

ORDERLY ANNEXATION AGREEMENT

A Joint Resolution and Agreement between the Town of New Haven, Olmsted County, and the City of Pine Island as to the Orderly Annexation of Territory described below.

City of Pine Island Resolution 08-005

And

New Haven Township Resolution 08-01

WHEREAS: the Town of New Haven (Township), and the City of Pine Island (City), pursuant to Minn. Stat. § 414.0325, Subdivision 1(b), have published notice in a newspaper of general circulation at least ten (10) days before adoption of this agreement identifying the boundaries of the area proposed to be included in the orderly annexation agreement and the date, time, and place of the public informational meeting to be held as provided in Minn. Stat. § 414.0333.

WHEREAS: the Township and City hereby agree to enter into this Joint Resolution and Agreement for the orderly annexation of certain territory in accordance with Minn. Stat. § 414.0325, Subdivision 1 described in Exhibit A attached.

WHEREAS: the Township, and the City are in agreement as to the orderly annexation of the territory for the purpose of providing municipal services to property currently located with the Township.

WHEREAS: The Director of the Office of Strategic and Long-Range Planning may review and comment, but shall within 30 days order the agreed upon annexation in accordance with the terms of this agreement.

WHEREAS: the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Joint Resolution and Agreement.

NOW THEREFORE BE IT RESOLVED by the Township, and City as follows:

1. Minnesota Municipal Board Jurisdiction. The Township's and the City's submission of this Joint Resolution and Agreement for Orderly Annexation to the Director of the office of Strategic Long Range Planning (Director) is intended to confer jurisdiction on the Director over annexations in the area described in Section 2 below and over the various provisions of this Joint Resolution and Agreement for Orderly Annexation as contemplated in Minn. Stat. § 414.0325, Subd. 1(b).

2. Description of the Property Subject to Orderly Annexation. The property subject to orderly annexation pursuant to this Joint Resolution and Agreement for Orderly Annexation is described on the attached Exhibit A (Property). Pursuant to Minn. Stat. § 414.0325, Subd. 1(f), the Township and the City hereby state that no alteration of the boundaries of the Property is appropriate.

3. Reasons for Designation of the Property for Orderly Annexation. The Township and the City believe that due to the potential for future roadway realignments affecting the

Property and for other reasons the Property will experience future population growth, that if and when such growth occurs the existing Township form of government will not be adequate to protect the public health, safety and welfare and that under those circumstances annexation of the Property will be in the best interest of the Township and City. The City's comprehensive plan and future land use map encompasses the Property, and the City can efficiently provide utility infrastructure and services and other public services to the Property due to the Property's proximity to the City.

4. Consideration by the Director. Pursuant to Minn. Stat. § 414.0325, Subd. 1(g), the Town and the City state that the conditions for annexation of the Property are set forth in this Joint Resolution and Agreement for Orderly Annexation and no consideration by the Director is necessary.

5. Conditions of Annexation. As set forth in Minn. Stat. § 414.0325, Subd. 1(d) annexation of any part of the Property may be initiated by the Township's or the City's submitting a Resolution requesting annexation to the Director or pursuant to proceedings the Director initiates. The Township and the City agree that the conditions to annexation are as follows:

(a) No portion of the Property may be annexed into the City unless, at the time of annexation, that portion of the Property abuts upon a portion of the Property that has already been annexed to the City or other property that is, at that time, within the boundaries of the City; and

(b) The City receives a petition requesting annexation from 100% of the owners of the portion of the Property to be annexed. Owners may not petition the City for annexation unless and until the Owners have entered into an agreement with the City obligating the Owners to: present a General Development Plan for the portion of the Property subject to the petition to the City for review and approval within 24 months of the date of annexation; reimburse all City expenses associated with the annexation including payments made to the Township under paragraph 9 herein; and; comply with all City requirements concerning the extension of utilities in effect at the time of such extension.

6. Electric Utility Service Notice. At least 60 days before property owners file a petition pursuant to Section 5 above, the property owner must notify the municipality that the property owner intends to file a petition for annexation. At least 30 days before a petition is filed for annexation, the municipality must notify the Petitioner that the cost of electric utility service to the petitioner may change if the land is annexed to the City. The notice must include an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from annexation.

