

JOINT RESOLUTION ESTABLISHING AN
ORDERLY ANNEXATION AGREEMENT BETWEEN
ROCKSBURY TOWNSHIP AND THE CITY OF THIEF RIVER FALLS

WHEREAS, The City of Thief River Falls, Minnesota, (hereafter "City"), did receive a Petition for Annexation of Real Property into the City due to the need of utilities and other services provided by the City, and

WHEREAS, All of the owners of the Real Property to be annexed pursuant to this Agreement did sign the Petition for Annexation, and

WHEREAS, The respective governing bodies of Rocksbury Township (hereafter "Town") and City had expressed their desire to encourage future development of Real Property near the City so as to promote the development of municipal services and urban growth as much as is practical, while respecting the existing rural residential life styles of other areas within the Town, and

WHEREAS, The Petition for Annexation concerned that Real Property located within the Township of Rocksbury, County of Pennington, and State of Minnesota described as follows:

Government Lot Two (2), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, EXCEPTING THEREFROM:

That part of Government Lot 2, Section 2, in Township 153 North of Range 43 West of the Fifth Principal Meridian described as follows: Commencing at the northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 2; thence North 89 degrees 45 minutes 50 seconds East, assumed bearing, along the north line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the north line of said Government Lot 2 a distance of 1412.74 feet to the point of beginning of the tract to be described; thence continuing North 89 degrees 45 minutes 40 seconds East along the north line of said Government Lot 2 a distance of 779.12 feet to an iron pipe monument at the intersection with the westerly right of way line of Trunk Highway No. 59; thence South 39 degrees 50 minutes 14 seconds East along said right of way line 366.40 feet; thence South 86 degrees 24 minutes 51 seconds West 625.99 feet; thence North 50 degrees 48 minutes 23 seconds West 502.02 feet to the point of beginning (St. Francis Real Property);

The East 400 feet of the North 550 feet of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, (Pamela Pals Real Property);

That part of Government Lot One (1), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, lying East of the Center line of present County Ditch No. 1, described as follows: Beginning at a point on the South line of Government Lot 1 a distance of 866 feet East of a point where the South line of said Government Lot 1 intersects with the center line of County Ditch No. 1; thence from this point of beginning, running North a distance of 169 feet to a point; thence Southeasterly in a straight line to a point on the South line of Government Lot 1 which is 936 feet East of the center line of County Ditch No. 1; thence running West upon the South line of said Government Lot 1 a distance of 70 feet to the point of beginning, (Lois Peterson Real Property);

That part of Government Lot One (1), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, lying East of the Center line of present County Ditch No. 1, described as follows: Beginning at a point on the South line of Government Lot 1 a distance of 936 feet East of a point where the South line of said Government Lot 1 intersects with the center line of County Ditch No. 1; thence running Northwesterly along and upon a line parallel to and 936 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point; thence running East along a line parallel to the South line of said Government Lot 1 a distance of 104 feet to a point; thence running Southeasterly along a line parallel to and 1,040 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point on the South line of said Government Lot 1; thence West along the South line of said Government Lot 1 a distance of 104 feet to the point of beginning, (Lois Peterson Real Property);

That part of Government Lot One (1), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, lying East of the Center line of present County Ditch No. 1, described as follows: Beginning at a point on the South line of Government Lot 1 a distance of 1,040 feet East of a point where the South line of said Government Lot 1 intersects with the center line of County Ditch No. 1; thence Northwesterly along and upon a line parallel to and 1,040 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point; thence East along a line parallel to the South line of said Government Lot 1 a distance of 104 feet to a point; thence Southeasterly along a line parallel to and 1,144 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point on the South line of said Government Lot 1; thence West along the South line of said Government Lot 1 a distance of 104 feet to the point of beginning, (Lois Peterson Real Property);

That part of Government Lot Two (2), Section Two (2), in Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian described as follows: Commencing at the northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 2; thence North 89 degrees 45 minutes 50 seconds East, assumed bearing, along the north line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the north line of said Government Lot 2 a distance of 1,412.74 feet to the point of beginning of the tract to be described; thence continuing North 89 degrees 45 minutes 40 seconds East along the North line of said Government lot 2 a distance of 779.12 feet to an iron pipe monument at the intersection with the westerly right of way line of Trunk Highway No. 59; thence South 39 degrees 50 minutes 14 seconds East along said right of way line 366.40 feet; thence South 86 degrees 24 minutes 51 seconds West 625.99 feet; thence North 50 degrees 48 minutes 23 seconds West 502.02 feet to the point of beginning (Lyle Paulson and Colleen M. Paulson Real Property).

