

JOINT RESOLUTION No. 1

IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN THE CITY OF TYLER AND HOPE TOWNSHIP PURSUANT TO MINNESOTA STATUTES § 414.0325

WHEREAS, the City of Tyler (hereinafter the “City”) and Hope Township (hereinafter the “Township”) designate for orderly annexation, the following described lands located within Hope Township, County of Lincoln, Minnesota:

The Area is legally described on the attached Exhibit 1 and for ease of reference as shown on map attached hereto as Exhibit 2.

and,

WHEREAS, the City has purchased the area to be annexed from the present record owner pursuant a contract for deed filed with the County Recorder of Lincoln County, Minnesota.

WHEREAS, the RTR School District has designated certain lands within the designated area for development of new K-12 School system; and

WHEREAS, the City and Township agree that the RTR School District has identified access to a municipal water & sewage treatment system, as well as other City utility services, such as garbage, electrical and natural gas services that are best met by the City; and

WHEREAS, the City and Township agree that the extension of utility services to areas in need of such services 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 are in agreement as to the orderly annexation of the unincorporated land described; that both believe it will be to their benefit and to the benefit of their respective residents; and

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

WHEREAS, a Notice of Intent to enter into an Agreement for orderly annexation will be published pursuant to the requirements of Minnesota Statutes § 414.0325 Subd. 1b; and

WHEREAS, the City and Township have agreed to all the terms and conditions for the annexation of the above-described lands 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 may review and

comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED, jointly by the City Council of the City of Tyler and the Board of Supervisors of Township of Hope stipulate and agree as follows:

1. **Designation of Orderly Annexation Area** That the following described lands in Township are subject to orderly annexation pursuant to Minnesota Statutes § 414.0325, and that the parties hereto designate those areas for orderly annexation, to wit:

The Orderly Annexation Area is legally described on the attached Exhibit 1 and for ease of reference as shown on map attached hereto as Exhibit 2.

2. **Immediate Annexation.** It is therefore agreed that the following property may be immediately annexed to the City, to wit:

The Area is legally described on the attached Exhibit 1 and for ease of reference as shown on map attached hereto as Exhibit 2.

3. **Properties Bordered by the City.** 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 may be annexed in the following manner:

- a. The City and Township agree that upon receipt of resolutions of the City and Township providing for annexation of a designated area 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 for the area designated therein in accordance with the terms and conditions of this Joint Resolution.
- b. The City and Township agree that no alteration of the Boundaries described in the filed resolution is appropriate, that no consideration by the Office of Administrative Hearings, Municipal Boundary Adjustment 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

4. **Acreage/Population/Usage.** That the designated area consists of approximately 79.76(+/-) acres, the population in the subject area is zero (0), and the present land use type is Agriculture.
5. **Jurisdiction.** That Township and the City, by submission of this joint resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confers jurisdiction upon the Chief Administrative Law Judge so as to accomplish said orderly annexation in accordance with the terms of this resolution.
6. **Notices.** Any notices require under the provision of this Joint Resolution shall be in writing and sufficiently given in person or sent by certified or registered mail, return

receipt requested, postage prepaid to the last known address on filed and of record with the Lincoln County Auditor/Treasurer.

7. **Need.** That the above-described property is urban or suburban or about to become so, and since the City is capable of providing services to this area within a reasonable time, the annexation would be in the best interest of the area.
8. **Conditions.** All property will be immediately annexed and official transfer of government power will occur concurrently. There are no roads or bridges within the area to be annexed that are serviced by the township.

The City is annexing the property into its City Limits for the purpose of development including a new school campus, new hospital campus and additional expansion for commercial purposes. The City will develop a plan for expansion of existing utilities that are currently in close proximity to the proposed annexed property and will look to develop a street access plan.

9. **Zoning.** Pursuant to Minnesota Statute § 414.0325 Subd. 5 (a) the Tyler City Council will serve as the zoning authority for the land.
10. **Tax Rate Step Up.** The annexed area will be City owned and therefore pursuant to Minnesota Statutes § 414.035 the levy for the year 2019 shall be increased to the City's rate payable in the 2020.

11. **Municipal Reimbursement.** Minnesota Statutes § 414.036.

- a. **Reimbursement to Towns for lost taxes on annexed property.** There will be no reimbursement to Hope Township for annexed property.
- b. **Assessment and Debt.** That pursuant to Minnesota Statutes § 414.036 with respect to any special assessment assigned by the Township to the annexed property and any portion of debt incurred by the Township prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described on the attached exhibit. It is acknowledged that there are no special assessments or debt.

12. **Review and Comment.** The City and Township agree that upon receipt of this resolution, passed and adopted by each party, the Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

13. **Restrictions.** There are no restrictions to this annexation.

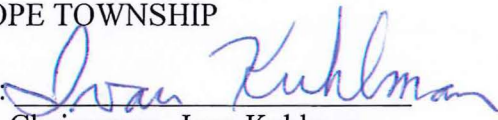
14. **Terms of Resolution.** *This resolution states the good faith intent of the City and the Town:*

- a. The Township shall retain any taxes payable and collected in the year 2019.
- b. The City will be responsible for all annexation fees.
- c. This resolution will form the basis of the orderly annexation agreement between the Township and the City.

Adopted by affirmative vote of all the members of the Hope Township Board of Supervisors this 2nd day of May 2019.