7. Effective Date of Annexation. A Director's Order of Annexation issued pursuant to this Joint Resolution and Agreement for Order Annexation is effective as of the date of its issuance.

8. Planning and Land Use Control Authority Prior to Annexation. As contemplated in Minn. Stat. § 414.0325, Subd. 5(d)(2), until annexation, zoning and subdivision regulation

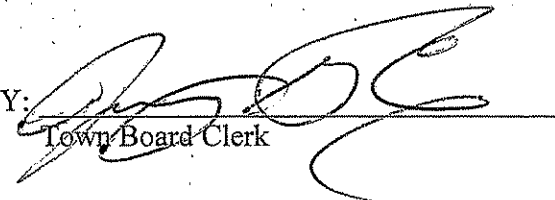
within the orderly annexation area shall be controlled by a three-member committee with one member appointed from the Township, City and Olmsted County.

9. Reimbursement. The City and/or developer shall reimburse the Township for the loss of taxes generated from the annexed property in the amount of \$254.18 per acre being annexed for any parcel of land annexed prior to January 1, 2009. The per acre unit price to be paid from the City and/or developer to the township shall increase 4% on January 1, 2009 and each subsequent January 1. Annexation payments are due prior to the township signing associated annexation paperwork.

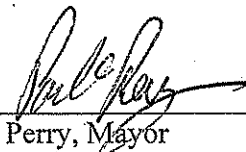
10. Term. This Resolution and Agreement is effective when both the Township and the City have adopted and approved it, and it terminates on the date twenty (20) years from the date that the last of the Township and the City has adopted this resolution and approved this Agreement.

Adopted by the New Haven Township Board this 19 day of February, 2008

BY: 
Town Board Chair

BY: 
Town Board Clerk

Adopted by the City Council of the City of Pine Island this 6 day of February
2008

BY: 
Paul Perry, Mayor

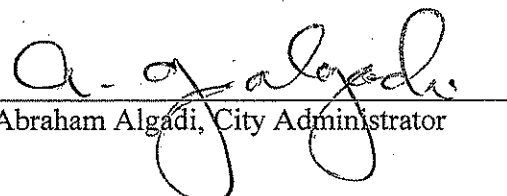
BY: 
Abraham Algadi, City Administrator

Exhibit A

LAND DESCRIPTION

The S1/2 SE1/4 of Section 2, Township 108 North, Range 15 West, Olmsted County, Minnesota, except that part of the SE1/4 SE1/4 shown as Parcel 302 on the Minnesota Department of Transportation Right of Way Plat 55-30 as the same are on file and of record in the Office of the Olmsted County Recorder.

The E1/2 SW1/4 of Section 2, Township 108 North, Range 15 West, Olmsted County, Minnesota.

The E1/2 NW1/4 of Section 2, Township 108 North, Range 15 West, except that part shown as Parcel 302 on the Minnesota Department of Transportation Right of Way Plat No. 55-29 as the same is on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota, and EXCEPT the following described parcel:

That part of the East Half of the Northwest Quarter of Section 2, Township 108 North, Range 15 West, described as follows:

Beginning at the northeast corner of said East Half of the Northwest Quarter; thence on an assumed bearing of South 89°18'59" West 1319.73 feet to the northwest corner of said East Half of the Northwest Quarter; thence South 00°48'04" East along the west line of said East Half of the Northwest Quarter 1225.25 feet to the northeasterly right of way line of Trunk Highway Number 52; thence South 59°18'11" East along said northeasterly right of way line 1460.75 feet; thence North 30°41'49" East along said northeasterly right of way line 100.00 feet; thence South 59°18'11" East along said northeasterly right of way line 27.21 feet to the east line of said East Half of the Northwest Quarter; thence North 00°50'18" West 1914.70 feet to the point of beginning, containing 49.23 acres and is subject to any easements, covenants, and restrictions of record.

The N1/2 SE1/4 of Section 2, Township 108 North, Range 15 West, lying southerly and westerly of State Highway No. 52, except that part of the NE1/4 SE1/4 of Section 2, Township 108 North, Range 15 West shown as Parcel 304 on the Minnesota Department of Transportation Right of Way Plat No. 55-30 as the same is on file and of record in the Office of the County Recorder in and for Olmsted County, Minnesota.

