

Joint Resolution for Orderly Annexation

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IN THE MATTER OF THE JOINT
RESOLUTION OF THE CITY OF
MANKATO AND THE TOWN OF LIME
DESIGNATING CERTAIN AREAS
AS IN NEED OF ORDERLY
ANNEXATION PURSUANT TO
MINNESOTA STATUTES § 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, the City of Mankato (hereinafter the "City") and Town of Lime (hereinafter the "Township") deem it necessary and appropriate that they work together to develop and implement a process for the orderly and controlled growth of the City and Township; and

WHEREAS, the City and Township agree that municipal governments most efficiently provide governmental services in areas which are developed for residential, commercial, industrial, and governmental purposes; and

WHEREAS, the City and Township agree that the extension of municipal sanitary sewer service to areas needing such service would benefit the public health, safety, and welfare of the entire community; and

WHEREAS, the City and Township agree that orderly urban development using municipal services in a responsible, controlled, and environmentally sound manner is in the best interests of the entire community; and

WHEREAS, the City and Township agree that orderly annexation and orderly development of the areas designated herein is one way to promote the public health, safety, and welfare of the entire community by providing for the logical development of the community and the extension of municipal services as urban development occurs; and

WHEREAS, for certain developed areas designated herein, the City and Township desire to accomplish the servicing of existing development in a mutually acceptable and beneficial manner without the need for a hearing before the Office of Administrative Hearings, Municipal Boundary Adjustments Unit, as urban development occurs; and

WHEREAS, for certain areas designated herein, the City and Township desire to address the issue of orderly annexation for vacant, unimproved, and unsubdivided properties should a development proposal be submitted and the orderly annexation of existing development should the property be redeveloped or uses changed as stipulated herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mankato and the Town Board of Supervisors of the Town of Lime as follows:

Section 1. Designation of Orderly Annexation Areas. The City and Township hereby designate the following areas as in need of orderly annexation pursuant to Minnesota Statutes, Section 414.0325:

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- 1.1 "Orderly Annexation Area 1." "Orderly Annexation Area 1," hereinafter referred to as "Area 1," is legally described in Exhibit 1 attached hereto and incorporated herein by reference. For ease of reference, Area 1 is shown on the map attached hereto as Exhibit 1 and is generally the existing Subdivisions within the Township as delineated on Exhibit 1.
- 1.2 "Orderly Annexation Area 2." "Orderly Annexation Area 2," hereinafter referred to as "Area 2," is legally described as all the lands within the Township not contained in "Area 1".

Section 2. Definitions. For purposes of this Joint Resolution, the terms defined in this paragraph have the meanings given them:

- 2.1 "Abutting" shall have the meaning contained in areas whose boundaries at least touch one another at a single point, including areas whose boundaries would touch but for an intervening roadway, railroad, waterway or parcel of publicly owned land.
- 2.2 "Agricultural development" shall include agriculture and incidental agriculture related uses, including farm dwellings and agricultural buildings which occurs on a farm in connection with the production of farm products and includes but is not limited to the raising, harvesting, drying, or storage of crops; the care or feeding of livestock, the handling or transportation of crops or livestock; the treatment or disposal of wastes resulting from livestock; the marketing of product at roadside stands or farm markets; the creation of noise, odor, dust, or fumes; the operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
- 2.3 "Agricultural land" is defined as a "Farm" as defined in the Lime Township Land Use Ordinance.
- 2.4 "Applicant" shall mean any person or entity requesting approval of any land-use or development application, or similar action otherwise regulated by the Township or under the terms of this Agreement.
- 2.5 "Any adjacent, necessary land" means any unincorporated land lying between the City and the area proposed for annexation or used or proposed for urban, non-farm development that, in the determination of the City and Township, is necessary to maintain the symmetry of its corporate boundaries along recognizable physical features; or any unincorporated land adjacent to the City lying between the City and the area proposed for annexation or used or proposed for urban, non-farm development that, in the determination of the City and Township, is necessary to effectively provide municipal services to said unincorporated area.
- 2.6 "Dwelling" is defined as a building or portion thereof, designed exclusively for residential occupancy; the term does not include motels, tents, tent trailers, travel trailers or recreational vehicles. Also referred to as a "residential use" for the purposes of this agreement.
- 2.7 "Individual Sewage Treatment System" means a sewage treatment system, or part

thereof, serving a dwelling, or other establishment, or group thereof, which uses subsurface soils treatment and disposal. Individual sewage treatment system includes holding tanks and privies.

