

THE JOINT RESOLUTION OF THE CITY OF COLOGNE
AND BENTON TOWNSHIP RELATING TO
ORDERLY ANNEXATION OF CERTAIN PROPERTY

WHEREAS, the City of Cologne (the "City") and the Township of Benton (the "Township") have previously entered into an agreement for the orderly annexation of certain property by virtue of a joint resolution adopted by the City on August 2, 1999 and the Township on March 9, 2000 (the "Orderly Annexation Agreement"); and

WHEREAS, the Orderly Annexation Agreement does not contain the waiver permitted in Minn. Stat. § 414.0325, Subd. 1, by which the parties direct that no consideration by the Minnesota Office of Strategic and Long Range Planning ("Minnesota Planning") is required to approve any annexation pursuant to the Orderly Annexation Agreement; and

WHEREAS, there has been submitted to the City of Cologne a petition for annexation by Mildred H. Paul and Gold Nugget Development, Inc. for 119.596 acres of property within Benton Township (the "Paul Annexation") which falls within the land governed by the Orderly Annexation Agreement; and

WHEREAS, on December 18, 2000, the Cologne City Council by Resolution No. 00-19 accepted the annexation petition and then forwarded the petition to Minnesota Planning; and

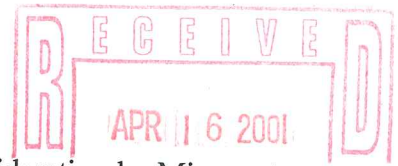
WHEREAS, the City and the Township wish to waive their right to a hearing for the Paul Annexation before Minnesota Planning.

NOW, THEREFORE, it is hereby stipulated and agreed by and between the City and the Township as follows:

1. Both the City and the Township waive, pursuant to Minn. Stat. § 414.0325, Subd. 1, any right to a hearing before Minnesota Planning in relation to the pending annexation petition for the Paul Annexation.

2. This waiver of hearing is effective for only the Paul Annexation. Any further petitions for annexation which include property included within the Orderly Annexation Agreement will be subject to a hearing by Minnesota Planning unless:

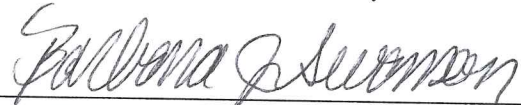
- i) Such a hearing is not required by application of applicable statute; or
- ii) The City and the Township agree to waive any hearing.




3. Both the City and the Township agree that no consideration by Minnesota Planning is necessary for the Paul Annexation and respectfully request that Minnesota Planning conduct its review and comment on the proposed annexation and order the annexation in accordance with the terms of the Resolution.

4. Both the City and the Township acknowledge that the Petition for the Paul Annexation has been pending before Minnesota Planning in excess of 30 days due to delays in the negotiation and execution of this Resolution and both the City and the Township waive the 30 day requirement of Minnesota Statutes § 414.0325, Subd 1.

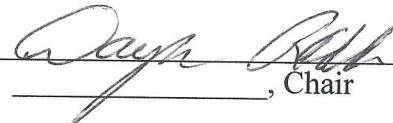
Adopted by the City Council of the City of Cologne this 16th day of January, 2001.


Barbara Swanson, Mayor

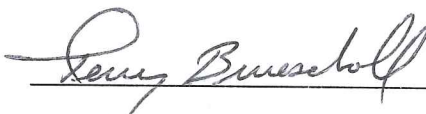
Attest:


Linda Nelson
City Clerk

Adopted by the Board of Supervisors of Benton Township this 12 day of April, 2001.


Chair

Attest:


Township Clerk

Larry/cologne/annex/jointres1

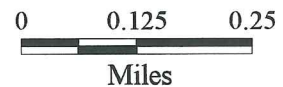
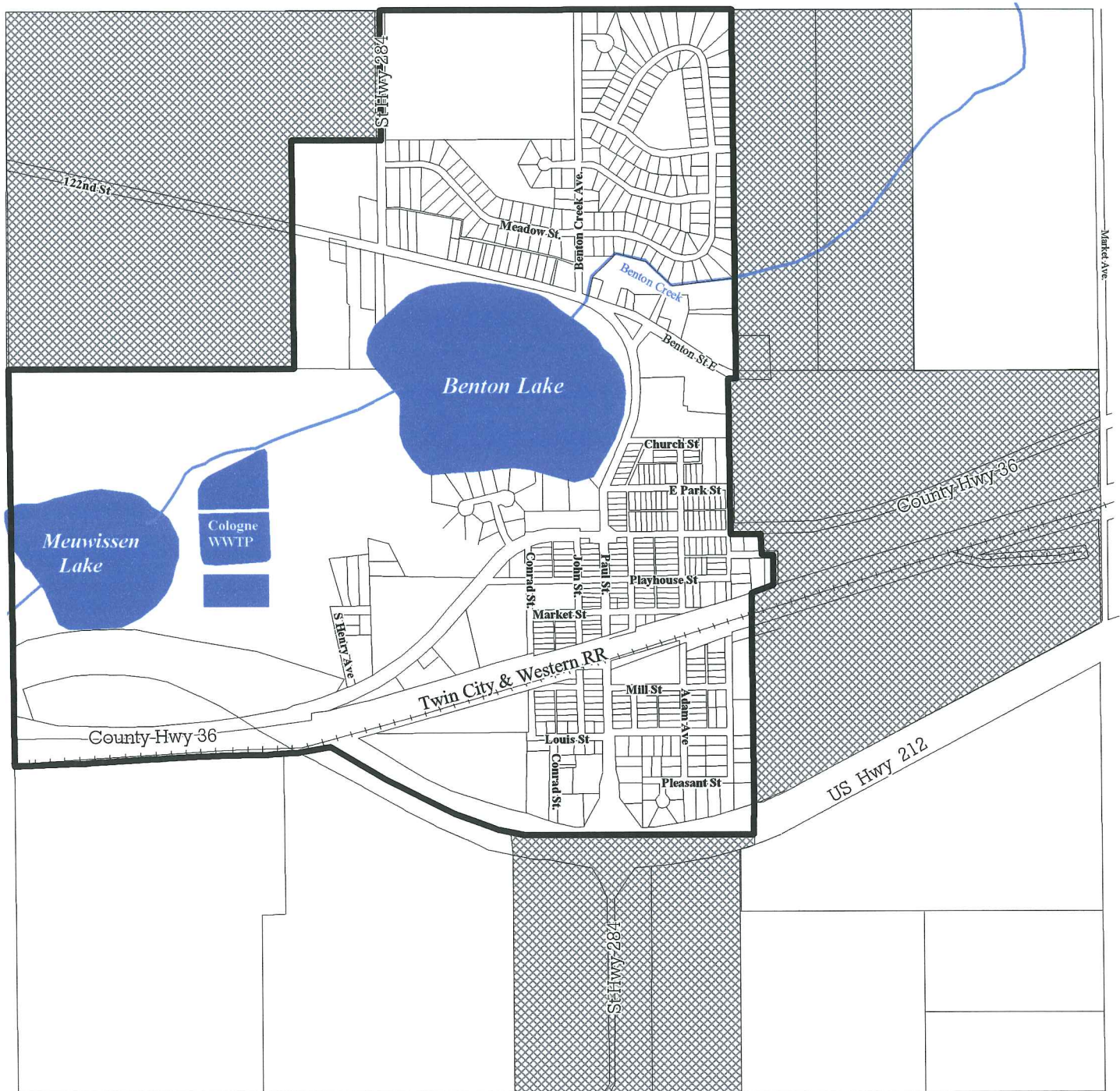
EXHIBIT A
ORDERLY ANNEXATION LEGAL DESCRIPTIONS

The following described properties in Benton Township are subject to orderly annexation to the City of Cologne:

- The southeast quarter (SE ¼) of Section 11, Township 115, Range 25, Carver County, Minnesota, except that land currently in the jurisdiction of the City of Cologne.
- The west half (W ½) of the southeast quarter (SE ¼) of Section 12, Township 115, Range 25, Carver County, Minnesota.
- The northeast quarter (NE ¼) of Section 13, Township 115, Range 25, Carver County, Minnesota, lying easterly of the City of Cologne and northerly of the north right-of-way line of U.S. Trunk Highway No. 212.
- The southeast quarter (SE ¼) of Section 13, Township 115, Range 25, Carver County, Minnesota, lying east of the City of Cologne and northerly of the north right-of-way line of U.S. Trunk Highway No. 212.
- The east half (E ½) of the southwest quarter (SW ¼) of Section 13, Township 115, Range 25, Carver County, Minnesota, lying south of the City of Cologne.

