

RESOLUTION #4-95

URBANIZATION PLAN (OA-334)-AMENDMENT #1

**JOINT RESOLUTION AMENDING THE ORDERLY ANNEXATION PLAN
BETWEEN THE TOWN OF BARRY AND THE CITY OF HINCKLEY**

Whereas; the City of Hinckley and Town of Barry by joint resolution passed and adopted an urbanization (OA-334) plan in May and June of 1994.

Whereas; the need to amend said urbanization plan (OA-334) to include approximately 65.66 additional acres is recognized by both Barry Township and the City of Hinckley.

The Town of Barry and the City of Hinckley hereby jointly agree to the following:

1. The Orderly Annexation Area Official Map is amended to include:

That part of the east half of the SW1/4 of Section 18, Township 41, Range 20 lying east of the west 330' thereof,
2. The area identified above abuts and is presently suburban in nature or is about to become suburban in nature,
3. Development plans have been submitted to the city for review,
4. The proposed area will be zoned R-1,
5. Taxes on property annexed under this amendment only shall be reimbursed to the town of Barry by cash payments based on the assessed value of the annexed property as of January 2, 1995 according to the following schedule.

Year after actual annexation	Percent of value at annexation to be reimbursed to the Township
Year 1.	90%
2.	70%
3.	50%
4.	30%
5.	10%

REC'D. BY JUN 23 1995
MMB

Cash payments to the township shall be payable to the township 60 days from the date the semi-annual tax settlement is received by the city.

City of Hinckley

Town of Barry

Passed and adopted by the City
Council of the City of Hinckley
this 2nd day of May, 1995

Passed and adopted by the Town
Board of the Town of Barry
this 9th day of June, 1995

by Tom R. Rebeck
its Mayor

by Donna Welf Rebeck
its Chairman

Attest: James M. Ausmus
City Administrator

Attest: Theresa Ausmus
Town Clerk

June 3, 1994

**City Resolution # 6-94 B
Urbanization Plan**

REC'D BY
M M R
AUG 05 1994

**Joint Resolution Between the Town of Barry (township)
and the City of Hinckley
Concerning the Orderly Annexation Area**

Whereas; reoccurring boundary adjustments have occurred between the City of Hinckley and the Town of Barry for the last twenty years and uncertainty as to future adjustments has resulted; and

Whereas; responding to requests for boundary adjustments on a case by case basis, apart from an overall plan for urbanization, is expensive, time consuming, and counterproductive; and

Whereas; it has been difficult for the Town of Barry and the City of Hinckley and property owners within the orderly Annexation Area to plan separately for development and growth; and

Whereas; the Minnesota Municipal Board has urged the City and the Town to approach the orderly annexation issue with a spirit of cooperation; and

Whereas; it appears to be in the best interest of both parties that joint cooperation and planning between the parties be conducted; and

Whereas; the parties want to stabilize and enhance the predictability of boundary adjustments; and

Whereas; there is a basis for agreement between the parties for accomplishing these goals, and the parties hereto do set forth the terms of this agreement by the following:

The Town of Barry and the City of Hinckley hereby jointly agree to the following:

1. The Orderly Annexation Area Official Map

The Town of Barry and City of Hinckley, upon their adoption of this policy, approve the Orderly Annexation Area Official Map, which is attached as exhibit "B" and described in attachment "A"

2. Urban Service Area

The area identified on the Orderly Annexation Area Official Map as the "Urban Service Area" is an area that abuts the City of Hinckley and is presently urban or suburban in nature or is about to become urban or suburban in nature, further, the City of Hinckley is now capable of providing municipal water and sanitary sewer service to this area, or is able to provide municipal water and sanitary sewer within a two (2) year time frame.

3. Annexation Process

Annexation should be allowed to occur upon the following terms and conditions:

- A. The property must be located within the above "Urban Service Area";
- B. The property owner must petition the City of Hinckley for annexation;
- C. The property owner shall submit a development plan to the City of Hinckley and the Town of Barry showing the need for municipal water and sanitary sewer or other city services for the property petitioned for annexation;
- D. The development plan must be of sufficient detail to show it will meet the standards and requirements of the City of Hinckley zoning and planing ordinance, utilities plan, assessment procedures, and financing plan;
- E. Municipal services, including but not limited to water, sewer, storm water drainage, and streets shall be installed and ready for use within two (2) years from the date of the annexation; and
- F. The property owner shall not submit future petitions for annexation until all previous conditions in the development plan have been complied with.

