

**CITY OF CANNON FALLS
CANNON FALLS TOWNSHIP
GOODHUE COUNTY, MINNESOTA**

REC'D BY
MAB

JUN 10 2008

RESOLUTION NUMBER 1726

**JOINT RESOLUTION FOR ORDERLY ANNEXATION OF CERTAIN
PROPERTY, KNOWN AS THE MILES DEVELOPMENT, TO THE CITY OF
CANNON FALLS PURSUANT TO MINNESOTA STATUTES 414.0325**

WHEREAS, the City and Town desire to accommodate growth in an orderly fashion;
and

WHEREAS, the City and Town agree that the property situated in Goodhue County and
legally described on the attached Exhibit "A" is in need of orderly annexation
("Property"); and

WHEREAS, the Property abuts City property or existing areas of the City as shown on
the map(s) attached as Exhibit "B", containing approximately 36 acres; and

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

WHEREAS, the City and the Township, following due notice thereof and in accordance
with Minnesota Statutes § 414.0325, conducted a joint informational meeting concerning
this proposed orderly annexation agreement on April 17, 2008; and

WHEREAS, as a result of these processes, the City and the Township are in agreement
as to the procedures and process for orderly annexation of said Property and 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 TOWN BOARD OF
SUPERVISORS OF CANNON FALLS TOWNSHIP AND THE CITY COUNCIL
OF THE CITY OF CANNON FALLS HEREBY APPROVES THE REQUEST
FOR ANNEXATION AS FOLLOWS:**

1. **Designation of Area to be Annexed.** That as a result of the City's proposed
provision of urban services to, and urban development of the Property, the previously
described areas in Cannon Falls Township, Goodhue County, are subject to orderly
annexation pursuant to Minnesota Statutes § 414.0325, and the parties hereby designate
these areas for immediate annexation to the City under this orderly annexation
agreement.

2. **Timing of Annexation.** Upon execution and filing of this Joint Resolution, jurisdiction is hereby conferred upon the Office of Administrative Hearings/Municipal Boundary Adjustments (hereinafter "Office").

3. **Joint Planning.** Since the Property will be immediately annexed to the City upon adoption of this Joint Resolution and approval of the State, joint planning pursuant to M.S. § 414.0325, Subd. 5 is not warranted. The City will, upon annexation, serve as the reviewing agency and local government unit for the purpose of any land use, subdivision, and environmental review of the proposed development and the proposed development will be subject to and comply with the comprehensive plan and official controls of the City.

4. **Electrical Service and Differential Taxation.** That the annexation of the Property will not result in any change of electrical service and that differential taxation under M.S. § 414.035 is not required.

5. **City Reimbursement to Township to Annex Taxable Property.** That the City and Township hereby agree that the Order effecting the annexation shall reference the obligation of the City to reimburse the Township for lost taxes from the annexed Property as required by Minnesota Statutes § 414.036 as detailed in Exhibit "C" and that there are no special assessments assigned by the Township to the annexed Property or any portion of debt incurred by the Township prior to the annexation and attributable to the Property but for which no special assessments are outstanding.

6. **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 (or its successor agency).

7. **Alteration of Boundaries Not Authorized.** That both the Township and the City agree, pursuant to M.S. § 414.0325, Subd. 1(f), that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, each party agrees that pursuant to M.S. § 414.0325, Subd. 1(g) no consideration by the Office is necessary, and that upon receipt of this resolution and agreement, passed and adopted by each party, the Director of the Office may review and comment but shall, within thirty (30) days, immediately order the annexation in accordance with the terms of this Joint Resolution.

8. **Correction of Errors.** In the event that there are errors, omissions or any other problems with the legal descriptions, mapping, or tax reimbursement provided in the attached Exhibits the parties agree to make such corrections and file any additional documentation, including a new Exhibit making the corrections requested or required by the Office as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution, without the necessity of re-adopting this Joint Resolution.

JUN 10 2008

ADOPTED this 17th day of April, 2008 by the Town Board of Supervisors of Cannon Falls Township, Goodhue County.

