

IN THE MATTER OF THE JOINT RESOLUTION OF THE TOWN OF LAKE HENRY AND THE CITY OF LAKE HENRY 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 Lake Henry Township is subject to orderly annexation pursuant to Minnesota Statute 414.0325 and the parties hereto designate this area for orderly annexation, which area is legally described as follows, to-wit:

TRACT A:

Tract of land lying and being in the County of Stearns, State of Minnesota, described as follows, to-wit:

The N $\frac{3}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14, Township 123, Range 33, Stearns County, Minnesota, lying Northeasterly of the Northeasterly right-of-way line of Minnesota State Highway No. 4.

Containing 23.53 acres, more or less.

AND ALSO:

TRACT B:

That part of the West Half of the Northwest Quarter, Section 14, Township 123, Range 33, Stearns County, Minnesota described as follows:

Commencing at the Southeast corner of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), thence South 00 degrees 21 minutes 39 seconds West (assumed bearing) along the East line of said West Half a distance of 138.02 feet more or less to the Northeasterly right-of-way line of State Highway No. 4; thence North 38 degrees 58 minutes 24 seconds West along said Northeasterly right-of-way line a distance of 558.60 feet; thence North 50 degrees 57 minutes 37 seconds East a distance of 68.21 feet; thence North 71 degrees 57 minutes 01 seconds East 317.61 feet to the East line of said West Half; thence South 00 degrees 21 minutes 39 seconds West along the East line of said West Half a distance of 437.65 feet to the point of beginning. Containing 2.43 acres, more or less.

AND ALSO:

TRACT C:

That part of the Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter and of Lot 1, Kraemer's Addition to Lake Henry, Minnesota, according to the recorded plat thereof described as follows: Beginning at the northeast corner of said Lot 1; thence South 88 degrees 08'13" East on an assumed bearing along the Easterly extension of the North line of said Lot 1 a distance of 72.82 feet to the Easterly right-of-way line of a street platted in said Kraemer's Addition to Lake Henry; thence South 23 degrees 08'13" East along said right-of-way line 7.82 feet to a point distant 130.00 feet from the Northwest corner of Lot 10, Kraemer's Addition to Lake Henry as measured along said right-of-way line; thence South 88 degrees 08'13" East 282.17 feet to the Southwesterly right-of-way line of State Trunk Highway #4; thence Northwesterly 299.07 feet along last mentioned right-of-way line and along a non-tangential curve concave to the Southwest having a radius of 1,070.92 feet and a central angle of 16 degrees 00'02" the chord of said curve bears North 31 degrees 15'01" West; thence North 39 degrees 15'02" West tangent to said curve and along said right-of-way line 339.93 feet; thence North 89 degrees 51'38" West 185.17 feet to its intersection with a line 100 feet West of, measured at right angles to and parallel with the West line of said Southeast Quarter of the Northwest Quarter; thence South 00 degrees 08'22" West along said parallel line 841.39 feet to its intersection with the South line of said Southwest Quarter of the Northwest Quarter; thence South 89 degrees 23'07" East 100.00 feet to the Southeast corner of said Southwest Quarter of the Northwest Quarter; thence North 00 degrees 08'22" East 345.91 feet to its intersection with the North line of said Lot 1; thence South 88 degrees 08'13" East along said North line 98.25 feet to the point of beginning, all in Section 14, Township 123, Range 33, Stearns County, Minnesota. Said tract containing 5.26 acres, more or less.

2. That the Township of Lake Henry does, upon the passage of this Resolution and its adoption by the City Council of the City of Lake Henry, 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 Lake Henry. Further, the City of Lake Henry 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. With appropriate services Tract A will become an urban commercial development. Tract B is owned by the City of Lake Henry and used as a municipal wastewater facility. Tract C is presently a commercial property. Therefore, this property should be annexed to the City of Lake Henry. The current population residing on this property is zero.

4. There is no effect of this proposed annexation on population because there is no current occupants residing on the above-described premises. Any further population of the above-described premises shall be treated for all purposes as part of the population of the City of Lake Henry immediately upon approval of annexation of the above-described premises 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 Lake Henry Township. All taxes and assessments accrued after the date of annexation are the property of the City of Lake Henry, subject only to the provisions of Paragraph 8 below. The City of Lake Henry, by 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 Lake Henry Township and shall bear the responsibility associated with those rights.

6. The tax levy of the City of Lake Henry 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 level on property already within the City of Lake Henry.

7. 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 shall be based on costs to the City determined from a bid to be obtained at the time of the hook-up. C) Assessments for improvements shall be payable over the same number of years and at the same rate of interest 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) In the first year after annexation the township shall receive 90% of that base tax;

- B) In the second year after annexation the township shall receive 70% of that base tax;
- C) In the third year after annexation the township shall receive 50% of that base tax;
- D) In the fourth year after annexation the township shall receive 30% of that base tax; and
- E) Finally, in the fifth year after annexation the township shall receive 10% of the base tax.