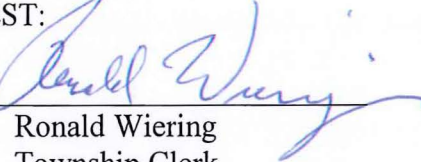
HOPE TOWNSHIP

By:


Chairperson, Ivan Kuhlman
Board of Supervisor

ATTEST:

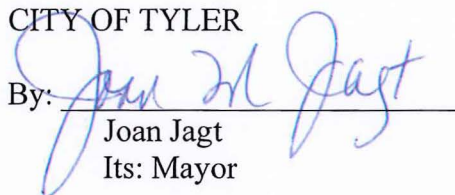
By:


Ronald Wiering
Township Clerk

Adopted by affirmative vote of the City Council of Tyler, Minnesota this 6th day of May 2019.

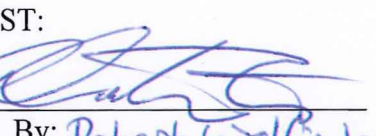
CITY OF TYLER

By:


Joan Jagt
Its: Mayor

ATTEST:

By:


By: Robert Wolfington
Its: City Administrator

Approved this 6th day of May 2019

EXHIBIT 1
LEGAL DESCRIPTION
ANNEXATION PURPOSES ONLY

All that part of the Northeast Quarter (NE ¼) of Section Four (4) in Township One Hundred Nine (109) North of Range Forty-Four (44) West of the Fifth Principal Meridian, lying and being South of the Chicago and Northwestern Railroad right-of-way, containing 16 acres, more or less, according to the government survey thereof;

And;

The Southeast Quarter of Section Four in Township One Hundred Nine (109) North, Range Forty-Four (44) West of the 5th Principal Meridian, more particularly described as follows:

Government Lots Seven (7) and Eight (8) in Section Four (4), Township One Hundred Nine (109) North, Range forty-four (44) west of the Fifth Principal Meridian and the following described tract of land, to wit: commencing at the southwest meander corner of said Lot Eight (8) and running thence West along the south line of said Lot Eight (8) extended west to a point where said south line of said Lot Eight (8), so extended, intersects the east line of said Lot Five (5) of said Section Four (4) extended South; thence North to the center of said Section Four (4); thence East to the Northwest meander corner of said Lot Seven (7); thence in a Southerly direction, along the meander line forming the West boundary of lots Seven (7) and Eight (8) to the point of commencement, containing 160 acres, more or less,

and excepting therefrom, the following described tract:

All that part of registered land, Certificate of Title Number 660, located in the Southeast Quarter of Section 4, Township 109 north, Range 44 West, City of Tyler, County of Lincoln, State of Minnesota, described as follows: commencing at the southeast corner of said Southeast Quarter; thence North 89 degrees 57 minutes 08 seconds West, assumed bearing, along the South line of said Southeast Quarter 1210.55 feet to the point of beginning; thence north 01 degrees 13 minutes 30 seconds West 479.42 feet; thence South 89 degrees 41 minutes 43 seconds East 181.48 feet; thence North 01 degrees 14 minutes 17 second West 842.92 feet; thence North 89 degrees 54 minutes 02 seconds West 390.72 feet; thence North 19 degrees 46 minutes 56 seconds East 141.09 feet; thence North 87 degrees 52 minutes 49 seconds West 354.37 feet; thence North 70 degrees 38 minutes 04 seconds West 163.35 feet; thence North 50 degrees 06 minutes 35 seconds West 144.09 feet; thence North 28 degrees 13 minutes 41 seconds West 254.74 feet; thence North 53 degrees 49 minutes 10 seconds West 163.28 feet; thence North 68 degrees 35 minutes 25 seconds West 217.80 feet; thence North 79 degrees 27 minutes 09 seconds West 212.39 feet to a point on the west line of said Southeast Quarter; thence South 01 degrees 41 minutes 13 seconds East along said West line of the Southeast Quarter 2053.12 feet to a point on said south line of the Southeast Quarter; thence South 89 degrees 57 minutes 08 seconds East along said South line 1412.16 feet to the point of beginning. Said tract of land contains 57.90 acres and is subject to any existing highways, roadways or easements.

and excepting therefrom, the following described tract:

All that parcel or tract of land lying east of the following described line: commencing at a point on the South line of the Southeast Quarter of Section Four, Township One Hundred Nine (109), North, Range Forty-Four (44) West of the Fifth p.m., which point is 400 feet West of the Southeast (SE) corner of said Southeast Quarter; thence northerly parallel to and 400 feet West of the East section line, a distance of 2040 feet; thence westerly, parallel to the South section line, a distance of 800 feet; thence northerly, parallel to and distance 1200 feet from the East section line to the south right-of-way line of the Chicago & Northwestern Railway.

PROPOSED ANNEXATION

Tyler City Limits
AREA = 79.76± Acres

GOV'T LOT 7

MEANDER LINE

CURRENT CITY LIMITS

EXCEPTION FROM
CERTIFICATE OF TITLE NO. 2180

RAILROAD

NE COR SE1/4
SEC 4-109-44
IRON

W. LINCOLN STREET

OAK STREET

CSAH NO. 83

Lot 12

Lot 1

Lot 2

Lot 3

Lot 4

Lot 5

SE COR SE1/4
SEC 4-109-44
PK 104L

SW COR SE1/4
SEC 4-109-44

N 0°45'21" W 2003.12'
OR 10°11'5" W

SW COR SE1/4
SEC 4-109-44
PK 104L

US TH 14

GOV'T LOT 8