

County of McLeod
State of Minnesota

City of Hutchinson Resolution No. 11757

Township of Hutchinson Resolution No. 09-01

**JOINT RESOLUTION OF THE CITY OF HUTCHINSON
AND THE TOWNSHIP OF HUTCHINSON AS TO THE
ORDERLY ANNEXATION OF PROPERTY**

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

WHEREAS, in accordance with Minnesota Statute § 414.033 Subdivision 5, a petition for annexation of property identified in the attached Exhibit B was filed with the office of Minnesota Planning - Municipal Boundary Adjustments, on January 4, 2000, under file number A-6211. While the City did not object to this petition for annexation, the Township filed an objection to the annexation by letter dated March 15, 2000; and

WHEREAS, the City and the Township are now in agreement concerning the immediate annexation of the property identified in Exhibit B; and

WHEREAS, the City and the Township are also in agreement as to the orderly annexation of certain additional property described in Exhibit C, for the purpose of orderly and planned growth; and

WHEREAS, the City's current plan proposes to provide municipal waste water treatment, municipal storm sewer, and municipal water service to the area described on Exhibit A, beginning at a point in time on or before December 31, 2005; and

WHEREAS, the City's plan to provide municipal waste water treatment, municipal storm sewer and municipal water service as described, is economically feasible only if all properties within Exhibit A are served and assessed a proportionate share of the costs of such improvements; and

WHEREAS, it is in the best interest of the City, the Township and their respective residents to agree to an orderly annexation in furtherance of orderly growth and the protection of the public health, safety and welfare; and

WHEREAS, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the City of Hutchinson, McLeod County, Minnesota, that the following terms, conditions and agreements shall become binding upon the City and the Township when, and only if this resolution is adopted by the governing bodies of the City and the Township:

1. Upon approval by the respective governing bodies of the City and the Township, this joint resolution shall confer jurisdiction upon Minnesota Planning - Municipal Boundary Adjustments (hereinafter "Minnesota Planning") to accomplish the orderly annexation of the lands described in the attached Exhibit A in accordance with the terms of this joint resolution.
2. Pursuant to Minnesota Statutes §414.0325, subdivision 1, the parties do hereby designate the area described in the attached Exhibit A as an Orderly Annexation Area in need of orderly annexation. The described Orderly Annexation Area consists of approximately 134 acres.
3. The parties agree that those properties and lands contained within the Orderly Annexation Area identified in the attached Exhibit B are in need of immediate annexation. Pursuant to the authority set out in this paragraph, the City and Township hereby consent to the immediate annexation of the land identified in Exhibit B to the City upon the passage of this resolution by the City and the Township and the approval of this resolution by the Office of Strategic and Long Range Planning, and hereby request that the Office of Strategic and Long Range Planning annex the land identified in Exhibit B to the City immediately.
4. The parties agree that those properties and lands contained within the Orderly Annexation Area identified in the attached Exhibit C are not in need of immediate annexation, but shall be annexed to the City upon the occurrence of any of the conditions enumerated in the following subparagraphs:
 - a. At such time as an owner of a parcel included in the property identified in Exhibit C makes a written request for annexation to the City, then that owner's parcel may be annexed, at the option of the City; or
 - b. At such time as a parcel included in the property identified in Exhibit C contains a wastewater treatment system that is or becomes a "Failing System" (as the term is defined in Minnesota Rules Chapter 7080, as amended from time to time), and the owner of said parcel determines that a private wastewater treatment system cannot practically be installed, maintained or upgraded on said parcel so that it is or becomes a conforming system (i.e. a system which complies with Minnesota Rule 7080.0060), and the City elects to make, has made, or is in the process of making municipal wastewater treatment

facilities available to the property described in Exhibit A, then all parcels included in the property identified in Exhibit C shall be annexed; or

- c. Upon the passage of five (5) years from the date of final approval of this Joint Resolution by each of the respective governing bodies of the City and the Township, then all parcels included in the property identified in Exhibit C may be annexed.

