

**JOINT RESOLUTION BETWEEN THE TOWN OF CHATHAM
AND THE CITY OF BUFFALO, DESIGNATING
AN AREA FOR ORDERLY ANNEXATION**

The Town of Chatham and the City of Buffalo hereby jointly agree to the following:

1. Orderly Annexation Area

An area in the Town of Chatham owned by George and Mianna Varner ("Varners") is in need of orderly annexation to the City of Buffalo pursuant to Minnesota Statutes Chapter 414.0325. The parties hereto designate this area consisting of approximately 75 acres (the "Property") for orderly annexation as described on Exhibits A and B attached hereto.

2. Municipal Board

The Town of Chatham and the City of Buffalo do, upon adoption of this resolution, and upon acceptance by the Minnesota Municipal Board, confer jurisdiction upon the Minnesota Municipal Board over the Property so as to accomplish said annexation in accordance with the terms of this Resolution. No consideration or hearing by the Minnesota Municipal Board is necessary. The board may review and comment, but shall, within thirty (30) days, order the immediate annexation of the Property to the City of Buffalo in accordance with the terms of this joint resolution. No alteration of the described boundary of the Property is appropriate. Annexation of the Property shall occur as of the effective date of this agreement as defined herein.

3. Character of Property

The Property abuts the City of Buffalo and is presently urban or suburban in nature or is about to become so. Further, the City of Buffalo is now or within a reasonable time will be capable of providing municipal water and sanitary sewer to the Property.

4. Roads

The parties acknowledge that a gravel road, commonly known as 25th Street, abuts the northern border of the property for a distance of approximately one-half mile. This street is not part of the Property to be annexed and shall remain in the Town of Chatham. After the effective date of this agreement and for a period of two (2) years thereafter, the City of Buffalo shall be responsible for maintaining said road by way of grading, patching and blading for the months of April 1st through September 30th; the Town of Chatham shall be responsible for maintaining the road by way of snow plowing and applying sand/salt mix as required for the months of October 1st through March 31st. After expiration of the above-referenced two (2) year period and thereafter, the City of Buffalo shall be responsible for the annual repair and maintenance of said road.

5. Development of Annexation Area

It is agreed and understood by the parties that Varners intend to plat and subdivide the Property for residential development after the effective date of this agreement. Upon annexation, the Property shall be zoned R-1 pursuant to zoning

regulations of the City of Buffalo. The City of Buffalo shall have the right and authority to install municipal water and sanitary sewer service, roads and other public improvements within the Property area in accordance with City development policies, Minnesota Statutes §429.01 et seq, as amended, or any other appropriate statute or ordinance.

The City of Buffalo shall have the right to utilize the right-of-way adjacent to 25th Street North for the installation of municipal water, sanitary sewer or other utility services pursuant to Minnesota Statutes §471.59. The City of Buffalo shall assume all liability for installation and construction of said municipal utility services and shall hold the Town of Chatham harmless from all claims and damages arising out of said installation and construction of said municipal services during the term of this agreement and continuing thereafter.

After platting of the Property and construction of dwellings upon 40 percent of all buildable lots, the City of Buffalo agrees to apply a 24 foot bituminous base to that portion of 25th Street North which abuts the Property, at its sole cost and expense and shall thereafter be responsible for its repair and maintenance, subject, however, to the terms and conditions of paragraph 4.

6. Police

The Property is presently patrolled by the Wright County Sheriff's Department. Upon the effective date of this Agreement and thereafter, the Buffalo Police Department is

authorized and shall be responsible for police protection for the Property, shall investigate any and all crimes and shall prosecute said crimes pursuant to the local cooperative agreement between the Wright County Sheriff's Department and the police department for the City of Buffalo, at no cost to the Town of Chatham.

7. Fire Control

The Property is subject to fire protection pursuant to a joint powers agreement for fire services between the parties. After the effective date of this agreement, said Property shall be dropped from the joint powers agreement at its next effective annual payment date, which fire service agreement is based on assessed valuation and fire calls.

8. Tax Compensation to Chatham

Upon annexation of the Property, in order to compensate the Town of Chatham for loss of tax revenues, the City of Buffalo agrees to compensate the Town of Chatham over a two year period. Said payments shall be made from the City of Buffalo to the Town of Chatham based on the ad valorem taxes collected by the City of Buffalo on the Property as set out in the following schedule:

Year	Percentage of taxes paid to the Town of Chatham
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1993	100%
1994	100%
1995 and thereafter	100%
1996 and thereafter	0%

Payments are to be made semi-annually and within thirty (30) days after receipt of the revenues from the Wright County Treasurer's office. Taxes paid in 1993 shall be at the ~~mill rate~~

tax capacity

Cherry
of the Town of Chatham and taxes paid in 1994 shall be at the
~~mill~~ rate of the City of Buffalo. All property taxes paid in
~~tax capacity~~ *1996*
calendar year ~~1995~~ and thereafter shall be retained by the City
of Buffalo as provided by law.

9. **Effective Date**

The effective date of this agreement shall be upon
issuance of an Order by the Minnesota Municipal Board approving
this Agreement, and its terms and conditions.

CITY OF BUFFALO

Passed and adopted by the City
Council of the City of Buffalo
this 1st day of March,
1993.

By: *Paul Paetzsch*

Its: Mayor

ATTEST: *Merton T. Auger*

City Clerk

TOWN OF CHATHAM

Passed and adopted by the Town
Board of the Town of Chatham
this 22 day of February,
1993.

