30 minutes West a distance of 115.00 feet; thence North 18 degrees 22 minutes West a distance of 247.42 feet, more or less,

to the centerline of County State Aid Highway No. 66 as it now exists; thence Northeast along said centerline a distance of 193.5 feet, more or less, to a point on said centerline which lies due North 257.30 feet, more or less, from the point of beginning; thence due South 257.30 feet, more or less, to the point of beginning.

AND

The following described tracts, pieces of parcels of land situate, lying and being in the County of Dakota and State of Minnesota, to-wit:

That part of the South one half (S $\frac{1}{2}$) of Northwest quarter (NW $\frac{1}{4}$) of Section Twenty nine (29), Township One hundred fourteen (114), Range Nineteen (19) Dakota County, Minnesota, described as follows:

Commencing at the N $\frac{1}{4}$, corner of Section 29; thence on an assumed bearing of due south along the north-south $\frac{1}{4}$ line of said Section 29 a distance of 2262.83 feet; thence North 89 degrees 47 minutes West and parallel with the east-west $\frac{1}{4}$ line of Section 29, a distance of 200.00 feet; thence South 54 degrees 30 minutes West a distance of 346.00 feet; thence South 37 degrees 30 minutes West a distance of 19.00 feet to the point of beginning; thence continuing South 37 degrees 30 minutes West a distance of 159.40 feet; thence North 47 degrees 47 minutes West a distance of 330.54 feet more or less to the centerline of CR #66 as it now exists; thence in a north-easterly direction along said centerline a distance of 144.28 feet more or less to a point on said centerline which bears North 51 degrees 30 minutes West from the point of beginning; thence South 51 degrees 30 minutes East a distance of 285.45 feet more or less to the point of beginning. Said tract contains 1.0 acres, more or less, and is subject to existing road easements. According to the Government Survey thereof.

AND

All that part of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-Nine (29), Township One Hundred Fourteen (114), Range Nineteen (19), described as follows: Commencing at the intersection of the East line of the NW $\frac{1}{4}$ of said Section 29 and the centerline of State Aid Road Number 66 as now laid out and constructed; thence South to a point on the East line of said NW $\frac{1}{4}$ which point is distant 475 feet north of the Southeast corner thereof; thence West parallel with the South line of said NW $\frac{1}{4}$ a distance of 200 feet;

thence North parallel with the East line of said NW ¼, to the intersection with the centerline of State Aid Road Number 6; thence in a Northeasterly direction along said centerline to the point of commencement.

AND

That part of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Twenty-nine (29), Township One Hundred Fourteen (114), Range Nineteen (19), described as follows: Commencing at the North One Quarter (N ¼) corner of Section Twenty-Nine (29); thence on an assumed bearing of due south along the north-south one quarter line of said Section Twenty-Nine (29), a distance of 2262.83 feet, thence North 89° 47' West and parallel with the east-west one-quarter line of Section Twenty Nine (29), a distance of 200.00 feet; thence South 54° 30' West a distance of 115 feet to the point of beginning; thence continuing South 54° 30' West a distance of 231.00 feet; thence South 37° 30' West 19.00 feet; thence North 51° 30' West, a distance of 285.45 feet, more or less, to the centerline of Dakota County Road No. 66 (C.R. #66) as it now exists; thence northeasterly along said centerline a distance of 402.00 feet more or less, to a point on said centerline which bears North 18° 22' West from the point of beginning; thence South 18° 22' East a distance of 247.42 feet more or less to the point of beginning according to the Government Survey thereof.

AND

That part of the South ½ of the Northwest ¼ of Section 29, Township 114, Range 19, Dakota County, Minnesota, described as follows:

Commencing at the North ¼ corner of Section 29, thence on an assumed bearing of due South along the North ¼ line of said Section 29 a distance of 2,167.83 feet to the point of beginning thence continuing South a distance of 95.00 feet; thence North 89 degrees 47 minutes West a distance of 200.00 feet; thence North and parallel with said North ¼ line a distance of 95.00 feet; thence South 89 degrees 47 minutes East a distance of 200.00 feet to the point of beginning, according to the United States Government Survey thereof and situated in Dakota County, Minnesota.

