

IN THE MATTER OF THE JOINT RESOLUTION OF THE TOWN OF PAYNESVILLE AND THE CITY OF PAYNESVILLE DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE MINNESOTA PLANNING BOARD PURSUANT TO M.S.A. 414.0325.

JOINT RESOLUTION FOR ORDERLY ANNEXATION

1. The following described area in Paynesville Township is subject to orderly annexation pursuant to Minnesota Statutes 414.0235 and the parties hereto designate this area for orderly annexation, which area is legally described as follows, to-wit:

That part of the East Half of the Northeast Quarter of Section 16, Township 122 North, Range 32 West, Stearns County, Minnesota described as follows:

Beginning at the southeast corner of said East Half of the Northeast Quarter of Section 16; thence along the south line of said East Half of the Northeast Quarter, on an assumed bearing of South 89 degrees 42 minutes 47 seconds West 1146.32 feet to the east line of Ampe Morningside Addition, according to the recorded plat thereof on file in the Office of the Stearns County Recorder, thence North 0 degrees 11 minutes 11 seconds West 632.91 feet; thence South 85 degrees 03 minutes 14 seconds East, along the southerly right-of-way of South Street, 5.51 feet; thence North 4 degrees 56 minutes 46 seconds East, along the easterly right-of-way of South Street, 60.00 feet; thence North 85 degrees 03 minutes 14 seconds West, along the northerly right-of-way of South Street, 2.62 feet; thence North 89 degrees 13 minutes 46 seconds East 126.84 feet to a line running parallel to and distant 295.14 feet easterly of the west line of said East Half of the Northeast Quarter, thence North 0 degrees 10 minutes 02 seconds West, along said parallel line, 593.03 feet to the southerly right-of-way line of Minnesota Trunk Highway 23; thence along a non-tangential curve concave to the north, radius 1984.86 feet, central angle 18 degrees 37 minutes 48 seconds, chord bearing North 77 degrees 24 minutes 25 seconds East, 645.38 feet; thence South 21 degrees 54 minutes 29 seconds East, on a line not tangent to last described curve, 50.00 feet; thence along a non-tangential curve concave to the north, radius 2034.86 feet, central angle 11 degrees 26 minutes 12 seconds, chord bearing North 62 degrees 22 minutes 25 seconds East 406.17 feet to the point of intersection of the said Trunk Highway 23 right-of-way and the east line of said East Half of the Northeast Quarter; thence South 0 degrees 22 minutes 26 seconds East, along said east line of East Half of the Northeast Quarter, 1563.19 feet to the point of beginning and there terminating. Containing 34.17 acres, more or less.

2. That the Township of Paynesville does, upon the passage of this Resolution and its adoption by the City Council of the City of Paynesville, Minnesota, and upon acceptance by the Minnesota Planning Board, confer jurisdiction on the Minnesota Planning Board over the various provisions contained in this agreement.

3. That the property described in Paragraph 1 above abuts the City of Paynesville and is presently urban or suburban in nature or is about to become so. Further, the City of Paynesville is capable of providing services to this area within a reasonable time after annexation and annexation would be in the best interest of the area proposed to be annexed. Therefore, this property should be annexed to the City of Paynesville. The current population residing on this property is zero.

4. That the effect of annexation on population shall be that the population of an area annexed pursuant to this Resolution shall be treated for all purposes as part of the population of the City of Paynesville, immediately upon approval of annexation by the Minnesota Planning Board.

5. In all annexations within the orderly annexation area, the taxes due and/or delinquent on the date of annexation remain the property of Paynesville Township. All taxes and assessments accrued after the date of annexation are the property of the City of Paynesville, subject only to the provisions of Paragraph 8 below. The City of Paynesville, upon annexation, becomes the owner or beneficiary of all roads, easements and rights-of-way, or other interests in property within the

annexed area previously held by Paynesville Township and shall bear the responsibility associated with those rights.

6. The tax levy of the City of Paynesville on the area annexed shall be increased from current levels in substantially equal proportions over a period of two (2) years to an equality with the tax levy of the property already within the City.

7. That any person owning lands annexed to the City pursuant to this agreement shall have the following rights with regard to the payment of assessment and hook-up charges on projects previously completed by the City which may be assessable against said annexed property.

- a) Hook-up charges shall be payable upon hook-up to municipal services.
- b) Hook-up charges will be based on costs to the City determined from a bid to be obtained at the time of the hook-up.
- c) Assessment for improvements shall be payable over the same number of years and at the same interest rate as the original project provided for.

