

**CITY OF BEMIDJI RESOLUTION NO. 6141
GRANT VALLEY TOWNSHIP**

JOINT RESOLUTION

**IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN
THE CITY OF BEMIDJI AND GRANT VALLEY TOWNSHIP
PURSUANT TO MINNESOTA STATUTES, SECTION 414.0325**

WHEREAS, the City of Bemidji ("City") and Grant Valley Township ("Town") hereby designate for orderly annexation the lands as legally described in the attached Exhibit A, and shown on the map attached hereto as Exhibit B (the "Designated Area") located within Grant Valley Township, Beltrami County, Minnesota;

WHEREAS, the Designated Area consists of approximately 160 acres, has a population of approximately zero, and the current land use type is an elementary school site (construction in progress);

WHEREAS, the City and the Town are in agreement as to the orderly annexation of the unincorporated Property and both determine the annexation of the Property in accordance with the provisions of this joint resolution will be to their benefit and to the benefit of their respective residents;

WHEREAS, Minnesota Statutes, section 414.0325 provides a procedure whereby the City and the Town may agree on a process of orderly annexation of a designated area;

WHEREAS, on February 23, 2018 a notice of intent to include the described property in an orderly annexation area was published pursuant to the requirements of Minnesota Statutes, section 414.0325, subdivision 1b; and

WHEREAS, the City and the Town have agreed to all the terms and conditions for the annexation of the above-described Property within this document and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge ("Chief Judge") may review and comment, but shall within thirty (30) days, order the annexation of the Property into the City in accordance with the terms of this joint resolution.

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual terms and conditions that follow, City and Town hereby enter into this orderly annexation agreement ("Agreement") to provide for the orderly annexation of the Designated Area described herein into City upon the following terms and conditions:

1. Designated Area. The Designated Area, which is located in Grant Valley Township, described in the attached Exhibit A, and shown in the attached Exhibit B, is hereby

designated for, and is in need of, orderly annexation into the municipal boundaries of the City pursuant to Minnesota Statutes, section 414.0325.

2. Filing. City staff is authorized and directed to file this Joint Resolution and Agreement with the Office of Administrative Hearings - Municipal Boundary Adjustments Office ("Boundary Adjustments Office") and to take any additional actions that may be required to complete such filing. In the event the Boundary Adjustments Office identifies any errors, omissions, or other problems with the attached map or legal description, City staff is hereby authorized to make such corrections as may be needed to accomplish the purpose of this Agreement. The City shall pay all filing fees and costs associated with filing this Agreement.
3. Conferring Jurisdiction. The City and the Town, by submission of this Agreement to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confer jurisdiction upon the Chief Judge so as to accomplish said orderly annexation in accordance with the terms of this Agreement.
4. Review and Comment by the Chief Judge. The City and Town 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 as provided in this Agreement. Additionally, no alteration of the boundaries of the Designated Area by the Chief Judge is appropriate. The Chief Judge may review and comment, but shall, within 30 days, order the annexation of the Property within the Designated Area when requested consistent, and in accordance, with the terms and conditions of this Agreement.
5. Nature of the Designated Area. The City and Town agree the Designated Area is urban or suburban or about to become so, and since the City is capable of providing services to this area immediately or within a reasonable time, the annexation would be in the best interest of the area. More particularly, the non right-of-way portion of the Property constitutes the New Gene Dillon Elementary School with the right-of-way portion of the Property to serve as the connection between the proposed Elementary School site and the existing corporate limits of the City of Bemidji. The County road right-of-way portion also serves as the corridor in which municipal water and sewer services are to be extended to the proposed Elementary School site. Further, the City of Bemidji is capable of providing these and other essential municipal services to this area upon annexation of this Property.
6. Levying Authority. In that the Property proposed for annexation is presently tax exempt and will remain so after annexation, that any real estate taxes payable prior to tax exempt status be paid as otherwise provided under Minnesota Statutes Section 414.033, Subd. 12. Furthermore, any assessments, charges or hook-up fees for services provided by the City of Bemidji will be paid to the City of Bemidji accordingly.
7. Land Use Controls. The parties agree the Property within the Designated Area is currently subject to a Municipal Services Agreement (MSA) executed by the City of Bemidji and Independent School District No. 31, and shall remain subject to that MSA as well as any applicable land use controls adopted by Beltrami County and the Town until the Property is annexed into the City. Once annexed, the Property shall become subject solely to the land

use controls of the Greater Bemidji Area Joint Planning Board and all municipal codes, including Building Codes, as administered by the City of Bemidji.

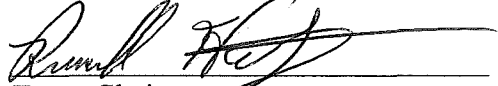
8. Binding Contract. Pursuant to Minnesota Statutes, section 414.0325, subdivision 6, this Agreement is a binding contract upon the parties and is enforceable in district court in the county containing the Designated Area. Property within the Designated Area shall only be annex in accordance with this Agreement.

9. Entire Agreement and Amendments. The terms, conditions, and provisions of this Agreement, including the recitals and exhibits attached hereto and incorporated herein by reference, shall constitute the entire agreement between the parties. Any prior annexation resolutions or agreements related to any property within the Designated Area are superseded by, and shall not interfere with or otherwise control, the terms of this Agreement. No alteration, modification, or amendment to this Agreement shall be valid unless it is in writing duly executed and signed by the City Council and Town Board and filed with the Boundary Adjustments Office.

GRANT VALLEY TOWNSHIP

Adopted on this 8 day of March, 2018.

BY THE TOWN BOARD



Town Chairperson

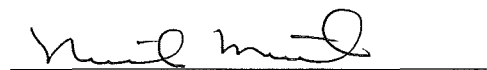
Attest: 
Angela Schmidt, Town Clerk

CITY OF BEMIDJI

Adopted on this 5th day of March, 2018.

BY THE CITY COUNCIL


Rita C. Albrecht, Mayor


Nathan Mathews, City Manager

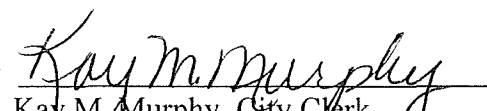
Attest: 
Kay M. Murphy, City Clerk

EXHIBIT A

Legal Description of Designated Area

The East Half of the Southwest Quarter ($E\frac{1}{2}$ of $SW\frac{1}{4}$) and the West Half of the Southeast Quarter ($W\frac{1}{2}$ of $SE\frac{1}{4}$), Section 12, Township 146 North, Range 34 West; together with the existing right of way for County State Aid Highway (CSAH) 7, which lies easterly of the southwest corner of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$ of $SE\frac{1}{4}$) of said Section 12, along the section line common to Sections 12 and 13 in Township 146 North, Range 34 West, Beltrami County, Minnesota.

EXHIBIT B
Map of the Designated Area

(attached hereto)

EXHIBIT B



0 0.125 0.25 0.5 Miles

PROPOSED CITY OF BEMIDJI ANNEXATION