- 2.8 "Lot or Parcel of Record" means an existing lot or parcel within an existing recorded plat, in which property has been platted and subdivided into lots and blocks, or an approved metes and bounds description, and said subdivision or metes and bounds description have been recorded in the office of the Blue Earth County Recorder prior to November 24, 1997. A lot or parcel of record proposed for development under the provisions of Sections 3 and 4 shall meet the minimum standards for development under the Lime Township Land Use Ordinance.
- 2.9 "MPCA" means the Minnesota Pollution Control Agency.
- 2.10 "Municipal Utility Services" means water and sanitary sewer service as provided by the City of Mankato.
- 2.11 "Notice of Potential or Imminent Public Threat" means a notice given and signed by a licensed inspector under Minnesota Rules, Chapter 7080 or other similar state statute or rule, that an individual sewage treatment system presents a potential or imminent threat to the public health or safety because said systems are noncompliant, have failed, or are failing as defined by Minnesota Rules, Chapter 7080.
- 2.12 "Other establishment" means any public or private structure other than a dwelling that generates sewage.
- 2.13 "Petitioner" means the person or entity that requests annexation of a property, properties or area into the City.
- 2.14 "Planning Board" is the Lime Township Board.
- 2.15 "Professional Licensed Installer" means a person who designs, installs, alters, repairs, maintains, pumps or inspects individual sewage treatment systems pursuant to the minimum standards and licensing requirements as set forth in Minnesota Rules, Chapter 7080 or other similar state statutes or rules.
- 2.16 "Sewage" means the liquid and water-carried waste products from whatever source derived. The preferred term is "waste water".
- 2.17 "State" means the State of Minnesota.
- 2.18 "Subdivision" means a described tract of land which is to be divided into two (2) or more lots or parcels, any of which resultant parcels is less than twenty (20) acres in area for the purpose building development. "Subdivision" does not include a Land Division which qualifies as a Simple Lot Split or an Administrative Lot Split under the Lime Township Zoning Ordinances, or the creation of a new road or street provided that it does not include additional urban, nonfarm development. The term includes re-platting of all or a portion of an existing Plat.
- 2.19 "Urban, non-farm development" means any development, existing or proposed, which is

not defined as agricultural development. Urban, non-farm development includes, but is not limited to, the following activities:

- 2.19.1 Rezoning of a property from agricultural to any other zoning district.
- 2.19.2 Expansion of non-residential structures in the Highway Business, Light Industrial, and Heavy Industrial Zoning Districts in existence on the effective date of this Joint Resolution if that expansion exceeds a cumulative fifty percent (50%) increase in square footage over a five (5) year period.
- 2.19.3 New residential development or subdivisions, except for simple or administrative lot splits, or property line adjustments.
- 2.19.4 New or amended subdivision plats.

