

CITY OF NORTHFIELD RESOLUTION # 2011-085
TOWNSHIP OF BRIDGEWATER RESOLUTION # 2011-04

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARING

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF NORTHFIELD AND THE
TOWNSHIP OF BRIDGEWATER DESIGNATING
CERTAIN AREAS AS IN NEED OF ORDERLY
ANNEXATION PURSUANT TO MINNESOTA
STATUTES, SECTION 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, the City of Northfield (hereinafter the "City") and the Township of Bridgewater (hereinafter the "Township") entered into a Joint Resolution for Orderly Annexation, dated August 25, 1999, describing the procedures and process for immediate and future orderly annexations of certain designated areas of the Township pursuant to Minnesota Statutes, Section 414.0325 (hereinafter the "Orderly Annexation Agreement" or "OAA"); and

WHEREAS, the above-referenced OAA, which is attached hereto as Exhibit A, has been previously filed with the Office of Administrative Hearings (hereinafter the "OAH") or its predecessor agency and is referenced as OAH File Nos. OA-631 and OA-631-1; and

WHEREAS, an individual property owner, Patricia H. Otte, with property located within the orderly annexation area (8062 Falk Avenue) designated in the OAA has petitioned the City seeking annexation of that property to the City; and

WHEREAS, for ease of reference, the area of the Township petitioned for orderly annexation in accordance with the OAA is legally described in Exhibit B (hereinafter referred to as the "Subject Area") and is shown on the map attached hereto as Exhibit C; and

WHEREAS, the City and Township agree that the Subject Area legally described in Exhibit B is in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the Subject Area without the need for any further hearing before the Office of Administrative Hearings.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Northfield and the Board of Supervisors of the Township of Bridgewater agree as follows:

1. Designation of Subject Area. The Township and City hereby designate the Subject Area legally described in Exhibit B, which is attached hereto and incorporated herein by reference, for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325:
2. Acreage of Subject Area. The Subject Area is approximately 0.25 acres.
3. Map of Subject Area. A boundary map showing the Subject Area legally described in Exhibit B is attached hereto as Exhibit C and is hereby incorporated herein by reference.
4. Population of Subject Area. The population of the Subject Area is one (1).
5. No Hearing Required/Review and Comment Jurisdiction Only. The City and Township agree that all provisions of state law and the OAA have been satisfied and the Township consents to the immediate annexation of the area legally described in Exhibit B. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit B are contained in this Joint Resolution, and that no consideration by the State of Minnesota Office of Administrative Hearings is necessary. Upon the execution and filing of this Joint Resolution, the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit may review and comment hereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit B in accordance with the terms and conditions contained in this Joint Resolution and the OAA.
6. Notice of Intent Not Applicable. This Joint Resolution is not subject to the notice and publication requirements of Minn. Stat. § 414.0325, subd. 1b since this Joint Resolution designates the Subject Area for immediate annexation as part of an area previously designated in an orderly annexation agreement, the OAA (attached hereto as Exhibit A), and all of the property owners of the Subject Area have petitioned the City to be annexed.
7. Municipal Services. The City and Township agree that following annexation of the area legally described in this Joint Resolution, all planning, official controls, and governmental services for the annexed area shall become the responsibility of the City.
8. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
9. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
10. Legal Description and Mapping. The Township and City agree, in the event there are errors, omissions or any other problems with the legal description provided in Exhibit B or mapping provided in Exhibit C, in the judgment of the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit, to make such corrections and file any additional documentation, including a new Exhibit B or Exhibit

C making the corrections requested or required by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit as necessary to make effective the annexation of the Subject Area in accordance with the terms of this Joint Resolution.

11. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.
12. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit and pay the required filing fee.

Passed, adopted, and approved by the Township Board of Supervisors of the Township of Bridgewater, Rice County, Minnesota, this 10 day of August, 2011.

ATTEST:

TOWNSHIP OF BRIDGEWATER

By: Janelle Ayer
Bridgewater Township Clerk

By: Kathleen McDoar-hat
Bridgewater Fire, Chair

Passed, adopted, and approved by the City Council of the City of Northfield, Rice County, Minnesota, this 16th day of August, 2011.

