

REC'D. BY
M M B FEB 15 1995

IN THE MATTER OF THE AGREEMENT AND
JOINT RESOLUTION OF THE TOWNSHIP OF
MANKATO AND THE CITY OF MANKATO
DESIGNATING AREAS IN THE TOWNSHIP
IN NEED OF ORDERLY ANNEXATION TO
THE CITY OF MANKATO.

JOINT RESOLUTION
FOR ORDERLY ANNEXATION

The Township of Mankato and the City of Mankato hereby jointly agree to the following:

I.

The Board of Supervisors of Mankato Township and the City Council of the City of Mankato deem it necessary and appropriate that the two governing bodies work together and have a common understanding for the orderly growth of the Township and of the City.

II.

The Board of Supervisors of Mankato Township and the City Council of the City of Mankato upon the adoption of this Resolution and upon acceptance of the Resolution by the Minnesota Municipal Board, confer jurisdiction upon the Minnesota Municipal Board to review and comment pursuant to Minnesota Statutes, Section 414.0325, subdivision 1.

III.

The Board of Supervisors of the Township of Mankato and the City Council on behalf of the City of Mankato have agreed to the Orderly Annexation processes as hereafter set forth in this Joint Resolution for Orderly Annexation.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

ARTICLE I

It is the intent of both the Township and the City to manage an orderly growth process for urban development, and agree that those properties in the Township desiring to develop with urban uses should develop, if possible, within the City with City services and be consistent with long range plans of the City and the Township. Those properties in the Township which have already developed with urban uses, should be encouraged to be annexed to the City when they clearly demonstrate the need for City services. The purpose of this Joint Orderly Annexation Agreement is to prohibit non-farm development in Mankato Township without annexation to a municipality except for residential development in existing subdivisions in existence on the date

of this Agreement, single family residential use on existing parcels of record in existence on the date of this Agreement in those areas zoned for residential development in effect on the date of execution of this Agreement, or a second residential site (bonus lot) on unsubdivided or zoned agricultural land as provided in the current zoning and subdivision regulations in effect on the date of execution of this Agreement. Non-Farm Development means any commercial, industrial or residential use except: 1) residential development in subdivisions in existence on the date of execution of this Agreement; 2) single family residential development on those parcels of record in existence on the date of execution of this Agreement in those areas zoned for residential development in effect on the date of execution of this Agreement; 3) a second residential site (bonus lot) on unsubdivided and zoned agricultural land as provided in the current zoning and subdivision regulations in effect on the date of execution of this Agreement; 4) expansion, repair, and remodeling of an existing building in existence on the date of execution of this Agreement which is to be used for a commercial or industrial activity as provided in Article III; 5) new free standing building as provided in Article III.

ARTICLE II

Mankato Township and the City of Mankato agree that this Orderly Annexation Agreement shall be adopted by both jurisdictions and submitted to the Minnesota Municipal Board for its review and comment. The area designated as in need of orderly annexation are those areas in the Township which the City and Town agree have been or will be developed for any non-farm purpose.

ARTICLE III

Within one hundred twenty (120) days of the adoption of this Agreement, Mankato Township shall amend its Zoning Ordinances and Subdivision Regulations to prohibit non-farm development without connection to Municipal Sewer and Water and that said properties shall be annexed to a city prior to any such non-farm development. However, Mankato Township's amended Zoning Ordinance may permit the expansion, repair, and remodeling of an existing building in existence on the date of this Agreement, unconnected to Mankato City Municipal Sewer and Water, which is to be used for a commercial or industrial activity. This expansion, repair, and remodeling of an existing building does not include use which is unrelated to the existing building. If the Township receives a request for a new free standing building, the Township Board shall review and submit their decision to the City for their review. The City shall have 14 days to review said decision. If, in the opinion of the City, said expansion is not incidental and accessory to the existing use, the City shall have the right to submit the issue to arbitration as provided in Article X. Upon the request of any property owner and after annexation, the City of Mankato shall extend sewer and water to any property whose owner develops said property for non-farm development. The property owner shall be responsible for all costs of extension of such service to his property, unless the parties agree otherwise.

If such development would result in the need to expand waste and water treatment facilities or water production, the property owner shall be responsible for his proportionate share of these increased costs. If the Township does not approve of an annexation, the Township shall not allow or approve any non-farm development and the City shall not be required to extend sewer or water.

ARTICLE IV

Mankato Township shall not subdivide or rezone any property presently zoned Agricultural or Conservation to any other zoning district nor shall they change, except as provided in Article III above, any provision of or repeal the Zoning Ordinance in effect on the date of execution of this Agreement.

ARTICLE V

Mankato Township and its duly elected Township Officials shall be the governing authority for all land and properties lying within the Township except as provided in this Joint Resolution. As provided in this Joint Resolution, Mankato Township may, in its discretion, issue building permits for those exceptions described in sections 1 through 5 as set forth in Article I.