Section 3. In Addition to the Other Terms of This Joint Resolution, the Following Agreements Apply to Orderly Annexation Area 1:

- 3.1 Acreage of Orderly Annexation Area 1. The City and Township agree that Orderly Annexation Area 1 is shown in Exhibit 1 and contains approximately 155.76 acres and represents existing Subdivisions and urban non-farm development areas in Lime Township subject to the provisions of this Section. For reference, the existing Subdivisions and urban non-farm developments areas are labeled as “A”, “B”, “C”, and “D”.
- 3.2 No Annexation Required. The City and Township agree that no annexation shall be required for the following development activities in Orderly Annexation Area 1 provided that all activities conform to the provisions of the Lime Township Land Use Ordinance:
 - 3.2.1 In residential zoning districts, the construction of a new permitted residential use or expansion of an existing permitted residential use and accessory buildings may be permitted on a lot or parcel of record as defined in Section 2.8 and subject to any existing agreements on recorded at the Blue Earth County Recorder’s Office ;
or
 - 3.2.2. Urban, non-farm development which is first approved in writing by both the City and Township. In determining whether urban, non-farm development will be approved by both the City and Township, the City and Township will examine whether or not the proposed development conforms to the purpose and intent of this resolution, including, but not limited to, the finding that urban, non-farm development is best served by municipal utility services and annexed to the City of Mankato. This exception is not intended to allow subdivisions, zoning approvals, and/or redevelopment activities (refer to definitions for “Redevelopment”) that result in additional non-farm development nor allow uses that are not allowed under the Lime Township Zoning Ordinance. This exception is intended to provide relief for unique and limited circumstances.

- 3.3 Annexation Required. The City and Township agree that all urban, non-farm development within Orderly Annexation Area 1 that is not listed as an Exception in Section 3.2.2 above shall be prohibited, unless the property proposed for such development and any adjacent, necessary land, is first annexed to the City pursuant to the terms and conditions of Section 5.2 of this Joint Resolution. The property owner shall be responsible for all costs associated with the service extension unless other arrangements are agreed to by the City.
- 3.4 100% Bordered by the Municipality. The City and Township agree that if a portion of Area 1 (Area A, B, C, or D) depicted in Exhibit 1 is completely surrounded by and abutting land or rights-of-way within the municipal limits of the City, the City and Township may designate the area as in need of orderly annexation and the City and Township will provide notice to the property owners of the intent to annex the designated area after two (2) years of the date of the notice. Two (2) years after the date of said notice, the City may annex the designated area pursuant to the terms and conditions of Section 5.2 of this Joint Resolution.
- 3.5 Petition for Annexation – Area. The City and Township agree that for the land within Area A, B, C, or D as depicted in Exhibit 1, 70 percent or more of the property owners within an Area petition for municipal utility services the area petitioning for municipal sewer or water service may be designated by the City and Township as in need of orderly annexation and annexed in accordance with Section 5.2 of this Joint Resolution. The City and Township may also designate any adjacent, necessary land as also in need of orderly annexation and annexed in accordance with Section 5.2 of this Joint Resolution. The costs of providing municipal utility services shall be assessed per the assessment policy of the City of Mankato as amended from time to time.

This Section shall be interpreted as meaning 70 percent of the property owners of Lots or parcels of record within the area. For example, Area A contains 18 lots or parcels of record. If 13 or more lots or parcels of record are subject to a petition for annexation, Area A may be designated by the City and Township as in need of orderly annexation and annexed in accordance with Section 5.2 of this Joint Resolution.

Should municipal utility services not be available within 500 feet of the area or the City determines that providing municipal utility services is cost prohibitive, the City may choose to defer annexation to a defined date or decline to annex the property.

Section 4. In Addition to the Other Terms of This Joint Resolution, the Following Agreements Apply to Orderly Annexation Area 2:

- 4.1 No Urban, Non-Farm Development. The City and Township agree that all urban, non-farm development within Orderly Annexation Area 2 is prohibited unless the property proposed for such development and any adjacent, necessary land, is first annexed to the City pursuant to the terms and conditions of this Joint Resolution.
- 4.2 Exceptions. The City and Township agree that the following development may occur within Orderly Annexation Area 2 without having to be first annexed prior to development thereof:

- 4.2.1 Agricultural development as defined in Section 2.2; or
- 4.2.2 In Highway Business, Light Industrial, and Heavy Industrial Zoning Districts as defined by the Lime Township Land Use Ordinance, the repair, improvement, or limited expansion of non residential structures currently used for urban, non-farm development in existence on the effective date of this Joint Resolution. For purposes of this paragraph, the repair, improvement, or limited expansion of structures currently used for urban, non-farm development in existence on the effective date of this Joint Resolution shall not exceed a cumulative fifty percent (50%) increase in square footage of each existing structure proposed for repair, improvement, or limited expansion over a five (5) year period; or
- 4.2.3 In residential zoning and conservations zoning districts, the construction of a new single-family dwelling and accessory buildings or expansion of an existing permitted residential use and accessory buildings may be permitted on a lot or parcel of record as defined in Section 2.8; or
- 4.2.4 In agricultural and conservation zoning districts, the construction of a new single-family dwelling, accessory buildings, and mining and extraction of minerals as regulated by the township may be permitted per the density regulations of the Lime Township Land Use Ordinance and the associated land division regulations; or
- 4.2.5 Land Division as defined in the Lime Township Zoning Ordinance.
- 4.2.6 Urban, non-farm development which is first approved in writing by both the City and Township. In determining whether urban, non-farm development will be approved by both the City and Township, the City and Township will examine whether or not the proposed development conforms to the purpose and intent of this resolution, including, but not limited to, the finding that urban, non-farm development is best served by municipal utility services and annexed to the City of Mankato. This exception is not intended to allow subdivisions, zoning approvals, that results in additional non-farm development or allow uses that are not allowed under the Lime Township Zoning Ordinance. This exception is intended to provide relief for unique and limited circumstances.
- 4.3 Annexation Required. The City and Township agree that all urban, non-farm development within Orderly Annexation Area 2 that is not listed as an Exception in Section 4.2 above shall be prohibited, unless the property proposed for such development and any adjacent, necessary land, is first annexed to the City pursuant to the terms and conditions of Section 5.2 of this Joint Resolution. The property owner shall be responsible for all costs associated with the service extension unless other arrangements are agreed to by the City.
- 4.4 Properties 100% Bordered by the Municipality. The City and Township agree that a lot or parcel that is completely surrounded by and abutting land or rights-of-way that are located within the municipal limits of the City may be designated by the City and Township as in need of orderly annexation and annexed in accordance with Section 5.2 of this Joint Resolution.

The property owner shall receive written notice of said designation for orderly annexation and said notice shall state that the lot or parcel shall be annexed within two (2) years of the date of the notice.

Notwithstanding the above, should an owner of a lot or parcel that is completely surrounded by and abutting land or rights-of-way within the municipal limits of the City and is five (5) acres or less in size receive a notice of an imminent health threat under the Blue Earth County Subsurface Sewage Treatment Ordinance as amended from time to time, said property may be designated by the City and Township as in need of orderly annexation and annexed in accordance with Section 5.2 of this Joint Resolution.

4.5 Petition for Sewer or Water Service. The City and Township agree that if any property located in Orderly Annexation Area 2 is being used for urban, non-farm development, and the property owner located therein petitions the City for extension of municipal utility services, then the property petitioning for municipal sewer or water service may be designated by the City and Township as in need of orderly annexation and annexed in accordance with Section 5.2 of this Joint Resolution. The City and Township may also designate any adjacent, necessary land as also in need of orderly annexation and annexed in accordance with Section 5.2 of this Joint Resolution. The property owner shall be responsible for all costs associated with the municipal utility service extensions unless other arrangements are agreed to by the City.

4.6 Annexation by Property-Owner Petition. The City and Township agree that if the City receives a property-owner petition for annexation by any property-owner with land within Orderly Annexation Area 2 and said land is platted or subdivided, is proposed to be platted or subdivided, or is proposed for urban, non-farm development, the land may be designated by the City and Township as in need of orderly annexation and annexed in accordance with Section 5.2 of this Joint Resolution. The City and Township may also designate any adjacent, necessary land as in need of orderly annexation and annexed in accordance with Section 5.2 of this Joint Resolution. The property owner shall be responsible for all costs associated with the municipal utility service extension unless other arrangements are agreed to by the City.