CANNON FALLS TOWNSHIP

Keith Smiley
Chair, Town Board of Supervisors

Deborah Stark
Town Clerk

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF CANNON FALLS ON
THIS 17th DAY OF APRIL, 2008.**

SIGNED:

Glenn L. Weibel
Glenn L. Weibel, Mayor

ATTEST:

Aaron S. Reeves
Aaron S. Reeves, City Administrator

City of Cannon Falls
Motion By: Cherwinka
Second By: Duncan
Johnson: Aye
Bauer: Aye
Duncan: Aye
Otto: Aye
Newes: Aye
Cherwinka: Aye

Cannon Falls Township
Motion By: Smiley
Second By: Hendrickson
Otto: Aye
Hendrickson: Aye
Smiley: Aye

EXHIBIT "A"

RECORDED BY
M.A.B.

JUN 10 2008

Legal Description of Property

That part of the Southwest Quarter of Section 8, Township 112, Range 17, lying southerly of the former right of way of the Chicago Great Western Railroad Company as located across said Southwest Quarter, EXCEPT the following described premises:

That part of the Southwest Quarter of Section 8, Township 112, Range 17, Goodhue County, Minnesota, described as follows: Commencing at a point on the south line of said Section 8, a distance of 1012 feet east of the southwest corner thereof; thence north on a line parallel with the extension north of the west line of Section 17, Township 112, Range 17, a distance of 589.94 feet, more or less, to its intersection with the southerly line of the Chicago Great Western Railroad; thence deflect 76 degrees 59 minutes to the right along said southerly line 1083.31 feet to the actual point of beginning of the land to be described; thence deflect 103 degrees 41 minutes to the right 213.34 feet; thence northeasterly parallel with the southerly line of said Railroad 611.06 feet, more or less, to the east line of said Southwest Quarter; thence north along said east line to its intersection with the southerly line of said Railroad; thence southwesterly along said southerly line 610.98 feet, more or less, to the point of beginning.

AND EXCEPT

That part of the Southwest Quarter of Section 8, Township 112, Range 17, Goodhue County, Minnesota, described as follows: Commencing at a point of the south line of said Section 8 a distance of 1012 feet east of the southwest corner thereof; thence north on a line parallel with the extension north of the west line of Section 17, Township 112, Range 17, a distance of 598.44 feet, more or less, to its intersection with the southerly line of the Chicago Great Western Railroad Company; thence deflect 76 degrees 59 minutes to the right, along said southerly railroad line 1083.31 feet; thence deflect 103 degrees 41 minutes to the right, 213.34 feet to the actual point of beginning of the land to be described; from said point of beginning run northeasterly parallel with the southerly line of said railroad 611.06 feet, more or less, to the east of said Southwest Quarter of Section 8; thence south along said east line 100 feet; thence southwesterly, parallel with the southerly line of said railroad to a point due south of the point of beginning; thence north to the point of beginning.

EXHIBIT "C"**City Reimbursement to Town Pursuant to M.S. § 414.036**

The City and Township agree that upon annexation of the Subject Area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed for the period and in accordance with the following schedule: 1) in the first year following the year the City could first levy on the annexed area, an amount equal to ninety (90) percent of the property taxes distributed to the Township in regard to the annexed area in the last year that property taxes from the annexed area were payable to the Township; 2) in the second year, an amount equal to seventy (70) percent; 3) in the third year, an amount equal to fifty (50) percent; 4) in the fourth year, an amount equal to thirty (30) percent, and; 5) in the fifth and final year, an amount equal to ten (10) percent/ Thereafter, the City will no longer reimburse the Township.

| Year | Current year Tax Amount | X | % | = | Amount | Date Paid | Check Number |
|---------------|----------------------------|---|-----|---|----------|-----------|-----------------|
| Year 1 - 2010 | 2,772 | X | 90% | = | 2,494.80 | | |
| Year 2 - 2011 | 2,772 | X | 70% | = | 1,940.40 | | |
| Year 3 - 2012 | 2,772 | X | 50% | = | 1,386.00 | | |
| Year 4 - 2013 | 2,772 | X | 30% | = | 831.60 | | |
| Year 5 - 2014 | 2,772 | X | 10% | = | 277.20 | | |

Special Assessments - None.

Bonded Indebtedness - None.