Upon the occurrence of any of the foregoing events, the City may annex the property described on Exhibit C by filing a duly adopted resolution in accordance with Minnesota Statutes §414.0325. All annexations occurring under this paragraph 4 shall be subject to and consistent with all other terms and conditions of this Joint Resolution. In the event an annexation occurs pursuant to the terms of this paragraph 4, the Township hereby waives its right to object to such annexation.

5. The parties acknowledge that, while the City is authorized to provide municipal waste water treatment services, municipal storm sewer services, and municipal water services to the property described in Exhibit A, the timing, design and scope of such services remains within the sole discretion of the City.
6. The City and the Township agree that the Minnesota State Building Code shall be extended to all property within Exhibit A. Prior to the commencement of any such improvements, the owner or developer shall make application to the City for all required permits, and shall pay all required fees.
7. In the event the City elects to install municipal water services, including all service lines and infrastructure, to the parcels included in the property within Exhibit B, the owner(s) of each parcel within Exhibit B shall contract with the City and post bond pursuant to said contract to reimburse the City for all costs, including, without limitation, easement acquisition costs, design and engineering costs, bidding and construction costs, interest costs, administrative, legal and fiscal costs, and all other costs whatsoever associated with the installation of municipal water services including the costs of construction through or across any property not then annexed to the City. Upon the annexation of any of the parcels included in the property identified in Exhibit C, the City may require the improvements on said parcels to be connected to said municipal water services, and the owner(s) of said parcels shall be assessed such connection fees as may be authorized by law representing the proportionate share of the costs of the municipal water improvement. The City shall then rebate or refund to the then current owner(s) of the parcels in Exhibit B a share of such connection fees which is proportionate to the share of the original water improvement

costs paid by the owners of each parcel in Exhibit B at the time of the original water improvement.

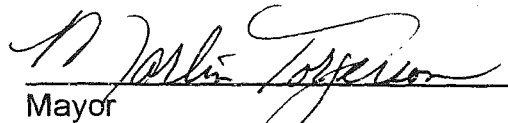
8. In the event the City elects to install municipal storm sewer services, including all service lines and infrastructure, to the parcels included in the property within Exhibit B, the owner(s) of each parcel within Exhibit B shall contract with the City and post bond pursuant to said contract to reimburse the City for all costs, including, without limitation, easement acquisition costs, design and engineering costs, bidding and construction costs, interest costs, administrative, legal and fiscal costs, and all other costs whatsoever associated with the installation of municipal storm sewer services including the costs of construction through or across any property not then annexed to the City. Upon the annexation of any of the parcels included in the property identified in Exhibit C, said parcels shall then be served by said municipal storm sewer services, and the owner(s) of said parcels shall be assessed such connection fees as may be authorized by law representing the proportionate share of the costs of the municipal storm sewer improvement. The City shall then rebate or refund to the then current owner(s) of the parcels in Exhibit B a share of such connection fees which is proportionate to the share of the original storm sewer improvement costs paid by the owners of each parcel in Exhibit B at the time of the original improvement.
9. Upon construction of any improvement on any parcel included in the property identified in Exhibit B requiring a wastewater treatment facility, the owner or developer shall install a private individual wastewater treatment facility or holding system as shall serve the needs of said new construction or development until such time as a municipal wastewater treatment system is installed and available for connection to the improvements upon said parcel, at which time the private individual wastewater treatment facility shall be disconnected, and connection shall be made to the municipal wastewater treatment system.
10. In the event the City elects to install municipal wastewater collection facilities, including all service lines and infrastructure, to the parcels included in the property within Exhibit B, the owner(s) of each parcel within Exhibit B shall contract with the City and post bond pursuant to said contract to reimburse the City for all costs, including, without limitation, easement acquisition costs, design and engineering costs, bidding and construction costs, interest costs, administrative, legal and fiscal costs, and all other costs whatsoever associated with the installation of municipal wastewater collection facilities including the costs of construction through or across any property not then annexed to the City. Upon the annexation of any of the parcels included in the property identified in Exhibit C, the City may require the improvements on said parcels to be connected to said municipal wastewater collection facilities, and the owner(s) of said parcels shall be assessed

