

**TOWN OF EMPIRE  
CITY OF FARMINGTON  
R 18-07**

REC'D BY  
MMB

FEB 09 2007

**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**

**(Newland Annexation #2)**

**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(s) for annexation (dated September 12, 2006) 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 429.46 acres in size, and has a current population of zero 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(s) 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 Administrative Hearings, Boundary Adjustments (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 2007, 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 2008 through 2012 (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 2007 on the following parcels (#1, #2, #3, #4 and #6 on the attached Exhibit D):

120070001076  
120180001026  
120180001325  
120180001301  
120180001151

plus 50% of the taxes payable by the property owner in 2007 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 2006 on the parcels listed above is \$7832.98, 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 2007.
- c. Of the "base amount" of the property taxes payable in 2007, as calculated pursuant to Paragraph 6(a) above, the City shall pay to the Township 90% thereof in 2008, 70% in 2009, 50% in 2010, 30% in 2011, and 10% in 2012.
- 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.

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 23<sup>rd</sup> day of Jan, 2007.

**TOWN OF EMPIRE**

BY: Terry Holmes  
Terry Holmes  
Its Town Board Chair  
AND Kathleen Kruppner  
Kathleen Kruppner  
Its Town Board Clerk

Approved and Adopted  
this 23<sup>rd</sup> day of Jan, 2007.

**CITY OF FARMINGTON**

BY: Kevan A. Soderberg  
Kevan A. Soderberg  
Its Mayor  
AND Peter J. Herlofsky  
Peter J. Herlofsky  
Its City Administrator

EXHIBIT A

*(Legal description of area identified as "ANNEXATION NUMBER 2" on Exhibit B)*

The South One-half of the Southeast Quarter of Section 7, Township 114, Range 19, Dakota County, Minnesota, lying westerly of the westerly right of way of Minnesota State Highway Number 3.

TOGETHER WITH:

The North One-half of the Northeast Quarter of Section 18, Township 114, Range 19, Dakota County, Minnesota, lying westerly of the westerly right of way of Minnesota State Highway Number 3.

TOGETHER WITH:

That part of the Northwest Quarter of Section 18, Township 114, Range 19, Dakota County, Minnesota, lying easterly of the easterly right of way of the Soo Line Railroad.

TOGETHER WITH:

That part of the Northeast Quarter of the Southwest Quarter, the Northwest Quarter of the Southeast Quarter and the South One-half of the Northeast Quarter, all in Section 18, Township 114, Range 19, Dakota County, Minnesota, lying westerly and northerly of the following described line and easterly of the easterly right of way line of the Soo Line Railroad:

Commencing at the northeast corner of said South One-half of the Northeast Quarter; thence North 89 degrees 51 minutes 17 seconds West, assumed bearing along the north line of said South One-half of the Northeast Quarter, a distance of 1737.91 feet to the point of beginning of the line to be described; 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 to said easterly right of way line of the Soo Line Railroad and said line there terminating.

