

COKATO TOWNSHIP RESOLUTION NO. 2022-2__

CITY OF COKATO RESOLUTION 2022-16

**JOINT RESOLUTION FOR THE IMMEDIATE ANNEXATION OF PROPERTY FROM
THE TOWN OF COKATO TO THE CITY OF COKATO, WRIGHT COUNTY,
MINNESOTA, PURSUANT TO MINNESOTA STATUTES § 414.0325**

WHEREAS, a request from all of the property owners of the area proposed for immediate annexation was received by the City of Cokato (“City”).

WHEREAS, the City and Cokato Township (“Township”) jointly agree to request the immediate annexation of the following described land located within Cokato Township to the City of Cokato, County of Wright, Minnesota:

SEE EXHIBIT 1 ATTACHED HERETO AND INCORPORATED HEREIN (the “Subject Area”).

WHEREAS, the City of Cokato and Cokato Township are in agreement as to the orderly annexation of the unincorporated land described; and

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

WHEREAS, the City of Cokato and Cokato Township have agreed to all the terms and conditions for the annexation of the above-described lands; 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 Cokato and the Township Board of Cokato Township as follows:

1. **Annexaton of the Subject Property.**

The Township and the City hereby designate the areas legally described on **Exhibit 1** attached (hereinafter referred to as the “Orderly Annexation Area”, or “Subject Area”) for orderly annexation pursuant to Minnesota Statutes Section 414.0325.

A boundary map showing the Subject Area legally described on **Exhibit 1** is attached hereto as **Exhibit 2** and incorporated herein by reference.

The Township and City agree that the Orderly Annexation Area legally described on **Exhibit 1** is approximately 24 acres and the land use type is agricultural. The purpose of the annexation is to allow development of urban density on the annexed Subject Area. The population of the Subject Area is zero.

2. **Office of Administrative Hearings, Municipal Boundary Adjustments.**

Upon submission by the Town Board and the City Council, this Joint Resolution shall confer jurisdiction upon the State of Minnesota Office of Administrative Hearings, Municipal Boundary Adjustments (hereinafter referred to as the “MBA”) or its successor pursuant to Minnesota Statutes.

3. **No Alterations of Boundaries.**

The Township and City mutually agree and state that no alterations by the MBA of the stated boundaries of the area designated for orderly annexation is appropriate. Any alterations of boundaries may only be made upon the joint agreement of the Township and City.

4. **Review and Comment.**

The City and the 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.

5. **Taxation Reimbursement.**

- A. **Tax Reimbursement.** To allow the Township to be reimbursed for the permanent loss of taxable property from Township tax rolls due to the annexation of the Subject Area, the City agrees that it will pay to the Township \$140 per acre of land annexed. The parties agree that the Subject Area consists of 24 acres and therefore the City shall pay the Township \$3,360.00. The City shall remit payment to the Town within thirty days after the annexation is ordered by the Office of Administrative Hearings.
- B. **Delinquent Taxes.** The City agrees that it shall remit all delinquent taxes, charges and assessments collected from any portion of the Subject Area after annexation of such property if such taxes or charges were originally payable while the delinquent property remained in the Township. Additionally, when a property no longer qualifies for special tax treatment through Green Acres or other applicable programs such as Ag Preserves, CRP, This Old House, and taxes that were deferred under one of these programs is paid to the City, the City shall remit to Township the amount which was deferred during the time the Subject Area was in the Township.

C. Assumption of Liability for Public Improvements. The City does not assume by this annexation any liability or responsibility for the payment of any obligations issued to finance public improvements constructed by the Township or for which the Township levied special assessments. In the event that the City annexes land under this Agreement upon which outstanding special assessments levied by the Township remain at the time of annexation, the City shall forward to the Township upon receipt all special assessment payments which the City receives as a result of special assessments levied by the Township.

6. Road Access. The parties acknowledge that Johnson Avenue is a gravel Township road that is not suitable for construction traffic or industrial or commercial traffic. The City agrees that it shall require, as a condition of development of the Subject Area, that development occurring in the Subject Area access public roads only via CSAH 3 and not via Johnson Avenue. The City shall use its best efforts to enforce this provision. In addition, the City shall require the Developer and its contractors, including all contractors installing sewer, water and roads as well as those contractors constructing homes on the Subject Area to access the Subject Area using only CSAH 3. In the event such contractors use Johnson Avenue to either access or exit the Subject Area and Johnson Avenue suffers damage to the surface of the road, the City shall reimburse the Township for the cost of repairing such damage.

