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By: OAH on February 27, 2023

CITY OF NORTH BRANCH RESOLUTION NUMBER 208-23-C
TOWNSHIP OF LENT RESOLUTION NUMBER 2023-6

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF NORTH BRANCH AND THE
TOWNSHIP OF LENT DESIGNATING CERTAIN
AREAS AS IN NEED OF ORDERLY ANNEXATION
PURSUANT TO MINNESOTA STATUTES § 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, the Township of Lent (“Township”) desires to merge with the City of Stacy, and correspondingly desires that certain portions of the Township, which could be more cost-effectively and/or efficiently served and/or would more logically be a part of neighboring cities, be annexed to the City of North Branch (“North Branch”) and the City of Chisago, respectively, prior to or at the same time as the remaining portions of the Township are annexed/merged in their entirety to the City of Stacy; and

WHEREAS, based on the above-mentioned intent, the City of North Branch and the Township of Lent desire to accordingly enter into an agreement for the orderly annexation of certain property, legally described herein, pursuant to Minnesota Statutes, Section § 414.0325; and;

WHEREAS, North Branch and the Township are in agreement as to the procedures and process for orderly annexation of said property described herein for the purpose of orderly, planned growth and services; and

WHEREAS, North Branch and the Township have agreed to work cooperatively to accomplish the orderly annexation of the Subject Area legally described in Exhibit A (the “Subject Area”); and

WHEREAS, for ease of reference, the Subject Area proposed for annexation in accordance with this Joint Resolution and legally described in Exhibit A is shown on the map attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, North Branch and the Township agree that orderly annexation of the Subject Area to North Branch is in the best interest of the property owners and would benefit the public health, safety, and welfare of the community; and

WHEREAS, North Branch and the Township agree that the Subject Area legally described in Exhibit A is in need of immediate orderly annexation; and

WHEREAS, North Branch and the Township desire to accomplish the immediate orderly annexation of the Subject Area without the need for any further hearing before the Minnesota Office of Administrative Hearings.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Supervisors of the Township of Lent and the City Council of the City of North Branch, as follows:

1. Designation of Subject Area for Orderly Annexation. The Township and North Branch hereby designate the Subject Area legally described in Exhibit A, which is attached hereto and incorporated herein by reference, for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325.
2. Acreage of Subject Area. The Subject Area is approximately 1,099 acres.
3. Population of Subject Area. The population of the Subject Area is approximately 33.
4. Map of Subject Area. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B and is incorporated herein by reference.
5. No Hearing Required / Review and Comment Jurisdiction Only. Pursuant to Minnesota Statutes, Section 414.0325, the Township and North Branch agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the Minnesota Office of Administrative Hearings is necessary. Upon the execution and filing of this Joint Resolution, the Office of Administrative Hearings may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Tax Reimbursement. North Branch and the Township agree that no tax reimbursement under Minnesota Statutes, Section 414.036 is required or applicable to annexation of the Subject Area since the entirety of the Township is being annexed to the above-mentioned cities.
7. Tax Rate Phase-In. To the extent that the North Branch tax rate is higher than the Township tax rate effective in the year of annexation for each respective tax year for a period of six years following annexation of the Subject Area, the tax rate of North Branch applied to the Subject Area hereby annexed shall be phased-in and increased from the Township tax rate effective in the year of annexation, 2023, in substantially equal proportions over six years to equality with the North Branch tax rate then applicable to other property already located within the City of North Branch in a given levy year in accordance with the following schedule:
 - a. 2023 – Subject Area taxed at applicable 2023 Township tax rate;

