

**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 lifestyles 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:

Lots Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), and Twenty (20), Block Three (3), Oak Haven Subdivision, situated in the North Half (N½) of Section Nine (9), Township One Hundred Fifty-three (153) North, Range Forty-three (43) West of the Fifth Principal Meridian, Pennington County, Minnesota,

AND

That part of the West Half (W½) of Section Nine (9), Township One Hundred Fifty-three (153) North, Range Forty-three (43) West of the Fifth Principal Meridian, Pennington County, Minnesota, lying westerly of the following described line:

Beginning at the northwest corner of Government Lot 3 of said Section 9, said point also lying on the westerly line of Oak Haven Subdivision, as platted and filed at the Pennington County Recorder's office; thence South 00 degrees 30 minutes 39 second East (assumed bearing), along the westerly line of said Government Lot 3 and along the westerly line of said Oak Haven Subdivision for a distance of 33.00 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence North 88 degrees 40 minutes 00 seconds East, parallel with the northerly line of the Northwest Quarter of said Section 9 and along the westerly line of said Oak Haven Subdivision, for a distance of 570.14 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 01 degrees 19 minutes 55 seconds East, along the westerly line of said Oak Haven Subdivision, for a distance of 194.86 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 88 degrees 40 minutes 00 seconds West, along the westerly line of said Oak Haven Subdivision, for a distance of

53.91 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 02 degrees 15 minutes 45 minutes West, along the westerly line of said Oak Haven Subdivision, for a distance of 446.91 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 38 degrees 16 minutes 49 seconds East, along the westerly line of said Oak Haven Subdivision, for a distance of 202.54 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 71 degrees 52 minutes 02 seconds East, along the westerly line of said Oak Haven Subdivision, for a distance of 313.00 feet; thence South 04 degrees 51 minutes 20 seconds West for a distance of 789.76 feet; thence South 08 degrees 32 minutes 40 seconds East for a distance of 611.40 feet; thence South 79 degrees 49 minutes 41 seconds West for a distance of 304.74 feet; thence South 33 degrees 53 minutes 00 seconds West for a distance of 294.57 feet; thence South 86 degrees 57 minutes 28 seconds West for a distance of 243.04 feet to a point of intersection with the westerly line of Magner's First Subdivision as extended northerly; thence South 04 degrees 44 minutes 22 seconds West, along the westerly line of said Magner's First Subdivision as extended northerly, for a distance of 73.67 feet to the northwest corner of said Magner's First Subdivisions; thence continue South 04 degrees 44 minutes 22 seconds West, along the centerline of said road and along the westerly line of said Magner's First Subdivision, for a distance of 1,295.98 feet to a point of intersection with the northerly line of Government Lot 9 of said Section 9 and the southwest corner of said Magner's First Subdivision; thence South 04 degrees 46 minutes 05 seconds West for a distance of 1,324.81 feet to the southwest corner of said Government Lot 9, said line there terminating. Excepting therefrom existing highway and railroad rights-of-way and a tract of land described in Book 252 of Records, Page 14, filed at said recorder's office.

AND

That part of the East Half (E $\frac{1}{2}$) of Section Eight (8), Township One Hundred Fifty-three (153) North, Range Forty-three (43) West of the Fifth Principal Meridian, Pennington County, Minnesota, lying easterly of Minnesota State Highway No. 32 right-of-way, less a tract of land described in Book 129 of Records, Page 1, filed at the Pennington County Recorder's office.

AND

That part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section Nine (9), Township One Hundred Fifty-three (153) North, of Range Forty-three (43) West of the Fifth Principal Meridian, described as follows:

Commencing at an iron monument at the Northwest Corner of said Section 9; thence South 89 degrees 48 minutes 03 seconds East, assumed bearing, along the North line of the said NW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 224.98 feet to the Easterly right-of-way line of Trunk Highway No. 32, being the point of beginning of the tract to be described; thence continuing South 89 degrees 48 minutes 03 seconds East

along said North line 774.32 feet; thence South 00 degrees 11 minutes 57 seconds West, perpendicular to the above said North line 270.00 feet to an iron pipe monument; thence North 89 degrees 48 minutes 03 seconds West, parallel with the said North line 838.99 feet to an iron pipe monument on the said Easterly right of way line of Trunk Highway No. 32; thence North 13 degrees 40 minutes 09 seconds East along said Easterly right-of-way line 277.64 feet to the point of beginning.

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, and

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

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:

Lots Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), and Twenty (20), Block Three (3), Oak Haven Subdivision, situated in the North Half (N½) of Section Nine (9), Township One Hundred Fifty-three (153) North, Range Forty-three (43) West of the Fifth Principal Meridian, Pennington County, Minnesota,

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the northerly line of the Northwest Quarter of said Section 9 and along the westerly line of said Oak Haven Subdivision, for a distance of 570.14 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 01 degrees 19 minutes 55 seconds East, along the westerly line of said Oak Haven Subdivision, for a distance of 194.86 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 88 degrees 40 minutes 00 seconds West, along the westerly line of said Oak Haven Subdivision, for a distance of 53.91 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 02 degrees 15 minutes 45 minutes West, along the westerly line of said Oak Haven Subdivision, for a distance of 446.91 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 38 degrees 16 minutes 49 seconds East, along the westerly line of said Oak Haven Subdivision, for a distance of 202.54 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 71 degrees 52 minutes 02 seconds East, along the westerly line of said Oak Haven Subdivision, for a distance of 313.00 feet; thence South 04 degrees 51 minutes 20 seconds West for a distance of 789.76 feet; thence South 08 degrees 32 minutes 40 seconds East for a distance of 611.40 feet; thence South 79 degrees 49 minutes 41 seconds West for a distance of 304.74 feet; thence South 33 degrees 53 minutes 00 seconds West for a distance of 294.57 feet; thence South 86 degrees 57 minutes 28 seconds West for a distance of 243.04 feet to a point of intersection with the westerly line of Magner's First Subdivision as extended northerly; thence South 04 degrees 44 minutes 22 seconds West, along the westerly line of said Magner's First Subdivision as extended northerly, for a distance of 73.67 feet to the northwest corner of said Magner's First Subdivisions; thence continue South 04 degrees 44 minutes 22 seconds West, along the centerline of said road and along the westerly line of said Magner's First Subdivision, for a distance of 1,295.98 feet to a point of intersection with the northerly line of Government Lot 9 of said Section 9 and the southwest corner of said Magner's First Subdivision; thence South 04 degrees 46 minutes 05 seconds West for a distance of 1,324.81 feet to the southwest corner of said Government Lot 9, said line there terminating. Excepting therefrom existing highway and railroad rights-of-way and a tract of land described in Book 252 of Records, Page 14, filed at said recorder's office.