7. Installation of Utilities. The City shall extend municipal water service and sanitary sewer service to the Subject Area within three years from the date of annexation. If the Subject Area is not served with municipal water service and sanitary sewer service within such time period, no further annexations from the Township to the City shall occur until such services are extended to the Subject Area.

8. Drainage. In any development approval given by the City related to the Subject Area, the City shall require the developer of the Subject Area to not block or otherwise impede existing drain tiles which drain water from other properties through the Subject Area. Such drain tiles may be rerouted or directed to other drainage structures, provided such rerouting does not block or otherwise impede the existing drainage flow of the properties which are draining through the Subject Area. Upon development of the Subject Area, storm water drainage shall be directed to an existing or new City storm sewer facility for discharge into a public waterway.

9. City to Pay Township's Expenses. The City shall pay the Township's reasonable attorney's fees in drafting this Agreement, as well as all fees required by the Office of Administrative Hearings to file this Agreement and effect the annexation of the Subject Area.

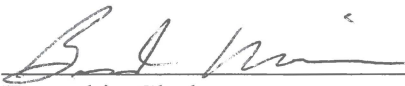
10. Entire Agreement. With respect to the Subject Area legally described on **Exhibit 1** and shown on **Exhibit 2**, respectively, which exhibits are attached hereto and incorporated herein by reference, the terms, covenants, conditions, and provisions of this Joint Resolution shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties. Any prior agreements or joint resolutions existing between the parties and affecting the property described in the attached Exhibits shall be considered terminated upon the effective date of this Joint Resolution.

PASSED, ADOPTED AND APPROVED by affirmative vote of the members of the Cokato Town Board of Supervisors, Wright County, Minnesota, this 13th day of December, 2021.

COKATO TOWNSHIP



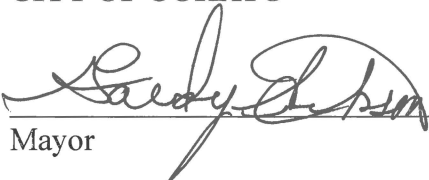
Chair, Township Board of Supervisors




Township Clerk

PASSED, ADOPTED AND APPROVED by an affirmative vote of the Cokato City Council, Wright County, Minnesota, this 13th day of December, 2021.

