

CITY OF BIG LAKE
TOWN OF BIG LAKE

RESOLUTION #92-03

A Joint Resolution as to Orderly Annexation

WHEREAS, the City of Big Lake and the Town of Big Lake, Sherburne County, Minnesota, are in agreement as to the orderly annexation of certain lands described herein for the purpose of orderly, planned growth; and

WHEREAS, such annexation and growth is of benefit to the City of Big Lake and the Town of Big Lake; and

WHEREAS, the parties hereto desire to set forth such terms of orderly annexation by means of this resolution.

NOW, THEREFORE BE IT RESOLVED by the City of Big Lake and Town of Big Lake as follows:

The following described area in Big Lake Township is properly subject to orderly annexation under and pursuant to Minnesota Statute 414.0325, Subdivision 1, and the parties hereto do hereby designate this area as in need of orderly annexation as provided by statutes; this area consists of approximately 380.55 acres. The area subject to orderly annexation is divided into the following three tracts:

TRACT 1: This area consists of Remmele Engineering's property (Plants 30 and 40) and to be annexed immediately upon approval of this agreement by the Minnesota Municipal Board. This area consists of approximately 75.20 acres. See attached map and legal descriptions.

TRACT 2: This area consists of the property from the City limits to Remmele Engineering's Plant 30 and is subject to annexation by petition of the City and Town during the terms and conditions of this agreement. This area is approximately 15.48 acres. See attached map and legal descriptions.

TRACT 3: This area consists of the property east of Remmele Engineering's Plant 40 and to the intersection of Trunk Highway #10 and the Burlington Northern Railroad (overpass) and is subject to annexation by petition of the City and Town during the terms and conditions of this agreement. This area is approximately 289.87 acres. See attached map and legal descriptions.

OA-260-1

CONDITIONS OF ANNEXATION FOR TRACT 1:

- A. The Municipal Board may review and comment but shall, within thirty (30) days, order the annexation of the described property in accordance with the terms of the joint resolution. Annexation of Tract 1 shall take effect immediately.
- B. The parties acknowledge that the orderly annexation area is urban and suburban in character, contiguous to the City of Big Lake, and that the City is capable of providing municipal services, such as sanitary sewer and water, to said area.
- C. For all property annexed to the City pursuant to this resolution, the property tax rate (and only the property tax rate) for said area will increase to the City's tax rate immediately. Taxes will also be paid to the City as soon as possible according to Minnesota Statutes. The taxes shall be shared equally between the City of Big Lake and the Town of Big Lake in perpetuity. The tax sharing shall be only between the City of Big Lake and Town of Big Lake.
- D. The Town of Big Lake does, upon passage of this resolution and its adoption by the Big Lake City Council, confer jurisdiction upon the Minnesota Municipal Board so as to accomplish said orderly annexation in accordance with the terms and conditions of this resolution.
- E. For the cost of extending sewer/water to Remmele Engineering, Inc., the City of Big Lake and the Town of Big Lake shall determine the costs sewer/water for each party involved.

CONDITIONS OF ANNEXATION FOR TRACT 2:

- A. These property owners will not be annexed and they will not be required to connect to the municipal sewer/water system. If these property owners do request sewer/ water services because of development or other concerns, the property in question will be required to annex as outlined in the City/Township orderly annexation area. After services and annexation, the taxes shall be shared 50/50 between the City of Big Lake and Town of Big Lake, in perpetuity. The property owner/developer would be expected to pay normal user fees, the sewer access charge, water access charge, and meter charge to connect to the municipal system; these funds shall be paid only to the City of Big Lake. These property owners will not be required to immediately pay the cost associated with the sewer/water extension to Remmele Engineering, Inc.
- B. The property owners/developers will be assessed for improvements payable upon their request for connection to City sewer/water with no interest charged back to the property owner. This assessment shall be based on a front footage basis for each property owner and payment shall be shared equally between the City of Big Lake and Town of Big Lake.

CONDITIONS OF ANNEXATION FOR TRACT 3:


- A. These property owners will not be required to connect to the sewer/water system until such a time when development occurs that requires sewer/water. When this does occur, the property will be annexed as outlined in "H" and "L" herein. If these property owners do request sewer/water services, the same provisions stated in Tract 2, Conditions A and B, shall apply with the exception of those owners possibly paying to extend sewer/water to their property.