WHEREAS, The City and Town desire to accommodate the Petition for Annexation to encourage growth in a cooperative, planned, and orderly fashion, and

WHEREAS, This Joint Resolution creating an Orderly Annexation Agreement (hereafter "Agreement") is beneficial to both parties to promote orderly planning, the orderly transition of government within the Real Property proposed to be annexed, promote continuity of city boundaries, and establish the condition under which such annexation shall take place,

WHEREAS, The Town and City jointly request the immediate annexation of the Real Property described herein into the City, and

WHEREAS, The notice requirements of Minnesota Statutes, Section 4.14.0325, Subd. 1(b) is not applicable as all of the Real Property owners have petitioned for the immediately annexation of their real property,

NOW, THEREFORE, BE IT RESOLVED, In consideration of the mutual terms and conditions contained herein, Town and City hereby enter into this Agreement to provide for the orderly annexation of the Real Property herein described into the City upon the following terms and conditions:

1. Real Property Designated For Annexation. The unincorporated Real Property designated for orderly annexation is located in the Township of Rocksbury, County of Pennington and State of Minnesota and is described as follows:

Government Lot Two (2), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, EXCEPTING THEREFROM:

That part of Government Lot 2, Section 2, in Township 153 North of Range 43 West of the Fifth Principal Meridian described as follows: Commencing at the northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 2; thence North 89 degrees 45 minutes 50 seconds East,

assumed bearing, along the north line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the north line of said Government Lot 2 a distance of 1412.74 feet to the point of beginning of the tract to be described; thence continuing North 89 degrees 45 minutes 40 seconds East along the north line of said Government Lot 2 a distance of 779.12 feet to an iron pipe monument at the intersection with the westerly right of way line of Trunk Highway No. 59; thence South 39 degrees 50 minutes 14 seconds East along said right of way line 366.40 feet; thence South 86 degrees 24 minutes 51 seconds West 625.99 feet; thence North 50 degrees 48 minutes 23 seconds West 502.02 feet to the point of beginning ;

The East 400 feet of the North 550 feet of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian;

That part of Government Lot One (1), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, lying East of the Center line of present County Ditch No. 1, described as follows: Beginning at a point on the South line of Government Lot 1 a distance of 866 feet East of a point where the South line of said Government Lot 1 intersects with the center line of County Ditch No. 1; thence from this point of beginning, running North a distance of 169 feet to a point; thence Southeasterly in a straight line to a point on the South line of Government Lot 1 which is 936 feet East of the center line of County Ditch No. 1; thence running West upon the South line of said Government Lot 1 a distance of 70 feet to the point of beginning;

That part of Government Lot One (1), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, lying East of the Center line of present County Ditch No. 1, described as follows: Beginning at a point on the South line of Government Lot 1 a distance of 936 feet East of a point where the South line of said Government Lot 1 intersects with the center line of County Ditch No. 1; thence running Northwesterly along and upon a line parallel to and 936 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point; thence running East along a line parallel to the South line of said Government Lot 1 a distance of 104 feet to a point; thence running Southeasterly along a line parallel to and 1,040 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point on the South line of said Government Lot 1; thence West along the South line of said Government Lot 1 a distance of 104 feet to the point of beginning;

That part of Government Lot One (1), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, lying East of the Center line of present County Ditch No. 1, described as follows: Beginning at a point on the South line of Government Lot 1 a distance of 1,040 feet East of a point where the South line of said Government Lot 1 intersects with the center line of County Ditch No. 1; thence Northwesterly along and upon a line parallel to and 1,040 feet East of

the center line of said County Ditch No. 1 a distance of 209 feet to a point; thence East along a line parallel to the South line of said Government Lot 1 a distance of 104 feet to a point; thence Southeasterly along a line parallel to and 1,144 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point on the South line of said Government Lot 1; thence West along the South line of said Government Lot 1 a distance of 104 feet to the point of beginning;

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The Real Property is shown on the map attached hereto and made a part hereof as Exhibit "A".