Section 5. In Addition to the Other Terms of This Joint Resolution, the Following Agreements Apply to Orderly Annexation Areas 1 and 2 as indicated.

5.1 Sewer and Water Extension Required by State Agency. The City and Township agree that when the City is required to provide municipal water or sanitary sewer service to a designated area by order of an agency of the State the designated area shall be designated by the City and Township as in need of orderly annexation and annexed in accordance with Section 5.4 of this Joint Resolution.

The City and Township may also designate any adjacent, necessary land as also in need of orderly annexation and annexed in accordance with Section 5.2 of this Joint Resolution. The property owner(s) provided with municipal sewer or water service under any of the above circumstances shall be responsible for all costs associated with the service extension unless other arrangements are agreed to by the City.

- 5.2 No Hearing Required. The City and Township agree that upon receipt of resolutions from the City and Township providing for annexation of a designated area under Section 3.3, 3.4, 4.3, 4.4 5.1, and 7 and a copy of this Joint Resolution, the Office of Administrative Hearings, Municipal Boundary Adjustments Unit or designee/successor, pursuant to Minnesota Statutes, Section 414, may review and comment, but shall, within thirty (30) days of receipt of said resolution, order the annexation of the area designated therein in accordance with the terms and conditions of this Joint Resolution.

The City and Township agree that no alteration of the boundaries as described in the filed resolution is appropriate, that no consideration by the Office of Administrative Hearings, Municipal Boundary Adjustments Unit is necessary, and that all terms and conditions for annexation of the area designated in the filed resolution are provided for in this Joint Resolution.

- 5.3 Planning Authority. The City and Township agree that as of the date of execution of this Joint Resolution for Orderly Annexation, all planning, zoning, subdivision review, and building permit review and issuance activities within the Township area shall be carried out by the Planning Board. The City of Mankato will provide planning staff support to the Lime Township Board for planning and zoning related actions or issues. Land annexed under this Joint Resolution shall be subject to the Mankato City Code and Charter and the City shall be responsible for providing governmental services.

- 5.4 Powers of the Planning Board. The Planning Board shall be responsible for exercising all planning and land use control authority within the unincorporated areas of Lime Township. The Planning Board shall be the governing body for the purposes of all powers enumerated in Minnesota Statutes, Sections 462.351 to 462.364.

- 5.5 Official Controls. The Land Use and Subdivision Ordinances adopted for Lime Township shall be consistent with the terms of this Joint Resolution for Orderly Annexation. The Lime Township Planning Board shall forward all amendments to the Land Use and Subdivision Ordinance for review and approved prior to adoption of the amendments.

- 5.6 Enforcement. The City and Township agree that upon adoption of official controls, enforcement and implementation of the official controls shall be by the Planning Board, except for Shoreland and Wetland Regulations, which are administered and enforced by Blue Earth County.

- 5.7 Termination. The Planning Authority established by this Joint Resolution shall continue in effect for the term of this Joint Resolution unless otherwise terminated earlier by mutual written joint resolution of the governing bodies of the City and Township.

Section 6. Zoning, Subdivision and Land Development Application Procedure. The City and Township agree that:

- 6.1 Whenever any person(s) or business entity makes application to have any parcel of land located within the Township subdivided, platted, rezoned, or whenever application is made for conditional use permit and interim use permit defined in the Official Controls in the Township, such application shall be submitted to the City and Township for

review.

- 6.2 Should the City or Township during its review of an application under Section 6.1 above, determine that the application qualifies as urban, non-farm development for which an exception is not listed under the terms of this Joint Resolution, the City or Township shall provide notice to the other party of this Joint Resolution, and the property owner, within thirty (30) days of receipt, that the property and any adjacent necessary land are subject to annexation and extension of services by the City in accordance with the terms of this Joint Resolution.

