

**JOINT RESOLUTION ESTABLISHING AN
ORDERLY ANNEXATION AGREEMENT BETWEEN
THE CITY OF BAUDETTE AND LAKE OF THE WOODS COUNTY
PURSUANT TO MINNESOTA STATUTES 414.0325**

**CITY OF BAUDETTE RESOLUTION NO. 2009-18
LAKE OF THE WOODS COUNTY RESOLUTION NO. 09-12-01**

WHEREAS, the City of Baudette (“City”) and the County of Lake of the Woods (“County”), both located entirely within Lake of the Woods County, in the State of Minnesota, desire to accommodate growth in a cooperative, planned, and orderly fashion;

WHEREAS, the respective governing bodies of the City and County have expressed their desire to encourage future development of 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 lifestyles of other areas within the County;

WHEREAS, this joint resolution creating an orderly annexation agreement (“Agreement”) is beneficial to both parties to promote orderly planning, the orderly transition of government within the area proposed to be annexed, promote continuity of City boundaries, and establishes the conditions under which such annexation shall take place;

WHEREAS, on December 1, 2009 a Notice of Intent to include property in an orderly annexation area was published pursuant to the requirements of Minnesota Statutes 414.0325 Subd. 1b;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual terms and conditions that follow, the City and County hereby enter into this Agreement to provide for the orderly annexation of the property herein described into the City upon the following terms and conditions:

1. Designated Area. The unincorporated property designated for orderly annexation by this Agreement, and subject to its terms and conditions, is legally described in Exhibit A attached hereto, and is further described as that area set forth in the map attached hereto as Exhibit B (“Designated Area”).

2. Conferring Jurisdiction. Upon approval by the respective governing bodies of the City and County, this Agreement shall confer jurisdiction upon the chief administrative law judge, as defined in Minnesota Statutes, Section 414.011, subdivision 12, (hereinafter "Chief Judge") to accomplish said annexation in accordance with the terms of this Agreement.
3. Review and Comment by the Chief Judge. The City and County 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 annexations to occur within the Designated Area 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 30 days, order the annexation in accordance with the terms of this Agreement.
4. Binding Contract. This Agreement is a binding contract upon the parties and is enforceable in district court in the county containing the Designated Area.
5. Effective Date/Applicability. This Agreement is effective on the date it is adopted by either the City or County, whichever was the last to act on this Agreement. 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 City and County.
6. Reasons for the Annexation. The reasons for the annexation of the Designated Area include the City and County's collective determination that: the Designated Area is now, or is about to become, urban or suburban in character; the City can more readily provide the types and level of services desired within the Designated Area; the type of the development proposed for the Designated Area is more consistent with development within the City; and that the annexation would be in the best interest of the property owners, the City, and the County .
7. Authorization. The appropriate officers of the City and County are hereby authorized to carry the terms of this Agreement into effect.
8. Entire Agreement / Prior Agreement. The terms, covenants, conditions, and provisions of this Agreement, including the Exhibit A and Exhibit B which

are attached hereto and incorporated herein by reference, shall constitute the entire agreement between the parties. Any prior joint resolutions or agreements regarding all or any portion of the Designated Area are superseded by, and shall not interfere with or otherwise control, the terms of this Agreement or the immediate annexation of the Designated Area.

9. Governing Law. This Agreement is made pursuant to, and shall be construed in accordance with, the laws of the State of Minnesota.
10. Severability. The provisions of this Agreement are severable. If any provision herein is, for any reason, held by a court of competent jurisdiction to be invalid, contrary to law, unenforceable, or otherwise void, the remaining provisions will remain in full force and effect.
11. Headings. Headings are included solely for the purpose of reference and shall not be interpreted as a substantive provision of this Agreement.

Approved this 14th day of December, 2009, by the City of Baudette.



Mayor



City Clerk/Treasurer

Approved this 10th day of December, 2009, by Lake of the Woods County.



