

JOINT RESOLUTION FOR ORDERLY ANNEXATION

IN THE MATTER OF THE JOINT RESOLUTION OF THE TOWN OF CLEAR LAKE AND THE CITY OF CLEAR LAKE DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE DEPARTMENT OF ADMINISTRATION (MUNICIPAL BOUNDARY ADJUSTMENTS) OF THE STATE OF MINNESOTA PURSUANT TO MINN. STAT. § 414.0325, SUBD. 1

WHEREAS, the City of Clear Lake, (the "City") and the Town of Clear Lake, (the "Town") are in agreement as to the orderly annexation of the unincorporated land described herein, and both believe it will be to their benefit and to the benefit of their respective residents; and

WHEREAS, Hartkopf Family Real Estate, LLC, is the sole owner of two parcels in the Town that abut the City and it wishes sections of these parcels to be annexed to the City; and

WHEREAS, a request from all the property owners of the area proposed for designation and immediate annexation was received.

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

WHEREAS, the City and the Town are in agreement to the procedures and process for orderly annexation of certain lands described herein for the purpose of orderly, planned growth; and

WHEREAS, the City and the Town have agreed to all the terms and conditions for the immediate annexation of the lands described within this document, and the signatories hereto agree that no consideration by the Chief Administrative Law Judge of the Office of Administrative Hearings is necessary; that the Chief Administrative Law Judge may review and comment, but shall within 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 Clear Lake and the Town Board of the Town of Clear Lake, as follows:

1. **DESCRIPTION OF AREA TO BE ANNEXED.** That the following described areas in Clear Lake Township is subject to orderly annexation pursuant to Minnesota Statutes § 414.0325 and the parties hereto designate the following areas for immediate annexation, to-wit:

1.1. "Orderly Annexation Area 1". "Orderly Annexation Area 1", hereinafter referred to as "Area 1", is legally described in Exhibit A attached hereto and incorporated herein by reference. For ease of reference, Area 1 is shown on the survey attached hereto as Exhibit B and the map attached hereto as Exhibit E.

1.2. "Orderly Annexation Area 2". "Orderly Annexation Area 2", hereinafter referred to as "Area 2", is legally described in Exhibit C attached hereto and incorporated herein by reference. For ease of reference, Area 2 is shown on the survey attached hereto as Exhibit D and the map attached hereto as Exhibit E.

2. **Acreage/Population/Zoning.** The acreage designated for immediate annexation consist of approximately 13.01 acres, the population in the areas is 2. Upon annexation, the acreage shall be zoned as follows:

Area 1 – A-1 Agricultural

Area 2 – A-1 Agricultural

3. **Jurisdiction.** That the Town Board of the Town of Clear Lake and the City Council of the City of Clear Lake, upon the passage and adoption of this resolution and upon acceptance of the Office of Administrative Hearings (Municipal Boundary Adjustments) of the State of Minnesota, confer jurisdiction upon the Office of Administrative Hearings (Municipal Boundary Adjustments) of the State of Minnesota over the various provisions contained in this Agreement.

4. **Need.** That the above described properties about the City of Clear Lake and are presently urban or suburban in nature or about to become so. Further, the City of Clear Lake is capable of providing services to these areas within a reasonable time and the annexation is in the best interest of the area proposed for annexation.

5. **Municipal Reimbursement.** Pursuant to Minnesota Statute § 414.036:

5.1. **Reimbursement to Township for lost taxes on annexed property.** In the first year following the year in which the City of Clear Lake could first levy on the annexed area, an amount equal to \$0; and In the second and final year, an amount equal to \$0.

5.2. **Assessments 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 (herein or attached exhibit) there are no special assessments or debt.

6. **Town/City Tax Rate Differential.** It is recognized that there is a significant difference between the City's tax capacity rate and the Town's tax capacity rate, and that a phase-in of the City tax rate would prevent a hardship to annexing properties.

7. **Tax Rate Adjustment for Annexed Parcels.** Pursuant to Minn. Stat. §414.035, for parcels annexed by this orderly annexation agreement, the initial urban tax rate in the year of annexation will be fifteen percent (15%) of the city rate, with the percentage being increased seventeen (17%) each year for six (6) years to the full urban rate.

8. **Review and Comment.** The City and the Town 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 this resolution.