The E1/2 NE1/4, Section 11, Township 108 North, Range 15 West, Olmsted County Minnesota, EXCEPT that part described as follows:

Beginning at the southeast corner of the aforesaid NE1/4; thence South 88°58'18" West, assumed bearing, along the south line of said NE1/4 1216.59 feet; thence North 01°53'45" East 761.51 feet; thence North 63°21'37" East 209.87 feet; thence South 85°57'53" East 978.45 feet to the east line of the aforesaid NE1/4; thence South 02°04'00" East 765.00 feet along said East line to the point of beginning.

That part of the NW1/4 SW1/4 of Section 2, Township 108 North, Range 15 West, and that part of the NE1/4 SE1/4 of Section 3, Township 108 North, Range 15 West, lying northerly and easterly of center line of the Zumbro River, Olmsted County, Minnesota.

The W1/2 SW1/4, Section 2, the SW1/4 NE1/4, the SE1/4, and the SE1/4 SW1/4, Section 3, less the following: That part of the NW1/4 SW1/4, Section 2, Township 108 North, Range 15 West and that part of the NE1/4 SE1/4, Section 3, Township 108 North, Range 15 West lying Northerly and Easterly of the center line of Zumbro River; NE1/4 NE1/4, Section 10; NW1/4 NW1/4, Section 11; all in Township 108, Range 15, less the railroad right of way, Olmsted County, Minnesota.

The N1/2 SW1/4, Section 3, Township 108, Range 15, Olmsted County, Minnesota.

The NE1/4 NW1/4, Section 10, Township 108, Range 15, less that part of the NW1/4 of Section 10, Township 108 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the Southwest corner of the Northwest Quarter of Section 10; thence North $89^{\circ}19'49''$ East, assumed bearing, along the South line of said Northwest Quarter, 2507.26 feet to the Westerly right of way line of the Minnesota State Recreational Trail; thence North $41^{\circ}54'27''$ West, along said westerly right of way line, 3515.65 feet, more or less, to the North line of said Northwest Quarter; thence South $89^{\circ}58'32''$ West, along said North line, 202.90 feet, more or less, to the Northwest corner of said Northwest Quarter; thence South $00^{\circ}57'13''$ East, 907.50 feet; thence North $89^{\circ}02'47''$ East, 165.00 feet; thence South $00^{\circ}57'13''$ East, 165.00 feet; thence South $89^{\circ}02'47''$ West, 165.00 feet to the West line of said Northwest Quarter; thence South $00^{\circ}57'13''$ East along said West line 1573.51 feet to the point of beginning; less the railroad right of way, Olmsted County, Minnesota.

The SW1/4 SW1/4, Section 3, Township 108, Range 15, Olmsted County, Minnesota.

The NW1/4 NW1/4, and S1/2 NW1/4, Section 10, Township 108, Range 15, excepting right of way of the Chicago Great Western Railroad Company which is described as a strip of land 100 feet wide, 50 feet on each side of center line of said company's railroad as located across said NW1/4 NW1/4, Section 10, Township 108, Range 15, and ALSO EXCEPT: Commencing at a point 55 rods South of the NW corner of Section 10, Township 108, Range 15, Olmsted County, Minnesota, thence running East 10 rods, thence South parallel with the West line of said Section 10 rods, thence West 10 rods to the West line of said Section, thence North 10 rods to the place of beginning; and ALSO EXCEPT: That part of the NW1/4, Section 10, Township 108, Range 15, Olmsted County, Minnesota, described as follows: Commencing at the southwest corner of the NW1/4 of said Section 10; thence North $89^{\circ}19'49''$ East, assumed bearing, along the south line of said NW1/4, 2507.26 feet to the westerly right of way line of the Minnesota State Recreational Trail; thence North $41^{\circ}54'27''$ West, along said westerly right of way line, 3515.65 feet, more or less, to the north line of said NW1/4; thence South $89^{\circ}58'32''$ West, along said north line, 202.90 feet, more or less, to the northwest corner of said NW1/4; thence South $00^{\circ}57'13''$ East, 907.50 feet; thence North $89^{\circ}02'47''$ East, 165.00 feet; thence South $00^{\circ}57'13''$ East, 165.00 feet; thence South $89^{\circ}02'47''$ West, 165.00 feet to the west line of said NW1/4;

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thence South $00^{\circ}57'13''$ East, along said west line, 1573.51 feet to the point of beginning,
Olmsted County, Minnesota.