The notice to the property owner shall state that the property owner will be responsible for all costs associated with the service extension unless other arrangements are agreed to by the City.

- 6.3 The City and Township, thereafter, within sixty (60) days of such notice, shall each consider and either approve or deny the annexation, unless the application submitted in Section 6.1 is withdrawn by the applicant. If either the City or Township determines that such annexation is not appropriate or is premature, the Planning Board shall deny the application. A valid reason the City or Township may determine that such annexation is not appropriate, or is premature, is the lack of municipal utility services within 500 feet of the property, feasibility of providing adequate municipal services, and/or the inability to provide municipal governmental services, such as Public Safety protection and Public Works services.
- 6.4 If the City and Township both approve the annexation per Section 6.3 above, the City and Township agree that the City may submit a resolution for annexation of the area proposed for urban, non-farm development in accordance with Section 5.2 of this Joint Resolution. The City and Township may also designate any adjacent, necessary land as also in need of orderly annexation and annexed in accordance with Section 5.2 of this Joint Resolution. The property owner shall be responsible for all costs associated with the service extension unless other arrangements are agreed to by the City.
- 6.5 After annexation of an area as provided for in this section, the City shall be responsible for providing governmental services and municipal utility services to the area annexed.

Section 7. Tax Reimbursement. When a lot or parcel is annexed, the City annexing the lot or parcel will reimburse the Township for the loss of taxes generated from the property annexed. If the annexation becomes effective on or before August 1 of the levy year, the City may levy on the annexed area beginning with the same levy year.

If the annexation becomes effective after August 1, of the levy year, the Township may continue to levy on the annexed property for that levy year and the City may not levy on the annexed area until the following year. For the year following the last tax year that Lime Township last collects a levy, the City will reimburse the Township ninety percent (90%) of the amount of taxes that were collected by the Township the previous year. For each year thereafter, the City will reimburse a declining amount adjusted by ten percent (10%) per year of the original taxes up until and including the year that the reimbursement equals ten percent (10%) of the original amount.

Thereafter, the City will no longer reimburse the Township. If an annexation occurs before and within 10 years of the termination of this agreement, payments will continue in conformance with the above beyond the termination date. All assessments levied by the Township shall continue to be collected on properties and reimbursed to the Township per State Statute.

Section 8. Subsequent Development of Annexed Properties.

8.1 Assessments. For annexed property, except as otherwise provided in this Agreement, assessment or connection charges to annexed properties will be at the City's customary rates for improvements of a similar type at the time of benefit and/or connection to said service. As contemplated in the agreement, the cost for extension of city services and associated infrastructures shall be the responsibility of the petitioning property owner(s) unless otherwise agreed to. Any deferred assessments or hook-up charges shall conform to State Law and the City of Mankato's Manual of Assessment Standards.

8.2 Installation of Municipal Utility Services. The installation of municipal services to annexed properties requesting Municipal Utility Service shall be a high priority to the City. The installation of Municipal Utility Services shall conform to City standards. Where feasible and cost effective, the installation of Municipal Utility Services shall minimize the disruption of existing streets contained in the orderly annexation area. If the installation of municipal services causes the excavation and/or other physical disruption of a street contained in orderly annexation area, the street shall be restored to its original condition and configuration unless an additional street improvement is petitioned for by at least 70% of the owners of the area and the City Council votes to improve said road as requested by the petitioners. Future street reconstruction projects after the initial installation of Municipal Utility Services shall conform to the municipal standards for street reconstruction of the City of Mankato.

8.3 Drain Tiles. The City shall require that any functioning drain tile lines located during development of any parcel in the Orderly Annexation Area be connected to the City's storm sewer system, to the extent practical and reasonable. If it is not practical and reasonable to connect functioning drain tiles to the City's storm sewer system, the City will require as a condition of plat approval that any damage to existing functioning drain tile be repaired, replaced or rerouted at the sole expense of the Applicant and/or property owner. The parcel requesting annexation and adjacent parcels shall submit any records that they have on the drain tile network to the City.