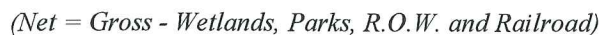
EXHIBIT B ORDERLY ANNEXATION AREA

REC'D. BY
MAMB MAR 15 2001



- Current City Boundary
- Orderly Annexation Area

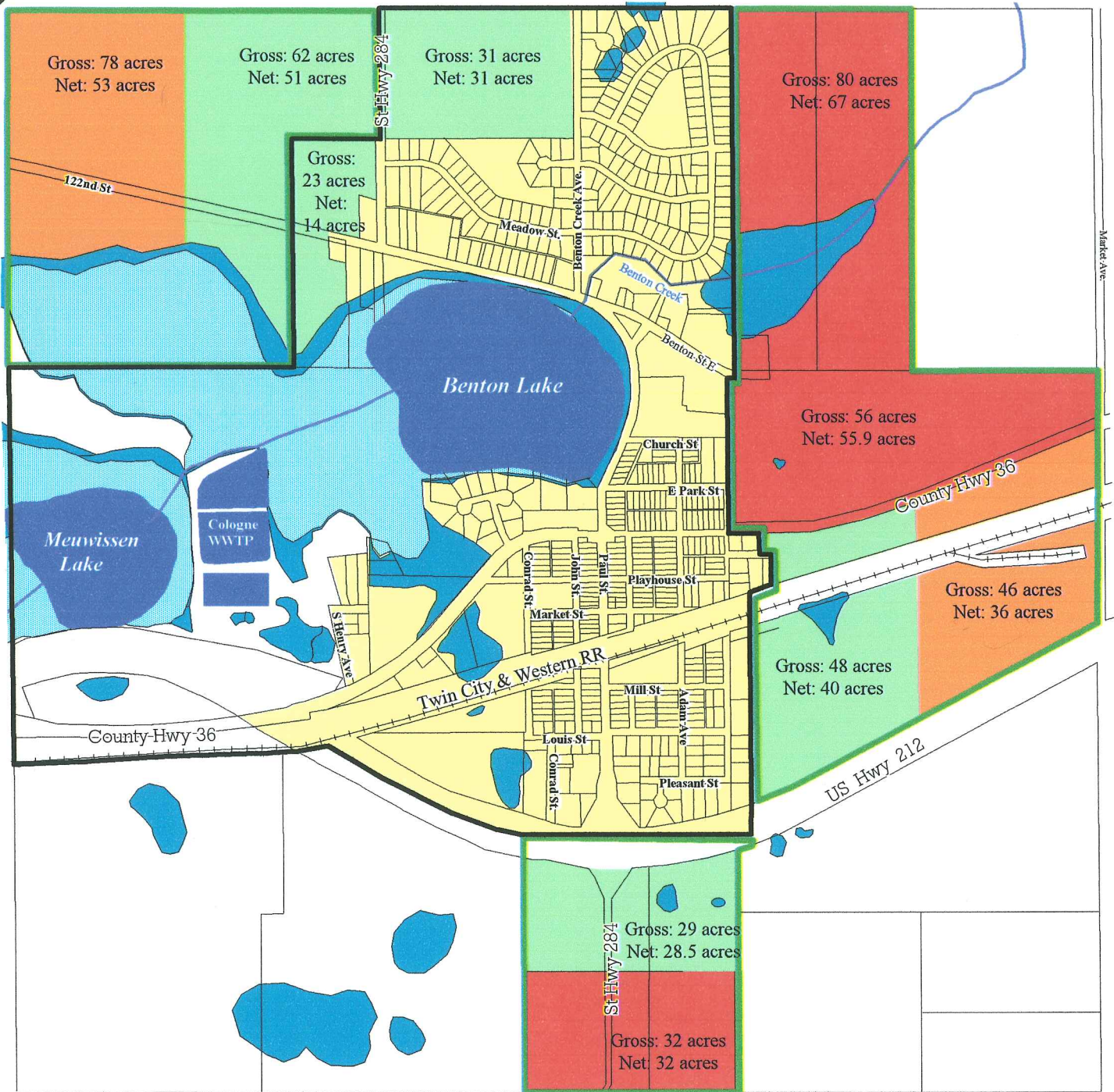
REC'D. BY MAR 15 2001
MMB



Utility Staging Plan 1998 Comprehensive Plan Amendment City of Cologne

Figure 11-A

REC'D. BY
MMB MAR 15 2001



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Miles

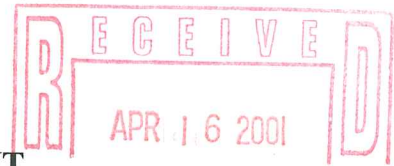
(Net = Gross - Wetlands and Railroad)



