

CITY OF LA CRESCENT RESOLUTION NUMBER _____

TOWNSHIP OF LA CRESCENT RESOLUTION NUMBER _____

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARING

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF LA CRESCENT AND THE
TOWNSHIP OF LA CRESCENT DESIGNATING
CERTAIN AREAS AS IN NEED OF ORDERLY
ANNEXATION PURSUANT TO MINNESOTA
STATUTES, SECTION 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, individual property owners with property located within the Township of La Crescent ("Township") and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, petitioned the City of La Crescent ("City") seeking annexation of that property to the City; and

WHEREAS, for ease of reference, the area of the Township proposed for annexation in accordance with this Joint Resolution and legally described in Exhibit A (hereinafter referred to as the "Subject Area") is shown on the map, Exhibit B, which is also attached hereto and incorporated herein by reference; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the Subject Area legally described in Exhibit A; and

WHEREAS, the Subject Area is currently residential property, in close proximity to the City, and is in need of orderly annexation since the Subject Area is urban or suburban and in need of City services; and

WHEREAS, the City has available capacity to provide needed services to the Subject Area; and

WHEREAS, the City and Township agree that orderly annexation of the Subject Area is in the best interest of the property owners and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the City and Township agree that the Subject Area legally described in Exhibit A is in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the Subject Area without the need for any further hearing before the Office of Administrative Hearings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Crescent and the Board of Supervisors of the Township of La Crescent agree as follows:

1. Designation of Subject Area. The Township and City hereby designate the Subject Area legally described in Exhibit A for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325:
2. Acreage of Subject Area. The Subject Area is approximately 2 acres.
3. Map of Subject Area. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B and is hereby incorporated herein by reference.
4. Population of Subject Area. The population of the Subject Area is 4.
5. No Hearing Required/Review and Comment Jurisdiction Only. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit is necessary. Upon the execution and filing of this Joint Resolution, the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit may review and comment hereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Tax Reimbursement. Pursuant to Minnesota Statutes, Section 414.036, the City and Township agree that upon annexation of the area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed in an amount equal to one hundred (100) 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 for the period and in accordance with the following schedule: (a) In the first year following the year the City could first levy on the annexed area, an amount equal to \$620.38; (b) In the second year an amount equal to \$620.38 and (c) In the third and final year, an amount equal to \$620.38.
7. Tax Rate Phase-in. Following annexation of the area legally described in Exhibit A, the tax rate of the City applied to the area of the Township hereby annexed shall be increased in substantially equal proportions over three (3) years to equality with the City's tax rate applicable to other property already within the City.

8. Notice of Intent Not Applicable. This Joint Resolution is not subject to the notice and publication requirements of Minn. Stat. § 414.0325, subd. 1b since this Joint Resolution designates the Subject Area for immediate annexation and all of the property owners of the Subject Area have petitioned the City to be annexed.
9. Municipal Services. After annexation of the Subject Area, the City shall be responsible for providing municipal governmental services within the Subject Area. In the event that property owners within the Subject Area desire to receive certain municipal service that the property owner is not currently receiving, property owners may file a petition with the City for such service and receive consideration from the City Council. The City Council will endeavor to provide property owner petitioned services to the requesting properties in a timely manner to the extent practicable in the judgment of the City Council based on factors, including but not limited to the following: cost, timing and feasibility of the service project; cost, timing and feasibility of other City improvement projects; demonstrated service need; location of the petitioning property; distance of petitioning property from the petitioned service; type of service; capital improvement plan; comprehensive plan and other City land use controls; new or existing development; environmental review; number of property owners seeking services; and financial considerations including but not limited to assessability of the service to the petitioning property and other likely situated properties, and the extent of property owner provided financing for the requested service. The City of La Crescent agrees to not annex any property that is currently in La Crescent Township, but contiguous with the area included in this orderly annexation agreement, unless the property owners petition the City of La Crescent for annexation. This condition will remain in effect for 10 years from the date that the orderly annexation is agreed upon between the City and the Township. The City of La Crescent agrees that the road right-of-way of Janell Avenue north of County State Aid Highway #25, will not be used as the basis for establishing continuity for any future annexations.
10. Termination. This Joint Resolution shall remain in full force and effect until completion of tax reimbursement to the Township in accordance with paragraph 6 of this Joint Resolution and until the condition in paragraph 9 has expired.
11. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
12. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
13. Entire Agreement. The terms, covenants, conditions and provisions of this Joint Resolution shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the Township and City.
14. Legal Description and Mapping. The Township and City agree, in the event there are errors, omissions or any other problems with the legal description provided in Exhibit A

or mapping provided in Exhibit B, in the judgment of the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit, to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit as necessary to make effective the annexation of the Subject Area in accordance with the terms of this Joint Resolution.

15. Notice. Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by U.S. mail, postage prepaid, as follows:

If to the City:

City Administrator
La Crescent City Hall

If to the Township:

Township Clerk
La Crescent Township

16. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.

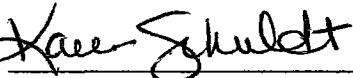
17. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit and pay the required filing fee.

Passed, adopted, and approved by the Township Board of Supervisors of the Township of La Crescent, Houston County, Minnesota, this 9 day of May, 2011.

