

JOINT RESOLUTION OF THE CITY OF BAYPORT AND THE  
TOWN OF BAYTOWN RELATING TO ORDERLY ANNEXATION

WHEREAS, certain lands located in the Town of Baytown (hereinafter "Baytown"), described in Exhibit "A" attached hereto and made a part hereof, are urban or suburban in character, or are about to become so; and,

WHEREAS, the establishment of a process of orderly annexation of said lands will be of benefit to the owners of said land and will permit the City of Bayport (hereinafter "Bayport") to extend necessary municipal services in a planned and efficient manner; and,

WHEREAS, Minnesota Statutes §414.0325 permits a township and a municipality by joint resolution to designate an unincorporated area as in need of orderly annexation; and,

WHEREAS, Bayport and Baytown desire to designate the area described in Exhibit "A" as an orderly annexation area and desire to confer jurisdiction on the Minnesota Municipal Board over the annexation of said area; and,

WHEREAS, Bayport and Baytown have determined that no alteration of the stated boundaries of the area identified in Exhibit "A" is appropriate, and that no consideration by the Minnesota Municipal Board is necessary prior to any annexation under the procedures established by this Joint Resolution; and,

WHEREAS, Bayport and Baytown agree that it is in the best interest of both parties that joint cooperation and planning between the parties be conducted.

NOW, THEREFORE, BE IT RESOLVED JOINTLY by the Bayport City Council and the Town of Baytown Board of Supervisors as follows:

1. Designated Area. That the area described on Exhibit "A" located in the Town of Baytown is subject to orderly annexation pursuant to Minnesota Statutes §414.0325, and the parties hereto hereby designate area for orderly annexation, said area consisting of approximately 191 acres. That the property described on Exhibit "A" abuts the City of Bayport and is presently urban or suburban in character or is about to become so. That the City of Bayport is now or within a reasonable time will be capable of providing sanitary sewer and other public utilities and municipal services to service said area.

2. Jurisdiction. That the Bayport and Baytown do, upon their adoption of this Resolution, and upon acceptance by the Minnesota Municipal Board, confer jurisdiction upon the Minnesota Municipal

Board over the property described in Exhibit "A" so as to accomplish said orderly annexation in accordance with the terms of this Resolution. No consideration by the Minnesota Municipal Board is necessary and the Board may review and comment, but shall, within thirty (30) days, order the annexation of said area in accordance with the terms of this Joint Resolution.

3. Annexation. It is the intent of the parties hereto that the land described in Exhibit "A" shall be annexed to Bayport as soon as possible. Therefore, the Minnesota Municipal Board may immediately order said annexation following the receipt and review of this Joint Resolution. The annexation shall be accomplished by Bayport by means of the adoption of an Ordinance. That at the time the Ordinance is adopted by Bayport, the City shall also adopt a Resolution providing for the extension of water and sanitary sewer service to serve the annexed area, to be installed not later than two (2) years after the annexation unless unforeseen circumstances make it impossible to provide said services within said time. It is the intent of the parties to this Resolution that, prior to the adoption of such an Ordinance, no review or recommendation of the annexation will be necessary by the Bayport or Baytown Planning and Zoning Commissions. The Ordinance shall be filed with the Minnesota Municipal Board, Baytown, the Washington County Auditor, and the Minnesota Secretary of State, and is effective when approved by the Minnesota Municipal Board. No hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes §414.0325, Subd. 2 shall be required in order for the Municipal Board to approve the Ordinance.

4. Rezoning. It is understood and agreed by and between Bayport and Baytown that upon approval of the Minnesota Municipal Board of the Ordinance annexing the property described in Exhibit "A", that it is the intent of Bayport to rezone the property to an industrial zoning classification so as to allow for the construction and development of an Andersen Corporation industrial facility, subject to the review and approval of the Development plans of the Andersen Corporation.

5. Joint Powers Planning Agreement. Bayport and Baytown hereby agree to enter into a Joint Powers Agreement for planning and land use control within the orderly annexation area in a form and content attached to this Resolution as Exhibit "B", and the Mayor and Administrator on behalf of the City, and the Chairman of the Town Board of Supervisors and the Town Clerk on behalf of the Town, and hereby authorized to execute the Joint Powers Agreement on behalf of their respective governing bodies. The Joint Powers Agreement shall provide that a Joint Powers Planning Agency shall be established consisting of three representatives appointed by Bayport, two representatives appointed by Baytown, and one representative appointed by the Washington County Board of Commissioners. The Joint Powers Planning Agency shall serve as the "Planning Agency" and the "Board of Adjustment and Appeals" for the purposes of Minnesota Statutes §462.351 through §462.364 for the area described in Exhibit "A".