CITY OF COKATO



Mayor



City Clerk

EXHIBIT 1
Legal Description of the Subject Area to be Annexed

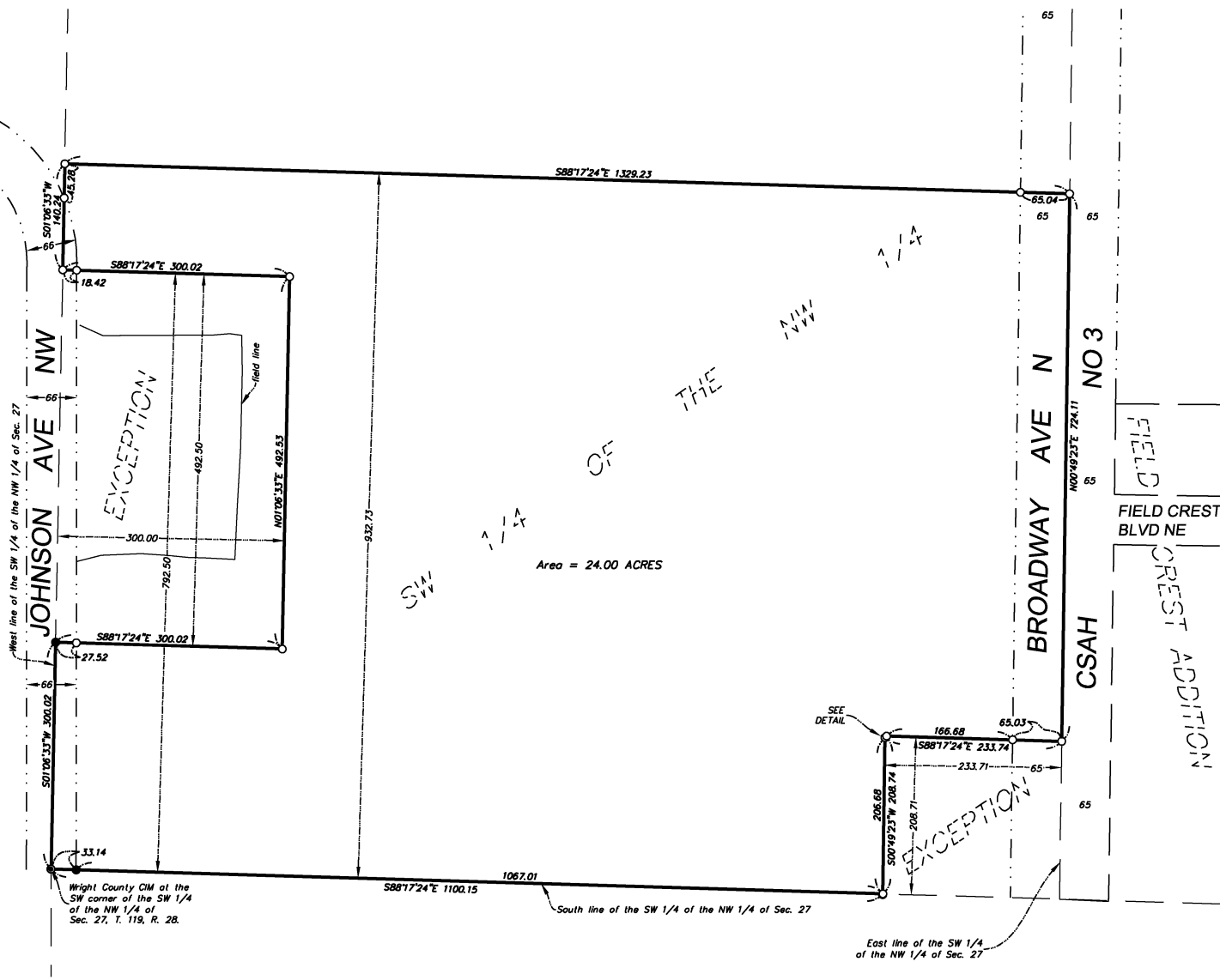
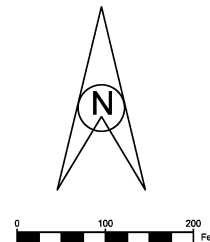
The South 932.73 feet of the Southwest Quarter of the Northwest Quarter of Section 27, Township 119, Range 28, Wright County, Minnesota Except therefrom the following two parcels:

The South 208.71 feet of the East 233.71 feet of said Southwest Quarter of the Northwest Quarter and The North 492.50 feet of the South 792.50 feet of the West 300 feet of said Southwest Quarter of the Northwest Quarter.

EXHIBIT 2

Map of Subject Area to be Annexed

Certificate of Survey



PROPOSED PROPERTY DESCRIPTION:

PROPOSED PROPERTY DESCRIPTION:

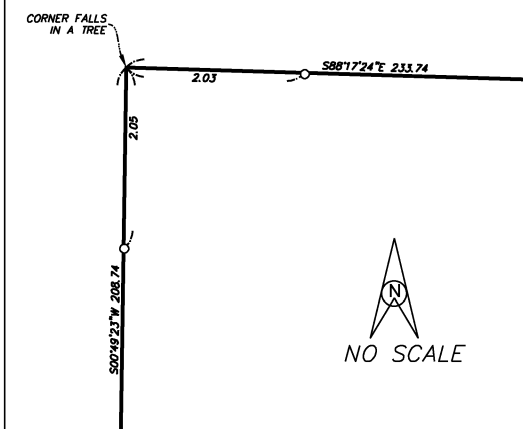
The South 932.73 feet of the Southwest Quarter of the Northwest Quarter of Section 27, Township 119, Range 28, Wright County, Minnesota except therefrom the following two parcels:

1) The South 208.71 feet of the East 233.71 feet of said Southwest Quarter of the Northwest Quarter.

AND

2) The North 492.50 feet of the South 792.50 feet of the West 300.00 feet of said Southwest Quarter of the Northwest Quarter.

Detail



Certificate of Survey on part of the SW 1/4 of the NW 1/4 of Section 27, Township 119, Range 28, Wright County, Minnesota

Revised:

Layout 8-31-21 J.J.A.

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.

