

R136-05
TOWN OF EMPIRE
CITY OF FARMINGTON

REC'D BY
M M B

DEC 27 2005

**IN THE MATTER OF THE JOINT
RESOLUTION OF THE TOWN OF
EMPIRE AND THE CITY
OF FARMINGTON, ANNEXING PROPERTY
PREVIOUSLY DESIGNATED FOR
ORDERLY ANNEXATION PURSUANT TO
M.S. §414.0325**

JOINT RESOLUTION

WHEREAS, the City of Farmington and the Township of Empire in 1999 previously approved and filed with the Minnesota Department of Administration a Joint Resolution for Orderly Annexation of unplatted property currently located in Empire Township, a portion of which is legally described as stated in Exhibit A; and

WHEREAS, the conditions specified in the Joint Resolution for annexation of a portion of that property have been met, including the required petition from the property owner for annexation (dated October 21, 2005) and extension of city services; and

WHEREAS, the City of Farmington can provide the requested urban services to the property.

NOW, THEREFORE, the Township of Empire and the City of Farmington jointly agree to the following:

1. The Township and City hereby designate for immediate annexation into the City that portion of the previously established Orderly Annexation Area ("OAA") as shown on the attached Exhibits B and C and legally described on Exhibit A. The property abuts the existing northern corporate boundaries of the City west of Highway 3, is approximately 520.22 acres in size, and has a current population of 2 people.
2. That the purpose of the annexation of the OAA property involved in this annexation is to transfer jurisdiction over the property in order to provide urban services including but not limited to sewer, water, refuse collection, police and fire protection from the City of Farmington.
3. That in order to accomplish this purpose, the property owned by the petitioner, the James M. Seed Issues Trust, described herein should be immediately annexed to and made part of the City of Farmington.
4. Upon approval by the respective governing bodies of the City and the Township, this joint resolution and agreement shall confer jurisdiction upon the Director of the Office of Strategic and Long-range Planning (or his or her successor designee responsible for administering Minnesota Statutes Chapter 414) so as to immediately annex the lands described in the attached Exhibit A in accordance with the terms of this joint resolution and agreement without need for any subsequent resolution(s) of the parties.

5. The City and the Township mutually state that no alteration by the director to the OAA boundaries, as illustrated on Exhibits B and C and described in Exhibit A, is appropriate or permitted.

6. The City and Township agree that upon annexation all planning, official controls, and governmental services for the annexed area shall become the responsibility of the City, and that Minnesota Statutes §414.035 authorizing differential taxation for the annexed property will not be applied in this proceeding. However, as authorized by Minnesota Statutes §414.036, the city shall reimburse the Township for portions of the loss of the Township taxes resulting from the annexation. The parties agree that the Township shall receive 100% of the taxes payable in 2006, and that the amount(s) to be paid by the City to the Township no later than July 1 of each of the years from 2007 through 2011 (inclusive) shall be calculated as follows:

- a. The "base amount" of the taxes to be paid by the City to the Township shall consist of 100% of the taxes payable by the property owner in 2006 on the following parcels (#8, #10, #11, #12 and #13 on the attached Exhibit D):

120180001175
120180001176
120190001325
120190001601
120190001026

plus 50% of the taxes payable by the property owner in 2006 on the following parcels (# 5, #7 and #9 on the attached Exhibit D):

120180001002
120180001150
120180001352

- b. For purposes of illustration only, the "base amount" of the property taxes payable in 2005 on the parcels listed above is \$3,368.60, as summarized on the attached Exhibit E. A similar process shall be followed with respect to the calculation of the "base amount" for property taxes payable in 2006.
- c. Of the "base amount" of the property taxes payable in 2006, as calculated pursuant to Paragraph 6(a) above, the City shall pay to the Township 90% thereof in 2007, 70% in 2008, 50% in 2009, 30% in 2010, and 10% in 2011.
- d. At the City's option, payment of amounts due or payable under this paragraph may be made at any time in advance of the established schedule.