ATTEST:

CITY OF NORTHFIELD

By: Deb A Little
Deb Little, City Clerk

By: Mary Rossing
Mary Rossing, Mayor

REC'D BY
MBA

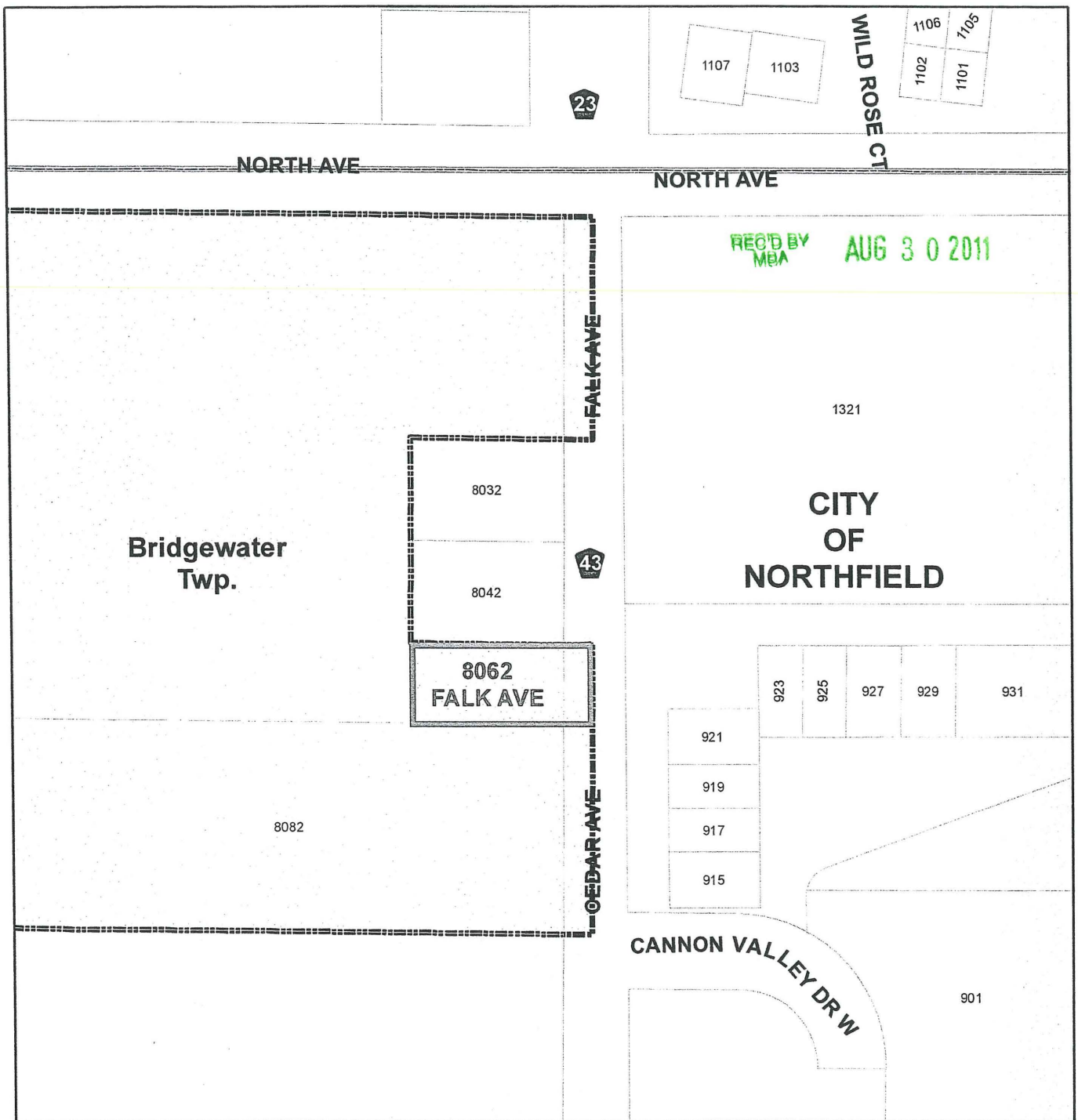
AUG 30 2011

EXHIBIT A

**OA-631 and OA 631-1 Northfield / Bridgewater Township
OAA - August 25, 1999**

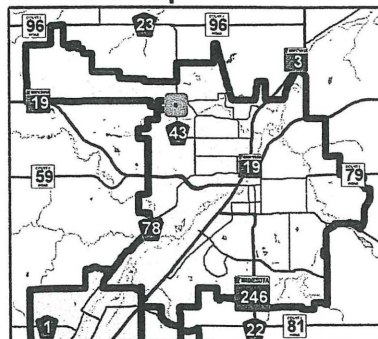
The OAA between the City and Township dated August 25, 1999 providing for this Joint Resolution is attached hereto.

