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By: OAH on April 19, 2023

Established In 1855

RESOLUTION 23-02-02
Lent Township Resolution No. 2023-5
STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF CHISAGO CITY AND LENT
TOWNSHIP 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 (“Chisago City” or the “City”), 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, Chisago City and the Township 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; and

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

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

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

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

1. Designation of Orderly Annexation Area – City of Chisago City and Lent Township. The Township and the City 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. The Township and City agree that the above-mentioned Subject Area legally described in Exhibit A and designated as in need of immediate orderly annexation is approximately 3,638.1 acres.
3. Population. The Township and City agree that the population of the Subject Area legally described in Exhibit A and designated as in need of immediate orderly annexation herein is 215.
4. Map of 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. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City 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 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. Chisago City 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 by the above-mentioned cities.
7. Tax Rate Phase-In. Following annexation of the Subject Area, the tax rate of Chisago City applied to the Subject Area hereby annexed shall be phased-in and increased from the Township rate effective in the year of annexation, 2023, in substantially equal proportions over six years to equality with the Chisago City tax rate then applicable to other property already located within the City of Chisago City 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 applicable 2023 Township tax rate plus 20% of the difference between the 2023 Township tax rate and the applicable 2024 Chisago City tax rate;
 - c. 2025 – Subject Area taxed at applicable 2023 Township tax rate plus 40% of the difference between the 2023 Township tax rate and the applicable 2025 Chisago City tax rate
 - d. 2026 – Subject Area taxed at applicable 2023 Township tax rate plus 60% of the difference between the 2023 Township tax rate and the applicable 2026 Chisago City tax rate
 - e. 2027 – Subject Area taxed at applicable 2023 Township tax rate plus 80% of the difference between the 2023 Township tax rate and the applicable 2027 Chisago City tax rate
 - f. 2028 – Subject Area taxed at 100% of the applicable 2028 Chisago City tax rate.
8. Assessments & Capital Improvements. Any assessments for public improvements benefiting the annexed property which are still due the Township, will be collected by the City under its assessment collection procedure and such payments will be reimbursed or paid to the Township, or the Township’s successor in interest, as applicable, for an appropriate levied assessment until said assessments are paid in full to the extent a covered property has been benefited by an improvement for which an assessment was levied by the Township in an area annexed by the City. The Township or the Township’s successor in interest, as applicable, will provide the City such information as is necessary to ensure the recovery of assessments. The City will reimburse the Township, or the Township’s successor in interest, as applicable, to the extent it receives assessments, an amount equal to said assessment payments within thirty (30) days of City’s receipt of the County’s property tax reconciliation distributions. In the event that payment is received prior to the County property tax reconciliation distribution date to the City, the City will reimburse within thirty (30) days.

From and after the effective date of this agreement pursuant to Paragraph 17 below, the City shall additionally reimburse the Township, or its successor interest, an amount equal to any debt payments the Township, or its successor in interest, makes toward the repayment of bonds issued by the Township in 2018 attributable to \$386,329.45 in improvements made to those portions of Ivywood Trail, Jewel Court and Jewel Lane in the Subject Area. The Township, or its successor in interest, shall invoice the City for any such bond payments it makes, and the City shall make reimbursement to the Township, or its successor in interest, within thirty (30) days thereafter.

9. Zoning of Subject Area Following Annexation. Pursuant to Chisago City Code, Section 4.2.1, within 120 days of the effective date of an Office of Administrative Hearings order annexing the Subject Area to Chisago City, Chisago 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 Agricultural (A). From the effective date of the State’s order annexing the Subject Area to Chisago City until Chisago 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.

10. 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 Chisago City pursuant to Paragraph 5 hereunder and the parties have fully performed their respective obligations hereunder.
11. Superseding Effect. This Joint Resolution shall supersede that certain Joint Resolution for Orderly Annexation between the Township and City dated September 2, 2005 on file with the Office of Administrative Hearings as Docket # OA-1195, and shall replace the same to the extent such any parties' duties or obligations thereunder remain unperformed. The Township and City agree that the result of entering into this Joint Resolution is that the parties' September 2, 2005 Joint Resolution is hereby terminated and shall be of no continuing force or effect.
12. Governing Law. The Township and City agree that this Joint Resolution is made pursuant to and shall be construed in accordance with the laws of the State of Minnesota.
13. Headings and Captions. The Township and City agree that the headings and captions contained in this Joint Resolution are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
14. 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.
15. 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.
16. 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:

John Pechman
City Administrator
Chisago City Offices
10625 Railroad Avenue

If to the Township:

Township Clerk
Lent Town Hall
33155 Hemingway Ave

PO Box 611
Chisago City, MN 55013

Stacy, MN 55079

17. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.
18. 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.