Paul E. Otto
License #40062 Date: 8-31-21

Requested By:

Cokato Development Corporation

Date:

1-4-21

Drawn By:

T.R.K.

Scale:

1"=100'

Checked By:

P.E.O.



www.ottoassociates.com

9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

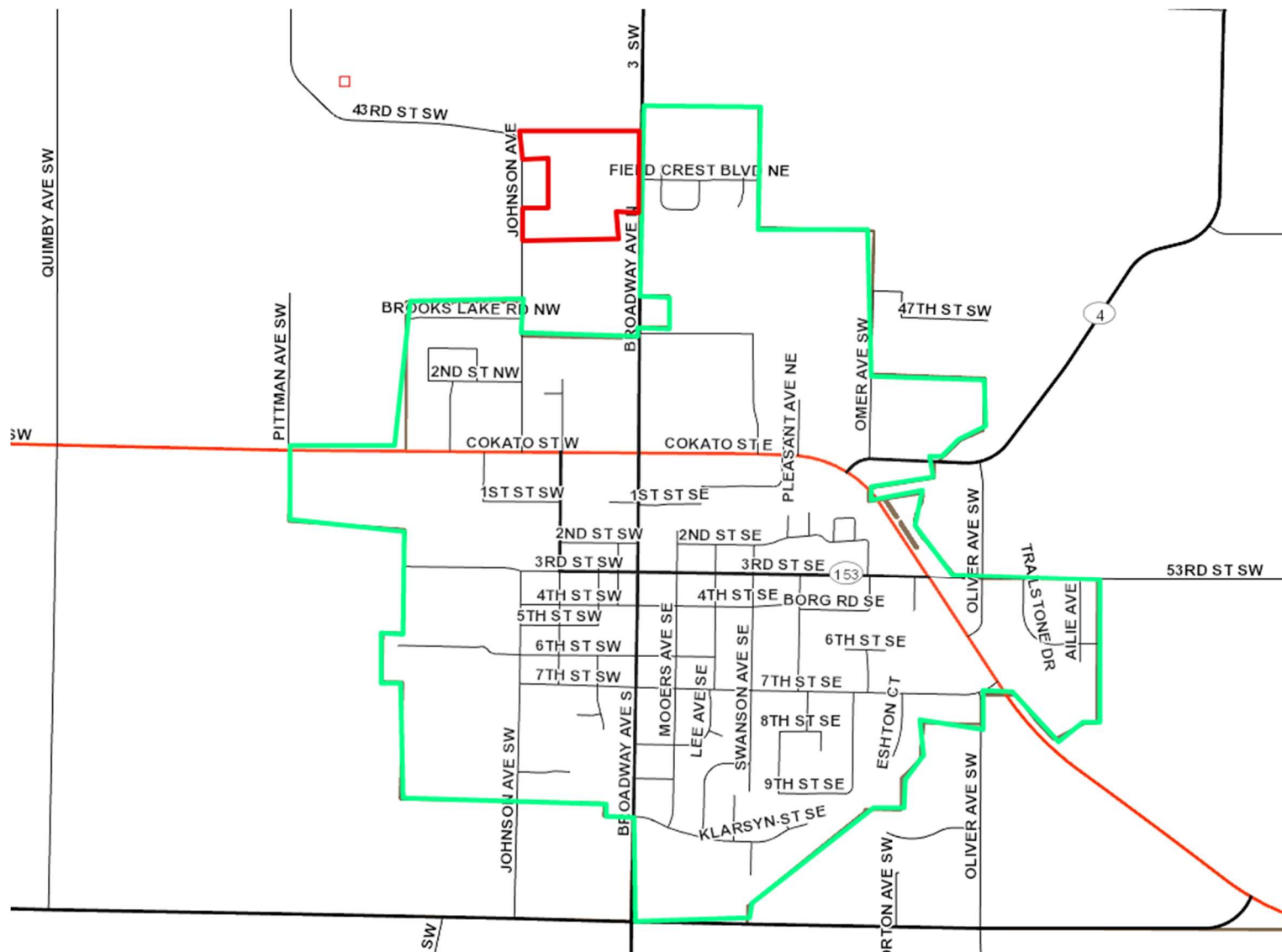
- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062

Project No.

20-0583

City of Cokato

March 21, 2022 Annexation in Red



Green is Current City Limits

Red is proposed annexation