

Resolution 2019-46
JOINT RESOLUTION FOR ORDERLY ANNEXATION
BETWEEN THE TOWN OF AVON AND THE CITY OF AVON

Property Owner's Name: Lange Properties, Inc.
Property Identification: 30 acres approved for administrative subdivision from PID
03.01110.0010 for attachment to PID 42.26225.0090 as referenced in Stearns County
Environmental Service document #19-15703

RECITALS

- A. The Township of Avon ("Town") and the City of Avon ("City"), both of Stearns County, Minnesota, agree on the orderly annexation of certain real property described in this Resolution for orderly and planned services to the community.
- B. The property proposed to be annexed (as described on Exhibit A and set forth on the map as Exhibit B) is subject to orderly annexation under and pursuant to Minnesota statutes, Section 414.0325.
- C. All owners of the property proposed to be annexed have petitioned the City and the Town for annexation.
- D. The Joint Planning Board of the City of Avon and the Township of Avon along with the City Council of the City of Avon and the Avon Township Board of Supervisors have reviewed this annexation request and agree that the annexation of the property is in the best interest of the City and Town.

RESOLUTION

1. **Office of Administrative Hearings, Municipal Boundary Adjustment Jurisdiction.** Upon approval by the Town Board and City Council, this Joint Resolution shall confer jurisdiction upon the Office of Administrative Hearings, Municipal Boundary Adjustments to approve annexation of the designate property pursuant to Minnesota Statutes §414.0325.
2. **No Alteration of Boundaries.** The Town and City agree and state that no alterations by the Office of Administrative Hearings, Municipal Boundary Adjustments of the designated property's stated boundaries is appropriate.
3. **Office of Administrative Hearings, Municipal Boundary Adjustments Review and Comment.** The Town and City agree and state that this Joint Resolution sets forth all the conditions for annexation of the designated property, and no consideration by the Office of Administrative Hearings, Municipal Boundary Adjustments is necessary. The Office of Administrative Hearings, Municipal Boundary Adjustments may review and comment, but shall order the annexation of the designated property according to this Joint Resolution's terms within 30 days of the Office of Administrative Hearings, Municipal Boundary Adjustment's receipt of this Joint Resolution.
4. **Planning and Land Use Control Authority.** Upon the annexation's effective date, the City's zoning regulations and land use controls shall govern the designated property. The property will be brought into the city with the zoning classification of "A-Agricultural".
5. **Acreage and Population.** The designated property consists of 30 acres and has a current population of zero (0).
6. **Revenue Sharing.** In respect to the annexed property, the taxes shall for six years following the annexation of the property, be rebated to the Township and amount equal to the property taxes collected by the Town for the property in the year of annexation.
7. **Authority of Joint Planning Board.** The Joint Planning Board may review and comment on drainage plans, concept plans, sewer and water lines, utility locations, and traffic/roadway access issues.
8. **Authorizations.** The Town and City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.
9. **Modification.** The Town and City may modify, amend, and terminate this Joint Resolution only by a mutually signed, written agreement.
10. **Severability.** A determination by any court of competent jurisdiction that any provision of this Joint Resolution is invalid, illegal, or unenforceable shall not affect the validity of this Joint Resolution's other provisions. If any of this Joint Resolution's provisions is

inapplicable to any person or circumstances, it shall still remain applicable to all other persons or circumstances.

11. **Effective Date.** This Joint Resolution shall be effective from the date of the Office of Administrative Hearings, Municipal Boundary Adjustment's order calling for the designated property's annexation to the City.
12. **Governing Law.** Minnesota law will govern this Agreement.

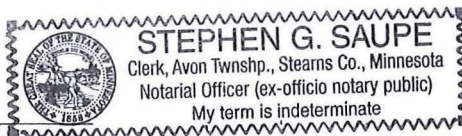
The Township of Avon Board of Supervisors adopts this Joint Resolution on the 2nd
day of January, 2020.

TOWNSHIP OF AVON

[Signature]
Town Chair

ATTEST:

[Signature]
Town Clerk



The Avon City Council adopts this Joint Resolution on the 6th
January, 2020.