OTHER CONDITIONS OF THE ORDERLY ANNEXATION AREA:

- A. Street improvements in the orderly annexation area, such as a frontage road concept, shall be shared on a 50/50 cost sharing basis after state aid money has been deducted, when available. All other new roads shall be built to an engineer's plans and specifications at the property owner/developer's expense or City and Township expense. The City Council and Town Board must approve the improvement of the roads as well as sharing the costs of the roads.
- B. Maintenance of said streets that may be constructed will be completed by the City of Big Lake's Public Works Department. The Town of Big Lake will reimburse the City of Big Lake for such maintenance costs on a 50/50 basis after proof of labor, equipment, and materials have been submitted to the Town Clerk for auditing purposes. Maintenance will include, but is not limited to, street sweeping, snow removal, seal coating, crack filling, etc. Township roads shall be maintained and paid for by the Town of Big Lake.
- C. Maintenance of the utility lines are to be completed and paid for by the City of Big Lake.
- D. Future building permits shall be issued by the City of Big Lake's Building Inspector within the annexed area only.
- E. The zoning and subdivision controls shall follow under Minnesota Statute 414.0325, Subdivision 5 and provide for the establishment of a board to exercise planning and land use control authority, prescribed by Minnesota Statutes 1976, Section 471.59, Subdivisions 2 to 8, inclusive.
 - 1. Board shall have authority to adopt and enforce the Uniform Fire Code.
 - 2. Joint planning and land use controls shall apply to any and all parts of the orderly annexation area, with the exception of Tract 3 which planning/controls shall be utilized when utilities and annexation take place.

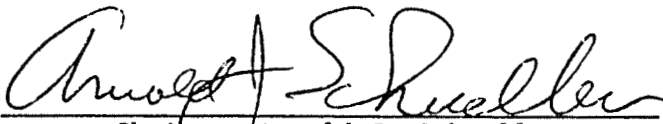
3. The ordinances and subdivision controls shall be the City of Big Lake's.
 4. The Board shall consist of the City Council and Town Board.
 5. Public hearings, etc. shall be held as prescribed by law and to be held at Big Lake City Hall or the Big Lake Town Hall.
 6. The City of Big Lake Planning Commission and Town of Big Lake Planning Commission will not be utilized in this annexation area.
- F. It is the intent that the entire area proposed in this Special Orderly Annexation District be zoned "industrial" type development, with no provisions that future residential development will be considered. Existing residential areas may continue to exist and be sold for residential purposes.
- G. The Big Lake City Council and Big Lake Town Board, as part of this proposal, desire continued discussions on other possible orderly annexation areas.
- H. Annexation of Tract 2 and Tract 3 shall be initiated by resolutions of the City Council and Town Board and the same conditions of the Tract 1 annexation shall apply.
- I. Expenses and costs incurred by this project, such as consultants and construction, shall be negotiated and paid at a later date by the City of Big Lake and Town of Big Lake.
- J. Other costs associated with this project, such as Municipal Board fees, etc., shall be shared equally between the City of Big Lake and Town of Big Lake.
- K. It is understood by the City of Big Lake and Town of Big Lake that the municipal utility system (sewer and water) is owned and operated by the City of Big Lake under its ordinances, policies, and regulations.
- L. Any development that occurs within Tract 2 and Tract 3 must connect to the municipal sewer/water system, if available, and have the property annexed as outlined in "H" above of this orderly annexation agreement. If sewer/water services are not available, the property can be developed according to the ordinances and policies of the Town of Big Lake and Sherburne County.
- M. This original agreement may be amended from time to time by the City Council and Town Board.

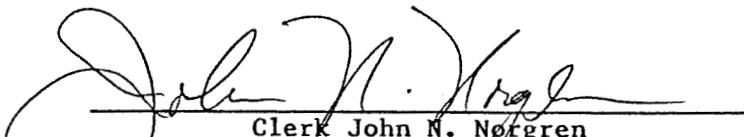
Adopted by the Big Lake City Council this 4th day of February, 1992.


Mayor Eugene B. Earney


City Administrator Michael J. Mornson

Adopted by the Big Lake Town Board of Supervisors this 12th day of February, 1992.