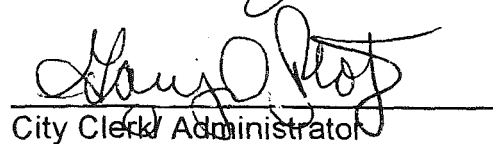
such connection fees as may be authorized by law representing the proportionate share of the costs of the municipal waste water collection facility. The City shall then rebate or refund to the then current owner(s) of the parcels in Exhibit B a share of such connection fees which is proportionate to the share of the original municipal wastewater improvement costs paid by the owners of each parcel in Exhibit B at the time of the original municipal wastewater improvement.

11. The City covenants and agrees that it will preserve the drainage functions of all drain tiles located within the Orderly Annexation Area by designing and constructing a municipal storm sewer system and allocating the costs thereof as described in paragraph 8 of this resolution, to the extent that the future development of properties within the Annexation Area shall not significantly adversely impact existing drainage in the areas of the Township outside the orderly Annexation Area as such drainage exists at the time of the signing of this agreement.
12. For all property annexed pursuant to this Joint Resolution, the City shall remit to the Township, property taxes as follows:
 - a. Property taxes payable on the annexed area for the year in which the annexation becomes effective shall be paid to the Township. Thereafter, property taxes shall be paid to the City but shall be apportioned as listed below, and the City shall make a cash payment to the Township yearly in the following amounts:
 1. In the first year following the year in which the land was annexed, 90% of the property taxes paid to the Township in the year the land was annexed;
 2. In the second year following the year in which the land was annexed, 70% of the property taxes paid to the Township in the year the land was annexed;
 3. In the third year following the year in which the land was annexed, 50% of the property taxes paid to the Township in the year the land was annexed;
 4. In the fourth year following the year in which the land was annexed, 30% of the property taxes paid to the Township in the year the land was annexed;
 5. In the fifth year following the year in which the land was annexed, 10% of the property taxes paid to the Township in the year the land was annexed.

- b. Thereafter all property taxes from the described property shall be paid to the City.
13. This Joint Resolution may be amended from time to time by the City and the Township upon such terms as are mutually acceptable to the parties.
14. The City and the Township mutually state that no alteration by Minnesota Planning to the boundaries as described on Exhibit A ("the orderly annexation area") is appropriate or permitted.
15. Having designated the area described on 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 further consideration by Minnesota Planning is necessary. As such, Minnesota Planning may review and comment, but shall, within thirty (30) days of the date of receipt of this Joint Resolution for Orderly Annexation, order the immediate annexation of the properties and land described in the attached Exhibit B in accordance with the terms of this Joint Resolution.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF HUTCHINSON THIS 28th DAY
OF August, 2001.


Mayor


City Clerk/Administrator

ADOPTED BY THE HUTCHINSON TOWNSHIP BOARD THIS 13th DAY OF
September, 2001.


Chair, Town Board


Township Clerk

Exhibit A

of area

DESCRIPTION IN SECTION 32, T117N, R29W

That part of the Southeast Quarter of the Southeast Quarter of Section 32, Township 117 North, Range 29 West, McLeod County, Minnesota, described as follows:

Commencing at the northwest corner of the East Half of the Southeast Quarter of the Southeast Quarter; thence South 89 degrees 56 minutes 23 seconds West, assumed bearing, along the north line of said Southeast Quarter of the Southeast Quarter 14.50 feet; thence South 3 degrees 28 minutes 53 seconds West 660.00 feet to the point of beginning of the land to be described; thence North 89 degrees 56 minutes 23 seconds East, parallel with the north line of said Southeast Quarter of the Southeast Quarter 660.00 feet; thence South 89 degrees 58 minutes 48 seconds East 11.86 feet to the east line of said Southeast Quarter of the Southeast Quarter; thence South 4 degrees 23 minutes 58 seconds West, along said east line, 664.05 feet to the southeast corner of said Southeast Quarter of the Southeast Quarter; thence South 89 degrees 59 minutes 18 seconds West, along the south line of said Southeast Quarter of the Southeast Quarter, 661.18 feet to the southwest corner of the East Half of said Southeast Quarter of the Southeast Quarter; thence North 3 degrees 28 minutes 53 seconds East 662.69 feet to the point of beginning. Except the southerly 50.00 feet thereof.

