

CITY RESOLUTION 8-10-93-2

TOWN RESOLUTION 108

JOINT RESOLUTION OF AGREEMENT AS TO ORDERLY
ANNEXATION BY AND BETWEEN THE CITY OF PINE RIVER
AND BARCLAY TOWNSHIP

WHEREAS, the City of Pine River ("City") and Barclay Township ("Township"), Cass County, Minnesota, desire to provide for the orderly development and extension of services to a property in the Township that is contiguous to the city limits and is or is about to become urban and suburban in character; and

WHEREAS, said property ("subject property") is owned by the Evangelical Lutheran Good Samaritan Society, which has expressed a need and desire for the extension of municipal sewer and water services to the subject property to facilitate the development of a tax-exempt senior adult apartment housing facility; and

WHEREAS, the City and the Township wish to provide for the extension of municipal services to the subject property upon certain terms and conditions; and

WHEREAS, the City and the Township have reached an agreement which is in the best interest of both the citizens and property owners of the City and the Township.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PINE RIVER AND THE BOARD OF SUPERVISORS OF BARCLAY TOWNSHIP:

1. Description of Area to be Annexed. That the following described area is properly subject to orderly annexation under and pursuant to Minnesota Statutes 414.0325, and the parties do hereby designate the area for orderly annexation ("subject property") as provided by statute, as set forth in the legal description attached hereto as Exhibit 1, and the map attached hereto as Exhibit 2.

2. Municipal Board Jurisdiction. That upon final approval by the governing bodies of the City and the Township, this resolution of agreement shall confer jurisdiction upon the Minnesota Municipal Board so as to accomplish said orderly annexation in accordance with the terms of this resolution of agreement.

3. No Alterations of Boundaries. The City and the Township mutually state that no alteration by the Municipal Board of the boundaries of those areas designated herein for orderly annexation is appropriate.

4. Conditions for Annexation. The City and the Township mutually state and agree that annexation will only take place upon the following conditions.

- a. The Township agrees to the annexation of the subject property based upon the representation by the City and the owner of the subject property, that such tax-exempt senior adult apartment housing facility will be constructed upon the subject property. If a tax-exempt senior adult apartment housing facility is not developed upon the subject property, the Township's agreement to annexation of the subject property shall be null and void.
- b. The Township and the City agree to share, equally, the cost of maintaining the White Pine Point Road. Any improvements, over and above maintenance, will be discussed between the two government entities in order to reach a mutual agreement as to the extent of improvement and cost.

5. Review and Comment by Municipal Board. The City and the Township mutually state and agree that this resolution sets forth all of the conditions for annexation of the areas designated herein for orderly annexation, and that no consideration by the Municipal Board is necessary. The Municipal Board may review and comment, but shall order the annexation of the subject area within thirty (30) days after submission to the Board of a final resolution approved by both the City and the Township.

6. Annexation of Subject Area. The City and Township mutually state and agree that the subject property legally described in Exhibit 1 and shown on Exhibit 2, shall immediately be annexed to the City, upon the effective date of the Municipal Board order in the matter.

7. Authorization. The appropriate officers of the City and Township are hereby authorized to carry the terms of this resolution into effect.

This resolution adopted by the Pine River City Council the 10th day of August, 1993.

ATTEST:

CITY OF PINE RIVER, MINNESOTA

Wanda Tulenicht
City Clerk

Shirley Anderson
Mayor

This resolution adopted by the Barclay Township Board of

REC'D. BY SEP 22 1993
MAR

Supervisors the 3 day of September, 1993.

ATTEST:

BARCLAY TOWNSHIP

Litta (Le) Sears
Litta (Le) Sears
Town Clerk

Merrill Nelson
Merrill Nelson, Chair, Board of
Town Supervisors

Archie Shamp
Archie Shamp, Supervisor

James N. Carlson
James Carlson, Supervisor

This instrument was drafted by:

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and

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SEP 22 1993

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REC'D. BY SEP 22 1993
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MAP OF
PINE RIVER
CASS COUNTY
POP. 881

