

REC'D. BY  
M.M.A. AUG 05 1993

RESOLUTION NO. 10025  
JOINT RESOLUTION OF THE CITY OF HUTCHINSON  
AND THE TOWNSHIP OF LYNN AS TO THE ORDERLY  
ANNEXATION OF PROPERTY

This joint resolution of the City of Hutchinson and Lynn Township is made and entered into this 27th day of July, 1993 by the Hutchinson City Council and the Lynn Town Board.

RECITALS

1. Whereas, the Minnesota Municipal Board as created by Minnesota Statute §414.01 has jurisdiction over certain annexation and orderly annexation issues;

2. The City of Hutchinson and the Township of Lynn desire to enter into an agreement allowing for the orderly annexation of certain property;

3. The parties hereto desire to reduce their agreement to writing;

NOW THEREFORE BE IT RESOLVED BY THE HUTCHINSON CITY COUNCIL AND THE GOVERNING BOARD OF LYNN TOWNSHIP AS FOLLOWS:

1. Property Involved. The property covered by this orderly annexation agreement is legally described as follows: Lynn Township, also known as Township 116 North, Range 30 West, McLeod County, Minnesota. Lynn Township, as presently constituted, consists of 21,883 acres.

2. Immediate Annexation. A portion of the above described property is ripe for, and the parties have agreed to, annexation without further delay. The legal description of the property to be annexed is as set forth on Exhibit "A", a true and correct copy of which is attached hereto, and incorporated as if fully set out

herein. The property to be annexed under this paragraph consists of 291 acres. Both Lynn Township and the City of Hutchinson waive any procedural requirements in connection with the orderly annexation of the above described property. These properties abut the City of Hutchinson and are presently urban or suburban in character or about to become so.

3. Municipal Board Jurisdiction. That upon approval by the respective governing bodies of the town and the city, this joint resolution and agreement shall confer jurisdiction upon the Minnesota Municipal Board (Municipal Board) so as to accomplish the orderly annexation in accordance with the terms of this joint resolution and agreement.

4. No Alterations of Boundaries. The town and the city mutually state that no alterations by the Municipal Board of the boundaries of the area designated herein for orderly annexation is appropriate or permitted. The municipal board may review and comment, but shall, within thirty (30) days following submission of this Agreement, order annexation of the property described in Paragraph 2.

5. Conditions for Annexation. The city and the town mutually agree that this joint resolution and agreement sets forth all of the conditions for annexation of the area designated herein for orderly annexation and that no consideration by the Municipal Board is necessary. The Municipal Board may review and comment, but shall, within thirty (30) days following submission, order annexation.

6. Tax Break. Any persons owning lands next to the city pursuant to this Agreement shall receive a "tax break" consisting of a staged, graduated increase in mill rates from the township rate to the city rate over a five (5) year period in the following manner:

- First year following annexation - 20% of city rate
- Second year following annexation - 40% of city rate
- Third year following annexation - 60% of city rate
- Fourth year following annexation - 80% of city rate
- Fifth year following annexation - 100% of city rate

The tax break described above applies only to residential property; commercial, industrial and residential property with a greater density than that permitted in an R-1 or R-2 Hutchinson zoning district within the City of Hutchinson, shall be taxed at the appropriate municipal rate. Notwithstanding the foregoing, any lands next to the city which are classified as agriculture lands shall be taxed by the city only at the rate provided by law for such agricultural lands and not at the full city tax rate for so long as said lands retain their classification as agricultural lands and so long as that classification is permitted by law.

7. Annexation By Agreement. Any property located in the above described orderly annexation area as set forth in paragraph (1) above may be annexed by the city upon presentation of a petition signed by a substantial majority of the property owners of record of property located in a described portion of the above described orderly annexation area requesting such annexation. For

purposes of this paragraph, "substantial majority" shall mean at least 60% of the property owners of record in the described area requesting annexation. In addition, such petition shall be signed by the owners of record of at least 51% of the land area located in the described area requesting annexation. If the city desires to annex the property as requested, then an annexation shall be accomplished by the adoption of a resolution by the city. Following adoption of such a resolution, the Minnesota Municipal Board may review and comment but shall, within thirty (30) days, order the annexation of all of the property described in the city's resolution. No review or recommendation with respect to annexation is necessary by the town as a condition precedent to annexation. Any other annexation by the City must be conducted pursuant to Minnesota law.

8. Additional Consideration. In recognition of at least the potential of a transfer of tax base from the town to the city, the city agrees to reimburse the town, for a period of five (5) years from the effective date of the adoption of this Orderly Annexation Agreement, for the expense of performing routine maintenance and snow removal on Honey Tree Lane and Underwood Avenue.

9. Tax Income and Apportionment of Funds. In the year of annexation of any of the land subject to this Agreement, there shall be no apportionment of real estate tax income for the year in which the annexation takes place. The town shall receive all such income. State aid income and federal income shall likewise not be apportioned, unless required by federal or state law. Any

dedicated road or park funds, affected by annexation, shall be turned over to the city within fifteen (15) days after the date of the annexation order. Any annexations which involve accounts receivable for dedicated roads or park funds, to be collected in the future as special road assessments, shall be forwarded by the city to the town.

10. Term of Agreement. This Agreement, unless otherwise amended by the parties in writing, shall continue in full force and effect until December 31, 2003.

This resolution adopted by the Hutchinson City Council this 27th day of July, 1993.

By: Paul L. Ackland  
Paul L. Ackland  
Mayor of Hutchinson

Attest:

Gary D. Plotz  
Gary D. Plotz  
City Administrator

This resolution adopted by the Town of Lynn Board of Supervisors the 3<sup>rd</sup> day of August, 1993.

Robert Theringer  
Chair, Town Board of Supervisors

Attest:

Deanna Klussen  
Town Clerk

This instrument was drafted:

G. Barry Anderson  
ARNOLD & McDOWELL  
101 Park Place  
Hutchinson, MN 55350  
Registration No. 196X