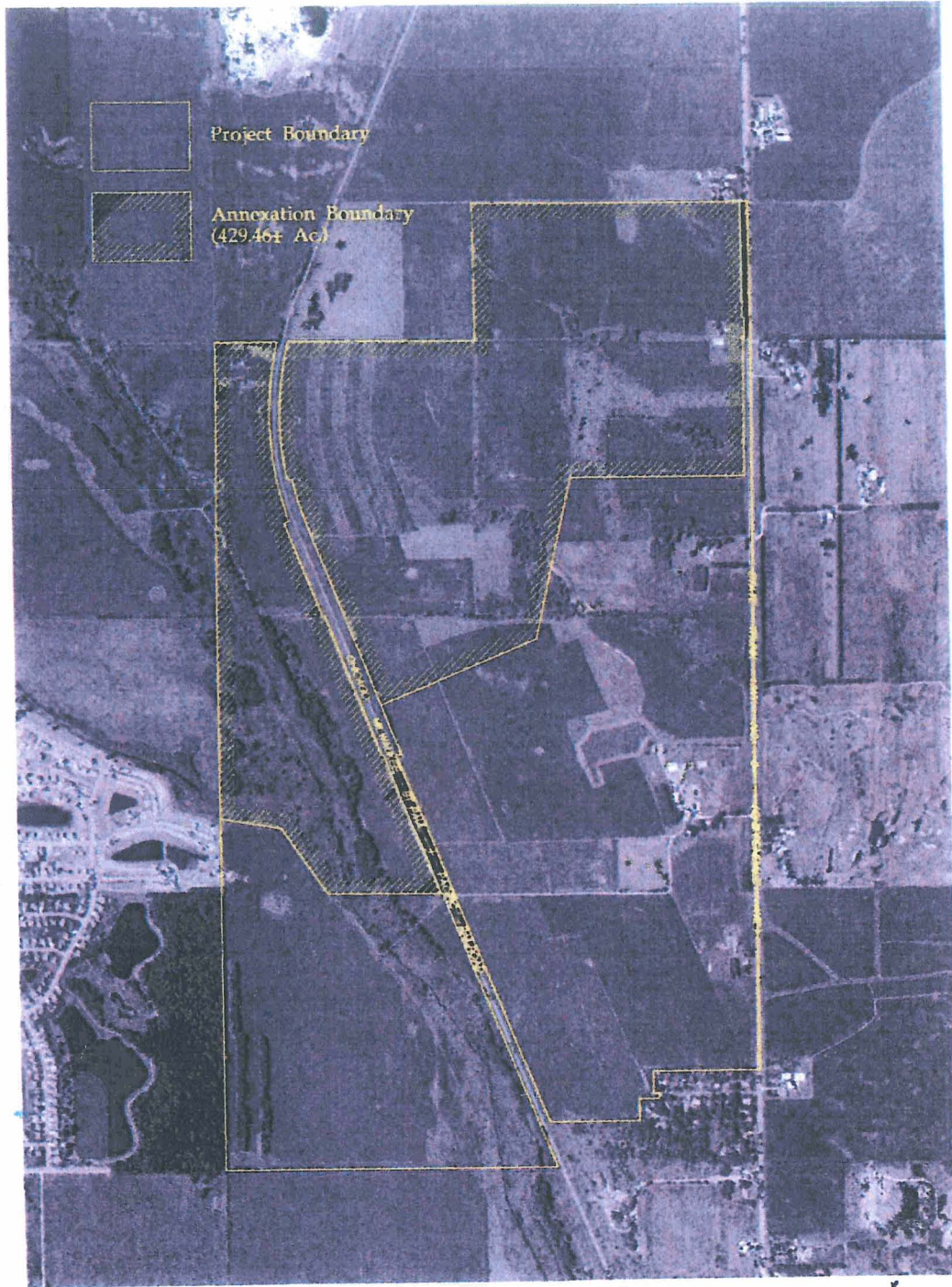
TOGETHER WITH:

That part of the West One-half of Section 18, Township 114, Range 19, Dakota County, Minnesota, lying westerly of the westerly right of way line of the Soo Line Railroad and northerly and easterly of the following described line:

Commencing at the southwest corner of the Southwest Quarter of said Section 18; thence North 00 degrees 05 minutes 40 seconds West, assumed bearing, along the west line of said Southwest Quarter, a distance of 721.13 feet to the point of beginning of the line to be described; thence South 80 degrees 27 minutes 24 seconds East, a distance of 606.62 feet; thence South 35 degrees 26 minutes 04 seconds East, a distance of 766.11 feet to said south line of the Southwest Quarter and said line there terminating.

Total area of Annexation Number 2 is 429.46 acres.