8. That as to those lands which are annexed by the City pursuant to this agreement, of the base tax payable to the township at the time of annexation, the following shall occur:

- a) As to that portion of the annexed property described as follows:

Part of the Southeast Quarter of the Northeast Quarter (SE ¼ NE ¼), Section 16, Township 122 North, Range 32 West, Stearns County, Minnesota described as follows: Beginning at the Southeast corner of AMPE MORNINGSIDE ADDITION, according to the recorded plat thereof, thence East along the South line of said SE ¼ NE ¼ a distance of 471.49 feet to the Southwest corner of the City of Paynesville property; thence North along the West line of said city property 475.47 feet; thence East at a right angle 35.00 feet; thence North at a right angle 160.00 feet; thence West at a right angle

165.00 feet; thence South at a right angle 140.00 feet; thence West at a right angle 340 feet more or less to the intersection with the East line of said Ampe Morningside Addition; thence South along said East line 495 feet more or less to the point of beginning. Containing 5.9 acres more or less.

unless and until the City of Paynesville provides services in this area, Paynesville Township will receive 100% of that tax base. Paynesville Township shall continue to receive 100% of the tax base until improvements have been provided. Then in the first year after improvements have been provided, the Township shall receive 90% of that tax base; in the second year after improvements have been provided, the Township shall receive 70% of that tax base; in the third year after improvements have been provided, the Township shall receive 50% of that tax base; in the fourth year after improvements have been provided, the Township shall receive 30% of that tax base; and finally, in the fifth year after improvements have been provided, the Township shall receive 10% of that tax base from the City of Paynesville. Thereafter, all taxes collected shall belong to the City of Paynesville.

b) As to all of the rest of the property within the annexation area, in the first year after annexation, the Township will receive 90% of that base tax; in the second year after annexation the township shall receive 70% of that base tax; in the third year after annexation the township shall receive 50% of that base tax; in the fourth year after annexation the township shall receive 30% of that base tax; and finally in the fifth year after annexation the township shall receive 10% of the base tax from the City of Paynesville. Thereafter, all taxes collected shall belong to the City of Paynesville.

9. The above-described land shall, upon approval of this agreement by

Paynesville Township and the City of Paynesville and submission of this Joint Resolution for Orderly Annexation, be approved for annexation by the Minnesota Planning Board. The City of Paynesville shall provide, to all properties annexed under this agreement, with the exception of those lands described in Paragraph 8a, and with the further exception of those lands included in the annexation which are owned by the City of Paynesville, sanitary sewer, city water, storm sewers as needed and roads with bituminous surface within two (2) years after this request for annexation has been approved by the Minnesota Planning Board. If the City of Paynesville fails to provide these services to any such properties within two (2) years of approval of annexation under this agreement, then the City of Paynesville shall pay Paynesville Township an amount equal to 100% of the taxes collected by the City from the annexed lands which are not served by sanitary sewer, city water, storm sewers as needed and roads with bituminous surface. Said payments shall begin in the third year following annexation and shall continue indefinitely until said properties are served with sanitary sewer, city water, storm sewers as needed and roads with bituminous surface.

10. No consideration by the Minnesota Planning Board is necessary, the Board may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of this Resolution.

11. Any alterations, variations, modifications or waivers of the provisions of this contract shall only be valid if they have been reduced to writing and signed by authorized representatives of the parties.

12. The provisions of this contract shall be deemed severable. If any part of this contract is rendered void, invalid, or unenforceable, such rendering shall not

FEB 12 2002

affect the validity and enforceability of the remainder of the contract unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire contract with respect to either party.

The parties further agree to substitute for any invalid provision a valid provision that most closely approximates the economic effect and intent of the invalid provision.

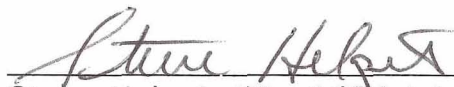
13. This contract is the final expression of the agreement of the parties and the complete and exclusive statement of the terms agreed upon and shall supersede all prior negotiations, warranties or stipulations, either oral or written, not herein contained.

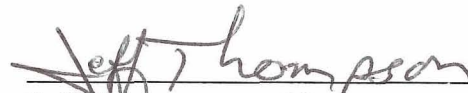
14. It is specifically acknowledged and understood that the parties are represented by independent counsel. As a matter of convenience, one party to this agreement may have taken on the bulk of the task of drafting this agreement. This agreement shall not be construed against the drafting party merely because of its role in drafting this agreement.

CITY OF PAYNESVILLE

Passed and adopted by the City Council of the City of Paynesville this 24th day of January, 2002.

Attest:


Steve Helget, City Administrator


Jeff Thompson, Mayor

REC'D BY
MAB

FEB 12 2002

PAYNESVILLE TOWNSHIP

Passed and adopted by the Town Board of the Town of Paynesville this 14th day
of JANUARY, 2002.

Attest:

Mimi W. Wise
Town Clerk

John L. Pharo
Acting Chairperson



CITY OF PAYNESVILLE

STEARNS COUNTY, MINNESOTA

ZONING MAP

THE ZONING MAP WAS ADOPTED ON JUNE 1, 1978.
THE OFFICIAL ZONING MAP IS SIGNED BY MAYOR ROBERT
TORBORG AND CITY ADMINISTRATOR DONALD W. JACOBSON.
02/21/01

- A AGRICULTURAL
- R1 SINGLE & TWO FAMILY
- R1-A MULTI-FAMILY HOUSING
- R2 MULTIPLE FAMILY
- RM MOBILE HOME
- C1 CENTRAL BUSINESS
- C2 HIGHWAY COMMERCIAL
- I1 LIGHT INDUSTRY
- I2 HEAVY INDUSTRY
- ||||| SHORELAND OVERLAY

city land
Amge land.

SCALE IN FEET
0 500 1000 2000

ES&H