EXHIBIT C



Proposed
Otte Annexation

Location Map

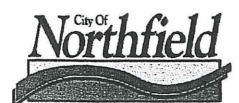


0 50 100 200 Feet

Legend

Subject Site

7/18/2011



REC'D BY
MBA

AUG 30 2011

RESOLUTION #99-255

TO THE MINNESOTA MUNICIPAL BOARD OR SUCCESSOR AGENCY
A JOINT RESOLUTION
OF THE CITY OF NORTHFIELD AND THE TOWNSHIP OF BRIDGEWATER
DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY
ANNEXATION AND CONFERRING JURISDICTION OVER
SAID AREA ON THE MINNESOTA MUNICIPAL BOARD PURSUANT TO MINN.
STAT. 414.0325

WHEREAS, the City of Northfield and the Township of Bridgewater desire to accommodate growth in the most orderly fashion; and

WHEREAS, a joint orderly annexation agreement between the parties hereto is beneficial to both parties from the standpoint of orderly planning and orderly transition of government within the area proposed to be annexed, and provides the guidelines under which such annexation shall take place; and

WHEREAS, the Parties hereto desire to enter into a binding contract which encompasses the terms of this Joint Resolution;

NOW THEREFORE BE IT RESOLVED by the City of Northfield (sometimes hereinafter referred to as "the City") and the Township of Bridgewater (sometimes hereinafter referred to as "the Township") that the property described herein is designated for orderly annexation by the City of Northfield and shall be annexed subject to the following terms and conditions:

- I. The property which is covered by this orderly annexation agreement is legally described as follows:

All that part of Section 2, Township 111 North, Range 20 West, Rice County, Minnesota, not already annexed and part of the City of Northfield. (Approximately 370 acres)

TOGETHER WITH:

That part of the Northeast Quarter of Section 11, Township 111 North, Range 20 West, Rice County, Minnesota, lying southeasterly of the southeasterly right-of-way line of Minnesota Trunk Highway 3, and lying southeasterly of the northwesterly right-of-way line of County State Aid Highway 28, not already annexed and part of the City of Northfield. (Approximately 7.5 acres)

TOGETHER WITH:

That part of the Southeast Quarter of Section 11, Township 111 North, Range 20 West, Rice County Minnesota, lying north of the northerly right-of-way line of County State Aid Highway 1 and east of the southeasterly right-of-way line of Minnesota Trunk Highway 3.

(Approximately 120 acres)

TOGETHER WITH:

All that part of Section 12, Township 111 North, Range 20 West, Rice County, Minnesota, not already annexed an part of the City of Northfield. (Approximately 280 Acres)

TOGETHER WITH:

That part of the Northwest Quarter of Section 13, Township 111 North, Range 20 West, Rice County, Minnesota, lying north of the northerly right-of-way line of County State Aid Highway 1. (Approximately 12 acres)

TOGETHER WITH:

That part of the Northeast Quarter of Section 14, Township 111 North, Range 20 West, Rice County, Minnesota, lying north of the northerly right-of-way line of County State Aid Highway 1. (Approximately 4.5 acres)

TOGETHER WITH:

All that portion of Section 34, Township 112 North, Range 20 West, Rice County, Minnesota, lying northeasterly of the centerline of Minnesota State Highway #19. (Approximately 220 acres)

TOGETHER WITH:

All that portion of Section 35, Township 112 North, Range 20 West, Rice County, Minnesota, lying north and northeasterly of the centerline of Minnesota State Highway #19 and not already annexed to the City of Northfield. (Approximately 365 acres)

(All of which property is hereinafter referred to as "the Property") (Approximately 1,379 acres total).

- II. The City of Northfield and the Township of Bridgewater hereby agree that the following described property, which is included within the orderly annexation area described above, be immediately annexed to the City of Northfield:

- a. All that part of the Northeast Quarter of Section 11, Township 111 North, Range 20 West, Rice County, Minnesota, not already annexed and part of the City of Northfield.

Said tract contains 7.5 acres more or less.

This property described in this Section II. a shall be zoned as Highway Commercial (C-3).

