

**JOINT RESOLUTION AND AGREEMENT BETWEEN THE CITY OF ELKO
AND NEW MARKET TOWNSHIP FOR ORDERLY ANNEXATION**

THIS JOINT RESOLUTION AND AGREEMENT is made between the City of Elko, Scott County, Minnesota ("City") and New Market Township, Scott County, Minnesota ("Town"), and constitutes a "Joint Resolution" between the City and Town authorized by Minnesota Statutes §414.0325 providing for a procedure and a framework for orderly annexation of a part of the Town to the City.

**SECTION ONE
INTRODUCTION**

- 1.01 The parties to this agreement intend it to be binding with all the rights, privileges, and obligations attached thereto. Both parties intend to be bound by this agreement and shall not violate its terms. Neither party shall exercise any legislative authority now existing or which may be later created in a way which violates the terms of the agreement. Both parties understand that they may not limit the power of the legislature over annexation, and such is not their intent. Instead, the parties agree to refrain from exercising any legislative authority, now or into the future, in a way that would violate the terms of this agreement.
- 1.03 The parties recognize recent legislative changes dissolving the Municipal Board and transferring its responsibilities to the Office of Strategic and Long-Range Planning. Throughout this agreement, reference continues to be made to the Municipal Board since the legislature has not yet modified Minnesota Statutes Chapter 414 to fully reflect the 1999 changes. In all respects, the use of the term Municipal Board and reference to Minn. Stat. Chapter 414 shall be read to apply to the Municipal Boundary Adjustment Division of the Office of Strategic and Long-Range Planning as the successor to the Municipal Board's responsibilities in administering the provisions of state law regarding orderly annexation agreements and to subsequent amendments to state law.

**SECTION TWO
ORDERLY ANNEXATION AREA**

- 2.01 The legal description of the property within New Market Township which is the subject of this orderly annexation agreement is attached hereto as Exhibit "A."
- 2.02 The Orderly Annexation Area is hereby designated as in need of orderly annexation and no consideration by the Minnesota Municipal Board is necessary, no alteration of the boundaries is appropriate, and all conditions of annexation have been provided for in this Resolution: the Minnesota Municipal Board may review and comment but shall, within thirty (30) days of receipt of this Resolution, order the annexation in accordance with the terms of this resolution.

**SECTION THREE
REAL ESTATE TAXATION**

- 3.01 Year of Annexation. If the annexation becomes effective on or before August 1 of any year, the City may levy on the annexed area beginning with that year. If the annexation becomes effective after August 1 of any year, the Town may continue to levy on the annexed area for that year, and the City may not levy in the annexed area until the following year.


**SECTION FOUR
GENERAL PROVISIONS**

- 4.01 If any provision of this agreement is declared invalid, for any reason, by a court of competent jurisdiction, the validity of the remaining terms and provisions shall not be affected and the agreement shall be construed and enforced as if the agreement did not contain the particular term or provision held to be invalid.

CITY OF ELKO


Passed and Adopted by the City of
Elko this 10th day of January, 2000.

By: 
Joseph B. Rubbelke, Mayor

ATTEST: 
Mary Ellen Flicek
Its Clerk

TOWN OF NEW MARKET

Passed and Adopted by the Township of
New Market this 10th day of Jan, 2000.

By: , Chair,
Board of Supervisors


ATTEST: 

EXHIBIT "A"

**LEGAL DESCRIPTION OF PARCELS TO BE ANNEXED
TO THE CITY OF ELKO IN THE NORTH HALF OF
SECTION 34-113-21, SCOTT COUNTY, MINNESOTA**

Parcel No. 1:

The Northeast Quarter of the Northwest Quarter of Section 34, Township 113, Range 21, Scott County, Minnesota.

Parcel No. 2:

The West Half of the Northeast Quarter of Section 34, Township 113, Range 21, Scott County, Minnesota.

Parcel No. 3:

The East Half of the Northeast Quarter of Section 34, Township 113, Range 21, Scott County, Minnesota, except the following described tract of land: Commencing at the Northwest corner of said East Half of the Northeast Quarter; thence due East on the North line of said Section 25 rods; thence due South and parallel with the East line of said Section a distance of 32 rods; thence due West and parallel with the North line of said Section 25 rods; thence North to the place of beginning.

