

TOWN OF CHATHAM RESOLUTION
CITY OF BUFFALO RESOLUTION

REC'D BY
MMB

FEB 25 2002

FIRST AMENDMENT TO JOINT RESOLUTION FOR ORDERLY ANNEXATION
BETWEEN THE TOWN OF CHATHAM AND THE CITY OF BUFFALO, MINNESOTA

WHEREAS, the Town of Chatham (hereinafter referred to as the "Town") and the City of Buffalo (hereinafter referred to as the "City"), both located entirely within Wright County, in the State of Minnesota, have agreed there is a continuing need for cooperative future planning effort for the land governed by two jurisdictions; and

WHEREAS, the parties, subsequent to their Joint Resolution entered into on October 1, 2001, have agreed to amend their Joint Resolution under the following mutual terms and conditions that the City and Town hereby enter into this Amendment to Joint Resolution for Orderly Annexation:

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual terms and conditions that follow, that the City and Town enter into this First Amendment to Joint Resolution of Orderly Annexation.

1. Designation of Additional Orderly Annexation Area. The Town and the City desire to designate additional area as set forth on the map attached (Exhibit "1") and the legal descriptions attached (Exhibit "2") as subject to additional orderly annexation area under and pursuant to Minnesota Statute Section 414.0325.
2. Director of Minnesota Office of Strategic and Long Range Planning Jurisdiction. Upon approval by the Town Board and the City Council, this Amendment to Joint Resolution shall confer jurisdiction upon the Director of Minnesota Office of Strategic and Long Range Planning (hereinafter referred to as "Director of Minnesota Planning") so as to accomplish said orderly annexations in accordance with the terms of this Amendment to Joint Resolution.
3. No Alterations of Boundaries. The Town and City mutually agree and state that no alterations by the Director of Minnesota Planning of the stated boundaries of the area designated for orderly annexation is appropriate.
4. Review and Comment by the Director of Minnesota Planning. The Town and City mutually agree and state that this Amendment to Joint Resolution and Agreement sets forth all the conditions for annexation of the areas designated, and that no consideration by the Director of Minnesota Planning is necessary. The Director of Minnesota Planning may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Joint Resolution.
5. Planning and Land Use Control Authority. The Town and City mutually agree and state that within thirty (30) days of the effective date of the Director of Minnesota Planning's order establishing the Orderly Annexation area, a board will be established to exercise

planning and land use control authority within the designated orderly annexation area pursuant to Minnesota Statutes, Section 414.0325, Subdivision 5c, in the manner prescribed by Minnesota Statutes 1976, Section 471.59, Subdivision 2 through 8, inclusive. Prior to annexation, the ordinances of the Town will control the properties in the area designated for orderly annexation; following annexation, the ordinances of the City shall control.

6. Municipal Reimbursement. The Town will receive five years' tax payments estimated at \$204.01 for the years 2003 and ending in the year 2008.
7. Additional City Responsibility. Baker Avenue will be improved in the year 2002 by the developer of the Bluffs of Buffalo Lake from the intersection of County State Aid Highway 35 to a point where property was annexed under our earlier "Joint Annexation Agreement" approximately 500 feet of Baker Road.
8. Except for the amendments set forth above, all the other terms and conditions of the original Orderly Annexation Agreement will remain in full force and effect.
9. The appropriate officers of the City and Town are hereby authorized to carry out the terms of this Amendment to Joint Resolution.
10. Conditions for Orderly Annexation.
 - A. Unless a petition of property owners for annexation has been filed with the City, the City agrees not to petition for annexation of any area within this area for a period of ten (10) years, unless it is ordered to provide sanitary sewer and/or municipal water services to any areas in said zone by the MPCA or any other State or Federal regulatory agency.
 - B. Annexation Petition Requirements. In order to be considered for annexation, the owners of at least sixty (60) percent of the parcels of property in the affected area must petition.

If the owners of sixty (60) percent or more, but less than one hundred (100) percent of the parcels of property in the affected area petition for annexation, a joint hearing of both the Town Board and the City Council shall be called to consider the petition. The petition shall not be approved unless both the Town Board and the City Council, voting as separate bodies, approve the petition seeking annexation.

If the owners of one hundred (100) percent of the parcels of property in the affected area petition for annexation, the City Council will, as an agenda item at their next regular Council meeting, review the petition for consideration of annexation and the Township agrees to not oppose any such annexation request.
11. Authorization. The appropriate officers of the City and Town are hereby authorized to

carry the terms of this Amendment to Joint Resolution into effect.

12. Severability and Repealer. A determination that a provision of this Amendment to Joint Resolution is unlawful or unenforceable shall not affect the validity or enforceability of the other provisions herein.
13. Effective Date. This Amendment to Joint Resolution shall be effective upon adoption by the governing bodies of the City and Township and approval by the Director of the Minnesota Office of Strategic and Long Range Planning.

Approved the 12 day of February, 2002, by the Town Board of the Town of Chatham.

Clarence Carlson

Chair

Francis Munsterberger

Clerk

Approved the 22nd day of January, 2002, by the City Council of the City of Buffalo.

Paul J. Jankowski

Mayor

Milton V. Meyers

Clerk/Administrator

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Legal Description:

Part of Lot B of the Southwest Quarter of the Northwest Quarter of Section 25, Township 120, Range 26, Wright County, Minnesota, lying northerly and easterly of the following described line: Beginning at a point 352 feet East of the West Quarter corner of Section 25, Township 120, Range 26, on the North line of Government Lot 4 of Section 25 and extending Northwesterly approximately 607.5 feet at an angle of approximately 32 degrees 20 minutes and terminating at a point 21 feet Easterly of the West line of Lot B in the Southwest Quarter of the Northwest Quarter of said Section 25 and 528 feet North of the North line of Government Lot 4.

Property
To Be Annexed

RECD BY
M.A.B. FEB 25 2002