TOGETHER WITH:

- b. That Part of the North Half of the Southeast Quarter of Section 11, Township 111 North, Range 20 West, Rice County, Minnesota, Described as follows:

Beginning at the intersection of the southeasterly right-of-way line of Trunk Highway No. 3 and the north line of said North Half; thence easterly on an assumed azimuth from north of 89 degrees 59 minutes 25 seconds along said north line 719.62 feet; thence southerly 179 degrees 04 minutes 41 seconds azimuth 438.27 feet; thence southwesterly 206.83 feet on a tangential curve concave northwesterly having a radius of 290.00 feet and a central angle of 40 degrees 51 minutes 48 seconds; thence southwesterly 219 degrees 56 minutes 29 seconds azimuth 538.55 feet; thence southwesterly 149.42 feet on a tangential curve concave southeasterly having a radius of 210.00 feet and a central angle of 40 degrees 46 minutes 06 seconds; thence southerly 179 degrees 10 minutes 23 seconds azimuth 133.55 feet to the south line of said North Half; thence westerly 269 degrees 57 minutes 50 seconds azimuth along said south line 1307.53 feet to the said southeasterly right-of-way line of Trunk Highway No. 3; thence northerly 347 degrees 21 minutes 17 seconds azimuth along said southeasterly right-of-way line 56.94 feet; thence northeasterly 39 degrees 56 minutes 21 seconds azimuth along said southeasterly right-of-way line 934.43 feet; thence southeasterly 129 degrees 56 minutes 21 seconds azimuth along said southeasterly right of way line 55.00 feet; thence northeasterly 39 degrees 56 minutes 21 seconds azimuth along said southeasterly right of way line 264.82 feet; thence northwesterly 309 degrees 56 minutes 21 seconds azimuth along said southeasterly right-of-way line 55.00 feet; thence northeasterly 39 degrees 56 minutes 21 seconds azimuth along said northeasterly right of way line 442.14 feet to the point of beginning.

Said tract contains 32.89 acres more or less.

The property described in this Section II. b shall be zoned Highway Commercial-Planned Development Zone #1 (C-3/PDZ #1) immediately upon annexation, provided that if the proposed PDZ has not received final plat approval and site plan approval, and met all other requirements for development of the PDZ by March 1, 2001 then the zoning designation for the subject property shall revert to (AG) Agricultural without further action by the City.

- III. The City of Northfield may annex up to 150 acres of land in each of the following five (5) year time periods, with no more than sixty (60) acres of land to be annexed in any one calendar year:

- A. 1999 through December 31, 2004
- B. January 1, 2005 through December 31, 2009
- C. January 1, 2010 through December 31, 2014
- D. January 1, 2015 through December 31, 2019

Any unused acreage from any five (5) year period shall not accumulate and shall not be carried forward to another five (5) year period.

- IV. No part of the Property may be annexed to the City of Northfield unless a minimum of two-thirds of the land owners owning a minimum of two-thirds of the land in the area to be annexed request annexation. All land to be annexed shall be reasonably compact in size and, after the annexation, should not isolate any other parcels of land. Notwithstanding any other provision of this Agreement, however, nothing herein shall prevent the City from annexing any property per Minnesota Statutes Section 414.033, Subd. 2, (2), which specifically allows the annexation by ordinance of land that is completely surrounded by land within the municipal limits. In addition nothing herein shall prevent the City from annexing property owned by the State of Minnesota or the United States of America, pursuant to Minnesota Statutes, Section 414.033. In addition, any parcels of land that are located within the Township of Bridgewater that are owned by the City on or before the date of this Agreement may be annexed by the City of Northfield pursuant to Minnesota Statutes Section 414.033.
- V. The City of Northfield agrees that during the term of this Agreement no annexations, other than through this Orderly Annexation Agreement, shall be requested or take place from the Township of Bridgewater to the City of Northfield, except in such cases where the annexation is ordered by the State of Minnesota without petition by the City, and except as provided in Section IV.
- VI. The Township of Bridgewater agrees that it will not allow annexation of any part of the following land within the City of Northfield's Planned Urban Boundary/Urban Expansion Boundary to any other jurisdiction:

All of the Property described in Section I.

TOGETHER WITH:

The West Half of Section 3, Township 111 North, Range 20 West, Rice County, Minnesota.

TOGETHER WITH:

The east half of Section 34, Township 112 North, Range 20 West, Rice County, Minnesota, lying south of the centerline of Minnesota State Highway #19.

- VII. The City of Northfield agrees that the subdivisions known as Bittersweet and Timberlane, located in Section 12, Township 111 North, Range 20 West, Rice County, Minnesota, will not be annexed by the City of Northfield until such time as land surrounding these

developments has been annexed, including the adjacent property to the south of County State Aid Highway #1, except that nothing shall prevent a two-thirds majority of the property owners within each of the subdivisions named above from requesting annexation to the City of Northfield, in which case this Agreement shall not prevent the annexation of one or both of these subdivisions pursuant to any means provided by law, and except where annexation is ordered by the State of Minnesota without petition by the City.