7. The City and the Township mutually state that the annexation of the property will not result in any change of electrical service and will not require joint planning since upon final approval of this joint resolution and issuance of the annexation order by the Director the property will immediately be fully subject to the official controls and other ordinances of the City of Farmington, including all land use controls.

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8. Having designated the area illustrated on Exhibits B and C and described in Exhibit A as in need of orderly annexation, and having provided for all of the conditions of its annexation within this document, the parties to this agreement agree that no consideration by the director is necessary. The director may review and comment but shall within thirty (30) days order the annexation in accordance with the terms of this Resolution.

Approved and Adopted
this 13 day of Dec, 2005.

TOWN OF EMPIREBY: Terry Holmes

Terry Holmes
Its Town Board Chair

AND Kathleen B. Krippner

Kathleen Krippner
Its Town Board Clerk

Approved and Adopted
this 19th day of Dec, 2005.

CITY OF FARMINGTONBY: Kevan A. Soderberg

Kevan A. Soderberg
Its Mayor

AND Robin Roland

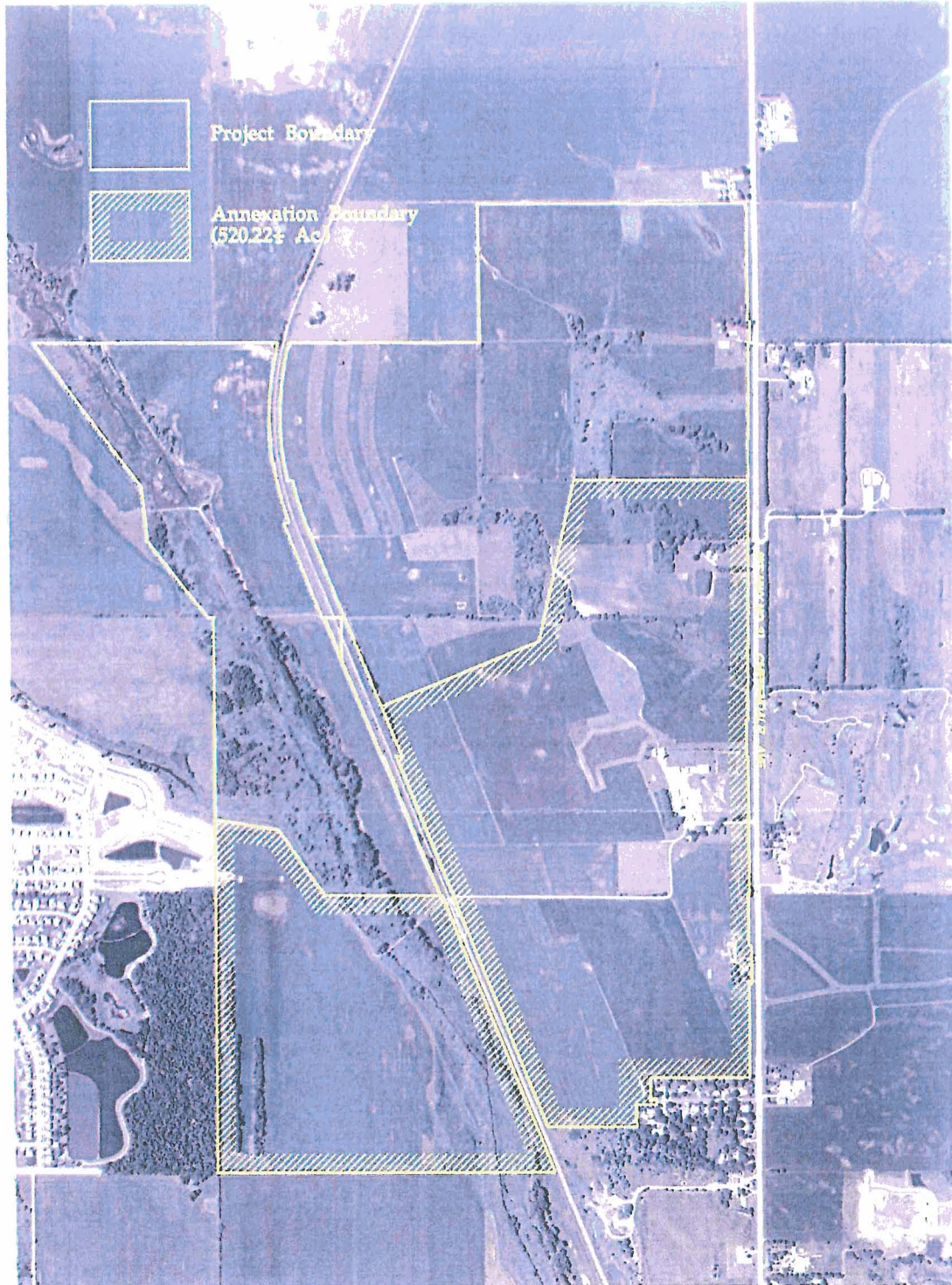
Robin Roland
Its Acting City Administrator