AND

That part of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Twenty Nine (29) Township One Hundred Fourteen (114), Range Nineteen (19) described as follows:

Beginning at the Southeast corner of the Northwest Quarter (NW ¼) running thence North along the East line of said Northwest Quarter (NW ¼) a distance of 260 feet to the actual point of beginning of the property to be described, thence continuing North along said East line a distance of 120 feet to a point which is 2262.83 feet south of the North Quarter corner of said section, thence North 89° 47' West a distance of 200 feet, thence South a distance of 120 feet to a point which is 260 feet North of the South line of said Northwest Quarter (NW ¼) thence East a distance of 200 feet to the actual point of beginning according to the Government survey thereof; and subject to existing Public road easement along the east line.

AND

That part of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section 29, Township 114, Range 19, described as follows:

Commencing at the Northeast corner of said Northwest Quarter (NW ¼); thence South along the East line of said Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) a distance of 2262.83 feet; thence North 89 degrees 47 minutes West a distance of 200 feet to the point of beginning; thence South 54 degrees 30 minutes West a distance of 346 feet; thence South 37 degrees 30 minutes West a distance of 19 feet; thence South 37 degrees 30 minutes West a distance of 159.40 feet; thence South 47 degrees 47 minutes East to a point on the South line of said Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), said point being 550.10 feet from the Southeast corner of the Southeast Quarter (SE ¼) of the Northwest corner; thence easterly along said South line to the Southeast corner of said Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼); thence northerly along the East line of said Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) a distance of 260 feet; thence North 89 degrees 47 minutes West a distance of 200 feet; thence northerly on a line parallel with said East line of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) to the point of beginning and there terminating.

Section 30, Township 114, Range 19 West:

That part of the North One-Half (N ½) of the Southeast Quarter (SE ¼) of Section Thirty (30), Township One Hundred Fourteen (114), Range Nineteen (19) lying West of the right-of-way of the Chicago, Milwaukee, Saint Paul and Pacific Railway Company excepting therefrom the following:

The South 30.00 feet of the East 275.00 feet of the West 384.00 feet of the Northwest one-quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty (30), Township One Hundred Fourteen (114), Range Nineteen (19).

AND

That part of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 30, Township 114, Range 19 lying West of the railroad right of way, also including the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 30, Township 114, Range 19, Dakota County, Minnesota.

AND

The South 30.00 feet of the East 275.00 feet of the West 384.00 feet of the Northwest one-quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty (30), Township One Hundred Fourteen (114), Range Nineteen (19), Dakota County, Minnesota.

AND

That part of the North Half of the Northeast Quarter (N $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section Thirty (30), Township One Hundred Fourteen (114), Range Nineteen (19) lying west of the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

AND

Linden Street (Portion thereof)

That part of the Southeast Quarter of Section 30, Township 114, Range 19, Dakota County, Minnesota described as follows:

Beginning at the intersection of the south line of said Southeast Quarter and the north extension of the west line of 5th Street in the Town of Farmington, said Dakota County; thence north along said north extension, a distance of 150.00 feet; thence east parallel with said south line of the Southeast Quarter, a distance of 290.40 feet to the intersection with the herein described Line 1; thence southerly along said Line 1, a distance of 150.00 feet to said south line of the Southeast Quarter; thence westerly along said south line of the Southeast Quarter, a distance of 290.40 feet to said point of beginning.

Line 1

Commencing at the intersection of said south line of the Southeast Quarter and said north extension of the west line of 5th Street; thence easterly along said south line of the Southeast Quarter, a distance of 290.40 feet to a point hereinafter referred to as Point A; thence easterly along said south line of the Southeast Quarter to a point which lies 940 feet West of the southeast corner of said Southeast Quarter; thence North and parallel to the east line of said Southeast Quarter, a distance of 200.00 feet; thence West and parallel to said south line of the Southeast Quarter to a point which lies 200.00 feet North of the herein described Point A being the point of beginning of the line to be described, thence southerly along said Line 1, a distance of 200.00 feet to said Point A and said Line 1 there terminating.

Excepting therefrom land already within the City of Farmington.