Thereafter, all taxes collected shall belong to the City of Lake Henry.

9. 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.

10. Any alterations, variations, modifications or waivers of the provisions of this Joint Resolution for Orderly Annexation shall only be valid if they have been reduced to writing and signed by authorized representatives of the parties.

11. The provisions of this Joint Resolution for Ordering Annexation shall be deemed severable. If any part of this contract is rendered void, invalid, or unenforceable, such rendering shall not 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 agreement 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.

12. This Joint Resolution for Orderly Annexation 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.

13. It is specifically acknowledged and understood by the parties hereto 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 LAKE HENRY

Passed and adopted by the City Council of the City of Lake Henry this 24th day of March, 2003.

Attest:

Rhonda Zugmeier
City Clerk
LAKE HENRY TOWNSHIP

Eric Pedersen
Mayor

Passed and adopted by the Town Board of the Town of Lake Henry this 21st day of March, 2003.

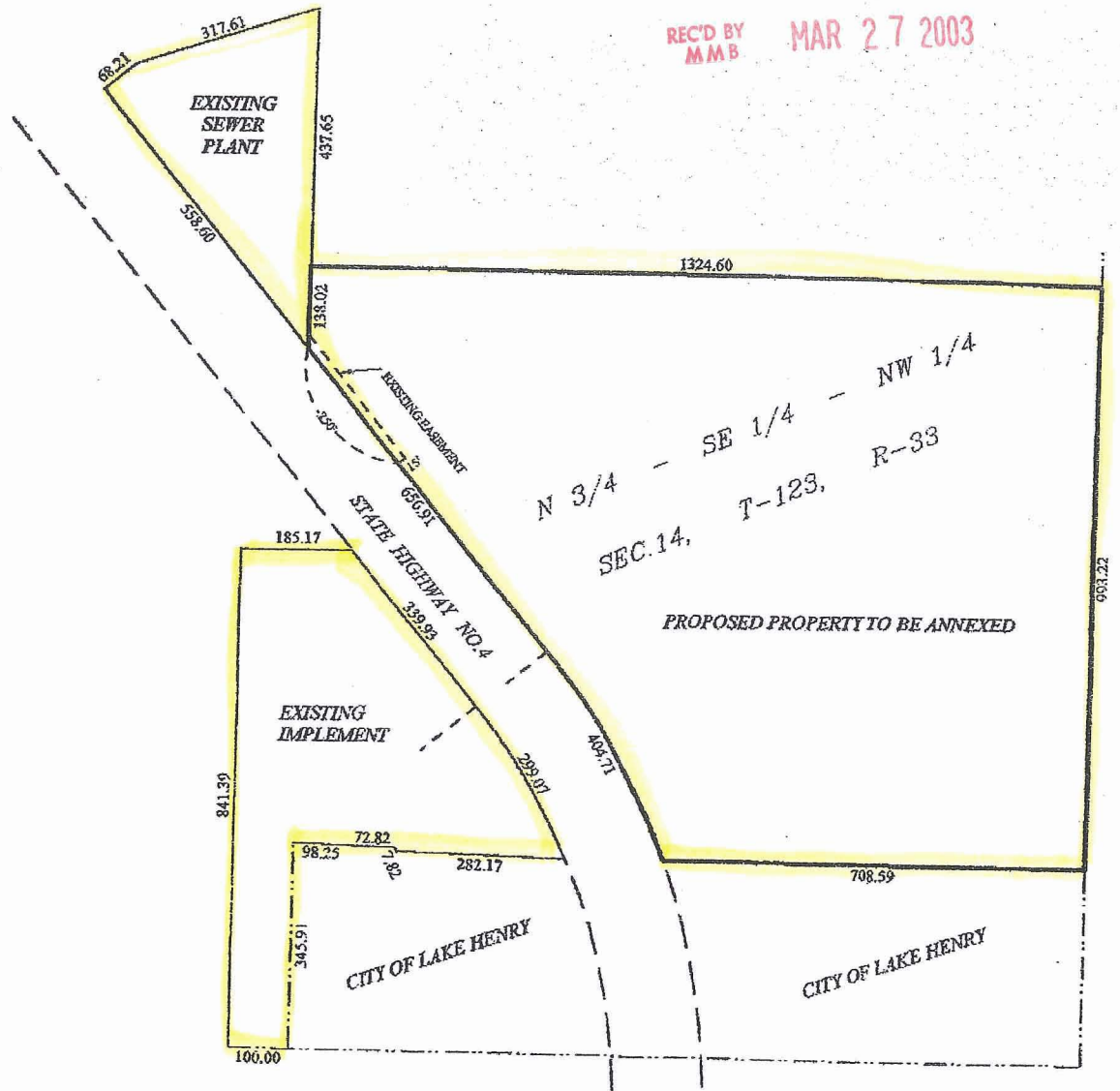
Attest:

Ralph Klassen
Town Clerk

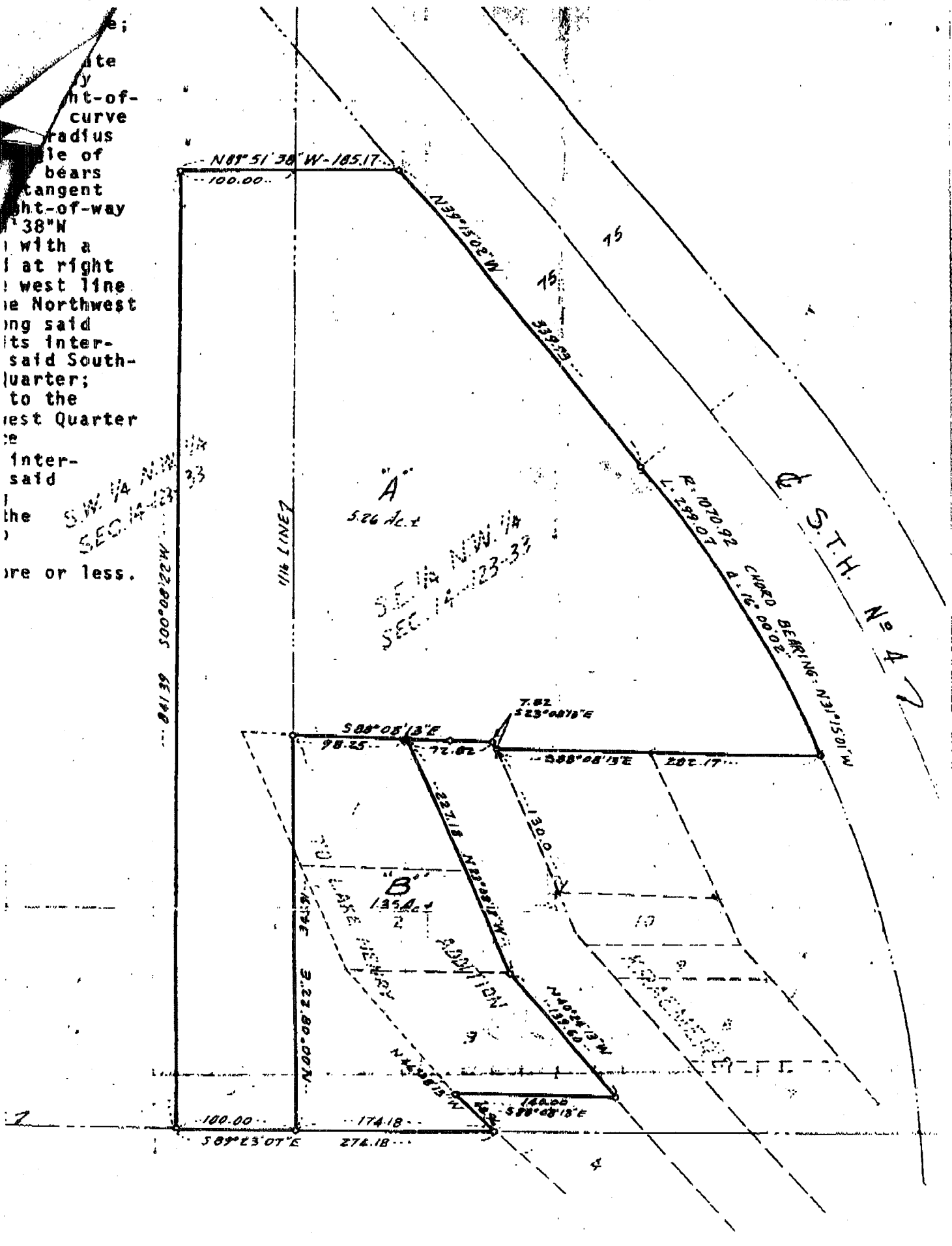
Joel Roelike
Chairman

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MMB

MAR 27 2003



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MMB

MAR 27 2003

EXISTING
SEWER
PLANT

1324.60

N 3/4 - SE 1/4 - NW 1/4
SEC. 14, T-123, R-33

PROPOSED PROPERTY TO BE ANNEXED

EXISTING
IMPLEMET

ENCROACHMENT

STATE HIGHWAY NO. 4

HENRY

LAKE

VILLAGE / OF

LIMITS

CORPORATE

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35205

S. A. R.

NO.

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