- Existing Service Area
- 1999 Service Area Addition
- 2005 Service Area Addition
- 2010 Service Area Addition

- DNR Wetlands
- Wetlands (NWI)
- Current City Boundary
- Transition Area Boundary





ROAD MAINTENANCE AGREEMENT

This Agreement made and entered into by and between the City of Cologne ("City") and the Township of Benton ("Township") is effective as of this 5th day of March, 2001.

WHEREAS, the City of Cologne has received a Petition for Annexation from Mildred H. Paul and Gold Nugget Development, Inc., for certain real property located within the Township and adjacent to the city limits of the City and which is legally described as follows:

The West Half of the Southeast Quarter and the West Half of the East Half of the Southeast Quarter of Section 11, Township 115 North, Range 25 West, Carver County, Minnesota (the "Annexation Property");

WHEREAS, the City has adopted a resolution in favor of the annexation petition; and

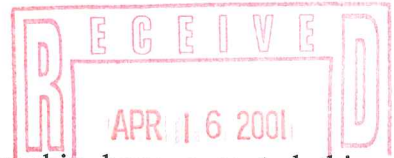
WHEREAS, the annexation petition is presently pending before the Minnesota Office of Strategic and Long Range Planning; and

WHEREAS, the Township has raised certain concerns concerning the maintenance of a cartway hereinafter described.

NOW, THEREFORE, it is agreed by and between the City and Township as follows:

1. The Township withdraws any and all objections to the pending annexation and will execute a resolution whereby it waives any right it has to object to the annexation petition which is pending before the Minnesota Office of Strategic and Long Range Planning.

2. From and after the date the Minnesota Office of Strategic and Long Range Planning approves the annexation which is the subject of this Agreement, the City agrees to take over all maintenance and upkeep of that certain cartway which is located along the westerly boundary of the Annexation Property south of 122nd Street (the "Cartway"). Until such time as the Minnesota Office of Strategic and Long Range Planning has approved the annexation petition, the Township shall be responsible for the maintenance of the Cartway.



IN WITNESS WHEREOF, both the City and the Township have executed this Agreement effective as of the date set forth above.

CITY OF COLOGNE

By Barbara J. Swanson
Barbara J. Swanson
Its: Mayor

By Linda Nelson
Linda Nelson
Its: Clerk

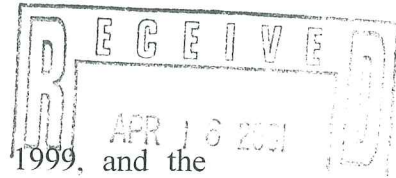
TOWNSHIP OF BENTON

By Day Redd
Its: Chairman of the Board of
Supervisors

By Gary Brunshell
Its: Township Clerk

THE JOINT RESOLUTION OF THE CITY OF COLOGNE
AND BENTON TOWNSHIP TERMINATING A
PRIOR ORDERLY ANNEXATION AGREEMENT

01-01



WHEREAS, the City of Cologne (the "City") on August 2, 1999, and the Township of Benton (the "Township") on March 9, 2000, adopted a joint resolution for the orderly annexation of property (the "2000 Orderly Annexation Agreement"); and

WHEREAS, the City and the Township had previously entered into an Orderly Annexation Agreement on August 5, 1974 (the "1974 Orderly Annexation Agreement") which is on file with the Minnesota Office of Strategic and Long Range Planning ("Minnesota Planning") as Docket No. OA-110; and

WHEREAS, the 2000 Orderly Annexation Agreement supersedes the 1974 Orderly Annexation Agreement; and


WHEREAS, Minnesota Planning has requested that the City and the Township terminate the 1974 Orderly Annexation Agreement.