2. Acreage and population. The Real Property consists of approximately 49.01 acres, the population of the Real Property is currently 2.
3. Jurisdiction. Upon approval by the Town Board and City Council, this Agreement shall confer jurisdiction upon the Chief Administrative Law Judge, as defined in Minnesota Statutes, Section 414.011 (Subd. 12) (hereafter "Chief Judge"), to accomplish said annexation in accordance with the terms of this Agreement.
4. Review and Comment by Chief Judge. The Town and City mutually agree and state that this Agreement sets forth all the conditions for annexation and that no consideration by the Chief Judge is necessary for annexation to occur within the Real Property in accordance with this Agreement. Additionally, no alteration of the boundaries by the Chief Judge is appropriate. The Chief Judge may review and comment, but shall, within thirty days, order the annexation in accordance with the terms of this Agreement.
5. Effective Date. This Agreement is effective on the date it is last adopted by the Town and City. The annexation provided for by this Agreement shall be effective upon the issuance of the Order by the Chief Judge. The provisions of this Agreement shall be binding unless otherwise modified by a joint resolution of both the Town and City. This Agreement is only meant to apply to the Real Property and not to any other area within the Town.

6. Reasons for Annexation. The reasons for the annexation of the Real Property include the Town's and City's collective determination that: The Real Property is now, or is about to become, urban or suburban in character; that the Real Property is in need of utilities such as sanitary sewer, storm sewer, and water; the type of development proposed for the Real Property is more consistent with development within the City; and at this time the annexation would be in the best interest of the Petitioners, the City, and the Town.

7. Timing of Tax Levy. Pursuant to Minnesota Statutes, Section 414.0325, Subd. 4b, because the annexation provided for in this Agreement will be effective prior to August 1, 2009, the City may levy on the annexed area beginning with the same levy year.

8. Property Tax Reimbursement. Pursuant to Minnesota Statutes, Section 414.036, the reimbursement from the City to the Town shall be as follows:

First Year	90%
Second Year	70%
Third Year	50%
Fourth Year	30%
Fifth Year	10%

9. Authorization. The appropriate officers of the Town and City are hereby authorized to carry out the terms of this Agreement.

10. Entire Agreement. The terms, covenants, conditions, and provisions of this Agreement, including Exhibit "A", which is attached hereto and incorporated herein by reference, shall constitute the entire Agreement between the Town and City, unless amended by joint resolution of Town and City.

11. Governing Law. This Agreement is made pursuant to, and shall be construed in accordance with, the laws of the State of Minnesota.

Adopted by affirmative vote of all the members of the Rocksbury Township Board on this 19th day of February, 2009.