CITY OF AVON

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk/Administrator

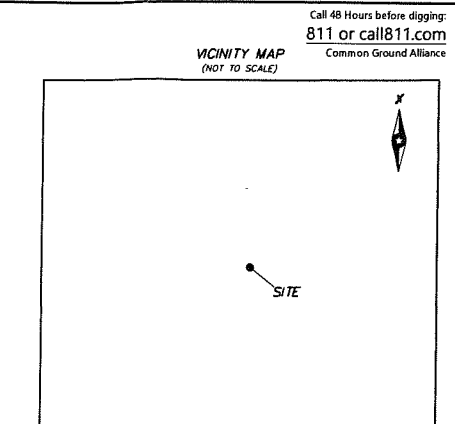
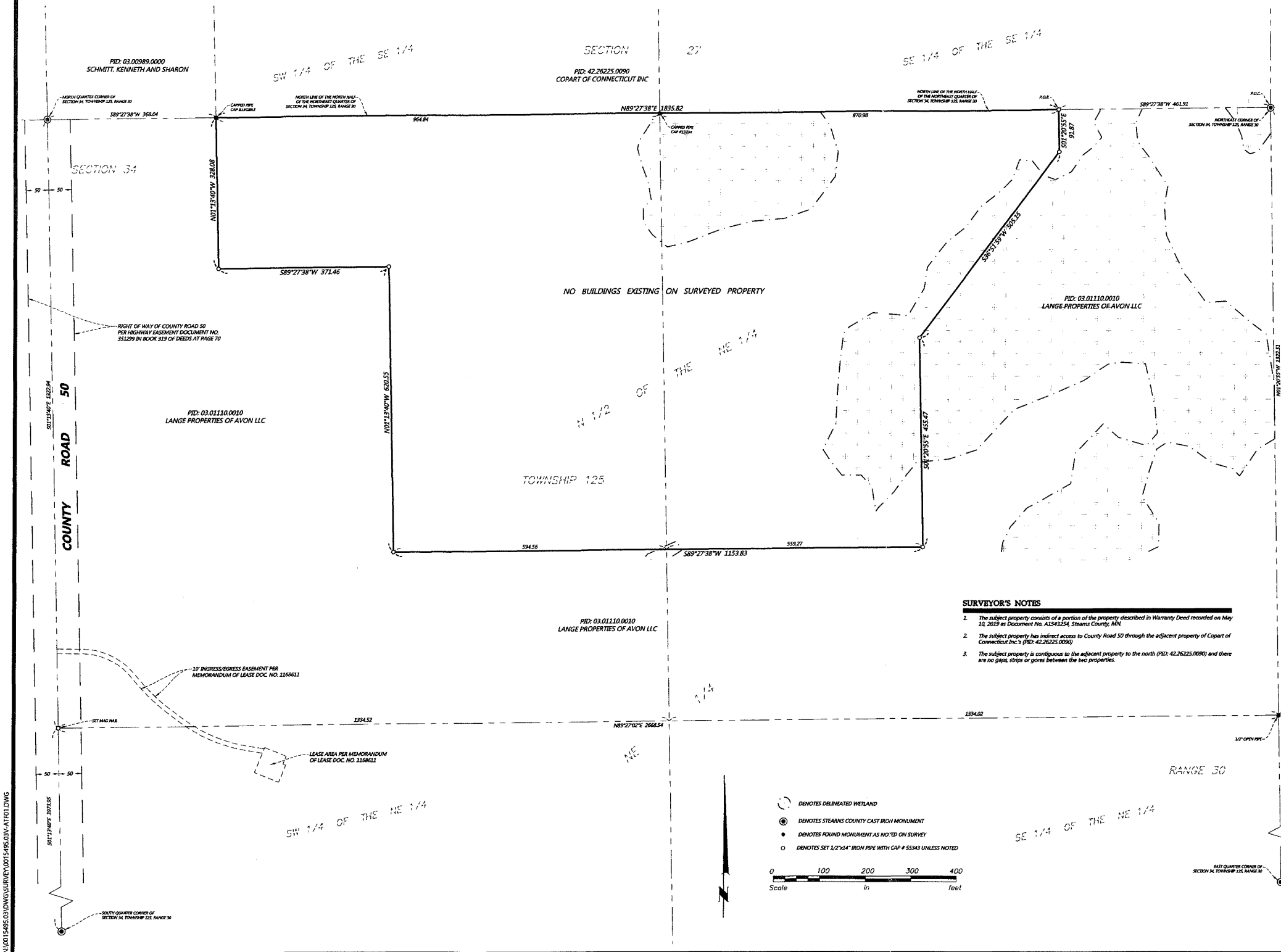