NOW, THEREFORE, it is hereby stipulated and agreed by and between the parties hereto as follows:


1. The 1974 Orderly Annexation Agreement entered into by and between the City and the Township is terminated and shall be of no further effect.

2. The 2000 Orderly Annexation Agreement by and between the City and the Township shall remain in full force and effect and binding upon both the City and the Township.

Adopted by the City Council of the City of Cologne this 14th day of January, 2001.


Barbara Swanson, Mayor

Attest:

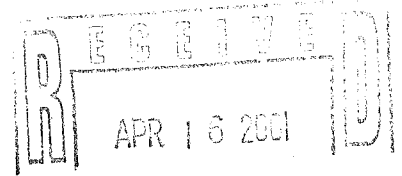

Linda Nelson
City Clerk

Adopted by the Board of Supervisors of Benton Township this 12 day of April, 2001.

Ray Ridd
Township, Chair

Attest:

Larry Buerschell
Township Clerk



Larry/cologne/annex/jointres2

REC'D. BY
MME DEC 21 2000

**A JOINT RESOLUTION OF THE
CITY OF COLOGNE AND BENTON TOWNSHIP
FOR THE ORDERLY ANNEXATION OF PROPERTY**

WHEREAS, the City of Cologne (the "City") and the Township of Benton (the "Township") desire to enter into an agreement for the orderly annexation of certain property, pursuant to Minnesota Statutes § 414.0325, Subdivision 1; and

WHEREAS, the City and Township are in agreement with the need for orderly, planned growth on the common borders of the communities; and

WHEREAS, it is in the best interests of the residents of the City and Township to plan for and accommodate orderly growth; and

WHEREAS, an agreement for orderly annexation protects the public health, safety and welfare in each community.

NOW, THEREFORE, BE IT RESOLVED by the City and Township as follows:

1. The area agreed upon for orderly annexation is legally described on the attached Exhibit A and graphically illustrated on the attached Exhibit B.
2. All annexed property shall be contiguous to the City and consistent with the City of Cologne Comprehensive Plan Utility Staging. Any amendments to the utility staging plan will require notification and referral to the Township prior to formal adoption of the amendments by the City.
3. Upon petition of 100 percent of the landowners of property and formal acceptance of the petition by the City, the parties agree to submit the petition to the Minnesota Office of Strategic and Long Range Planning for immediate processing. The City agrees to review and approve concept development plans for petitioned properties prior to accepting petitions for annexation.
4. Property taxes on property annexed to the City shall be divided or prorated and paid to the Township and City according to the order of the Minnesota Office of Strategic and Long Range Planning. Nothing in this agreement shall prevent the petitioner and Township to agree to additional compensation to the Township.
5. The City and Township agree to work cooperatively with Carver County in the planning and management of stormwater runoff and ditch maintenance in Bevens Creek and Carver Creek Watershed Management Organizations.
6. The City and Township agree to work cooperatively with Carver County to maintain or reroute any agricultural tiles which may exist in any annexed property and provide existing drainage to other property in the Township.

REC'D. BY DEC 21 2000
MMB

7. The City agrees to require the upgrading and surfacing of 122nd Street, within annexed property, as part of the development contract for any approved subdivision of land. The timing or staging of 122nd Street improvements shall be consistent with the staging of development along 122nd Street.
8. The City agrees not to permit new public street access to be platted on annexed property, as part of any subdivision approval, which abuts an existing thirty-three (33) feet cartway, lying south of 122nd Street, along the west line of the east half (E ½) of the southeast quarter (SE ¼) of section 11, Township 115, Range 25.
9. This agreement shall remain in effect and be binding upon the City and Township for twenty (20) years from the date of execution. Upon mutual consent, this agreement may be amended or extended by the parties.
10. Upon approval and execution by the City and Township, this joint resolution and agreement shall confer jurisdiction for orderly annexation, consistent with the terms and conditions herein, upon the Minnesota Office of Strategic and Long Range Planning.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF COLOGNE THIS 2nd
DAY OF August, 1999.

ATTEST:

Paul Wickenhauser

Mayor

Heidi Luise

City Clerk

ADOPTED BY THE BOARD OF SUPERVISORS OF BENTON TOWNSHIP THIS
9th DAY OF March, 2000.