Town of Rocksbury

By: Nancy L. Poffe
Its Chairperson

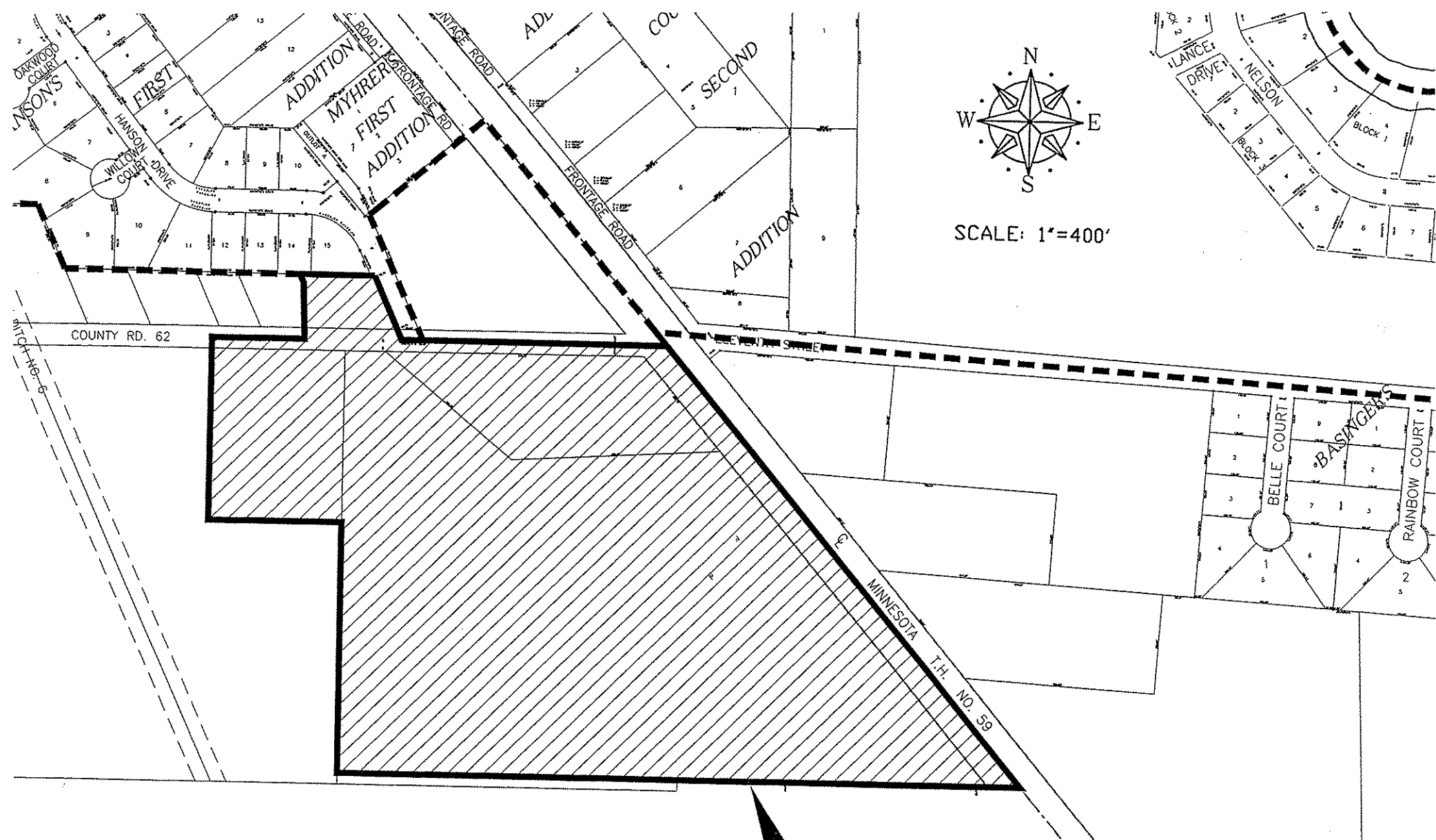
By: Stacy S. Lee
Its Town Clerk

Adopted by affirmative vote of all the members of the Rocksbury Township Board on this 17th day of February, 2009.

City of Thief River Falls

By: 
Its Mayor

By: 
City Administrator



PROPOSED ANNEXATION

REC'D BY
M.M.B.

MAR 05 2009

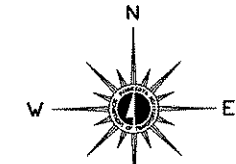
EXHIBIT "A"

MUNICIPALITY OF THIEF RIVER FALLS

PREPARED BY THE
MINNESOTA DEPARTMENT OF TRANSPORTATION
OFFICE OF TRANSPORTATION DATA & ANALYSIS
IN COOPERATION WITH
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

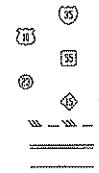
SCALE
800 0 800 1600 FEET
250 0 250 500 METERS