Chairman Arnold J. Schueller


Clerk John N. Norgren

REC'D. BY
MMB MAY 15 1992

| | |
|--|-------------|
| Jim Franklin 10-120-3400 | 2.02 acres |
| Don Millette 10-120-3402 | 2.06 acres |
| Erv Danielowski 10-120-3410 | 1.40 acres |
| John Imre 10-120-4305 | 10.00 acres |
| Remmele Engineering, Inc. 10-120-4405 | 47.30 acres |
| 10-120-4300 | 3.67 acres |
| 10-120-4400 | 1.37 acres |
| 10-121-3300 | 17.23 acres |
| 10-121-3305 | 4.82 acres |
| 10-128-2205 | .81 acres |
| William Schleeter 10-121-3405 | 8.26 acres |
| Myron Jensen 10-121-3400 | 6.23 acres |
| Zim Art Picture Company 10-121-3402 | 6.23 acres |
| Duane Palm 10-121-3401 | 5.00 acres |
| Klindworth Trucking 10-121-3406 | 34.00 acres |
| 10-128-2105 | .50 acres |
| Dennis & Elizabeth Wold 10-121-4300 | 1.63 acres |
| Vernon & Carol Davis 10-121-4305 | .44 acres |
| Elwood & Alice Anderson 10-121-4401 | .18 acres |
| 10-121-4405 | 1.50 acres |
| Richard E. Hudson 10-121-4400 | 76.25 acres |
| 10-128-1100 | 26.00 acres |
| 10-122-3400 | 80.00 acres |
| 10-127-2100 | 26.90 acres |
| Peter & Gayle Ahrens 10-127-2201 | 16.00 acres |
| 10-127-2105 | .75 acres |

TOTAL 380.55 ACRES

TRACT #1

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OA-260-1

Remmele Engineering, Inc. - Plant #30

10-120-4300

The South 400 feet of the North 515 feet of the West 400 feet of the East 415 feet of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, of Section 20, Township 33, Range 27.

3.67 acres

Remmele Engineering, Inc. - Plant #30

10-120-4400

The East 100 feet of the North 600 feet of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 20, Township 33, Range 27 lying South of Highway 10.

1.37 acres

Remmele Engineering, Inc. - Plant #30

10-120-4405

The South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 20, Township 33, Range 27 North of the railroad except for the West 10 acres and except the South 400 feet of the North 515 feet of the West 400 feet of the East 415 feet of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and except the East 100 feet of the North 600 feet of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying South of Highway 10.

47.30 acres

Remmele Engineering, Inc. - Plant #30

10-121-3300

The South 1,247.35 feet except the East 550 feet of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, Township 33, Range 27 except the West 350 feet of the North 600 feet lying South of Highway 10.

17.23 acres

Remmele Engineering, Inc. - Plant #40

10-121-3305

The West 350 feet of the North 600 feet of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, Township 33, Range 27 lying South of Highway 10.

4.82 acres

Remmele Engineering, Inc. - Plant #40

10-128-2205

The North 45.59 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28, Township 33, Range 27 except the East 550 feet.

.81 acres

TRACT #2

James & Laverne Franklin

10-120-3400

The South 300 feet of the North 366 feet of the East 293.5 feet of the West 626.5 feet of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, Township 33, Range 27.

2.02 acres.

Donald & Barbara Millette

10-120-3402

That part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, Township 33, Range 27 described as follows: Commencing at the intersection of the Southerly right of way line of US Highways 10 & 52 with the East line of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; then West along said right of way line for 200 feet to the actual point of beginning of the land to be hereby described; then continue West along said right of way line for 248.25 feet; then South parallel with said East line of SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ for 366 feet; then East parallel with said highway right of way line for 248.25 feet; then North parallel with East line for 366 feet to said point of beginning. Subject to a reservation of an easement for a service road over and across the North 66 feet thereof. Also subject to other easement of record, if any.

2.06 acres.

Ervin & R. Danielowski

10-120-3410

The South 300 feet of the North 366 feet of the East 200 feet of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, Township 33, Range 27 lying South of Highway 10.

1.40 acres.

John P. & Sheila Imre

10-120-4305

The West 6 Chains 83 Links of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 20, Township 33, Range 27 North of railroad

10.00 acres.

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TRACT #3

William H. & D. Schleeter

10-121-3405

That part of the South $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 21, Township 33, Range 27 described as commencing at the NE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$; then South along the East line of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ for 72.65 feet to the Southerly right of way line of Highway 10 and actual point of beginning of tract described; then West along said Southerly right of way line for 550 feet; then South at right angle for 570 feet; then East deflecting 88 degrees 41 minutes 10 seconds left for 616.22 feet; then deflecting North 89 degrees 53 minutes 8 seconds for 584.31 feet to Highway 10; then West 80.62 feet in Section 21, Township 33, Range 27.