9. **No Alteration of Boundaries.** The City and Township agree that no alteration of the stated boundaries of the orderly annexation areas as described in Exhibit B and Exhibit D are

appropriate, that no consideration by the Chief Administrative Law Judge is necessary, and that all terms and conditions for annexation are provided for in this Joint Resolution.

10. **Costs Associated with the Orderly Annexation Agreement.** Each party shall pay its own costs incurred in the negotiation, development and implementation of this Agreement.

11. **Severability and Repealer.** All prior resolutions and ordinances of the Town and City, or portions of resolutions and ordinances in conflict with this Resolution, are hereby repealed. If any portion of this Joint Resolution conflicts with any pending Orderly Annexation Agreement, the pending Orderly Annexation Agreement shall overrule the conflicting portion of this Joint Resolution. If any section of this Joint Resolution and Agreement is held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions will remain in full force and effect. In the event of litigation, neither the City nor the Town will seek to have any provisions of this Agreement declared null and void. If a court issues an order declaring a portion of this Agreement unconstitutional or void, the parties mutually agree to request of that court reformation of the contract and/or legislation, both actions being for the purpose of reinstating the original intent of this Agreement.

12. **Effective Date.** This Joint Resolution and Agreement is effective upon its adoption by the respective governing bodies of the Town and the City, as provided by law.

13. **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.

14. **Amendments.** Any amendments to this Joint Resolution and Agreement will require adoption and approval by the City and Town.

15. **Authorization.** The appropriate officers of the City and the Town are hereby authorized to carry the terms of this Joint Resolution and Agreement into effect.

[signatures on following page]

Adopted by affirmative vote of all members of the Clear Lake Town Board of Supervisors this 1st day of August, 2019.

TOWN OF CLEAR LAKE

By: [Signature]
Chairperson
Board of Supervisors

By: [Signature]
Clerk

Adopted by affirmative vote of the City Council of the City of Clear Lake, this 5 day of August 2019.

CITY OF CLEAR LAKE

ATTEST:

By: [Signature]
Mayor

By: [Signature]
City Clerk

Approved this 5 day of August 2019.