EXHIBIT A

That part of Section 18 and Section 19, Township 114, Range 19, Dakota County, Minnesota, described as follows: Commencing at the southeast corner of the Northeast Quarter of the Northeast Quarter of said Section 18; thence North 89 degrees 51 minutes 17 seconds West, assumed bearing, along the south line of said Northeast Quarter of the Northeast Quarter of Section 18 a distance of 72.00 feet to the westerly right of way of Highway Number 3 per Book 62 of Miscellaneous Records, Page 165; thence North 89 degrees 51 minutes 17 seconds West, along the south line of said Northeast Quarter of the Northeast Quarter of said Section 18, a distance of 1665.91 feet; thence South 12 degrees 35 minutes 45 seconds West, a distance of 1579.23 feet; thence South 67 degrees 58 minutes 19 seconds West, a distance of 1637.35 feet; thence South 22 degrees 01 minutes 41 seconds East, a distance of 516.88 feet; thence North 89 degrees 49 minutes 14 seconds West, a distance of 54.01 feet; thence South 22 degrees 01 minutes 41 seconds West, a distance of 1433.51 feet; thence North 89 degrees 47 minutes 56 seconds West, a distance of 1226.27 feet; thence North 35 degrees 26 minutes 04 seconds West, a distance of 766.11 feet; thence North 80 degrees 27 minutes 24 seconds West, to the west line of the Southwest Quarter of said Section 18, a distance of 606.62 feet; thence South 00 degrees 05 minutes 40 seconds East, along said west line, a distance of 721.13 feet to the southwest corner of said Southwest Quarter; thence South 00 degrees 00 minutes 16 seconds West, along the west line of the Northwest Quarter of said Section 19, a distance of 2639.01 feet to the southwest corner of said Northwest Quarter; thence South 89 degrees 59 minutes 19 seconds East, along the south line of said Northwest Quarter, a distance of 2,537.43 feet to the southeast corner of said Northwest Quarter; thence South 89 degrees 59 minutes 19 seconds East, along the south line of the Northeast Quarter of said Section 19, a distance of 795.02 feet; thence North 22 degrees 01 minutes 41 seconds West, a distance of 463.90 feet; thence South 89 degrees 59 minutes 19 seconds East, a distance of 858.53 feet; thence North 00 degrees 02 minutes 17 seconds East, a distance of 209.92 feet; thence South 89 degrees 59 minutes 19 seconds East, a distance of 180.09 feet; thence North 00 degrees 00 minutes 41 seconds East, a distance of 53.40 feet; thence North 89 degrees 47 minutes 01 seconds West, a distance of 50.06 feet; thence North 00 degrees 02 minutes 17 seconds East, a distance of 203.50 feet; thence South 89 degrees 59 minutes 19 seconds East, a distance of 944.23 feet to the westerly right of way of Highway Number 3 per Book 62 of Miscellaneous Records, Page 165; thence northerly, along said westerly right of way, along a non-tangential curve, concave to the east, having a radius of 343,849.68 feet, a central angle of 00 degrees 01 minutes 51 seconds, and an arc length of 185.58 feet, the chord of said curve bears North 00 degrees 03 minutes 44 seconds East; thence North 00 degrees 04 minutes 41 seconds East, along said westerly right of way, tangent to said curve, distance of 578.65 feet; thence northerly, along said westerly right of way, along a tangential curve, concave to the west, having a radius of 85,868.67 feet and a central angle of 00 degrees 04 minutes 59 seconds, having an arc distance of 124.53 feet; thence North 89 degrees 59 minutes 41 seconds East, along said westerly right of way, not tangent to said curve, a distance of 25.00 feet; thence northerly, along said westerly right of way, along a non-tangential curve, concave to the west, having a radius of 85,893.67 feet, a central angle of 00 degrees 14 minutes 24 seconds, and an arc length of 359.79 feet, the chord of said curve bears North 00 degrees 07 minutes 31 seconds West; thence South 89 degrees 45 minutes 17 seconds West, along said westerly right of way, not tangent to said curve, a distance of 25.00 feet; thence northerly, along said westerly right of way, along a non-tangential curve, concave to the west, having a radius of 85,868.67 feet, a central angle of 00 degrees 02 minutes 07 seconds, and an arc length of 52.81 feet, the