2004
BASIC DATA - 1991



LEGEND

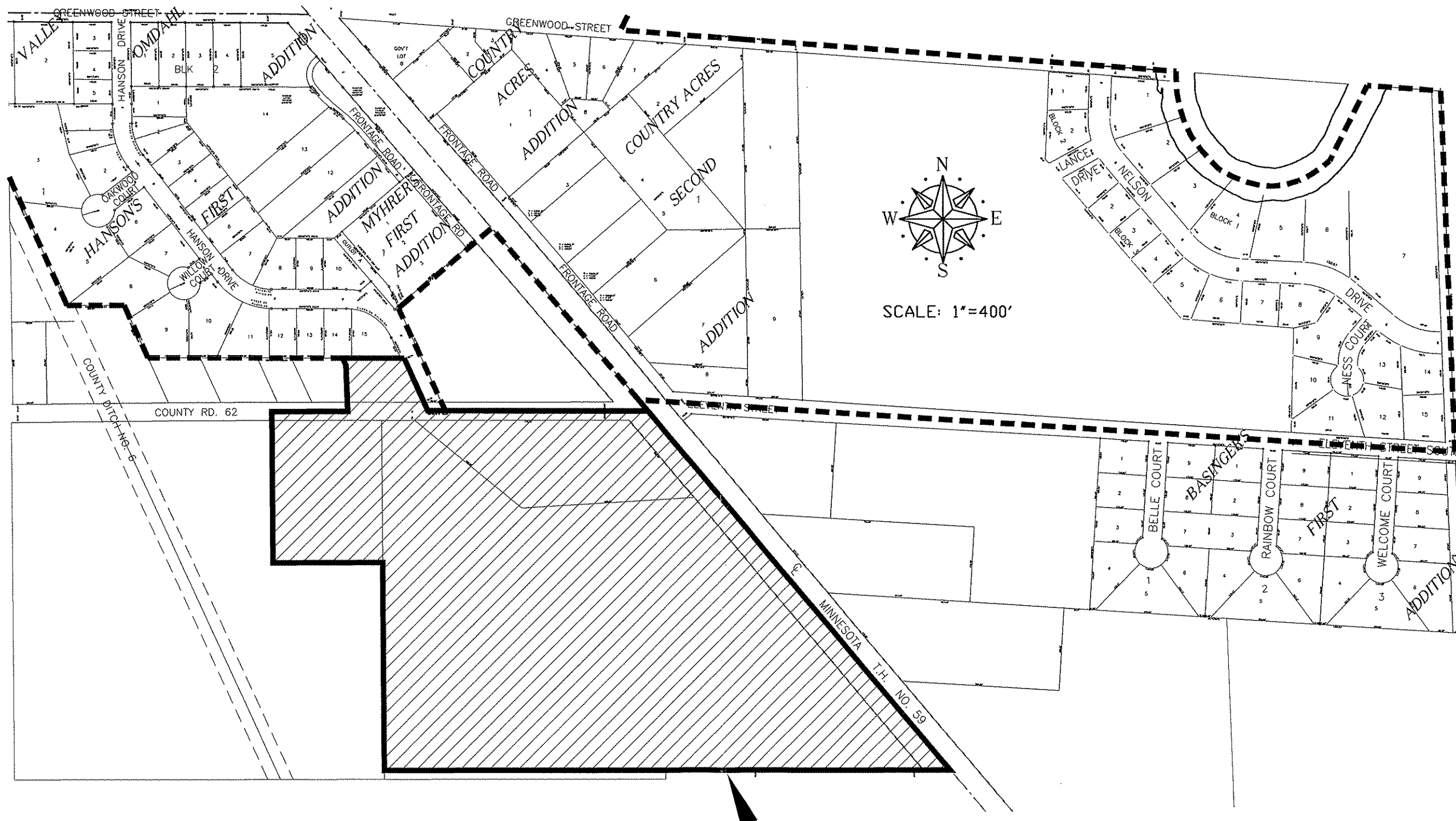
INTERSTATE TRUNK HIGHWAY.....
U.S. TRUNK HIGHWAY.....
STATE TRUNK HIGHWAY.....
COUNTY STATE AID HIGHWAY.....
COUNTY ROAD.....
CORPORATE LIMITS.....
PUBLIC ROAD.....
PRIVATE ROAD.....



RECD BY
JMB
MAR 06 2009

PROPOSED ANNEXATION

FEBRUARY, 2009



PROPOSED ANNEXATION

REC'D BY
A.M.B.

MAR 06 2009

FEBRUARY, 2009