6. Environmental Quality. Bayport and Baytown hereby agree to jointly petition the Environmental Quality Board of the State of Minnesota for Bayport to be appointed as the Regulatory Governmental Unit for the purposes of environmental review of the Andersen Corporation project. Bayport agrees not to grant final approval of the project until an Environmental Worksheet or Environmental Impact Statement for the project, if required, has been determined adequate.

7. Effective Date. This agreement shall be in full force and effect from the after its passage and adoption by Bayport and Baytown, and shall remain in effect for seven (7) years following its enactment.

CITY OF BAYPORT

Passed and adopted by the City Council of the City of Bayport this 2 day of July, 1993.

By Beverly H. Schullz  
Its Mayor

ATTEST:

[Signature]  
City Administrator

TOWN OF BAYTOWN

Passed and adopted by the Town Board of the Town of Baytown this 15 day of July, 1993.

By [Signature]  
Its Chairman

ATTEST:

Patricia L. St. Claire  
Town Board Clerk

EXHIBIT A

All that part of the following described tract of land which lies westerly of: (1) the west line of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 10, (2) the west line of the East Half of the Southeast Quarter (E 1/2 SE 1/4) of Section 10 and (3) the west line of the East 210 feet of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 15; all in Township 29 North, Range 20 West, Washington County, Minnesota:

All that part of Sections Ten(10) and Fifteen(15), in Township Twenty-nine(29) North, Range Twenty(20) West, described as follows:

Commencing at the southeast corner of said Section 10; thence West along the south line of said Section 10 a distance of 270 feet to the point of beginning; thence North parallel with and 270 feet westerly from the east line of said Section 10 a distance of 1296 feet; thence West a distance of 360 feet; thence North parallel with the east line of said Section 10 a distance of 740 feet; thence West 160 feet; thence North parallel with the east line of said Section 10 a distance of 580 feet; thence West 140 feet; thence North along the west line and the same extended southerly of Block number 80, in South Stillwater(Bayport), Washington County, 360 feet to the northwest corner of said Block 80; thence West on a continuation of the north line of said Block 80 a distance of 185 feet; thence South and parallel with the west line of Block 81 of said South Stillwater(Bayport) 100 feet; thence West and parallel with the north line of said Block 81 to the west line of said Block 81 a distance of 175 feet; thence North along the west line of said Block 81 to the northwest corner of said Block 81 a distance of 100 feet; thence West on a continuation of the north line of said Block 81 a distance of 30 feet to the west line of the Southeast Quarter of the Northeast Quarter(SE1/4 NE1/4) of said Section 10; thence North along said west line of the SE1/4NE1/4 to the south line of the North 900 feet of the Southwest Quarter of the Northeast Quarter(SW1/4 NE1/4) of said Section 10; thence West along the south line of the North 900 feet of the Southwest Quarter of the Northeast Quarter(SW1/4 NE1/4) of said Section 10 to the west line of the Southwest Quarter of the Northeast Quarter(SW1/4 NE1/4) of said Section 10; thence North along said west line to the north line of the South 30 acres of the Southeast Quarter of the Northwest Quarter(SE1/4 NW1/4) of said Section 10; thence West along the north line of the South 30 acres of the Southeast Quarter of the Northwest Quarter(SE1/4 NW1/4) of said Section 10 to the northwest corner of the South 30 acres of the Southeast Quarter of the Northwest Quarter(SE1/4 NW1/4) of said Section 10; thence South along the west line of the Southeast Quarter of the Northwest Quarter(SE1/4 NW1/4) of said Section 10 to the centerline of the Stillwater and Point Douglas Road (aka C.S.A.H. 21); thence southeasterly along said center line of said Stillwater and Point Douglas Road (aka C.S.A.H. 21) to a point on a line drawn parallel and 11 chains and 92 links southerly from the north line of said Section 15; thence East parallel with the north line of the Northwest Quarter(NW1/4) of said Section 15 to the west line of the Northwest Quarter of the Northeast Quarter(NW1/4 NE1/4) of said Section 15; thence East parallel with the north line of the Northwest Quarter of the Northeast Quarter(NW1/4 NE1/4) of said Section 15 a distance of 202.76 feet; thence North parallel with the west line of said Northwest Quarter of the Northeast Quarter(NW1/4 NE1/4) to the south line of said Section 10; thence East along said south line to the point of beginning; EXCEPTING from the land within the above described boundaries, the right-of-way of the Chicago and Northwestern Railway across said parts of Sections 10 and 15.

And also all that part of the Southwest Quarter of the Northwest Quarter(SW1/4 NW1/4) of Section Ten(10), Township Twenty-nine(29) North, Range Twenty(20) West, lying east of Stillwater and Point Douglas Road (aka C.S.A.H. 21) excepting that part thereof heretofore deeded by Frank L. Barrett and wife to John Zabel, by deed dated 9th day of December, 1893, and recorded 16th of December, 1893, in the Office of the County Recorder for said Washington County, in Book 40 of Deeds, Page 133.