Exhibit A

Parcel Legal Description

The part of the North Half of the Northeast Quarter of Section 34, Township 125 North, Range 30 West, Stearns County, Minnesota.

Commencing at the Northeast corner of said North Half of the Northeast Quarter; thence South 89 degrees 27 minutes 38 seconds West, assumed bearing along the north line of said North Half of the Northeast Quarter, a distance of 461.91 feet to the point of beginning; thence South 01 degrees 20 minutes 55 seconds East, a distance of 91.87 feet; thence South 36 degrees 51 minutes 59 seconds West, a distance of 505.15 feet; thence South 01 degrees 20 minutes 55 seconds East, a distance of 455.47 feet; thence South 89 degrees 27 minutes 38 seconds West, a distance of 1153.83 feet; thence North 01 degrees 13 minutes 40 seconds West, a distance of 620.55 feet; thence South 89 degrees 27 minutes 38 seconds West, a distance of 371.46 feet; thence North 01 degrees 13 minutes 40 seconds West, a distance of 328.08 feet to said north line of the North Half of the Northeast Quarter; thence North 89 degrees 27 minutes 38 seconds East, along said north line, a distance of 1835.82 feet to the point of beginning.



LEGAL DESCRIPTION (PER TITLE COMMITMENT)
A parcel of land to be described by survey, being a portion of the Northeast Quarter of Section 34, Township 125 North, Range 30 West, Stearns County, Minnesota.

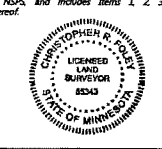
LEGAL DESCRIPTION (AS SURVEYED)
The part of the North Half of the Northeast Quarter of Section 34, Township 125 North, Range 30 West, Stearns County, Minnesota.

Commencing at the Northeast corner of said North Half of the Northeast Quarter; thence South 89 degrees 27 minutes 38 seconds West, assumed bearing along the north line of said North Half of the Northeast Quarter, a distance of 461.91 feet to the point of beginning; thence South 01 degrees 20 minutes 55 seconds East, a distance of 91.87 feet; thence South 36 degrees 51 minutes 59 seconds West, a distance of 502.15 feet; thence South 01 degrees 20 minutes 55 seconds East, a distance of 455.47 feet; thence South 89 degrees 27 minutes 38 seconds West, a distance of 1153.83 feet; thence North 01 degrees 13 minutes 40 seconds West, a distance of 620.55 feet; thence South 89 degrees 27 minutes 38 seconds West, a distance of 371.46 feet; thence North 01 degrees 13 minutes 40 seconds West, a distance of 328.08 feet to said north line of the North Half of the Northeast Quarter; thence North 89 degrees 27 minutes 38 seconds East, along said north line, a distance of 1835.82 feet to the point of beginning.