30 days before final city approval of the development plan, said plan shall be submitted to the Town of Barry for review. Concerns expressed by the Town of Barry shall be addressed prior to formal approval of the development plan by the City of Hinckley. Said comments or concerns of the Town must be submitted to the City of Hinckley no later than thirty (30) days after the Town received the development plan. If the City does not receive written comments on the development plan from the Town of Barry within this 30 day period, the City may, at its option, proceed with final approval of the development plan.

All efforts will be made to establish development plans that incorporate the land use planning efforts of the City of Hinckley and the Town of Barry. No development plan shall be approved by the City under this agreement without written summary of comments submitted within the thirty (30) day period as required above, or by inaction of the Barry Town Board. After this 30 day period, formal annexation can be acted on by the City and submitted to the State of Minnesota Municipal Board. No consideration of the Municipal Board is necessary, the board may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the resolution.

REC'D. BY
MMB AUG 05 1994

4. Terms

The term of this agreement shall be ten (10) years from the effective date of this agreement. Both parties reserve the right to terminate this agreement upon sixty (60) days written notice. The effective date of this agreement shall be upon the approval of the City Council of Hinckley and the Town Board of the Town of Barry and acceptance by the Minnesota Municipal Board and said subsequent order approving this agreement.

5. Zoning , Planning, and Land Use

Zoning and planning throughout the Orderly Annexation Area as described above shall be under the control of the Joint Planning Board until annexed to the City of Hinckley. If the property is annexed to the City of Hinckley, the property's land use shall be designated according to the City of Hinckley Zoning and Planning Ordinances. Any alteration or change to the zoning classification shall be subject to the requirements and provisions of the City's zoning ordinance and any other applicable rules, statutes, laws, or ordinances. The City of Hinckley shall notify the Town of Barry of said land use classification hearing.

6. Taxes

Any and all of the property taxes collected in the Orderly Annexation Area shall remain the property of the Town of Barry. Any and all property taxes collected from the annexed properties shall be the property of the City of Hinckley the year following the annexation.

The City of Hinckley hereby agrees to alleviate the financial impact on the township for loss of tax revenue due to annexation of township land to the City. The City shall reimburse the Township by cash payments, based on assessed value of the annexed property as of January 2 of the year the parcel is annexed, according to the following schedule:

Year after actual annexation		Percent of value at annexation to be reimbursed to the Township
Year	1	50 %
	2	30 %
	3	20 %
	4	10 %

Cash payments to the township shall be payable to the township 60 days from the date the semi-annual tax settlement is received by the city.

7. Isolated Town Property

Any property within the Urban Service Area that becomes or is about to become isolated as a result of annexation proposed under Section 3 shall be submitted for consideration along with the proposed annexation to the Minnesota Municipal Board. In general, the creation of such isolated parcels shall be avoided.

8. Development Within the Area Identified on the Orderly Annexation Area Official Map as the Urban Service Area

No development shall occur within the orderly annexation area which is outside the Urban Service area as described in the Orderly Annexation Area Official Map unless said development meets the standards of the Joint Planning Board. Said development can only occur if all local government standards are complied with or are capable of being complied with in the future. The intent of this paragraph is to strongly discourage development outside the Urban Service Area as identified in the Orderly Annexation Area Official Map.

City of Hinckley

Town of Barry

Passed and adopted by the City Council of the City of Hinckley this 3rd day of May, 1994