Chairperson



Clerk

EXHIBIT A

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

LEGAL DESCRIPTIONS

The properties included in the agreement are as follows:

N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 2

N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 2

SE $\frac{1}{4}$ of Section 3

NW $\frac{1}{4}$ of Section 3

N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 3

N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 10

EXHIBIT B

JOINT RESOLUTION FOR ORDERLY ANNEXATION

MAP

City of Baudette Proposed Annexation Boundary

Date of Map: October 28, 2009

Legend

Proposed Annexation Boundary	COAH PAVED	DWP GRAVEL	PRIVATE PAVED
Phase	COAH GRAVEL	DWP UFT	PRIVATE GRAVEL
1	COUNTY PAVED	CITY PAVED	PRIVATE UFT
2	COUNTY GRAVEL	CITY GRAVEL	PRIVATE UNKNOWN
City Limits	COUNTY UFT	OTHER SLACK TOP	
STATE HIGHWAY	COUNTY UNKNOWN	OTHER GRAVEL	

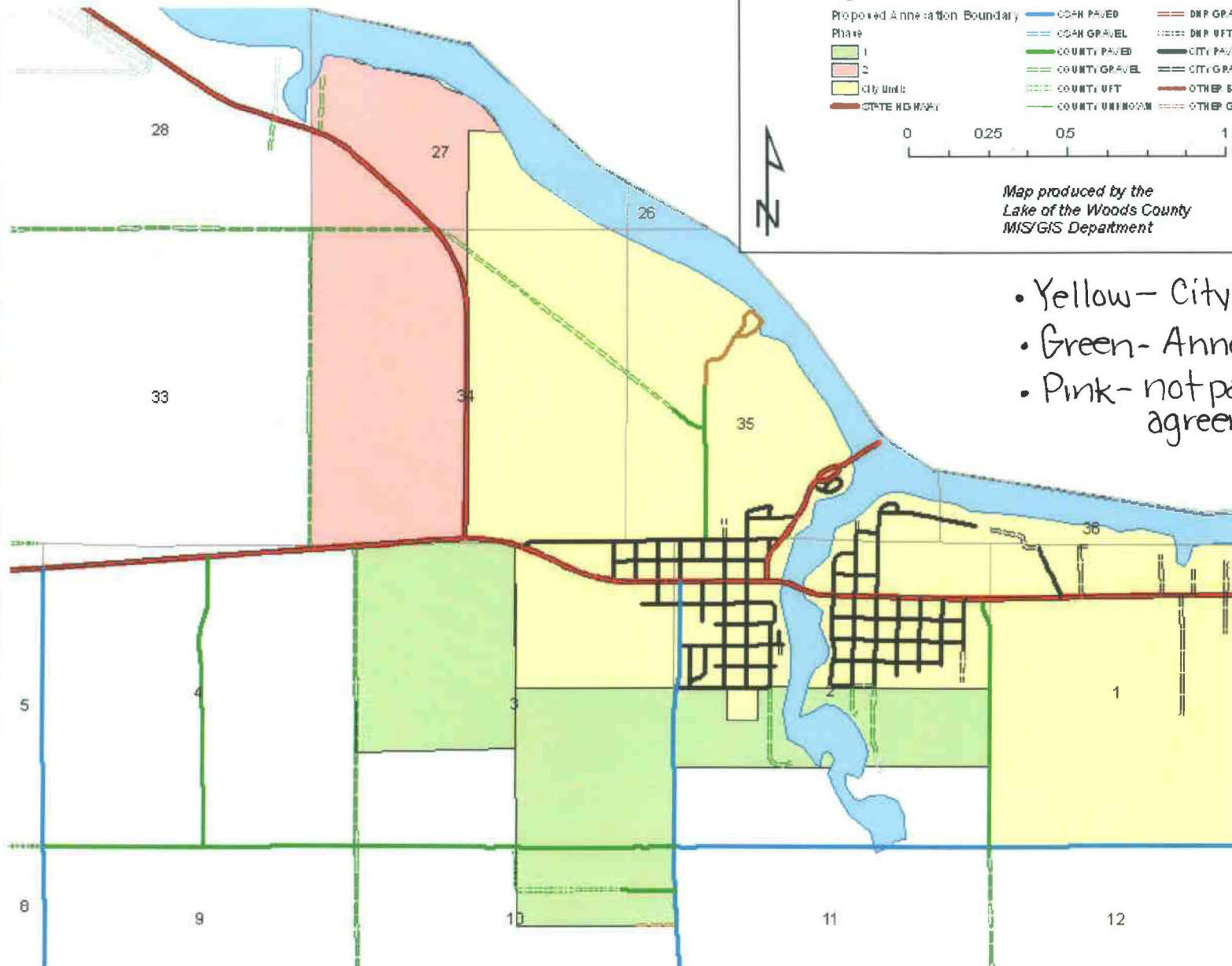
0 0.25 0.5 1 Miles

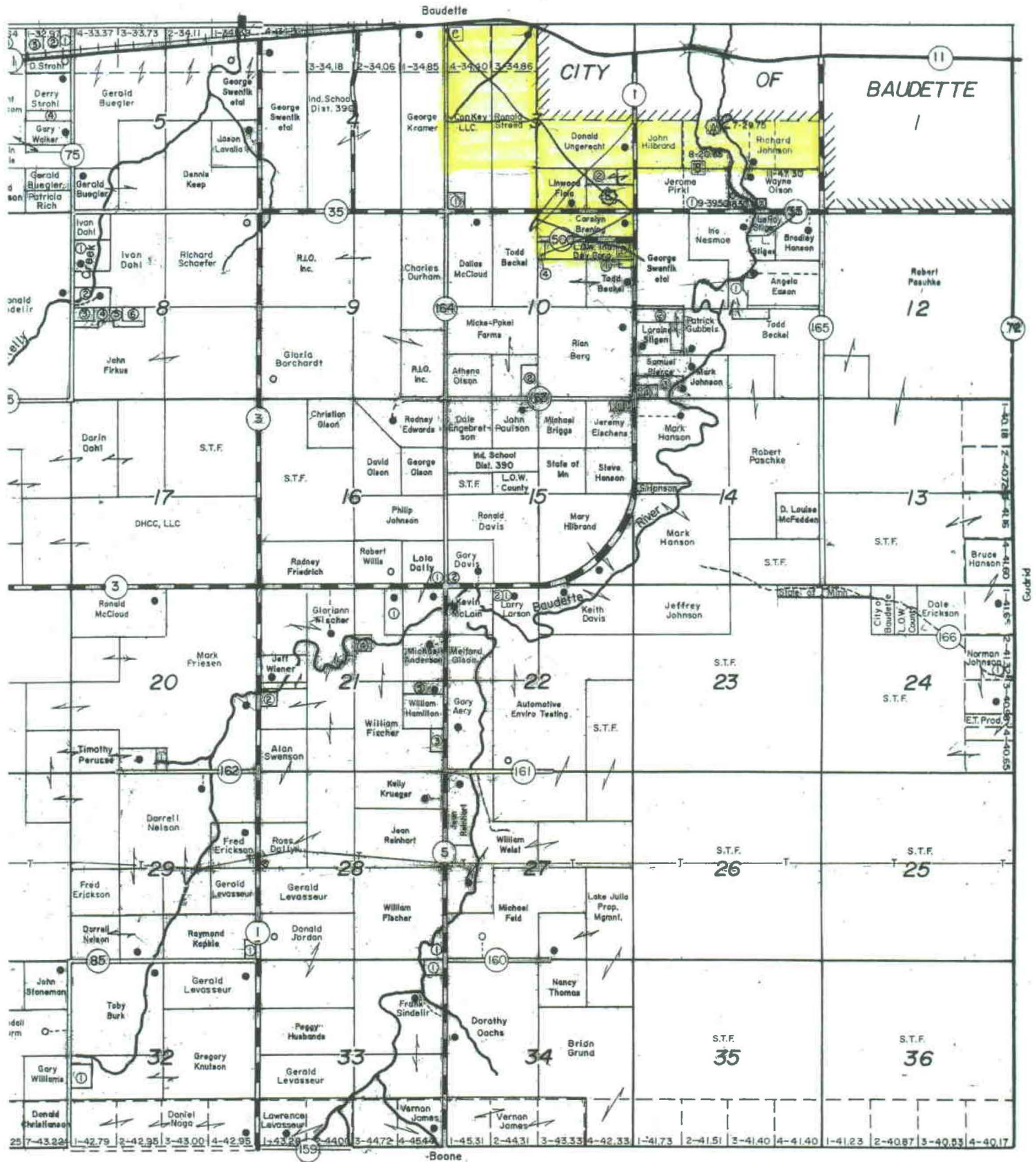


Map produced by the
Lake of the Woods County
MIS/GIS Department



- Yellow - City Limits
- Green - Annexation area
- Pink - not part of THIS agreement





Charles Wilemon
Robert Goudge

Shari Cordoza
Randy Orton

Rocky Thompson

10- 1
2
4

11- 1
2
3

Joyce Warnken
Dennis Bowman
Humane Society

John Jarousek Jr.
Karen Carlson
James Marken

21- 1
2
3
4
5

22- 1

Eunice Sorenson
Janice Bjork
Scott Krueger
William Fischer et al
Gary Olson

MCI GENERAL PARTNERSHIP