8.26 acres

Myron E. Jensen

10-121-3400

That part of the South $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 21, Township 33, Range 27 described by instrument 210932. Subject to easements: That part of the South $\frac{1}{2}$ of the SW $\frac{1}{4}$ as follows: Commencing at the NE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 21; then South along the East line of said SW $\frac{1}{4}$ of SW $\frac{1}{4}$, a distance of 72.65 feet to Southerly right of way line of US Highway 10; then West along said Southerly right of way line, a distance of 550 feet; then South deflecting 90 degrees left a distance of 570 feet; then East deflecting 88 degrees 41 minutes 10 seconds left along a line hereinafter referred to as Line X, a distance of 616.22; to point of beginning of land to be described; then North deflecting 89 degrees 53 minutes 08 seconds left a distance of 584.31 feet to said Southerly right of way line of US Highway 10; then East along said Southerly right of way line, a distance of 457.02 feet then South deflecting 90 degrees 45 minutes 58 seconds right a distance of 594.82 feet to the intersection of the Easterly extension of said Line X, then West along said extended line, a distance of 463.75 feet to the point of beginning. Containing 6.23 acres subject to easement for ingress and egress over the North 33 feet of the East 20 feet.

6.23 acres

Zim Art Picture Company

10-121-3402

That part of the South $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 21, Township 33, Range 27 described by instrument 210933. Commencing at the NE corner of the SW $\frac{1}{4}$ of Section 21; then South along the East line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, a distance of 72.65 feet to the Southerly right of way line NE of US Highway 10; then West along said Southerly right of way line, a distance of 550 feet; then South deflecting 90 degrees left, a distance of 570 feet; then East deflecting 88 degrees 41 minutes 10 seconds left along a line hereinafter referred to as Line X, a distance of 616.22 feet; then North deflecting 89 degrees 53 minutes 08 seconds left a distance of 584.31 feet to said Southerly right of way line of US Highway 10; then East along said Southerly right of way line a distance of 457.02 feet to the point of beginning of land to be described; then South deflecting 90 degrees 45 minutes 58 seconds

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Zim Art/10-121-3402 - continued

right, a distance of 594.82 feet to the intersection of the Easterly extension of said Line X; then East along said extension line a distance of 463.75 feet to a line parallel with and distance 319.80 feet West of the East line of said South $\frac{1}{2}$ of the SW $\frac{1}{4}$; then North along said parallel line, a distance of 605.40 feet to said Southerly right of way line of US Highway 10, then West along Southerly right of way line of US Highway 10 a distance of 457.02 feet to point of beginning. Containing 6.34 acres together with an easement for ingress and egress over and across the North 33 feet of the East 20 feet of the following described property: that part of the South $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 21, Township 33, Range 27, Sherburne County, described as follows: Commencing at the NE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 21, then South along the East line of said SW $\frac{1}{4}$ a distance of 72.65 feet to the Southerly right of way line of US Hwy 10; then West along the Southerly right of way line, a distance of 550 feet then South deflecting 90 degrees left a distance of 570 feet then East deflecting 88 degrees 41 minutes 10 seconds left along the line hereinafter referred to as Line X, a distance of 616.22 feet to the point of beginning of land to be described: then North deflecting 89 degrees 53 minutes 08 seconds left, a distance of 584.31 feet to said Southerly right of way line of US Highway 10 then East along the Southerly right of way line of US Highway 10 then East along the Southerly right of way line a distance of 457.02 feet then South deflecting 90 degrees 45 minutes 58 seconds right, a distance of 594.82 feet to the intersection of the Eastern extension of said Line X; then West along said extended line, a distance of 463.75 feet; to the point of beginning containing 6.23 acres.

6.23 acres.

Duane & Sharon K. Palm

10-121-3401

That part of the South $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 21, Township 33, Range 27 described on instrument 161103: Commencing at the NE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 21; thence South along the East line of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, a distance of 72.65 feet to the Southerly right-of-way line of Highway 10; thence East along said Southerly right-of-way line, a distance of 995.15 feet to the actual point of beginning, said point distance 319.80 feet West of the East line of said South $\frac{1}{2}$ of the SW $\frac{1}{4}$; thence South parallel with the East line of said South $\frac{1}{2}$ of SW $\frac{1}{4}$, a distance of 681.05 feet; thence East parallel with the said Southerly right-of-way line of Highway 10, a distance of 319.80 feet to the East line of said South $\frac{1}{2}$ of the SW $\frac{1}{4}$; thence North along said East line, a distance of 681.05 feet to the said Southerly right-of-way line of Highway 10; thence West along said Southerly right-of-way line a distance of 319.80 feet to the point of beginning.