EXHIBIT A

LEGAL DESCRIPTION OF AREA 1

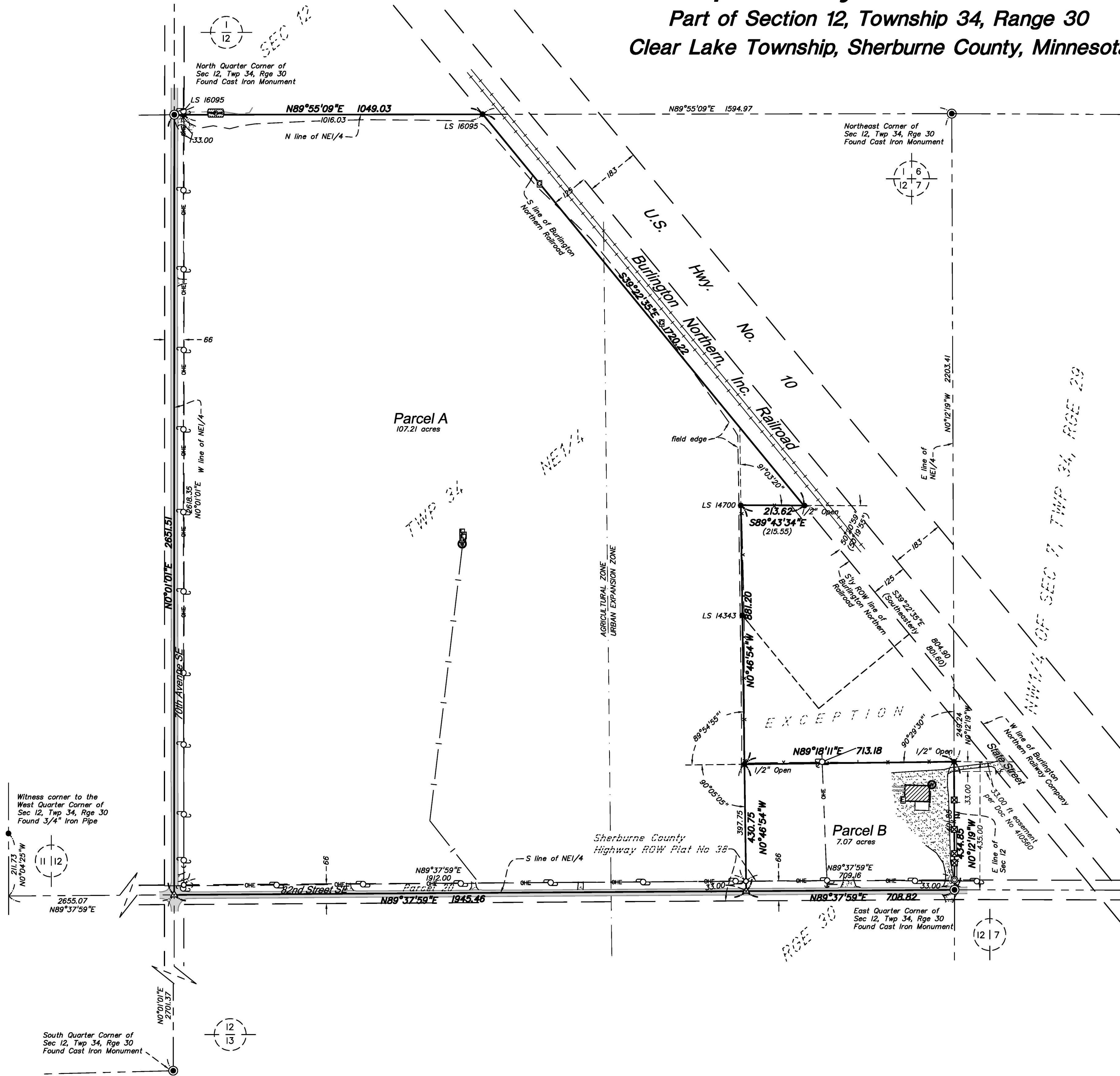
That part of the Northeast Quarter of Section 12, Township 34, Range 30, Sherburne County, Minnesota described as follows: Beginning at the East Quarter Corner of said Section 12; thence North 00 degrees 12 minutes 19 seconds West, along the east line of said Northeast Quarter, a distance of 434.85 feet; thence West and deflecting left 90 degrees 29 minutes 30 seconds a distance of 713.18 feet; thence South and deflecting 90 degrees 05 minutes 05 seconds a distance of 430.75 feet to the south line of said Northeast Quarter; thence North 89 degrees 37 minutes 59 minutes East, along said south line, a distance of 708.82 feet to the point of beginning.

Together with an easement for ingress and egress over that part of the North 33.00 feet of the South 435.00 of the Northwest Quarter of Section 7, Township 34, Range 29, Sherburne County, Minnesota which lies west of the west line of the Burlington Northern Railway Company.

Subject to any and all easements of record if any. Subject to an easement for highway right of way purposes over Parcel 20 of SHERBURNE COUNTY HIGHWAY RIGHT OF WAY PLAT NO 38.

EXHIBIT B
SURVEY OF AREA 1
[See following insert]

Certificate of Survey
for
Hartkopf Family Real Estate LLC
Part of Section 12, Township 34, Range 30
Clear Lake Township, Sherburne County, Minnesota



— OHE — Denotes overhead electric
 G Denotes gas meter

Surveyors Notes

- 1) This survey was performed without the benefit of a title report. No search for recorded or unrecorded easements or restrictions was made by the surveyor.
- 2) ~~There was substantial snow cover at the time of the field work being done.~~
- 3) This preliminary drawing is to show current zoning areas for future parcel subdivision and rezoning.
- 4) Zoning District line digitized from Sherburne County Zoning Maps provided by GIS County website.
Zoning District Areas:
Agricultural Zone—87.1% acres
Urban Expansion Zone—27.2% acres
- 5) The Existing description shown on Document No 573977 may have a typo. I found Document No 544472 which shows a description of the same area but shows a different degree as shown above. The description on Document No 544472 contains metes and bounds information that mathematically works.
- 6) The location of the railroad is shown using plat information from the south.
- 7) Additional field work was done after the snow cover was gone.
- 8) Parcel B will be annexed by the City of Clear Lake. Following the annexation process deeds will be filed (based on an Administrative Subdivision process) to separate Parcel B from Parcel A.