- VIII. The parties hereby confer jurisdiction on the Municipal Board or its successor agency over annexation of the Property and over the various provisions of this Agreement. The Property is adjacent to the City of Northfield.
- IX. All annexation within the Property will be consistent with the City's policies concerning the extension of municipal utilities.
- X. The City of Northfield will construct and provide water, sanitary sewer, storm sewer and street improvements to the Property as requested by the owner, pursuant to state and local law, in the discretion of the City and based on the policies of the City then in effect.
- XI. For each annexation that occurs under this Agreement, the electric utility service notice as required by Minnesota Statutes Section 414.0325, Subd. 1a, will be satisfied.
- XII. The parties agree to the following division of tax revenues from the Property and payment of special assessments for local improvements to the Property:
 - (A) Property Taxes: After annexation, the tax capacity rate applicable to parcels within the Property which have been developed for residential use and are occupied as of the date of this Agreement shall be increased in substantially equal proportions each year of a six year period until it equals the tax capacity rate of the City of Northfield. The tax capacity rate applicable to other parcels within the Property shall be increased in substantially equal proportions each year of a six year period until it equals the tax capacity rate of the City of Northfield, provided that when substantially all municipal services are available to any such parcel(s), as determined by the City Engineer, the tax capacity rate applicable to those parcel(s) shall thereupon be increased immediately to the tax capacity rate of the City of Northfield.

The Property or any portion thereof shall be taxed at the tax capacity rate as described above, and the City shall receive all local property taxes payable on the Property, until the second full calendar year after the year in which a Certificate of Occupancy is issued for the Property or any portion thereof. Beginning with the second full calendar year after the year in which a Certificate of Occupancy is issued for the Property or any portion thereof, the Township shall receive property taxes on such Property or portion thereof for a six year period to the extent of the Township's tax capacity rate each year multiplied by the tax capacity of the Property or portion thereof in each year of the six year period, except that for single family residential properties the reimbursement shall be based on the tax capacity multiplied by the

Township's tax capacity rate established for the second calendar year after a Certificate of Occupancy has been issued for the Property or any portion thereof that is single family residential, and this same amount shall be paid to the Township in each year of the six year period regardless of the exact amount collected by the City of Northfield. The City of Northfield shall receive all property taxes in excess of any amounts payable to the Township pursuant hereto, and all property taxes payable from and after the expiration of any applicable six year period.

In the event that no Certificate of Occupancy has been issued for the Property or any portion thereof within six (6) years of the effective date of each annexation, then beginning in the seventh year after the effective date for each annexation the Township shall receive property taxes from the Property or any portion thereof for which a Certificate of Occupancy has not already been issued for a six year period to the extent of the Township's tax capacity rate each year multiplied by the tax capacity of the Property or portion thereof in each year of the six year period, except that for single family residential properties the reimbursement shall be based on the most recent tax capacity multiplied by the most recent tax capacity rate established and this same amount shall be paid to the Township in each year of the six year period regardless of the exact amount collected by the City of Northfield. The City of Northfield shall receive all property taxes in excess of any amounts payable to the Township pursuant hereto, and all property taxes payable from and after the expiration of any applicable six year period.

For the purposes of this Agreement the term "single family residential" shall be defined as single family detached dwelling units consisting of one dwelling unit per lot and single family attached units consisting of two dwelling units connected by a common wall with each dwelling unit located on a separate lot.

- (B) Utility and Street Assessments: The Property will be assessed for utility and street improvements when said improvements have been determined by the City to benefit the Property as required by Minnesota Statutes Chapter 429.

- XIII. The Property shall be zoned according to normal zoning procedures established in the Northfield Zoning Ordinance. The City of Northfield Comprehensive Plan shall guide the City in arriving at the appropriate zoning of the Property. When the Property is annexed to the City, it will be zoned Agricultural, unless another zoning designation is specified at the time of annexation.
- XIV. This Agreement will go into effect on the date that the Orderly Annexation Agreement is approved by the Minnesota Municipal Board or its successor agency. Each subsequent annexation within the Property designated by this Agreement must be reviewed and approved by the Municipal Board or its successor agency.
- XV. The City of Northfield and the Township of Bridgewater agree that no alteration of the stated boundaries of the Property is appropriate. Furthermore, the parties agree that no

consideration by the Municipal Board or its successor agency is necessary. Upon receipt of this resolution, passed and adopted by each party, the Municipal Board or its successor agency may review and comment, but shall, within thirty (30) days, make an order, including the immediate annexation stated in Section II, in accordance with the terms of this joint resolution.