By: *Charles D. Loken*

Its Chairman

ATTEST: *Francis Munstersteigen*

Town Board Clerk

STATE OF MINNESOTA, COUNTY OF WRIGHT
Certified to be a true and correct copy of the
original on file and of record dated March 1, 1993
in my office.

DATED March 10, 1993

Merton T. Auger, City Administrator

by Laureen Bodin

Assistant Administrator

REC'D BY MAR 12 1993
MAIL

Exhibit A

LEGAL DESCRIPTION

That part of the Southeast Quarter of Section 24, Township 120, Range 26, Wright County, Minnesota described as follows:

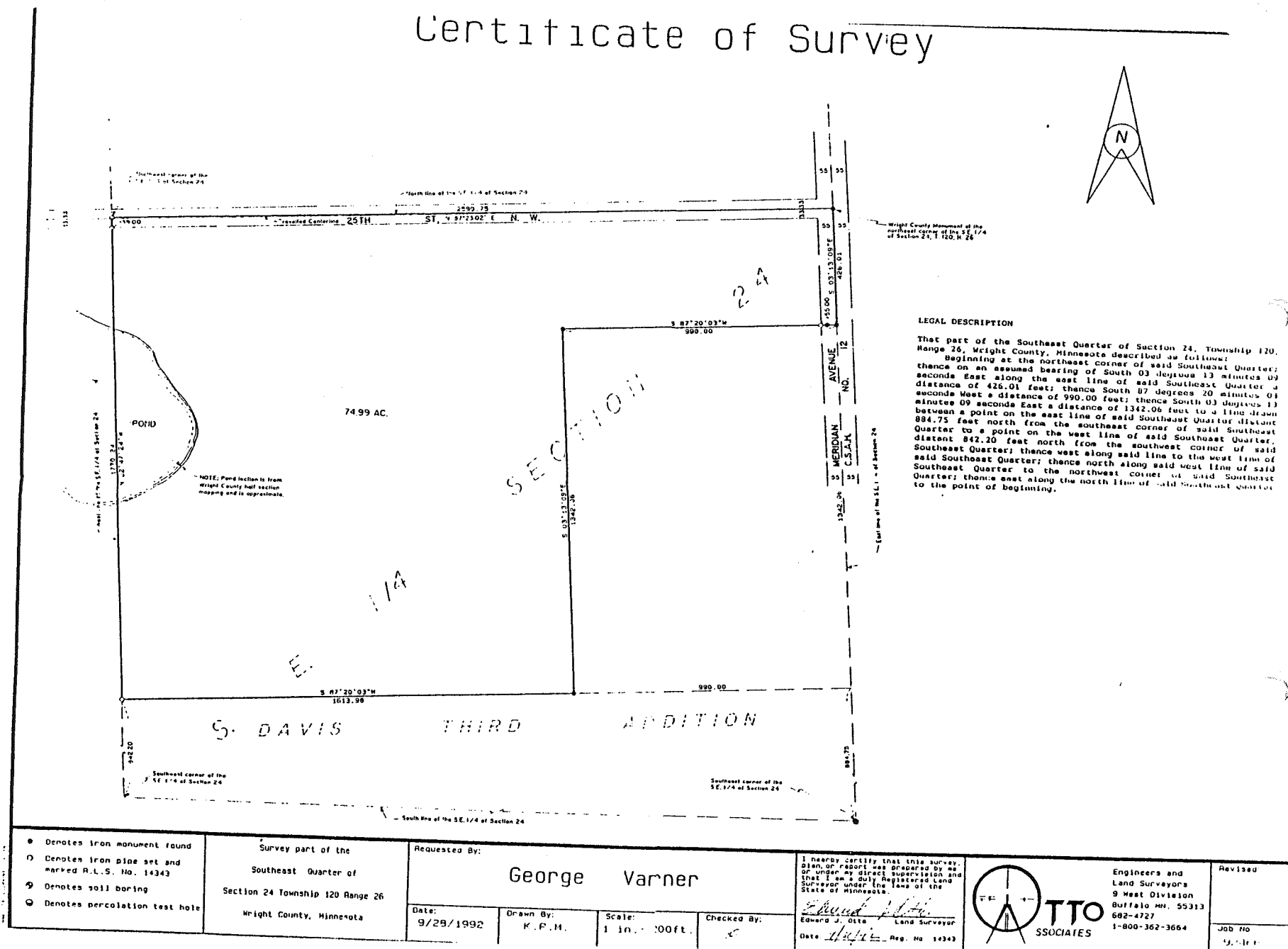
Beginning at the northeast corner of said Southeast Quarter; thence on an assumed bearing of South 03 degrees 13 minutes 09 seconds East along the east line of said Southeast Quarter a distance of 426.01 feet; thence South 87 degrees 20 minutes 03 seconds West a distance of 990.00 feet; thence South 03 degrees 13 minutes 09 seconds East a distance of 1342.06 feet to a line drawn between a point on the east line of said Southeast Quarter distant 884.75 feet north from the southeast corner of said Southeast Quarter to a point on the west line of said Southeast Quarter, distant 842.20 feet north from the southwest corner of said Southeast Quarter; thence west along said line to the west line of said Southeast Quarter; thence north along said west line of said Southeast Quarter to the northwest corner of said Southeast Quarter; thence east along the north line of said Southeast Quarter to the point of beginning.

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To <i>Star</i>	From <i>Reedman</i>	
Co.	Co. <i>Buffalo</i>	
Dept.	Phone # <i>477-5735</i>	
Fax # <i>Re: A-5021</i>	Fax #	

REC'D. BY OCT 02 1992
M M R

map from A-5021

Certificate of Survey



REC'D BY
JALAB OCT 02 1992