chord of said curve bears North 00 degrees 15 minutes 46 seconds West; thence North 00 degrees 16 minutes 49 seconds West, along said westerly right of way, tangent to said curve, a distance of 430.58 feet; thence South 89 degrees 56 minutes 54 seconds East, along said westerly right of way, a distance of 13.66 feet; thence North 00 degrees 13 minutes 50 seconds West, along said westerly right of way, a distance of 942.57 feet; thence northerly, along said westerly right of way, along a tangential curve, concave to the east, having a radius of 49,181.89 feet and a central angle of 00 degrees 26 minutes 44 seconds, having an arc distance of 382.34 feet; thence North 89 degrees 53 minutes 43 seconds West, along said westerly right of way, not tangent to said curve, a distance of 15.00 feet; thence northerly, along said westerly right of way, along a non-tangential curve, concave to the east, having a radius of 49,196.89 feet, a central angle of 00 degrees 12 minutes 17 seconds, and an arc length of 175.69 feet, the chord of said curve bears North 00 degrees 19 minutes 02 seconds East; thence North 00 degrees 25 minutes 10 seconds East, along said westerly right of way, tangent to said curve, a distance of 166.67 feet; thence South 89 degrees 34 minutes 50 seconds East, along said westerly right of way, a distance of 15.00 feet; thence North 00 degrees 25 minutes 10 seconds East, along said westerly right of way, a distance of 982.63 feet; thence continue North 00 degrees 25 minutes 10 seconds East, along said westerly right of way, a distance of 1,312.46 feet to the point of beginning and there terminating.

Except railroad right of way as located.