ARTICLE VI

No property shall be annexed to the City of Mankato except with the approval of the Mankato Township Board of Supervisors. Such approval shall not be unreasonably withheld. In the event a disagreement develops concerning the reasonableness of the Township's failure to approve such proposed annexation within 90 days, then the issue shall be resolved by arbitration as described in Article X of this agreement.

ARTICLE VII

For the term of this agreement, the City will not annex property in Mankato Township when it borders the corporate limits of the City of Mankato except when the City receives an annexation petition from the property owner for annexation of such property and the Township Board of Supervisors approves of such an annexation.

ARTICLE VIII

When a parcel is annexed, the City of Mankato will reimburse Mankato Township for the loss of taxes generated from the property annexed. If the annexation becomes effective on or before August 1 of the levy year, the Municipality may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1, of the levy year, the town may continue to levy on the annexed property for that levy year and the Municipality may not levy on the annexed area until the following year. For the year following the tax year in which the Township last collects a levy, the City will reimburse the Township ninety percent (90%) of the amount of taxes that were collected by the Township in the previous year. For each year thereafter, the City will reimburse a declining amount adjusted by ten percent (10%) per year of the original taxes up until and including the year that the reimbursement equals ten percent (10%) of the original amount. Thereafter, the City will no longer reimburse the Township.

ARTICLE IX

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Upon receipt of this resolution and an annexation petition approved by each party, the Municipal Board may review and comment, but shall, within thirty (30) days, order annexation in accordance with the terms of this joint resolution when an annexation petition is presented to the Municipal Board.

ARTICLE X

In the event a disagreement develops concerning the interpretation or construction of this agreement, then and in that event, the disagreement shall be submitted to arbitration pursuant to the Minnesota Uniform Arbitration Act provided in Minnesota Statute Chapter 572.08. Mankato Township shall appoint one (1) arbitrator, the City of Mankato shall appoint one (1) arbitrator and the two (2) arbitrators shall appoint a third arbitrator. In the event the arbitrators cannot agree upon the appointment of a third arbitrator, then and in that event, the District Judge in the Judicial District encompassing the City of Mankato and the Township of Mankato shall appoint the third arbitrator. The decision of the majority of the arbitrators shall be binding upon both parties.

A.

It is expressly agreed by the parties that the arbitrators shall have no authority to amend, nullify, add to, or subtract from the terms of this Joint Resolution. The arbitrators shall consider and decide only the specific issue(s) submitted to them by the City and the Township, and shall have no authority to make a decision on any other issue not so submitted.

B.

The arbitrators shall have no authority to make any decision contrary to, or inconsistent with, or modifying or varying in any way applicable laws, rules or regulations having the force and effect of law. Both parties to this Joint Resolution recognize that the efficient administration of the Joint Resolution requires a prompt decision by the arbitrators. The parties therefore expect the arbitrators to render a decision within thirty (30) calendar days whenever possible. The decision of a majority of the arbitrators shall be binding on both the City and the Township and shall be based solely on the arbitrators' interpretation of the application of the express terms of this Joint Resolution and to the facts of the disagreement presented.

C.

The fees and expenses for the arbitrators' services and proceedings shall be borne equally by the City and the Township, provided that each party shall be responsible for compensating its own representatives and witnesses. If either party desires a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record. If both parties desire a verbatim record of the proceedings, the costs shall be shared equally.

This section does not prohibit the City or Township from seeking injunctive or other legal relief against a person other than the City or the Township in order to prevent the City or the Township from suffering irreparable harm or to protect any of their rights under this Joint Resolution.

ARTICLE XI

The parties agree to "grandfather in" the commercial and industrial zoning and uses of the Township as of the date of this Agreement. The City has reviewed the existing Township zoning and uses for commercial and industrial property and determines that the zoning and uses generally conform with the comprehensive plan of the City.

ARTICLE XII

This agreement expires twenty (20) years from the date of its final approval by the Minnesota Municipal Board. During the term of this agreement the City and Township may review the terms of this agreement and amend any provision in this Agreement by mutual agreement. Renewal of the agreement shall be by joint resolution of the City and Township. During the 17th year, the City and Township shall declare their intentions regarding extending this agreement beyond twenty (20) years. At least 30 days prior to the Board of Supervisors entering into an Agreement to amend or extend this Joint Resolution for Orderly Annexation, the Board shall conduct a public hearing to inform the residents and property owners of Mankato Township of the terms and conditions of the proposal to amend or extend this Joint Resolution for Orderly Annexation.

Approved by the Township of Mankato
this 3rd day of February, 1995.

MANKATO TOWNSHIP

By: Louis Schwem
Chairman of the Board of Supervisors

By: Daniel Fogal
Clerk of Mankato Township

Approved by the City of Mankato
this 3rd day of February, 1995.

CITY OF MANKATO

By: Alan T. Christ
Mayor

By: [Signature]
City Manager

ATTEST: Sandra Paulson
City Clerk

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The within Joint Resolution for Orderly Annexation containing pages 1 through 5 was drafted by:

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