Also except that part of the said East Half of the Northeast Quarter described as follows: Commencing at the Southeast corner of said East Half of the Northeast Quarter; thence South 89 degrees 00 minutes 40 seconds West (assumed bearing) along the South line of said East Half of the Northeast Quarter a distance of 271.17 feet to the point of beginning of the land to be described; thence continuing South 89 degrees 00 minutes 40 seconds West along said South line a distance of 750.00 feet; thence North 19 degrees 08 minutes 41 seconds West a distance of 33.00 feet; thence Northeasterly 369.86 feet along a nontangential curve concave to the Northwest, having a radius of 408.28 feet, central angle of 51 degrees 54 minutes 17 seconds and a chord that bears North 44 degrees 54 minutes 09 seconds East; thence North 18 degrees 57 minutes 02 seconds East, tangent to said curve a distance of 583.23 feet; thence South 71 degrees 21 minutes 43 seconds East a distance of 336.71 feet; thence on a bearing of South, parallel with the East line of said East Half of the Northeast Quarter a distance of 715.35 feet to the point of beginning.

Also except that part of said East Half of the Northeast Quarter lying Easterly of the centerlines of Xerxes Avenue and Beard Avenue.

Parcel No. 4:

All that part of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$), Section Twenty-seven (27), Township One Hundred Thirteen (113), Range Twenty-one (21) West, hereinafter described as follows: Commencing at the Northeast corner of said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$); thence South along the East line of said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$), a distance of 350 feet; thence West parallel to the North line of said Southwest Quarter (SW $\frac{1}{4}$) to the center line of Scott County Road No. 91 as presently located; thence Northwesterly along the center line of said Scott County Road No. 91 as presently located, to the North line of said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$); thence East along said North line of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) to the point of beginning. Subject to public roadway easements of record or in use.

Parcel No. 5:

All that part of the Southwest Quarter of the Southwest Quarter of Section 27, Township 113, Range 21, hereinafter described as follows:

Commencing at a point on the East line of said Southwest Quarter of Southwest Quarter, said point being 350 feet south of the northeast corner of said Southwest Quarter of Southwest Quarter; thence south along the east line of said Southwest Quarter of Southwest Quarter, a distance of 206 feet; thence west parallel to the north line of said Southwest Quarter of Southwest Quarter to the center of Scott County Road #91 as presently located; thence northerly along the center line of said Scott County Road #91 to a point 350 feet south of the north line of said Southwest Quarter of Southwest Quarter; thence east parallel with the north line of said Southwest Quarter of Southwest Quarter to the east line of said Southwest Quarter of Southwest Quarter to the point of beginning.

Parcel No. 6:

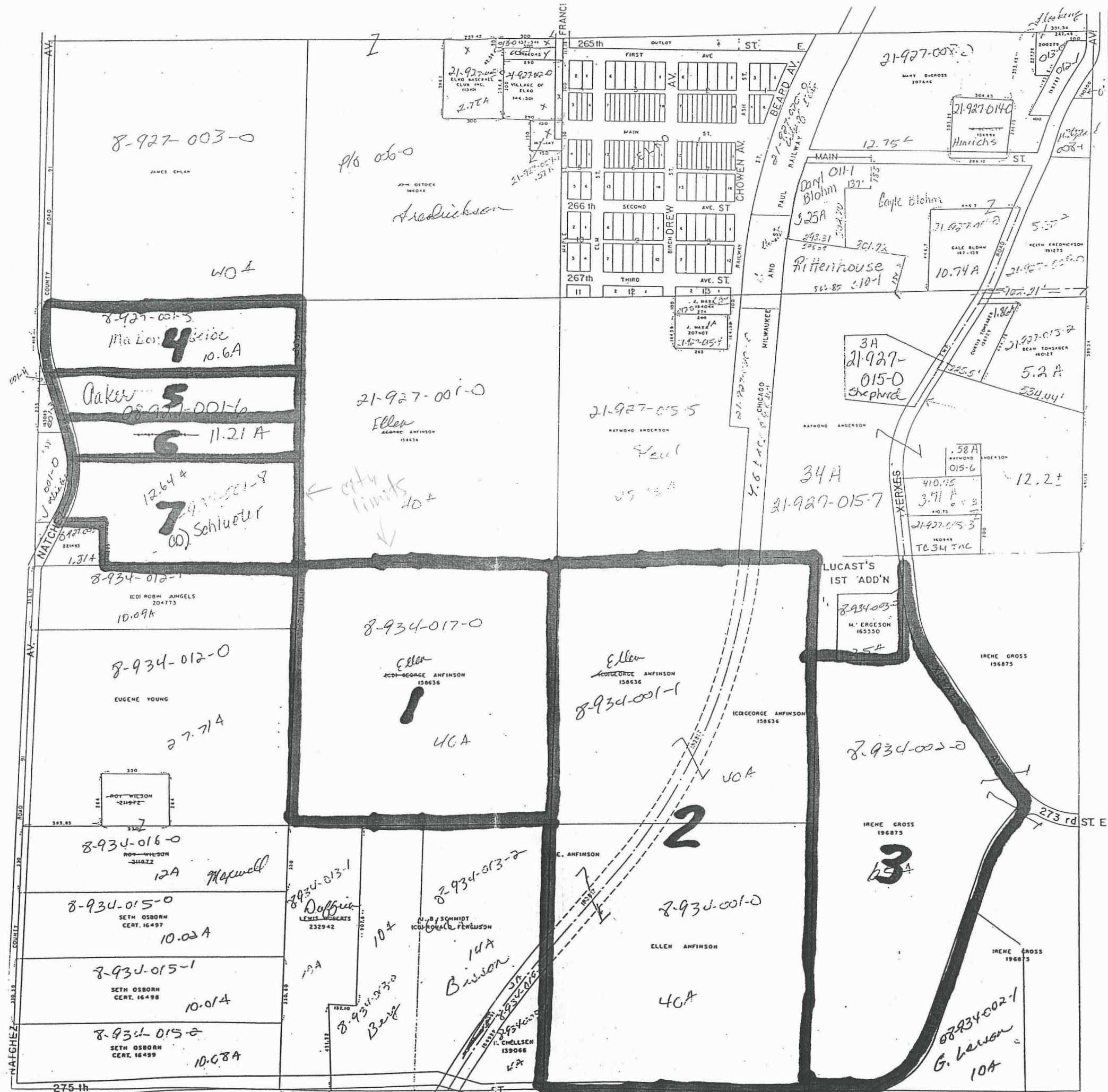
All that part of the Southwest Quarter of the Southwest Quarter of Section 27, Township 113, Range 21, hereinafter described as follows:

Commencing at a point on the East line of the Southwest Quarter of Southwest Quarter, said point being 556 feet south of the northeast corner of said Southwest Quarter of Southwest Quarter; thence south along the east line of said Southwest Quarter of Southwest Quarter a distance of 206 feet; thence west parallel with the north line of the Southwest Quarter of Southwest Quarter to the center of Scott County Road #91 as presently located; thence northerly along the center line of Scott County Road #91 to a point 556 feet south of the north line of said Southwest Quarter of Southwest Quarter; thence east parallel with the north line of said Southwest Quarter of Southwest Quarter to the point of beginning.

Parcel No. 7:

All that part of the Southwest Quarter of the Southwest Quarter of Section 27, Township 113, Range 21, hereinafter described as follows:

Commencing at a point on the East line of the Southwest Quarter of the Southwest Quarter, said point being 762 feet South of the Northeast corner of said Southwest Quarter of Southwest Quarter; thence South along the said East line of said Southwest Quarter of Southwest Quarter to the Southeast corner of said Southwest Quarter of Southwest Quarter; thence West along the South line of said Southwest Quarter of Southwest Quarter to a point 350 feet East of the Southwest corner of said Southwest Quarter of Southwest Quarter; thence North parallel with the West line of said Southwest Quarter of Southwest Quarter a distance of 225 feet; thence West parallel with the South line of said Southwest Quarter of Southwest Quarter to the center line of Scott County Road #91 as presently located; thence Northerly along the center line of said Scott County Road #91 to a point 762 feet South of the North line of said Southwest Quarter of Southwest Quarter; thence East parallel with the South line of said Southwest Quarter of Southwest Quarter to the East line of said Southwest Quarter of Southwest Quarter to the point of beginning, Scott County, Minnesota.



REC'D. BY JAN 14 2000
MMB