Sheet: 1 OF 2

Date: 11/8/05

CLAND PROJECTS & DESIGN ENGINEERING INC. 11/15/05 03:12 PM CST



Westwood Professional Services, Inc.
7699 Anagram Drive
Eden Prairie, MN 55344

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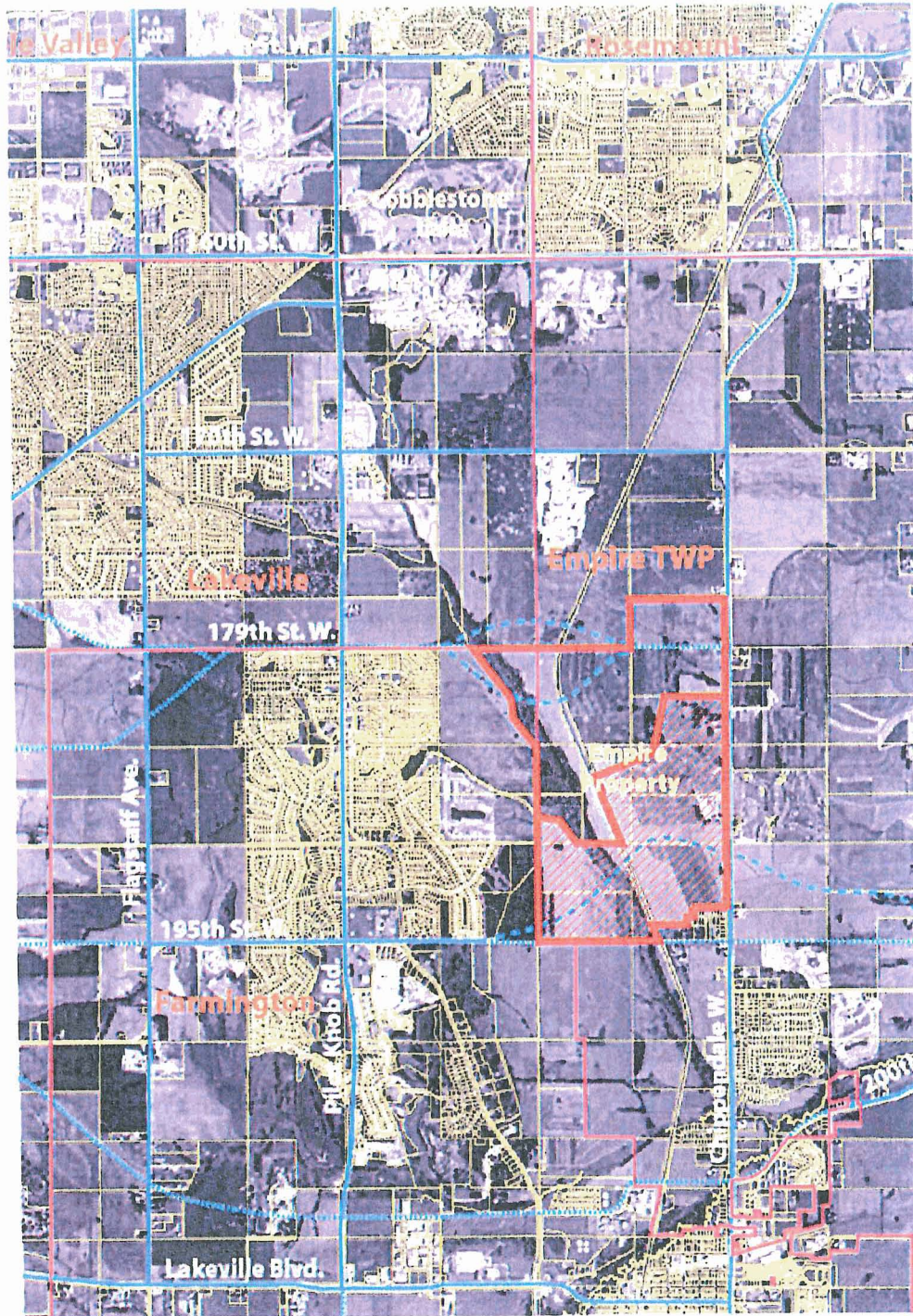
Newland Empire Site

Farmington, Minnesota

Annexation
Graphic

K-XX 20011036/SH114 PWS

12-9



Project Boundary



Annexation Boundary

Sheet: 2 OF 2

Date: 11/8/05



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7699 Anagram Drive
Eden Prairie, MN 55344