SHEET NO. —	Certificate of Survey for Hartkopf Family Real Estate LLC in part of Sec 12, Twp 34, Rge 30 Clear Lake Township, Sherburne Co, MN	 BOGART, PEDERSON & ASSOCIATES, INC. LAND SURVEYING CIVIL ENGINEERING MAPPING 13076 FIRST STREET, BECKER, MN 55308-9322 TEL: 763-262-8822 FAX: 763-262-8844	I hereby certify that this survey, plan, or report was prepared by me, under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. Signed: <u>Shannon Ballman</u> Shannon Ballman Date: <u>4-3-19</u> Lic. No. <u>44360</u>		DATE: <u>3/18/19</u>	REV NO.	DATE	DESCRIPTION
			DESIGN BY: _____ DRAWN BY: <u>ssb</u> CHECKED BY: <u>ssb</u> DWG FILE: <u>Ad Su.dwg</u> FILE NO.: <u>19-0059.00</u>	1	4-16-19	add additional topo after snow		
—						2	5-28-19	was gone create descriptions for split
				3	8-15-19	based on annexation process edit topo in		

EXHIBIT C
LEGAL DESCRIPTION OF AREA 2

That part of the Northeast Quarter of the Northeast Quarter of Section 13, Township 34, Range 30, Sherburne County, Minnesota that lies Northwest of the centerline of Minnesota Trunk Highway No. 24 and Southeast of the following described line:

Commencing at the Northeast Corner of said Section 13; thence South 00 degrees 07 minutes 27 seconds West, along the east line of said North Half of the Northeast Quarter, a distance of 574.90 feet to the point of beginning of the line being described; thence South 43 degrees 57 minutes 21 seconds West a distance of 1066.83 feet to the south line of said North Half of the Northeast Quarter and said line there terminating.

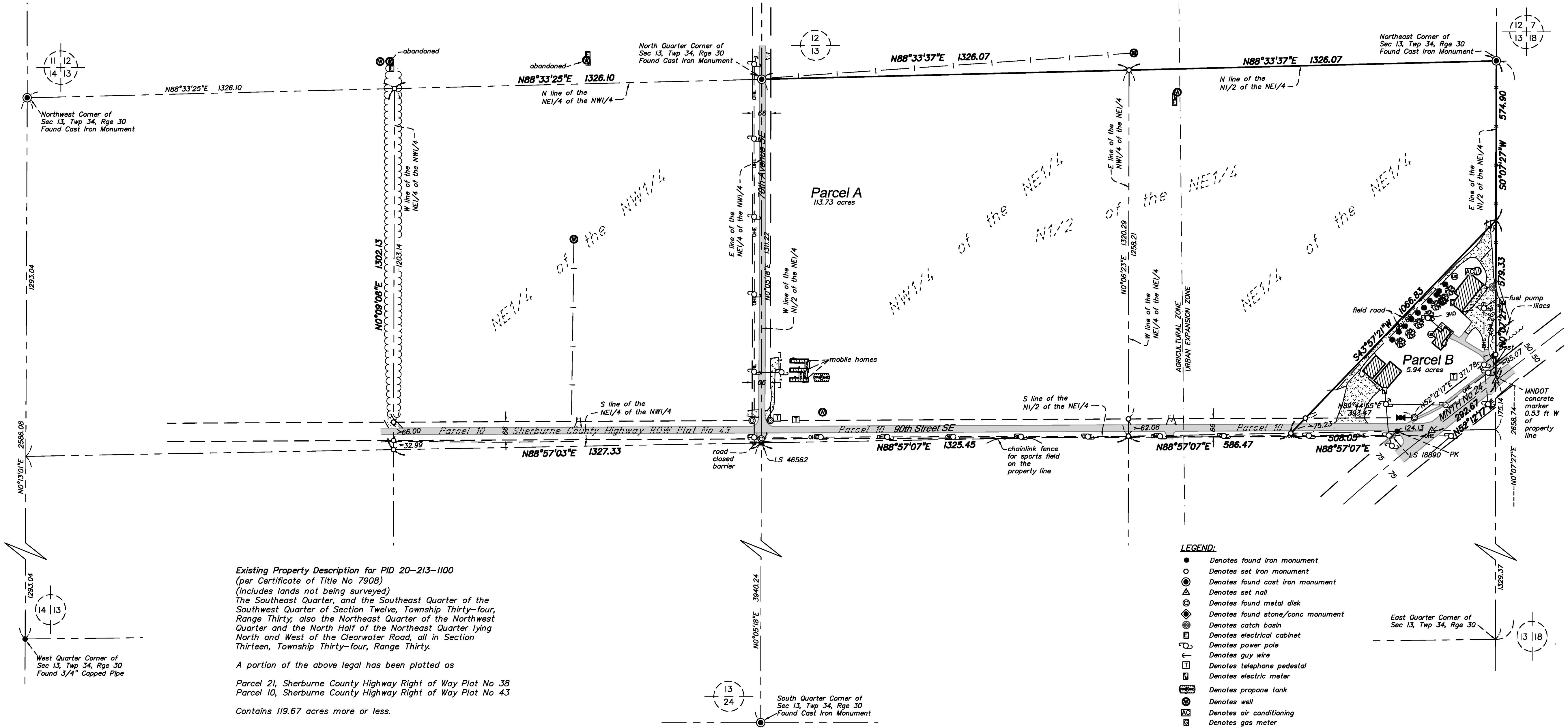
Subject to road right of way. Subject to any and all easements of record if any.