- b. 2024 – Subject Area taxed at the lesser of: (i) the applicable 2023 Township tax rate plus 20% of the difference between the 2024 Township tax rate and the applicable 2023 North Branch tax rate; or (ii) the 2024 North Branch tax rate;
 - c. 2025 – Subject Area taxed at the lesser of: (i) the applicable 2023 Township tax rate plus 20% of the difference between the 2023 Township tax rate and the applicable 2025 North Branch tax rate; or (ii) the 2025 North Branch tax rate;
 - d. 2026 – Subject Area taxed at the lesser of: (i) the applicable 2023 Township tax rate plus 20% of the difference between the 2023 Township tax rate and the applicable 2026 North Branch tax rate; or (ii) the 2026 North Branch tax rate;
 - e. 2027 – Subject Area taxed at the lesser of: (i) the applicable 2023 Township tax rate plus 20% of the difference between the 2023 Township tax rate and the applicable 2027 North Branch tax rate; or (ii) the 2027 North Branch tax rate; and
 - f. 2028 – Subject Area taxed at 100% of the applicable 2028 North Branch tax rate.
8. Zoning of Subject Area Following Annexation. Pursuant to North Branch City Code, Chapter 66, within 120 days of the effective date of an Office of Administrative Hearings order annexing the Subject Area to the City, the City shall amend its comprehensive plan, as applicable, and its zoning ordinance and official zoning map in accordance with applicable law in order to make effective the rezoning of the Subject Area from its pre-annexation Township zoning designation to the City’s zoning designation of Rural Residential (RR). From the effective date of the State’s order annexing the Subject Area to the City until the City adopts a resolution amending its comprehensive plan, as applicable, and an ordinance amending its zoning ordinance to rezone the Subject Area as required herein (within 120 days of the State order), the Subject Area shall be designated as un-zoned.
9. Termination. This Joint Resolution shall remain in full force and effect until such time as the Office of Administrative Hearings issues an order effecting the annexation of the Subject Area to the City of North Branch pursuant to Paragraph 5 hereunder and the parties have fully performed their respective obligations hereunder.
10. Governing Law. This Joint Resolution is made pursuant to and shall be construed in accordance with the laws of the State of Minnesota.
11. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
12. Entire Agreement. 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. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the Township and City.
13. Legal Description and Mapping. The Township and City agree that in the event there are errors, omissions or any other problems with the legal descriptions provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the Office of Administrative Hearings, the City and Township agree to make such corrections and file any additional

documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the Office of Administrative Hearings as necessary to make effective the annexation of said Subject Area in accordance with the terms of this Joint Resolution.

14. 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 U.S. mail, postage prepaid, as follows:

If to the City:

City Administrator
North Branch City Hall

If to the Township:

Township Clerk
Lent Town Hall

15. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.

16. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Office of Administrative Hearings Municipal Boundary Adjustments Office and pay the required filing fee.

Passed, adopted, and approved by the Town Board of Supervisors of the Township of Lent, Chisago County, Minnesota, this 21st day of February 2023.

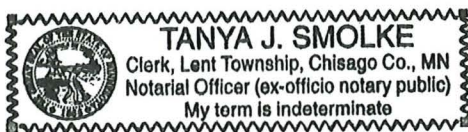
LENT TOWNSHIP

By: _____

Rick Keller, Chair

ATTEST:

Tanya Smolke
Tanya Smolke, Town Clerk



Passed, adopted, and approved by the City Council of the City of North Branch, Chisago County, Minnesota, this 14th day of February, 2023.

CITY OF NORTH BRANCH

By: Kevin Schieber
Kevin Schieber, Mayor

ATTEST:

By: Ragini Varma
Ragini Varma, City Clerk

EXHIBIT A

Legal Description of Subject Area

The Subject Area to be annexed in the attached Joint Resolution is legally described as follows:

All of Section Two (2), Township Thirty-four (34) North, Range Twenty-one (21) West, Chisago County, Minnesota, excepting therefrom the South Half of the Southwest Quarter and the South Half of the Southeast Quarter.

AND

All of Section Three (3), Township Thirty-four (34) North, Range Twenty-one (21) West, excepting therefrom the South Half of the Northwest Quarter, the Northwest Quarter of the Southwest Quarter, and the South Half of the Southwest Quarter.

AND

The Northeast Quarter of the Northeast Quarter of Section Four (4), Township Thirty-four (34) North, Range Twenty-one (21) West, Chisago County, Minnesota.

AND

All that part of the Northwest Quarter of the Northeast Quarter of Section Four (4), Township Thirty-four (34) North, Range Twenty-one (21) West, Chisago County, Minnesota, described as follows:

Beginning at the Northeast corner of said Northwest Quarter of the Northeast Quarter; thence West 630 feet; thence South 350 feet; thence East, parallel with described first course, 630 feet to the East line of said Northwest Quarter of the Northeast; thence North 350 feet to the point of beginning.