8.4 Roads Within Area Designated for Order Annexation. The parties agree as follows with regard to the roads located within the Orderly Annexation Area:

8.4.1 Roads Serving New Plats. The City shall require that all roadways adjacent to or serving new developments, which have been annexed, to the City shall be improved by the developer and/or property owner with bituminous surfacing from the access of the development to the nearest County, City or State road. All said road improvements shall be constructed to City standard street requirements. This section does not require the City to obtain additional road right-of-way by eminent domain only that the existing road right-of-way be improved to City standard street requirements.

8.4.2 Maintenance of Roads. Unless otherwise agreed to by the parties, the Township shall maintain all roads in the orderly annexation area not annexed to the City and the City shall maintain all roads annexed to the City.

8.4.3 Undue Burden on Town Roads. The Township and City recognize that there may be instances where it is appropriate for the City to assume responsibility to maintain additional portions of Town roads because City development imposes an undue burden on Town roads that serve the annexed property. The City and Township agree that in those instances the existing “Agreement for the Division of Maintenance Responsibilities for Joint City/Town Road” will be amended to include said roads.

8.4.4 Use of Township Roads. For all properties annexed under this Agreement, the City shall require in its developer’s agreements that during plat development (including construction of residences) all construction traffic shall use State Trunk Highways, Blue Earth County Highways or Mankato city streets, and that Township roads be used only when no State Trunk Highway, Blue Earth County Highway or Mankato city street is available. The City’s developer’s agreements shall also require that the Developer pay the Township for the cost to repair any road damage that may occur as a result of construction traffic using Township roads.

Section 9. The City and Township to Adopt and Enforce Regulations. The City and Township agree to enact, adopt, and strictly enforce all such resolutions, ordinances, or regulations, as may be or shall be necessary to give full effect to the stipulations contained in this Joint Resolution.

Section 10. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

Section 11. Modification / Amendment. This Joint Resolution shall not be modified, amended, or altered except upon the written joint resolution of the City, and the Township duly executed and adopted by the City Council and the Township Board of Supervisors and filed with the Office of Administrative Hearings, Municipal Boundary Adjustments Unit, or their successor.

Section 12. Term. This Joint Resolution shall be in full force and effect until July 1, 2038, unless otherwise terminated earlier by mutual written joint resolution of the City and Township or should the remaining unincorporated areas of the Township merge with the City.

Section 13. Severability. In the event that any provision of this Joint Resolution is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect, and the parties hereto shall negotiate in good faith and agree to such amendments or modifications of or to this Joint Resolution or other appropriate actions as shall, to the maximum extent practicable in light of such determination, implement and give effect to the intentions of the parties hereto.

Section 14. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.

Section 15. Attachments. All Attachments referred to in this Joint Resolution are hereby made a part hereof and incorporated herein by reference as fully and as completely as if set forth herein verbatim.

Section 16. Entire Agreement. The terms, covenants, conditions, and provisions of this Joint Resolution, including the present and all future attachments, 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 City and Township.

Section 17. Disputes and Remedies. The City and Township agree as follows:

17.1 Negotiation. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the respective City and Township will direct staff members as they deem appropriate to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.