EXHIBIT D
SURVEY OF AREA 2

[See following insert]

Certificate of Survey
for
Hartkopf Family Real Estate LLC
Part of Section 13, Township 34, Range 30
Clear Lake Township, Sherburne County, Minnesota

- 1) This survey was performed without the benefit of a title report. No search for recorded or unrecorded easements or restrictions was made by the surveyor.
- 2) There was substantial snow cover at the time of the field work being done.
- 3) This preliminary drawing is to show current zoning areas for future parcel subdivision and rezoning.
- 4) Zoning District line digitized from Sherburne County Zoning Maps provided by GIS County website.
Zoning District Areas:
Agricultural Zone—85.6% acres
Urban Expansion Zone—34.0% acres
- 5) Additional field work was done after the snow cover was gone.
- 6) Parcel B will be annexed by the City of Clear Lake. Following the annexation process a Registered Land Survey will need to be filed in order to formally separate Parcel B from Parcel A.



Proposed Property Description for Parcel A
The Northeast Quarter of the Northwest Quarter and that part of the North Half of the Northeast Quarter that lies Northwest of the following described line:
Commencing at the Northeast Corner of said Section 13; thence South 00 degrees 07 minutes 27 seconds West, along the east line of said North Half of the Northeast Quarter, a distance of 574.90 feet to the point of beginning of the line being described; thence South 43 degrees 57 minutes 21 seconds West a distance of 1066.83 feet to the south line of said North Half of the Northeast Quarter and said line there terminating,
all in Section 13, Township 34, Range 30, Sherburne County, Minnesota.

Subject to road right of way. Subject to any and all easements of record if any.

Contains 113.73 acres more or less.

Proposed Property Description for Parcel B
That part of the Northeast Quarter of the Northeast Quarter of Section 13, Township 34, Range 30, Sherburne County, Minnesota that lies Northwest of the centerline of Minnesota Trunk Highway No. 24 and Southeast of the following described line:

Commencing at the Northeast Corner of said Section 13; thence South 00 degrees 07 minutes 27 seconds West, along the east line of said North Half of the Northeast Quarter, a distance of 574.90 feet to the point of beginning of the line being described; thence South 43 degrees 57 minutes 21 seconds West a distance of 1066.83 feet to the south line of said North Half of the Northeast Quarter and said line there terminating.

Subject to road right of way. Subject to any and all easements of record if any.

Contains 5.94 acres more or less.


Certificate of Survey for Hartkopf Family Real Estate LLC in part of Sec 13, Twp 34, Rge 30 Clear Lake Township, Sherburne Co, MN	 <p>BOGART, PEDERSON & ASSOCIATES, INC.</p> <p>LAND SURVEYING & ENGINEERING MAPPING</p> <p>13076 FIRST STREET, BECKER, MN 55309-8322 TEL: 763-262-8822 FAX: 763-262-8844</p>	<p>I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision, and that I am a duly licensed land surveyor under the laws of the State of Minnesota.</p> <p>Signed: <i>Sharon Ballman</i></p> <p>Sharon Ballman Date: <u>4/3/19</u> Lic. No. <u>44360</u></p>
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EXHIBIT E

MAP SHOW AREA 1 & AREA 2

[See following insert]