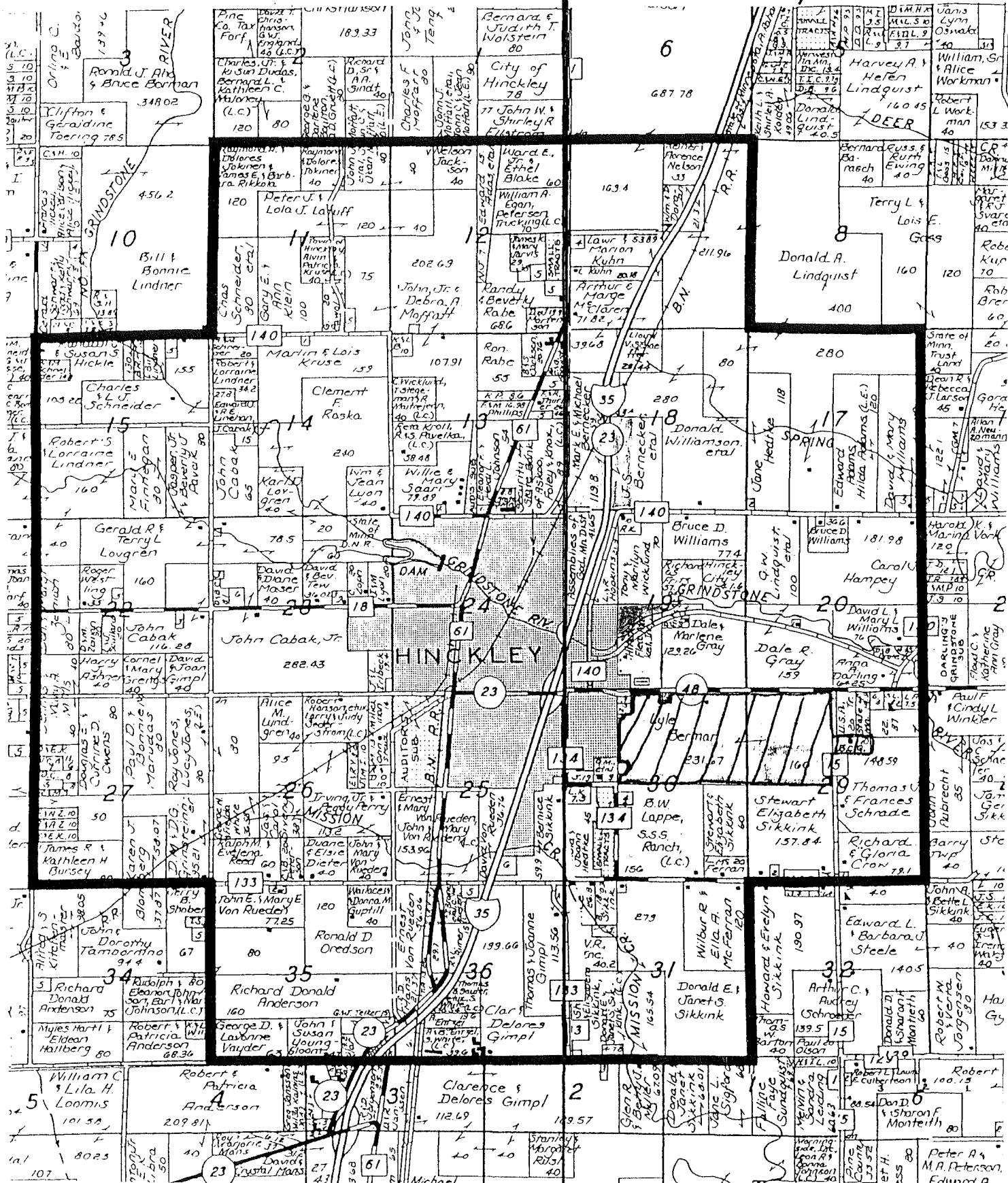
Passed and adopted by the Town Board of the Town of Barry this 21st day of June, 1994

by Tom R. Culich
its Mayor

by Arthur P. Schrock
its Chairman

Attest: James M. Auermus
City Administrator

Attest: Judy J. Kawai
Town Clerk



ORDERLY ANNEXATION AREA OFFICIAL MAP

URBAN SERVICE AREA

CASINO ANNEXATION AREA

JOINT PLANNING BOARD TERRITORY

REC'D BY AUG 05 1994
M.M.R.

Attachment A

Legal Description for Urban Service Area in Barry Township

to include the following in Township 41 North, Range 20 West;

In Section 19

all remaining un annexed area of Section 19 to include:

the Northeast 1/4 , the Northwest 1/4, the North 1/2 of the Southeast 1/4, and The North 1/2 of the East 1/2 of the Southwest 1/4 South of the Grindstone River, (520 acres).

In Section 30

The East 1/2 of the West 1/2 of the Southwest 1/4 of Section 30, (80 acres),

and the North 1/4 of the Northwest 1/4 of the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 30 which abuts Hinckley Township on its Easterly border (7.5 acres),

and the South 1/4 of the East 1/2 of the West 1/2 of the Northwest 1/4 of Section 30 (9 acres)

and the South 1/2 of the South 1/4 of the West 1/2 of the Northwest 1/4 of Section 30 (5.19 acres).