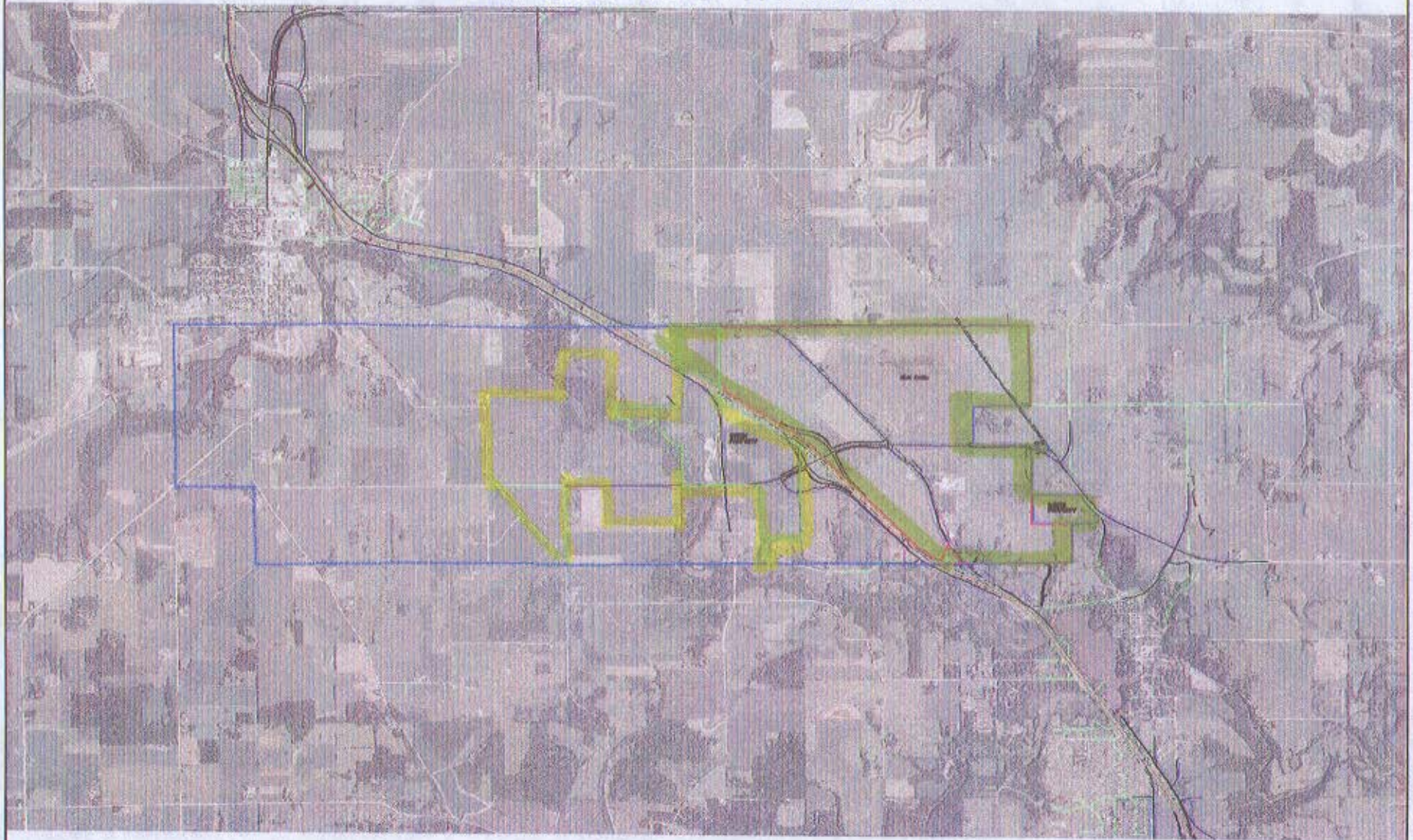
The above described parcel's contain 884.03 acres.

