

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

WHEREAS, The City of Thief River Falls, Minnesota, (hereafter "City"), did receive two separate Petitions 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 Petitions for Annexation, and

WHEREAS, The respective governing bodies of North 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 concerns that Real Property located within the Township of North, County of Pennington, and State of Minnesota described as follows:

A parcel of land which is a part of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-two (32), Township One Hundred Fifty-four (154) North of Range Forty-three (43) West of the Fifth Principal Meridian, bounded as follows:

Commencing at a point on the East line of said Section Thirty-two (32) lying 1,240 feet South of the South line of First Street in Thief River Falls, Minnesota; thence West at right angles to said East line a distance of 845 feet to the point of beginning; thence continuing West to the West line of said SE $\frac{1}{4}$; thence southerly along said West line to the Southwest corner of said SE $\frac{1}{4}$; thence Easterly along the South line of said SE $\frac{1}{4}$ to a point lying 1,585.16 feet Westerly of the Southeast corner of said Section 32; thence North along a line parallel with the East line of said Section 32 a distance of 610 feet; thence Easterly along a line parallel with the South line of said Section 32 a distance of 740 feet; thence North along a line parallel with the said East line, to the point of beginning;

together with

That part of abandoned Barzen Avenue in the City of Thief River Falls extending from its intersection with Greenwood Street on the South and thence running Northerly for 1250 feet; excepting any utility easements.
(Digi-Key Property)

AND

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Two (2); and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) of Block Three (3) in Nelson's First Addition to Thief River Falls, Minnesota, according to the official plat thereof on record.

AND

A tract of land which consists of Lots One (1) and Two (2) of Block Four (4) in Nelson's First Addition to Thief River Falls, Minnesota, and an unplatted parcel which is Part of Government Lot Eight (8) and Government Lot Nine (9), Section Thirty-five (35), Township One Hundred Fifty-four (154) North, Range Forty-three (43) West of the Fifth Principal Meridian bounded as follows:

Beginning at the Southwest Corner of Lot One (1), Block Four (4) in Nelson's First Addition to Thief River Falls, Minnesota; thence North 86 degrees 31 minutes 55 seconds West along the North line of Greenwood Street a distance of 744.8 feet; thence North 24 degrees 54 minutes 49 seconds East a distance of 613.5 feet to the Southerly boundary of Nelson Drive; thence Southeasterly along said Southerly line to the Northwest Corner of Lot Two (2) of said Block Four (4); thence South 3 degrees 28 minutes 5 seconds West a distance of 233.555 feet to the point of beginning.

AND

Lots One (1), Two (2), and Three (3) of Block One (1) in Nelson's First Addition to Thief River Falls, Minnesota, including the West Half (W $\frac{1}{2}$) of the abutting Red Lake River.

AND

All that part of Nelson Drive abutting the West line of Lots One (1), Two (2), Three (3), Four (4), Five (5), and Six (6) in Block One (1) and the East line of Lots One (1), Two (2), Three (3), Four (4), Five (5), and Six (6) in Block Two (2) Nelson's Addition to Thief River Falls, Minnesota

AND

JUL 24 2009

All that part of platted 56 feet wide Greenwood Street lying South of and adjacent to the above described properties.

AND

All those areas designated for public use in the property described herein, including Rider Court and Nadine Street.
(Greenwood Property)

WHEREAS, The City and Town desire to accommodate the Petitions 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 immediate 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 North, County of Pennington and State of Minnesota and is described as follows:

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

2. Acreage and population. The Digi-Key Real Property consists of approximately 78.6 acres, the population of the Real Property is currently 0. The Greenwood Real Property consists of approximately 27 acres, the population of the Real Property is currently 9.

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 described herein and not to any other area within the Town.

6. Reasons for Annexation. The reasons for the annexation of the Real Property described herein 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 after August 1, 2009, the Town's 2009 levy shall be assessed against the annexed area and be payable to the Town in 2010. The City shall levy on the annexed area for taxes assessed in 2010 which shall be payable to the City in 2011.

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.

JUL 24 2009

Adopted by affirmative vote of all the members of the North Township Board on this 1st day of June, 2009.

Town of North

By: Duane V. Vatsas
Its Chairperson

By: Debra Ditz
Its Town Clerk

Adopted by affirmative vote of all the members of the City Council of the City of Thief River Falls, MN this 2nd day of June, 2009.

City of Thief River Falls

By: St. Rodha
Its Mayor

By: Scott Smith
City Administrator

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