ATTEST:

George Schaepp

Chair

Daph Redd

Township Clerk

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ORDERLY ANNEXATION LEGAL DESCRIPTIONS

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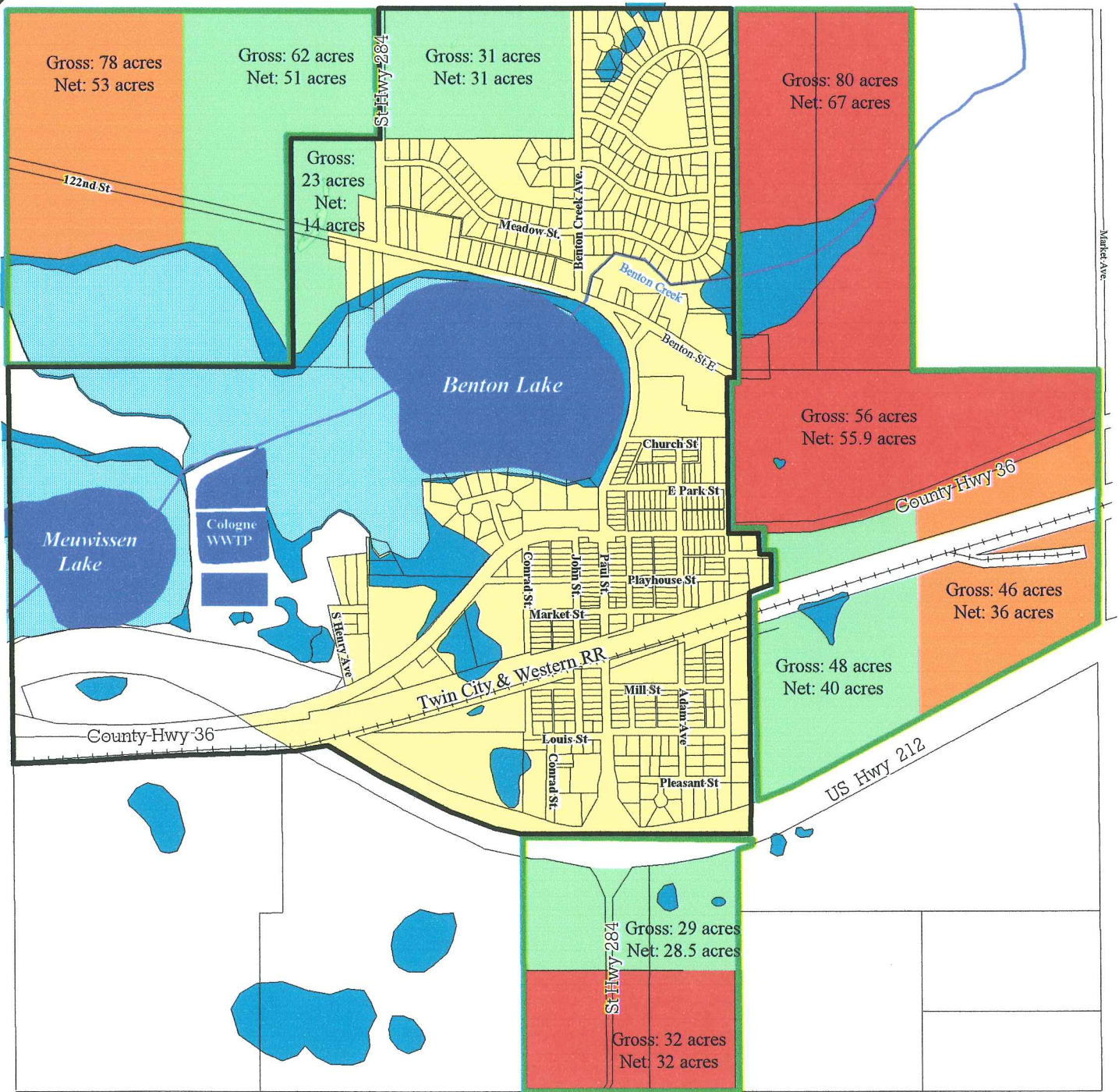
Utility Staging Plan

1993 Comprehensive Plan Amendme.

City of Cologne

Figure 11-A

REC'D. BY
M M B DEC 21 2000



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Miles

(Net = Gross - Wetlands and Railroad)