DESCRIPTION IN SECTION 33, T117N, R29W

And

The South Half of the Southwest Quarter of Section 33, Township 117 North, Range 29 West, McLeod County, Minnesota. Except the southerly 50.00 feet thereof.

Also, except that part of said South Half of the Southwest Quarter described as follows:

Beginning at the northwest corner of said South Half of the Southwest Quarter; thence South 89 degrees 58 minutes 15 seconds East, assumed bearing, along the north line of said South Half of the Southwest Quarter 898.00 feet; thence South 3 degrees 28 minutes 53 seconds West 660.00 feet; thence North 89 degrees 58 minutes 15 seconds West 700.00 feet; thence North 89 degrees 58 minutes 48 seconds West 208.62 feet to the west line of said South Half of the Southwest Quarter; thence North 4 degrees 23 minutes 58 seconds East, along said west line 660.76 feet to the point of beginning.

Also, except that part of said South Half of the Southwest Quarter described as follows:

A 68.00 foot wide strip of land lying westerly of and adjoining a line described as beginning at the southeast corner of said South Half of the Southwest Quarter; thence northerly to a point of the southerly right of way line of State Highway No. 7, distant 16.00 feet easterly from the east line of said South Half of the Southwest Quarter, as measured along said right of way line.

EXHIBIT B

0A-785-1
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ANNEX-151

DESCRIPTION FOR ANNEXATION IN SECTION 33, T.117 N., R.29 W.

That part of the South Half of the Southwest Quarter of Section 33, Township 117 North, Range 29 West, McLeod County, Minnesota, lying southerly of the southerly line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 43-22, according to the recorded plat thereof and northerly of the north line of the South 50.00 feet of said South Half of the Southwest Quarter.

Excepting therefrom Schmeling's Subdivision, according to the recorded plat thereof

Also, that part of the South Half of the Southeast Quarter of said Section 33, lying southerly of the southerly line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 43-23, according to the recorded plat thereof, northerly of the north line of the South 50.00 feet of said South Half of the Southeast Quarter and westerly of a line described as beginning at the southwest corner of said South Half of the Southeast Quarter; thence northerly, to the intersection with a line 75.00 feet south and parallel with the centerline of Trunk Highway No. 7 distant 16.00 feet east, as measured along said parallel line, of the west line of said South Half of the Southeast Quarter.

DESCRIPTION FOR ANNEXATION IN SECTION 32, T.117 N., R.29 W.

That part of the South Half of the Southeast Quarter of Section 32, Township 117 North, Range 29 West, McLeod County, Minnesota, lying southerly of the southerly line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 43-37, according to the recorded plat thereof, northerly of the north line of the South 50.00 feet of said South Half of the Southeast Quarter and easterly of a line described as beginning at the southeast corner of the West Half of the Southeast Quarter of said Southeast Quarter; thence northerly, to a point on the north line of said West Half of the Southeast Quarter of the Southeast Quarter distant 14.50 feet west of the northeast corner of said West Half of the Southeast Quarter of the Southeast Quarter.

EXHIBIT B

0A-785-1
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annex pg 2

DESCRIPTIONS FOR ANNEXATION OF PART OF THE LUCE LINE TRAIL

A 50.00 foot wide strip of land lying northerly of and adjoining the south line of the Southeast Quarter of Section 32, Township 117 North, Range 29 West, McLeod County, Minnesota. The west line of said strip of land being the southerly prolongation of the east line of KIMBERLYS COUNTRY ESTATES, according to the recorded plat thereof, and the east line of said strip of land being the east line of said Southeast Quarter.