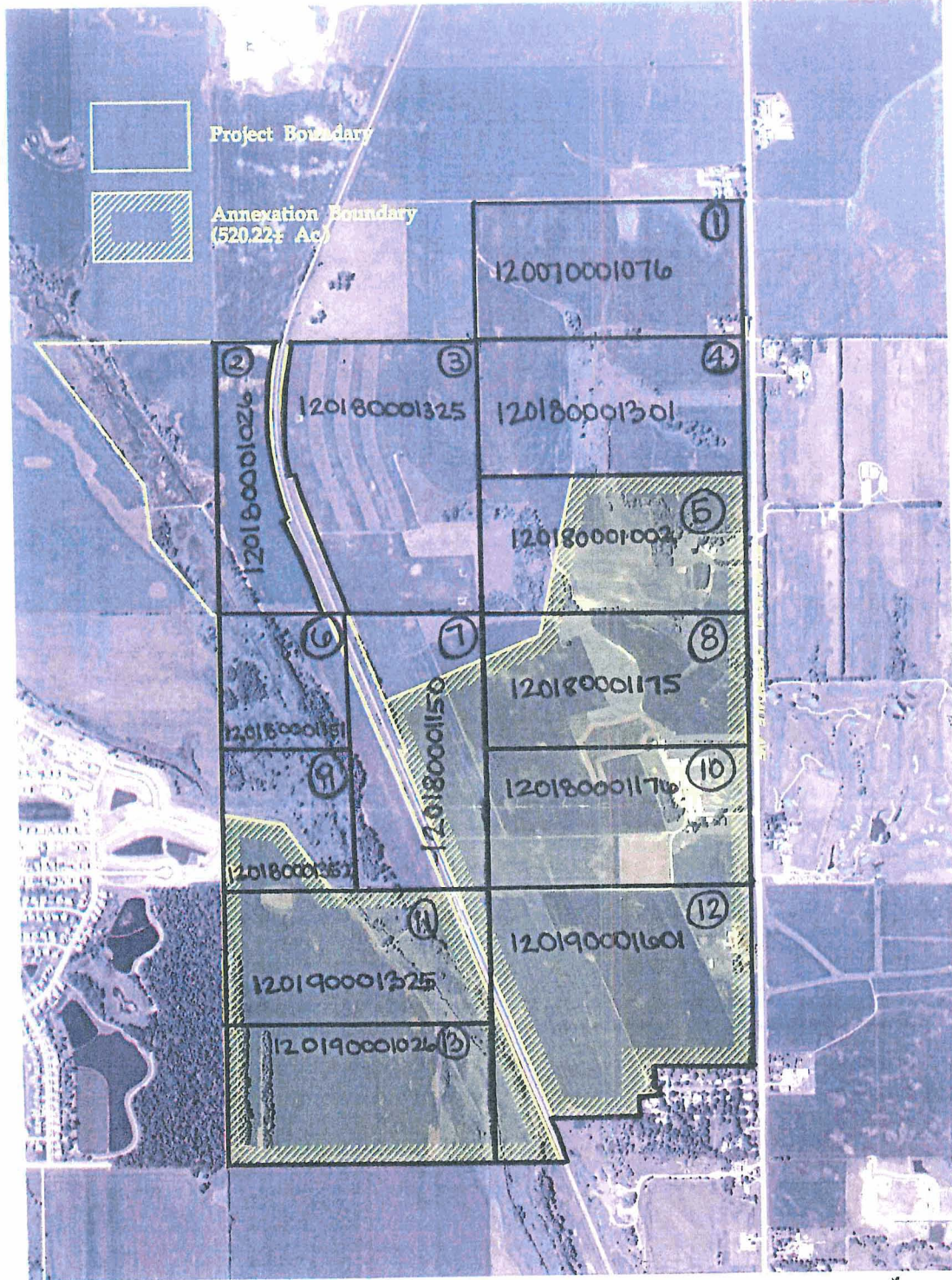
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www.westwoodps.com

Newland Empire Site

Farmington, Minnesota

Site
Context



Sheet: 1 OF 2
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**Newland
Empire Site**
Farmington, Minnesota

**Annexation
Graphic**