- Existing Service Area
- 1999 Service Area Addition
- 2005 Service Area Addition
- 2010 Service Area Addition

- DNR Wetlands
- Wetlands (NWI)
- Current City Boundary
- Transition Area Boundary



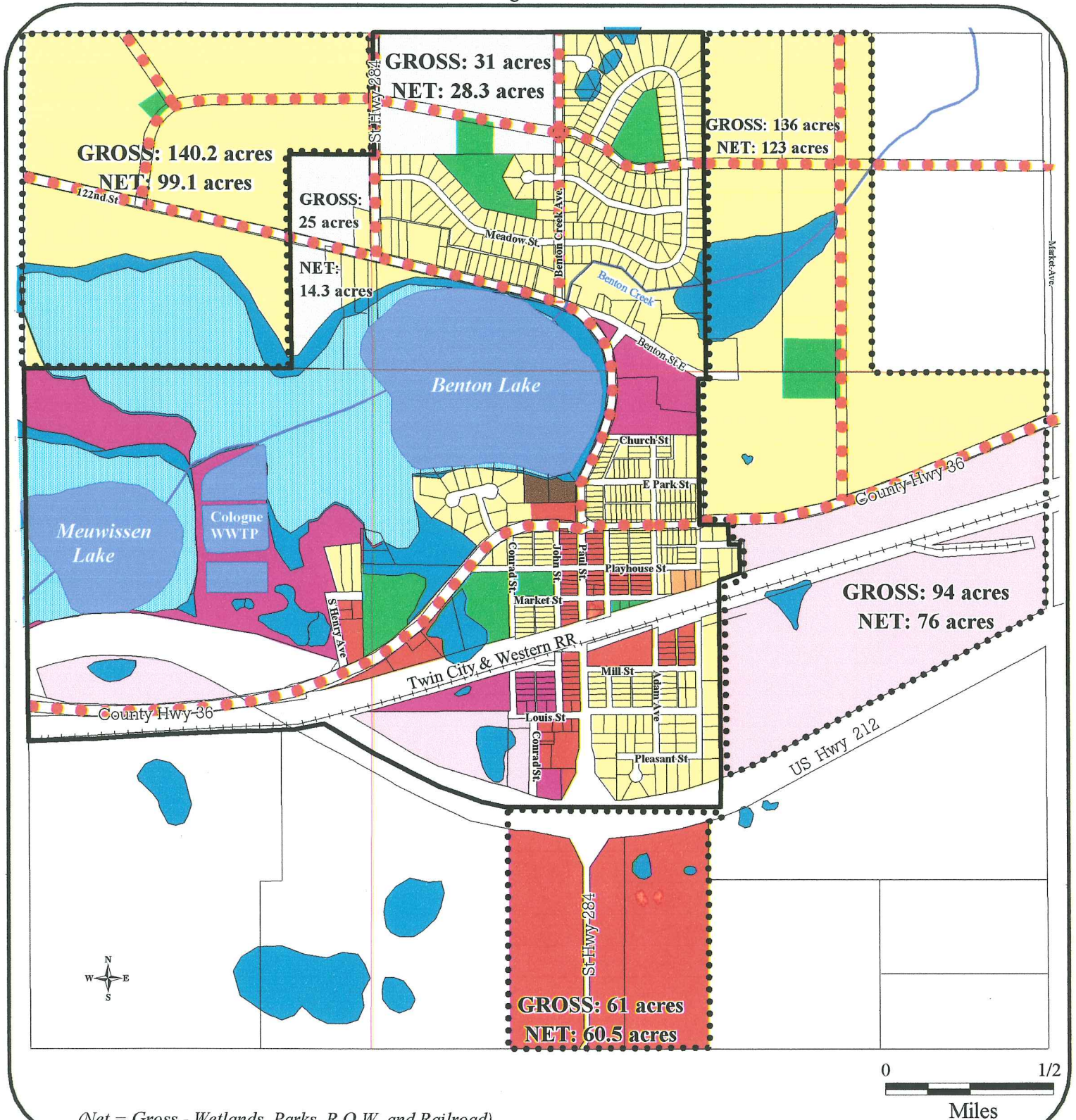
Growth Management Plan

1-3 Comprehensive Plan Amendment