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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 251.123 acres, the population of the Real Property is currently 0.

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, 2011, 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. Road Maintenance. The annexation will include one-half of the existing township roads lying on the South and East of the Real Property to be annexed. The Town and City shall share equally in the maintenance of those roads. Should a disagreement arise regarding maintenance of those roads, Minnesota Statutes 164.14 shall govern those disagreements.

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

11. 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.

12. 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 14th day of July, 2011.

Town of Rocksbury

By: Nancy Toft
Its Chairperson


By: Stacy Lee
Its Town Clerk

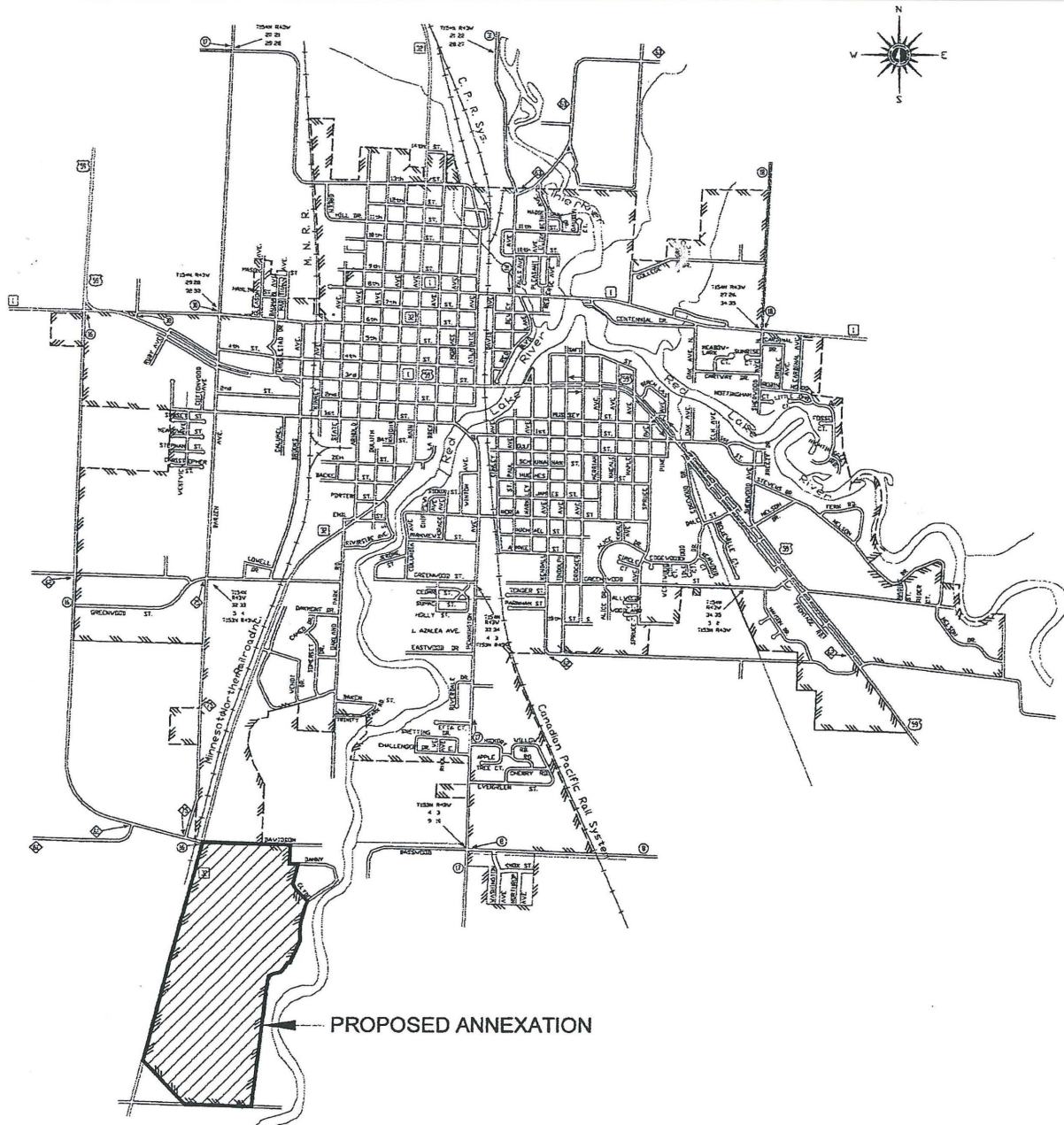
AUG 30 2011

19th Adopted by affirmative vote of all the members of the City of Thief River Falls on this
day of July, 2011.

City of Thief River Falls

By: 
Its Mayor

By: 
City Administrator



ANNEXATION AREA
CITY OF
THIEF RIVER FALLS, MINNESOTA