Future annexations will be accomplished by submission of a joint resolution for orderly annexation to the Municipal Board or its successor agency from the City and the Township. In any case where there is a disagreement between the City and the Township as to an area proposed for annexation under the terms of this Agreement, either the City or the Township or both may submit a resolution to the Municipal Board or its successor agency to consider said annexation, pursuant to Minnesota Statutes, Section 414.0325; and specifically Subdivision 2 of Minnesota Statutes, Section 414.0325 shall apply for hearing purposes. The submission of a resolution by either the City or the Township, or both the City and the Township to the Municipal Board or its successor agency to consider an annexation under the terms of this Agreement shall confer jurisdiction to the Municipal Board or its successor agency over said annexation.

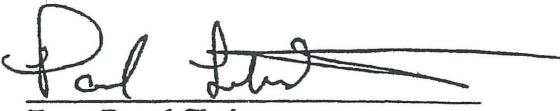
In regard to the subdivisions known as Bittersweet and Timberlane, any future annexation will occur subsequent to compliance with the terms of Section VII and the previous paragraph.

- XVI. The City of Northfield and the Township of Bridgewater agree to work with all other appropriate jurisdictions to protect Spring Brook Creek and the Spring Brook Creek Watershed.
- XVII. The City of Northfield will reimburse the Township Bridgewater for its costs, limited to attorney's fees and extra meeting costs incurred in relation to this Orderly Annexation Agreement, up to \$3,500.00.
- XVIII. Any tax payments due to the Township per Section XII. of this Agreement will be made within 30 days of receipt by the City of the tax distribution from Rice County.
- XIX. This Agreement will automatically expire on December 31, 2019; however, nothing herein shall prevent the City of Northfield and the Township of Bridgewater from amending this Agreement during its term.
- XX. This Resolution shall be a binding contract upon the Parties herein, and may be enforced in either Law or Equity, notwithstanding future amendments in Minnesota Statutes, except as specifically provided otherwise in this Agreement.

AUG 30 2011

Approved by the Township of Bridgewater this 25 day of August, 1999.

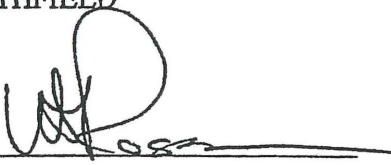
TOWNSHIP OF BRIDGEWATER

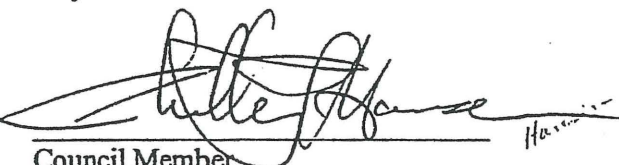
By: 
Town Board Chair

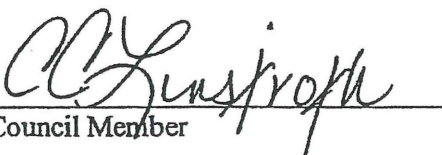
By: 
Town Board Clerk

Approved by the City of Northfield this 24 day of August, 1999.

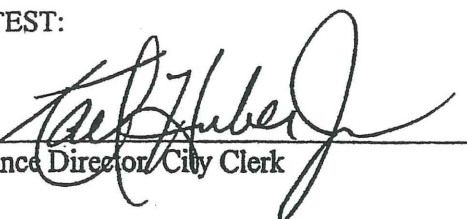
CITY OF NORTHFIELD

By: 
Mayor

By: 
Council Member





By:  Linsprogh
Council Member

ATTEST:


Finance Director/City Clerk

POLITICAL BOUNDARIES

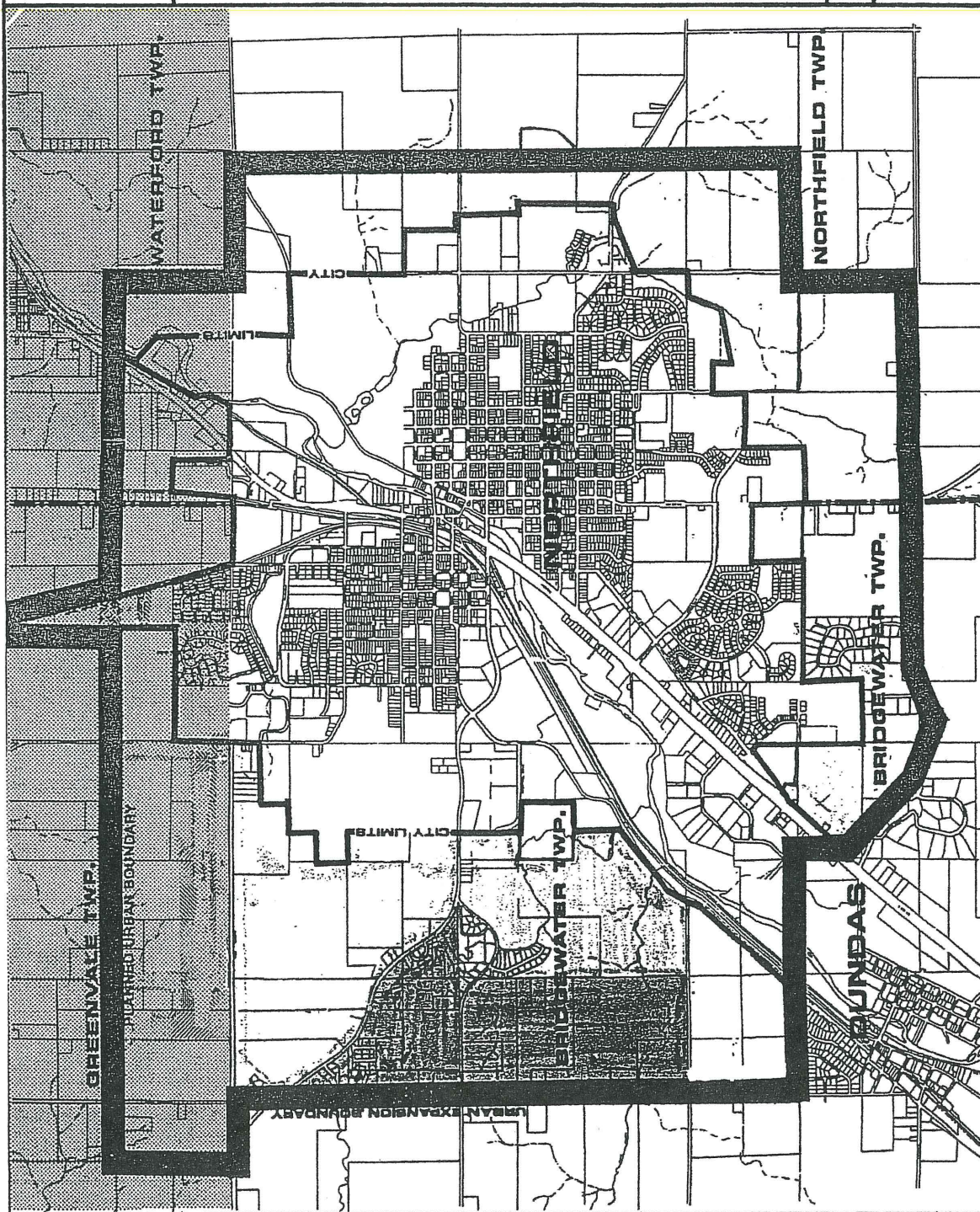
LEGEND

-  RICE COUNTY
-  DAKOTA COUNTY
-  AREA INCLUDE WITHIN THE ORDERLY ANNEXATION AGREEMENT
-  AREA IN WHICH NO OTHER JURISDICTIONS CAN ANNEX LAND

MAP NUMBER 1

CITY OF NORTHFIELD
MINNESOTA

0 500 1000
SCALE IN FEET



REC'D BY
MBA
AUG 8 0 2011

EXHIBIT B**Legal Description of Subject Area**

Property Owner Petitioner: Patricia H. Otte
Address of Subject Area: 8062 Falk Avenue
Parcel ID for Subject Area: 0335100002

The legal description of the Subject Area for immediate orderly annexation is as follows:

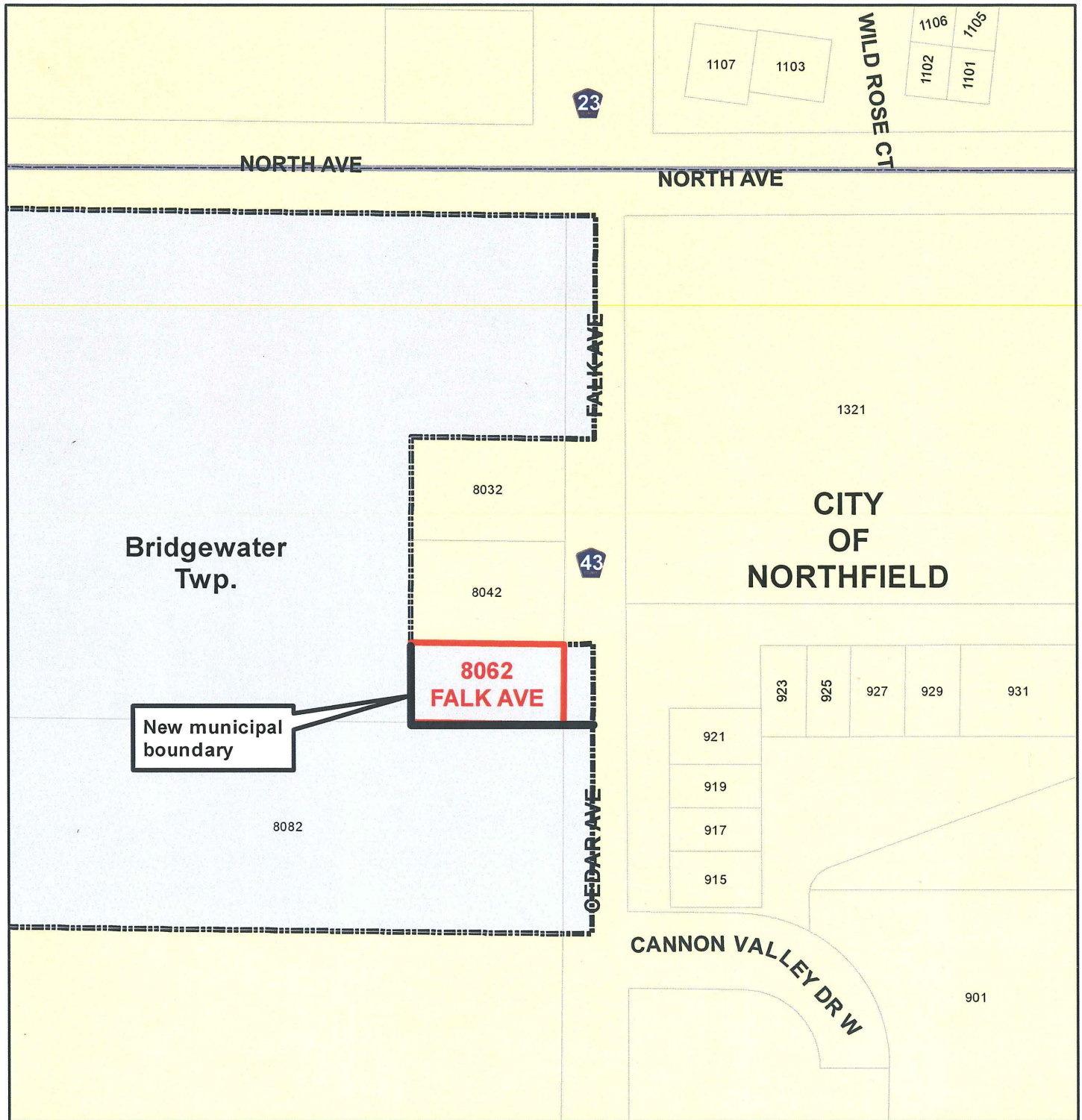
All that part of the North One-half (N ½) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 35, Township 112, North, Range 20 West of the Fifth Principal Meridian, described as follows to wit: Beginning at a point on the East line of said tract of land, 478 feet South of the Northeast corner thereof; thence West 160 feet; thence North 70 feet; thence East 160 feet; thence South 70 feet to the place of beginning; subject to County State Aid Highway No. 43 over and across the East side thereof.

REC'D BY
MBA

AUG 30 2011

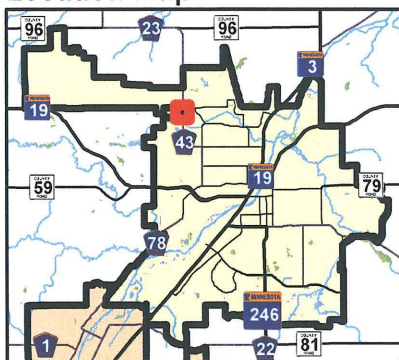
EXHIBIT C
Map of Subject Area

A map of Subject Area for immediate orderly annexation is attached hereto:



Proposed
Otte Annexation

Location Map



REC'D BY
MBA

AUG 30 2011

Legend

 Subject Site



0 50 100 200 Feet

8/22/2011