City of Cologne

Figure 9-A

REC'D. BY
MMS DEC 21 2000

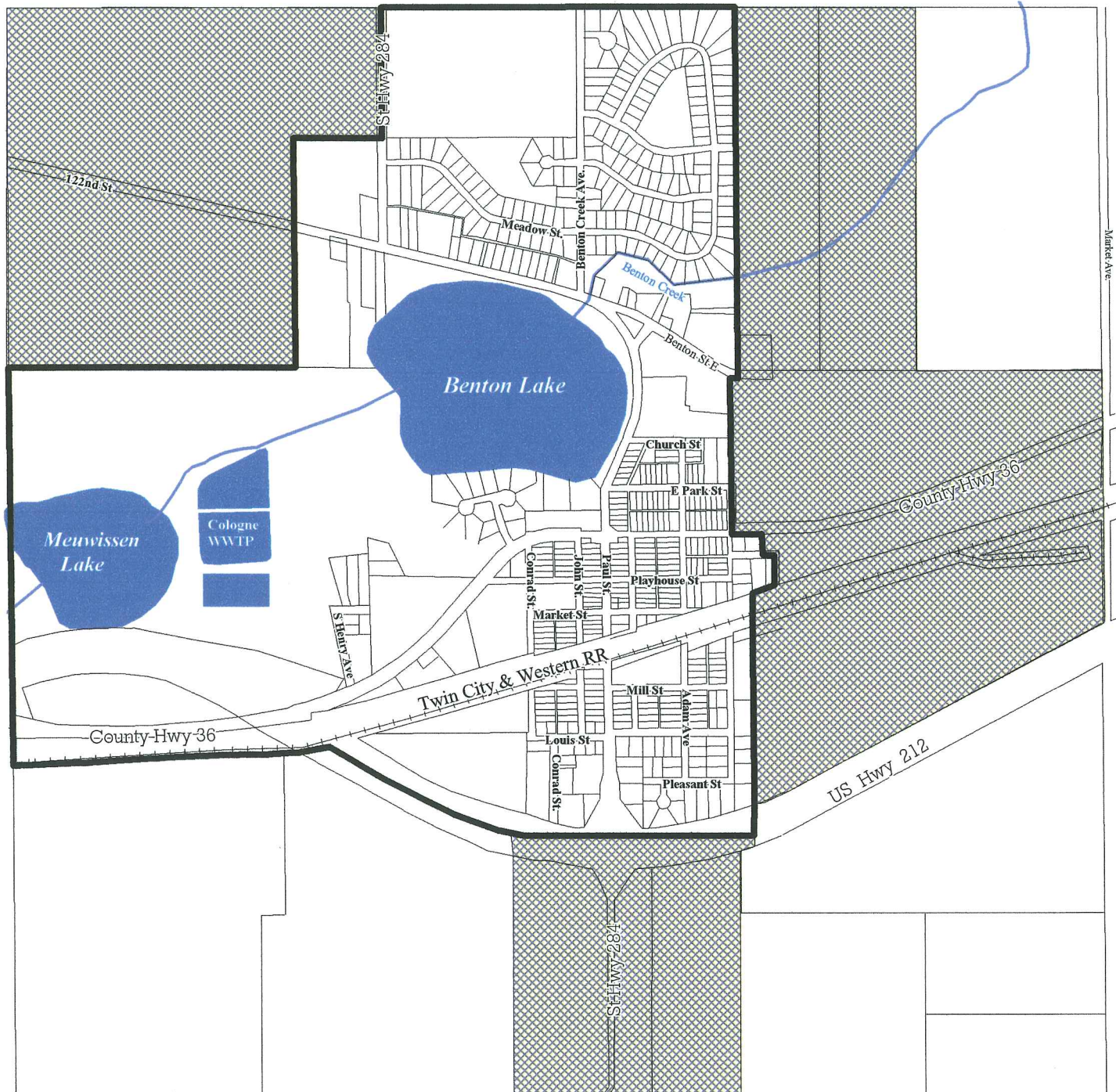


(Net = Gross - Wetlands, Parks, R.O.W. and Railroad)



EXHIBIT B ORDERLY ANNEXATION AREA

REC'D. BY
M.M.R. DEC 21 2000



- Current City Boundary
- Orderly Annexation Area