Sheet: 1 OF 2  
Date: 11/2/06



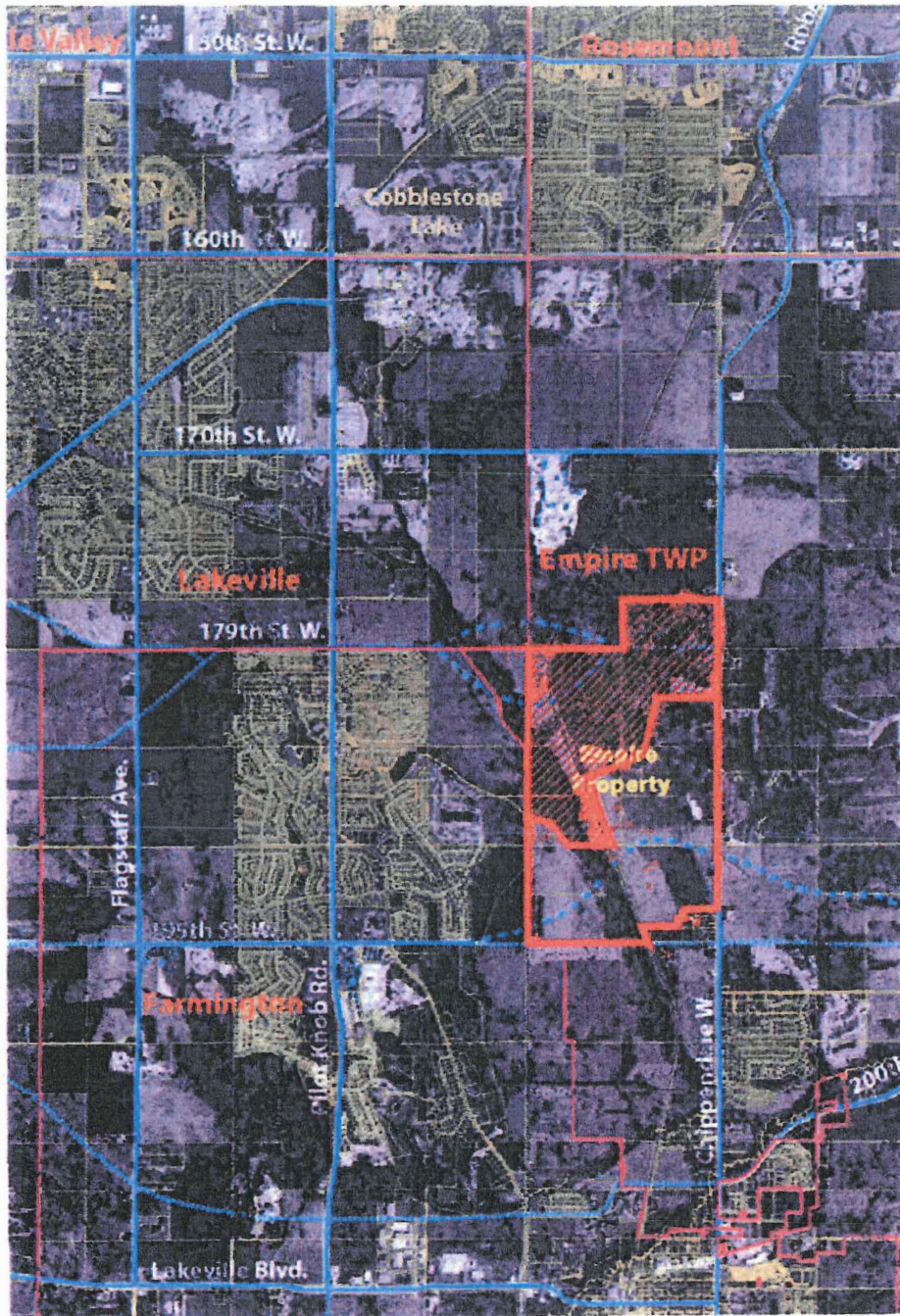
Westwood Professional Services, Inc.  
7000 Anagram Drive  
Eden Prairie, MN 55344  
PHONE 952-897-5150  
FAX 952-897-5822  
TOLL FREE 1-800-897-5150  
www.westwoodps.com

**Newland  
Empire Site**  
Farmington, Minnesota

**Annexation  
Graphic**

20011036SKF08.DWG





Project Boundary



Annexation Boundary



Sheet: 2 OF 2

Date: 11/2/06



Westwood Professional Services, Inc.  
7089 Anagram Drive  
Eden Prairie, MN 55344