ATTEST:

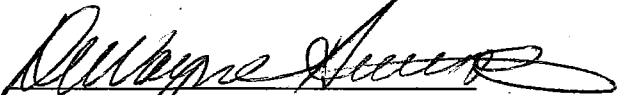
TOWNSHIP OF LA CRESCENT

By:



Karen Schuldt, Township Clerk

By:



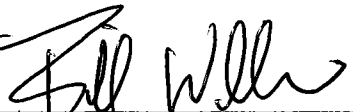
DeWayne Severson, Chair

Passed, adopted, and approved by the City Council of the City of La Crescent, Houston County, Minnesota, this 23rd day of May, 2011.

ATTEST:

CITY OF LA CRESCENT

By:



Bill Waller, City Administrator

By:



Mikel Poellinger, Mayor

EXHIBIT A
Legal Description

The Subject Area to be annexed in the attached Joint Resolution is legally described as follows:

Welch Parcel: 1334 West Lane, La Crescent MN 55947, more particularly described as:

Lot 004, Block 001 of Crescent Valley First Addition, La Crescent Township, Houston County, Minnesota.

Platted Road Right of Way:

The area of street ROW of all of Janell Avenue north of County State Aid Highway #25; and Valley Lane, from the intersection with the intersection of East Lane to the northern property line of Lot 004, Block 001 of Crescent Valley First Addition, La Crescent Township, Houston County, Minnesota.

EXHIBIT B

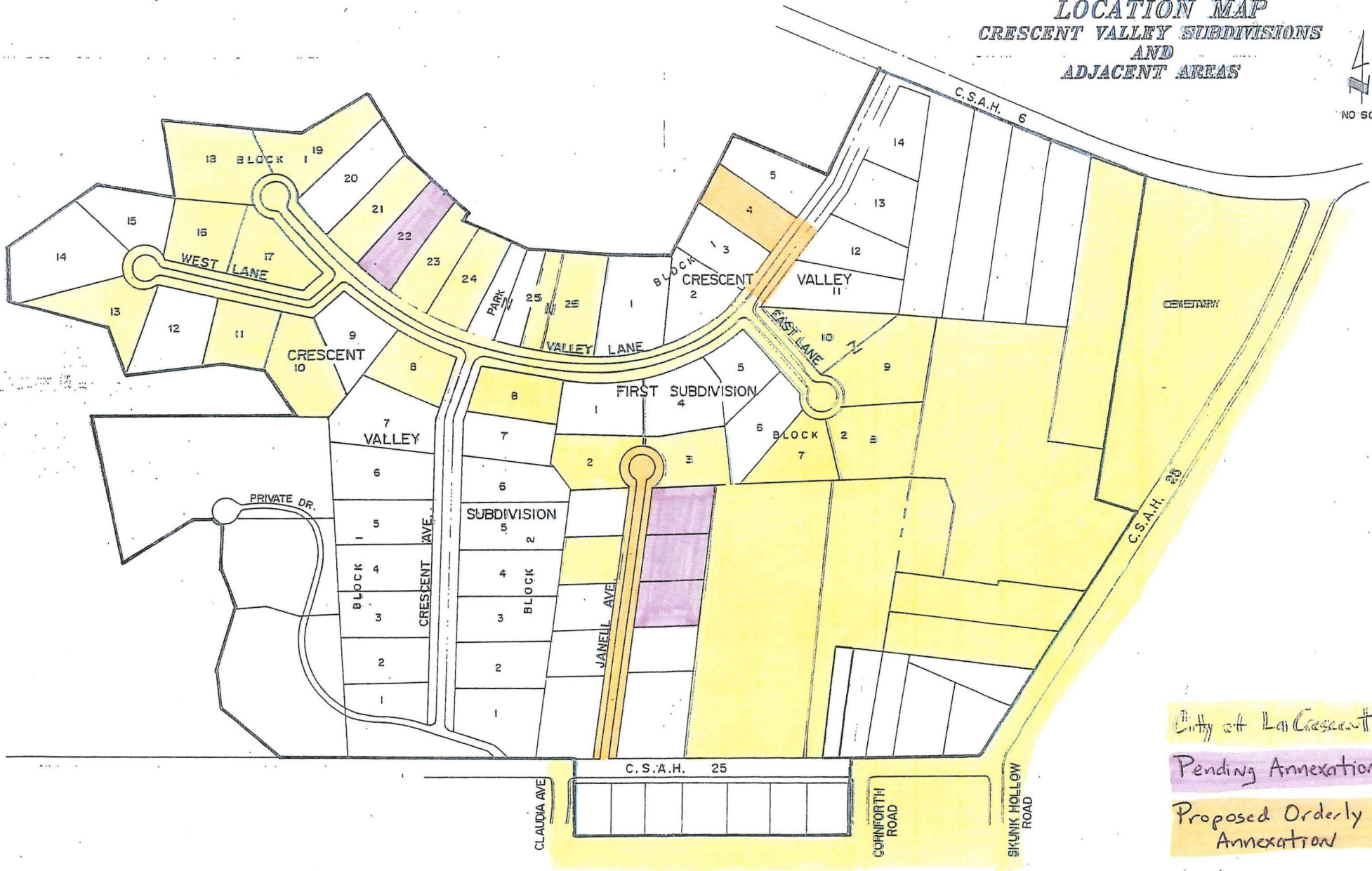
Boundary Map

The municipal boundary map referenced in the attached Joint Resolution, showing the current City of La Crescent and its relation to the Subject Area to be annexed, legally described in Exhibit A, is attached hereto.

REC'D BY
MBA

JUN 06 2011

LOCATION MAP
CRESCENT VALLEY SUBDIVISIONS
AND
ADJACENT AREAS



City of Las Cruces

Pending Annexations

Proposed Orderly
Annexation