17.2 Arbitration. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to binding arbitration.

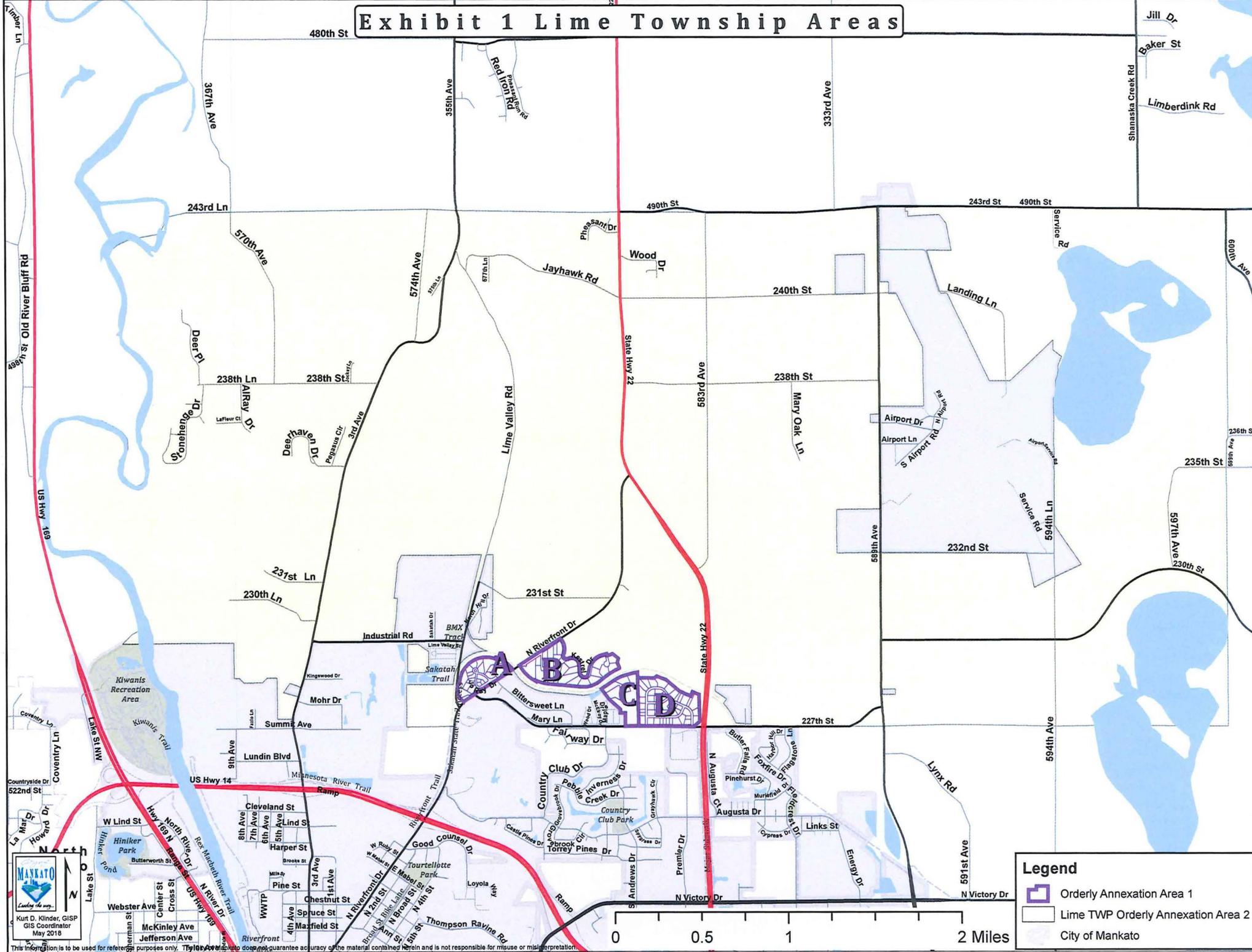
17.3 Adjudication. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to binding arbitration, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

Section 18. 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 certified or registered mail, return receipt requested, postage prepaid, as follows:

If to the City: Mr. Patrick Hentges, City Manager (or successor)
 Intergovernmental Center
 10 Civic Center Plaza
 PO Box 3368
 Mankato, MN 56002-3368

If to the Township: Town Clerk (or successor)
 Lime Township

Exhibit 1 Lime Township Areas



This information is to be used for reference purposes only. The City of Mankato does not guarantee accuracy of the material contained herein and is not responsible for misuse or misinterpretation.

Legend

- Orderly Annexation Area 1
- Lime TWP Orderly Annexation Area 2
- City of Mankato