Subject of Resolution 08-013

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ELK RUN AUAR BOUNDARY



----- AUAR BOUNDARY

Resol 08-05



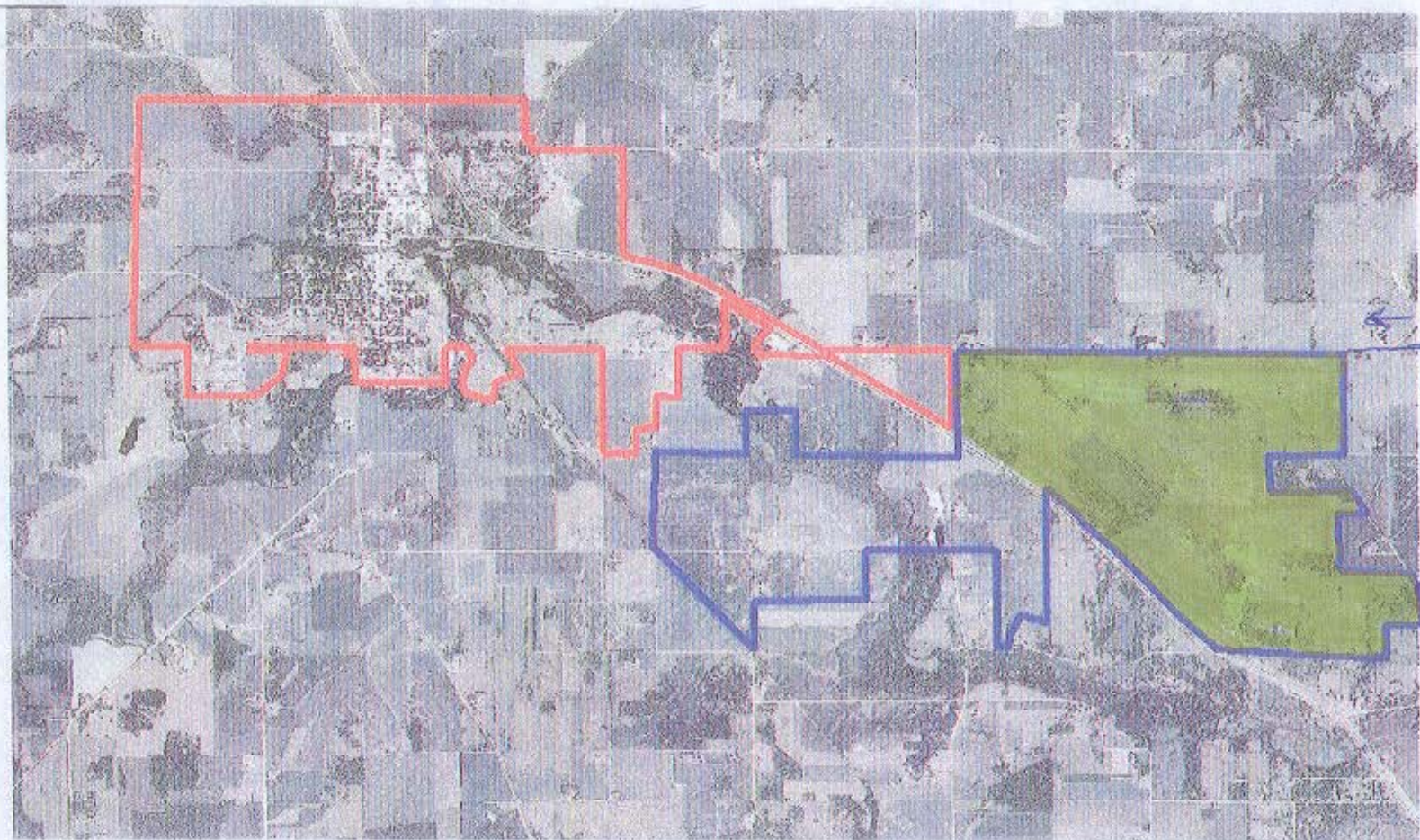
GGG INC.

Engineering
Surveying
Planning

200 N. High St., Suite 50
Bloomington, IL 61701
PH: 309.244.1111
FAX: 309.244.1112

Not subject of 08-013 Resolution.

Boundary of area covered by Feb. 08 OAA between Pine Island & New Haven Twp.



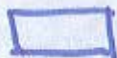
← Goodhue
Olmsted

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← u.s 52
→ Rochester



Resolution 08-13 site Map.



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