5.00 acres

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Klindworth Trucking

10-121-34-6

That part of the South $\frac{1}{2}$ of SW $\frac{1}{2}$ of Section 21, Township 33, Range 27 described by Certificate of Real Estate Value 9161: Commencing at the NE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 21; thence South along the East line of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, a distance of 72.65 feet to the Southerly right of way line of Highway 10; thence West along said Southerly right of way line, a distance of 550 feet; thence South deflecting 90 degrees left along a line hereinafter referred to as Line A; a distance of 570 feet to the actual point of beginning; thence East deflecting 88 degrees 41 minutes 10 seconds left, a distance of 1,544.35 feet to a line parallel with and distance 319.80 feet West of the East line of said South $\frac{1}{2}$ of the SW $\frac{1}{4}$, thence South along the said parallel line, a distance of 75.64 feet to a point, a distance 681.05 feet South, as measured along the said parallel line, from the intersection of the said parallel line and the Southerly right of way line of Highway 10, thence East parallel with the Southerly right of way line of Highway 10 a distance of 319.80 feet to the East line of said South $\frac{1}{2}$ of the SW $\frac{1}{4}$; thence South along said East line a distance of 562.89 feet to the SE corner of said South $\frac{1}{2}$ of SW $\frac{1}{4}$; thence South along the East line of said North $\frac{1}{2}$ of NW $\frac{1}{4}$, a distance of 285.08 feet to the Northerly right of way line of railroad; thence Westerly along said Northerly right of way line a distance of 1,878.77 feet to the prolongation South of said Line A from the point of beginning; thence North along said line a distance of 722.94 feet to point of beginning.

34.00 acres

Klindworth Trucking

10-128-2105

The North $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 28, Township 33, Range 27 North of railroad except that part sold.

.50 acres

Elwood and Alice Anderson

10-121-4405

1.5 acre tract in the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 21, Township 33, Range 27 commencing at a point where the South line of Highway 10 intersects the cart line of county road thence East along the South line of Highway 10 a distance of 336 feet thence South at a right angle and parallel to the East line of the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ a distance of 183 feet thence at a right angle to the East line of county road thence North on county road to the point of beginning.

1.50 acres

Elwood & Alice Anderson

10-121-4401

The East 96 feet of the West 432 feet of the South 80 feet of the North 263 feet of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, Township 33, Range 27.

.18 acres

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Vernon & Carol Davis

10-121-4305

The South 80 feet of the North 263 feet of the West 240 feet of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, Township 33, Range 27 South of Highway right of way and East of town road.

.44 acres

Dennis & Elizabeth Wold

10-121-4300

That part of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21, Township 33, Range 27 described as follows: Beginning at a point 363 feet South from the intersection of the South line of the right of way line of US Highway 10 and the East line of the town road running along the West side of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence South along the East line of said road a distance of 296 feet, thence East at a right angle to said road a distance of 240 feet, then North parallel with the East line of said road a distance of 296 feet, thence West 240 feet to the point of beginning.

1.63 acres

Richard E. Hudson

10-121-4400

The South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 21, Township 33, Range 27 except 1.94 acres, except instrument #106270 and except the East 96 feet of the West 432 feet of the South 80 feet of the North 263 feet lying South of Highway 10 and East of the county road.

76.25 acres

Richard E. Hudson

10-122-3400

The South $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 22, Township 33, Range 27.

80.00 acres

Richard E. Hudson

10-127-2100

The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27, Township 33, Range 27 north of railroad except highway.

26.90 acres

TRACT #3
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Richard E. Hudson

10-128-1100

The North $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 28, Township 33, Range 27 North of railroad.

26.00 acres

Peter & Gayle Ahrens

10-127-2105

That part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27, Township 33, Range 27 lying North of railroad and West of local road that was formerly Highway 10.

.75 acres

Peter & Gayle Ahrens

10-127-2201

The NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27, Township 33, Range 27 lying North of railroad right of way.

16.00 acres