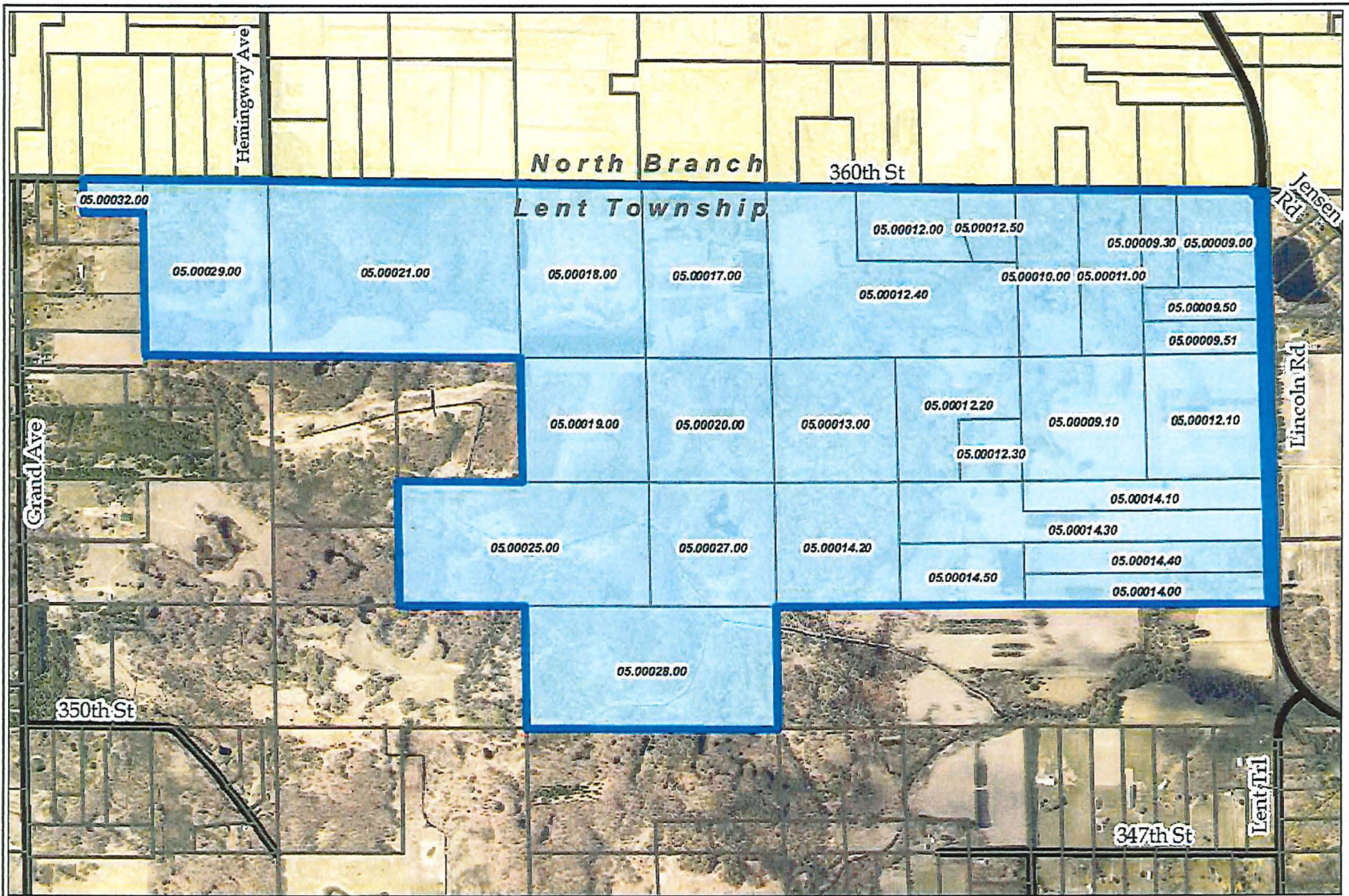
Subject to Township Road along the North line thereof.

Subject to any other easements, restrictions, or reservations of record, if any.

EXHIBIT B

Boundary Map

The following is a municipal boundary map as referenced in the attached Joint Resolution, showing the current City of North Branch and its relation to the Subject Area to be annexed, legally described in Exhibit A:



 Subject Area