Also, a 50.00 foot wide strip of land lying northerly of and adjoining the south line of the Southwest Quarter of Section 33, Township 117 North, Range 29 West, McLeod County, Minnesota. The west line of said strip of land being the west line of said Southwest Quarter and the east line of said strip of land being a line described as beginning at the southeast corner of said Southwest Quarter, thence northerly to the intersection with a line 75.00 feet south of and parallel with the centerline of Trunk Highway No. 7 distant 16.00 feet east, as measured along said parallel line, of the east line of said Southwest Quarter.

Also, a 50.00 foot wide strip of land lying southerly of and adjoining the north line of the Northeast Quarter of Section 5, Township 116 North, Range 29 West, McLeod County, Minnesota. The west line of said strip of land being the northerly prolongation of the east line of SECOND ADDITION TO HUTCHINSON INDUSTRIAL DISTRICT, according to the recorded plat thereof, and the east line of said strip of land being the east line of said Northeast Quarter.

Also, a 50.00 foot wide strip of land lying southerly of and adjoining the north line of the Northwest Quarter of Section 4, Township 116 North, Range 29 West, McLeod County, Minnesota. The west line of said strip of land being the west line of said Northwest Quarter and the east line of said strip of land being the east line of the West 1822.00 feet of said Northwest Quarter.

EXHIBIT C

future annex

DESCRIPTION FOR ANNEXATION IN SECTION 32, T.117 N., R.29 W.

That part of the South Half of the Southeast Quarter of Section 32, Township 117 North, Range 29 West, McLeod County, Minnesota, described as follows:

Commencing at the northwest corner of said South Half of the Southeast Quarter; thence southerly, along the west line of said South Half of the Southeast Quarter to the centerline of Trunk Highway No. 7; thence easterly, along said centerline 620.00 feet; thence southerly, parallel with said west line of the South Half of the Southeast Quarter to the intersection with the southerly line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 43-37, according to the recorded plat thereof, and the point of beginning of the land to be described; thence continuing southerly, along said parallel line to the intersection with the north line of KIMBERLYS COUNTRY ESTATES, according to the recorded plat thereof; thence easterly, along said north line of KIMBERLYS COUNTRY ESTATES to the northeast corner of said KIMBERLY COUNTRY ESTATES; thence southerly, along the east line of said KIMBERLY COUNTRY ESTATES to the intersection with the north line of the South 50.00 feet of the South Half of the Southeast Quarter; thence easterly, along said north line of the South 50.00 feet of the South Half of the Southeast Quarter to the intersection with a line described as "beginning at the southeast corner of the West Half of the Southeast Quarter of the Southeast Quarter; thence northerly, to a point on the north line of said West Half of the Southeast Quarter of the Southeast Quarter distant 14.50 feet west of the northeast corner of said West Half of the Southeast Quarter of the Southeast Quarter"; thence northerly, along said previously described line to the southerly line of said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 43-37; thence westerly, along said southerly line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 43-37 to the point of beginning.

Also, Schmeling's Subdivision, according to the recorded plat thereof

Nuwash

REC'D BY
MMS

SEP 21 2001

Christensen

Christensen

Johnson Technology Inc.

Double Holdings LLC

City Boundary

Future Annexation Area
Exhibit C

T.H. NO. 7 EAST

Schaffer

Anderson

Seltz

Seltz

Seltz

T.H. NO. 22 BYPASS

Immediate Annexation
Area - Exhibit B

Hackbarth

Kulberg

Kulberg

GARDEN ROAD NE
109
NE
1

COUNTRY DRIVE
109
NE
1

B & R Growers

Quade

Marquette Bank

Marquette Bank

Ag Systems

First Trust

Schmelting Trust

Schmelting

Schmelting

B & C Properties

Schmelting

Helkes

Helkes

Helkes

STRIAL DISTRICT