- GENERAL NOTES**
- This survey was prepared using First American Title Insurance Company. This Commitment Number MCS-970622-MPLS (Revision No.: 1) having an effective date of July 21, 2019 at 8:00 A.M. The above legal description describes the same property as insured in such title insurance commitment and all property-specific exceptions have been noted herein.
 - The subject property has not been assigned an address or PID number. It is a portion of PID No. 0301110.0010, which is 52902 County Road 50, Avon, MN 56310 (Table A, Item 2).
 - Subject property appears to be classified as "Other Areas" Zone X (Areas determined to be outside the 0.25% annual chance floodplain) when scaled from Flood Insurance Rate Map Number 27145C000E dated February 16, 2012. (Table A, Item 3).
 - Subject property contains 1,306,800 Sq. Ft. or 30.00 acres. (Table A, Item 4).
 - Subject property contains no marked parking stalls. (Table A, Item 5).
 - The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities. (Table A, Item 11).
 - There was no observable evidence of earth moving work, or outside building construction at the time of this survey. (Table A, Item 14).
 - The subject property does not abut a road right of way, as of the date of the field work was completed for this survey, there were not any sidewalks or streets on subject property (Table A, Item 17).
 - Delineated wetlands are shown per the wetland report prepared by Westwood Professional Services on 6/09/2019. (Table A, Item 18).
 - All areas in Reciprocal Easement Agreements ("REAs") have been denoted on the survey. The limits of any offsite appurtenant easements, if any, are also shown hereon. The limits of any REAs of offsite appurtenant and beneficial easements to the surveyed property are reported, including the location of all buildings, parking spaces, and other improvements thereon.
 - As of the date the field work was completed for this survey, there was no observable evidence of site use as a commercial solid waste dump, dump or landfill. The Surveyor recommends that an environmental specialist be hired to determine if there are any recognized environmental concerns situated on the subject property. (Table A, Item 21 as provided by Client).

- EXCEPTIONS**
- The following notes correspond to the numbering system of Schedule B, Section II of the above mentioned title commitment.
- Intentionally deleted
 - Intentionally deleted
 - Mortgage by Large Properties of Avon, LLC, a Minnesota limited liability company, as mortgagee, to American Heritage National Bank, as mortgagee, dated May 17, 2018, recorded May 10, 2019 as Document No. 1146255, to secure the principal amount of \$1,800,000.00. (Includes other land not insured herein). (NOT PLOTTABLE)
 - Lack of insurable access to the proposed land description from any existing public road or street.

CERTIFICATION
To: Copart, Inc., a Delaware corporation, Copart of Connecticut, Inc., a Connecticut corporation and First American Title Insurance Company:
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a)(b)(1)(c), 8, 9, 11, 13, 14, 16, 17, 18, 19, 20 and 21 of Table A thereof.
The field work was completed on August 1st, 2019.
Date of Plat or Map September 3rd, 2019.
Christopher R. Foley, PLS
MN License No. 55343, Expiration 06/30/2020
Chris.Foley@westwoodps.com



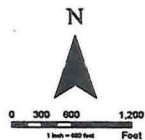
DESIGNED:	INITIAL ISSUE: 9/3/2019
CHECKED: CRF	REVISIONS:
DRAWN: NMS	8/17/2019 - Review per legal counsel's comments (NMS)
FIELD CREW: MDS	10/18/2019 - Review per updated Title Commitment (NMS)
FIELD WORK DATE:	

PREPARED FOR:
COPART, INC

Westwood
NE 1/4 SEC. 34, TWP. 125, RNG. 30
STEARNS COUNTY, MN
Phone (320) 253-9495 3701 12th Street North, Suite 206
Fax (320) 358-2001 St. Cloud, MN 56303
Toll-free (800) 270-9495 westwoodps.com
Westwood Professional Services, Inc.

ALTA/NSPS
LAND TITLE SURVEY
SHEET NUMBER: 1 OF 1
DATE: 9/3/2019
0015495.03

CITY OF AVON 2016 OFFICIAL ZONING MAP



LEGEND			
R1 -	1 & 2 FAMILY RESIDENTIAL	PUD -	PLANNED UNIT DEVELOPMENT
R2 -	MULTI FAMILY RESIDENTIAL	PUD -	SERENITY AT AVON
R3 -	APARTMENTS, ASSISTED LIVING FACILITY	PUD -	AVON ESTATES CIRCLE
I -	INDUSTRIAL	PUD -	WATERS EDGE
C1 -	CORE COMMERCIAL	P -	PARKS
C2 -	GENERAL COMMERCIAL		CORPORATE LIMITS
			SECTION LINES