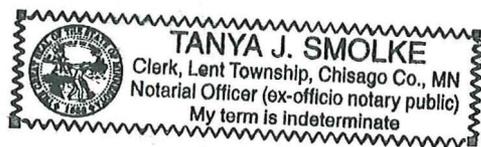
Passed, adopted, and approved by the Town Board of Supervisors of Lent Township, Chisago County, Minnesota, this 18 day of April, 2023.

LENT TOWNSHIP

By: M L
Town, Chair

ATTEST:

Tanya Smolke
Tonya Smolke, Town Clerk



Passed, adopted, and approved by the City Council of the City of Chisago City, Chisago County, Minnesota, this 11th day of April, 2023.

CITY OF CHISAGO CITY

By: 
Jeremy Dresel, Acting Mayor

ATTEST:

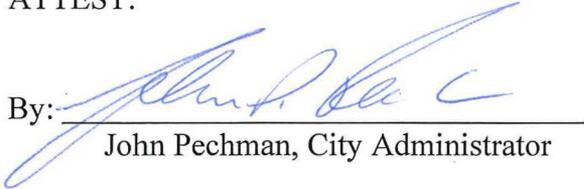
By: 
John Pechman, City Administrator

EXHIBIT A
Legal Description of Subject Area

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

The following described property located in Township 34, Range 21W:

The entirety of Sections 23, 24, 25, 26, 35 and 36, and the southern one-half of Section 13, excluding those portions thereof that are already contained within the municipal boundaries of the City of Chisago City