Section 32, Township 114, Range 19 West:

All property located in Section 32 that is not currently within the City of Farmington.

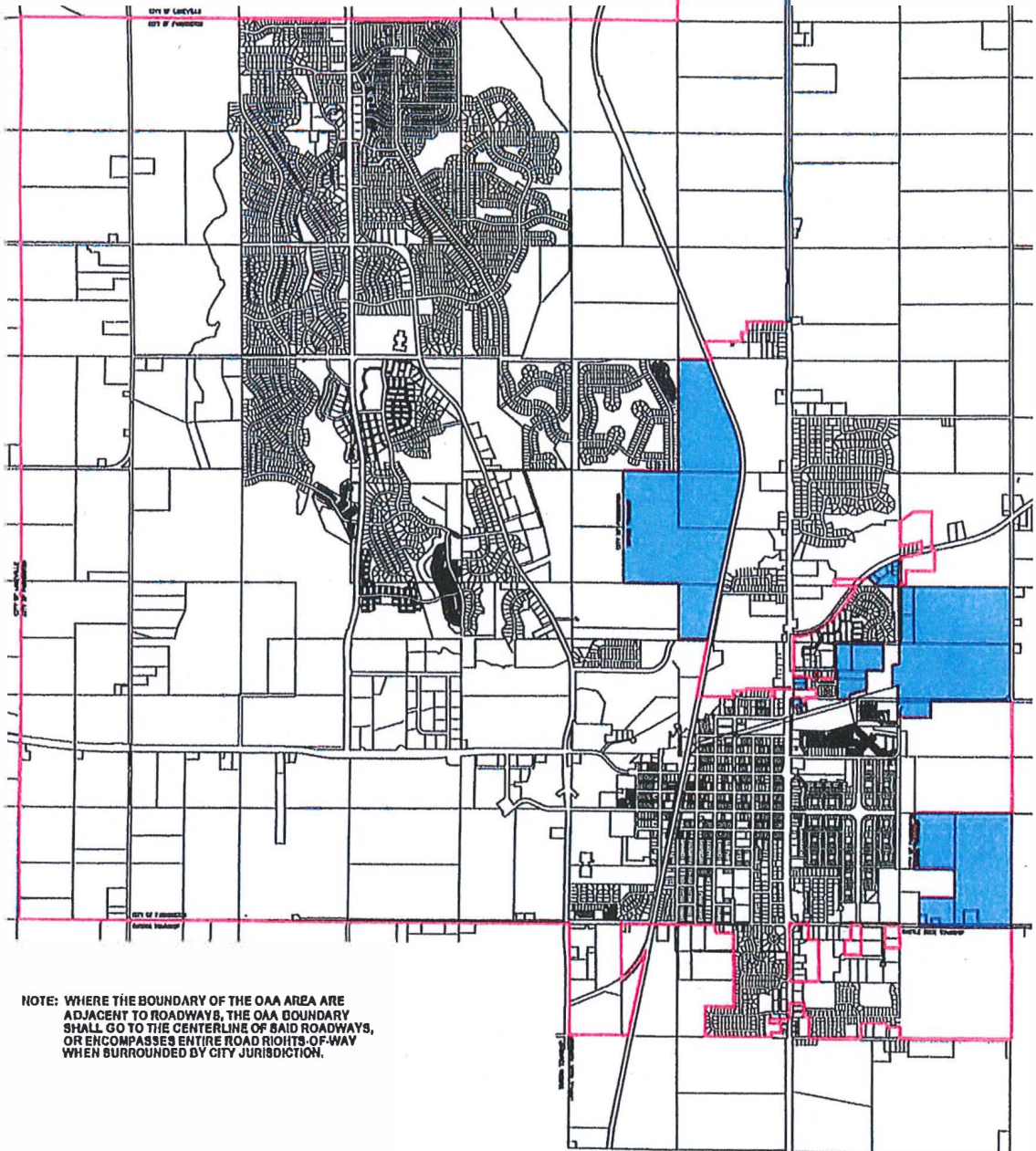


Exhibit A - Annexation Area

- Annexation Areas
- City Boundary

MAP CURRENT AS OF 11-19-07