PHONE 953-827-5190  
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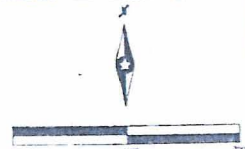
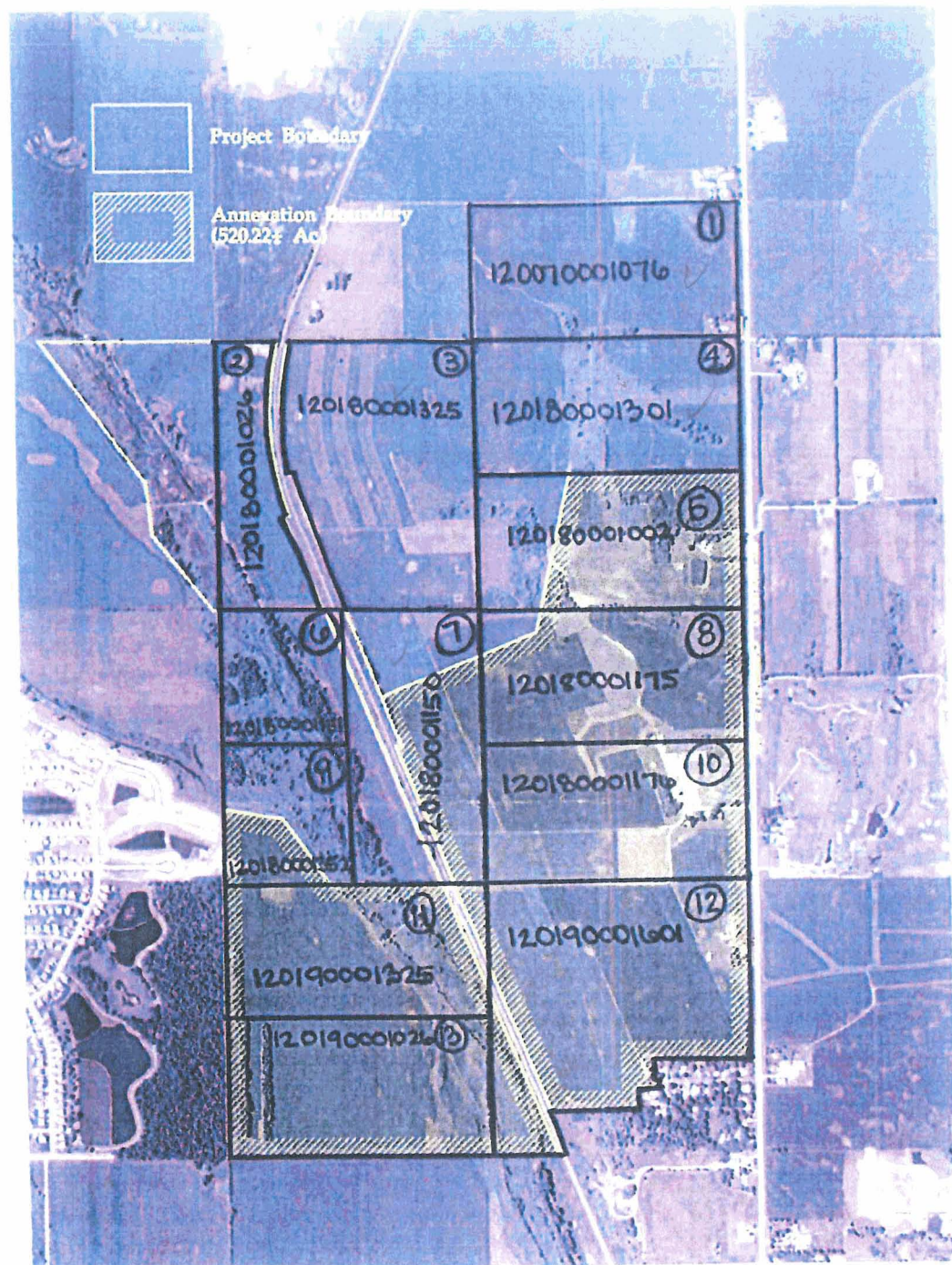
**Newland  
Empire Site**

Farmington, Minnesota

Site  
Context

20011036SKF09.DWG





Sheet: 1 OF 2  
 Date: 11/8/05



Westwood Professional Services, Inc.  
 2699 Anagram Drive  
 Eden Prairie, MN 55344  
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 www.westwoodps.com

**Newland  
 Empire Site**  
 Farmington, Minnesota

**Annexation  
 Graphic**

D

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EXHIBIT E

#	PID	ANNEXATION PHASE	PHASE 2 PROPERTY TAXES PAYABLE 2006
1	120070001076	Phase 2	\$1,280.33
2	120180001026	Phase 2	\$665.27
3	120180001325	Phase 2	\$3,352.33
4	120180001301	Phase 2	\$1,571.09
5	120180001002	Phase 1 & Phase 2	(50% of Total) \$650.02
6	120180001151	Phase 2	\$154.65
7	120180001150	Phase 1 & Phase 2	(50% of Total) \$106.54
8	120180001175	Phase 1	NA
9	120180001352	Phase 1 & Phase 2	(50% of Total) \$52.75
10	120180001176	Phase 1	NA
11	120190001325	Phase 1	NA
12	120190001601	Phase 1	NA
13	120190001026	Phase 1	NA
TOTAL 2006 TAXES:			\$7,832.98