EXHIBIT B **Boundary Map**

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

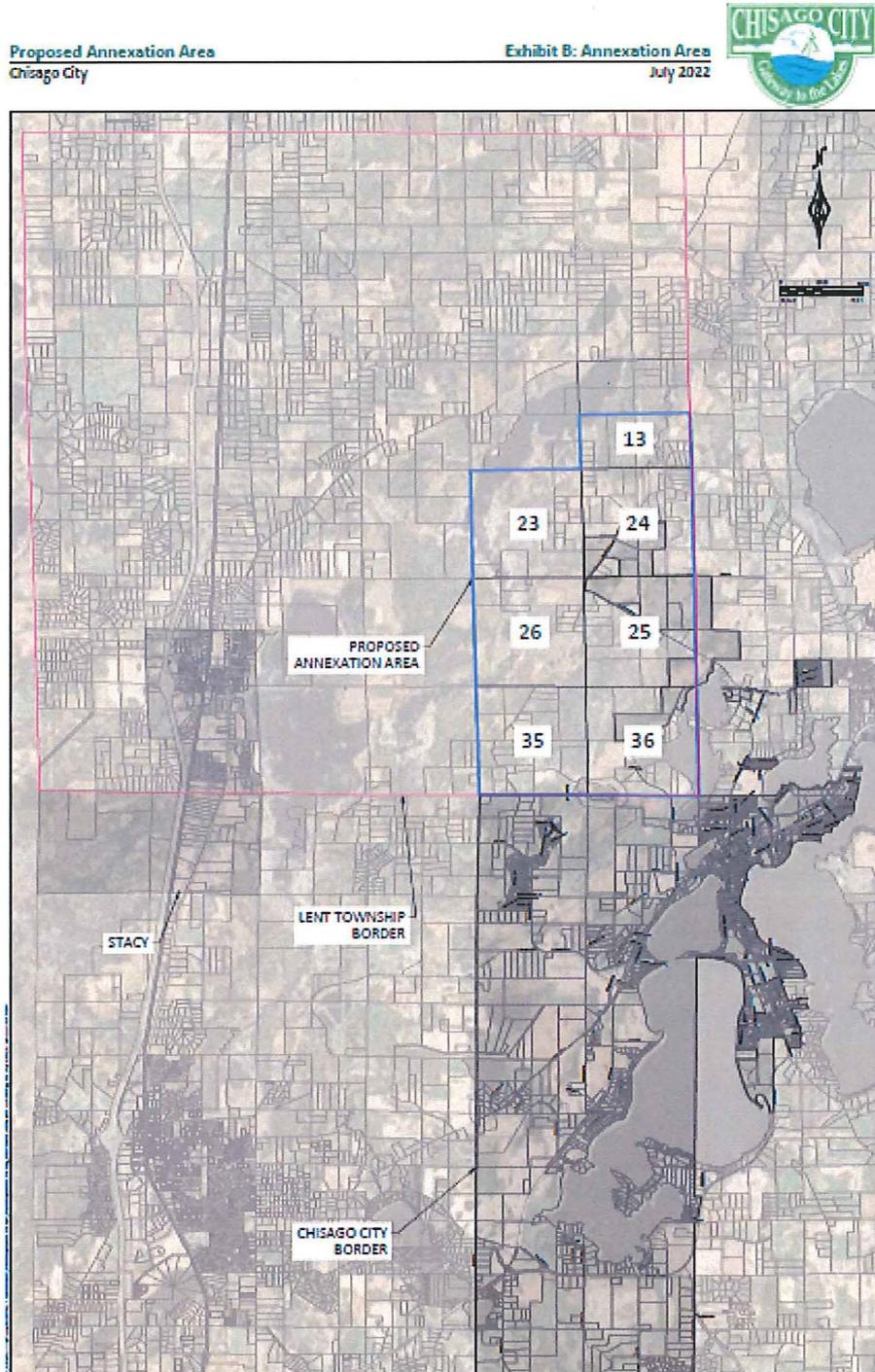


EXHIBIT C

Affidavit of Publication of Notice of Intent to Designate Property in Annexation Area

RECEIVED
MAR 27 2023
CITY OF CHISAGO

Chisago County Press Affidavit of Publication

STATE OF MINNESOTA }
COUNTY OF CHISAGO } SS

(March 23, 2023)
**JOINT NOTICE OF INTENT FOR
THE ORDERLY ANNEXATION
OF CERTAIN LAND FROM
LENT TOWNSHIP
TO THE CITY OF
CHISAGO CITY PURSUANT TO
MINNESOTA STATUTES,
SECTION 414.0325**

The City of Chisago City (City) and Lent Township (Township) have prepared and will be considering for adoption a Joint Resolution for Orderly Annexation (Joint Resolution) annexing certain portions of the Township into the City as identified in the Joint Resolution following a minimum of 10 days published notice of the same pursuant to Minnesota Statutes, section 414.0325, Subd. 1b.

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

The following described property located in Township 34, Range 21W:

The entirety of Sections 23, 24, 25, 26, 35 and 36, and the southern one-half of Section 13, excluding those portions thereof that are already contained within the municipal boundaries of the City of Chisago City

The Joint Resolution including full legal description and depiction of the Subject Area to be annexed to the City is available to view at City Hall or on the City's website at <https://www.ci.chisago.mn.us> AND at the Town Hall or on the Town's website at www.lenttownship.com.

The Chisago City Council will consider adopting the Joint Resolution at their special meeting on April 11, 2023, at 11:30 a.m. at City Hall located at 10625 Railroad Avenue, Chisago City, MN 55013.

The Lent Township Town Board will consider adopting the Joint Resolution at their regular meeting on April 18, 2023, at 7:00 p.m. at Town Hall located at 33155 Hemingway Ave., Stacy, MN 55079.

Matt Silver, being first duly sworn, on oath states as follows:

1. I am the publisher of the Chisago County Press, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows

MARCH 23, 2023

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows:

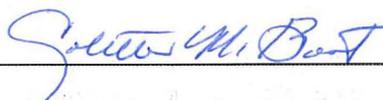
\$13.20 per column inch

5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Chisago County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.


.....(Publisher)

Subscribed and sworn to before me on the 23 day
of MARCH, 2023


.....(Notary Public)

 COLETTE M. BOST
Notary Public
State of Minnesota
My Commission Expires
January 31, 2028