

**JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN
AVON TOWNSHIP AND THE CITY OF AVON
(Grutsch Annexation)**

RECITALS

- A. The Town of Avon ("Town") and the City of Avon ("City"), both of Stearns County, Minnesota, agree on the orderly annexation of certain real property described in this resolution for orderly and planned services to the community.
- B. The property proposed to be annexed is not already part of another city, and it adjoins and is contiguous to the City (see attached map).
- C. All owners of the property proposed to be annexed have petitioned the City for annexation.
- D. An orderly annexation of the proposed property is in the best interest of the area proposed for annexation.

RESOLUTION

In consideration of this resolution's mutual terms and conditions, the Town and City jointly resolve and enter into this Joint Resolution for Orderly Annexation ("Joint Resolution") as follows:

1. **Designation of Orderly Annexation Area.** The Town and City designate the area set forth on the map attached as Exhibit 1 and the legal description of the properties attached as Exhibit 2 (designated property) as subject to orderly annexation pursuant to Minnesota Statutes 414.0325.
2. **Minnesota Office of Strategic and Long Range Planning Jurisdiction.** Upon approval by the Town Board and City Council, this Joint Resolution shall confer jurisdiction upon the Minnesota Office of Strategic and Long Range Planning to approve annexation of the designated property pursuant to Minnesota Statutes 414.0325.

3. **No Alteration of Boundaries.** The Town and City agree and state that no alterations by the Office of Strategic and Long Range Planning of the designated property's stated boundaries is appropriate.

4. **Office of Strategic and Long Range Planning Review and Comment.** The Town and City agree and state that this Joint Resolution sets forth all the conditions for annexation of the designated property, and no consideration by the Office of Strategic and Long Range Planning is necessary. The Office of Strategic and Long Range Planning may review and comment, but shall order the annexation of the designated property according to this Joint Resolution's terms within 30 days of the Office of Strategic and Long Range Planning's receipt of this Joint Resolution.

5. **Planning and Land Use Control Authority.** Upon the annexation's effective date, the City's zoning regulations and land use controls shall govern the designated property.

6. **Acreage and Population.** The designated property consists of approximately eight (8) acres and has a current population of 0.

7. **Authorization.** The Town and City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.

8. **Modification.** The Town and City may modify, amend or terminate this Joint Resolution only by a mutually signed, written agreement.

9. **Severability.** A determination by any court of competent jurisdiction that any provision of this Joint Resolution is invalid, illegal or unenforceable shall not affect the validity of this Joint Resolution's other provisions. If any of this Joint Resolution's provisions is inapplicable to any person or circumstance, it shall still remain applicable to all other persons or circumstances.

10. **Effective Date.** This Joint Resolution shall be effective from the date of the Office of Strategic and Long Range Planning's order calling for the designated property's annexation to the City.

11. **Governing Law.** Minnesota law will govern this Agreement.

The Town of Avon Board of Supervisors adopts this Joint Resolution on

August 6th, 2003.

TOWN OF AVON

By

Kenneth A. Stamer
Board of Supervisors Chairperson

ATTEST:

Rene M. Smith
Town Clerk

The Avon City Council adopts this Joint Resolution on July 7th, 2003.

CITY OF AVON

By

Margaret Evans
Mayor

ATTEST:

John A. Stamer
City Clerk/Administrator

EXHIBIT 1

REC'D BY
MMB

AUG 18 2003

MAP

AUG 18 2003

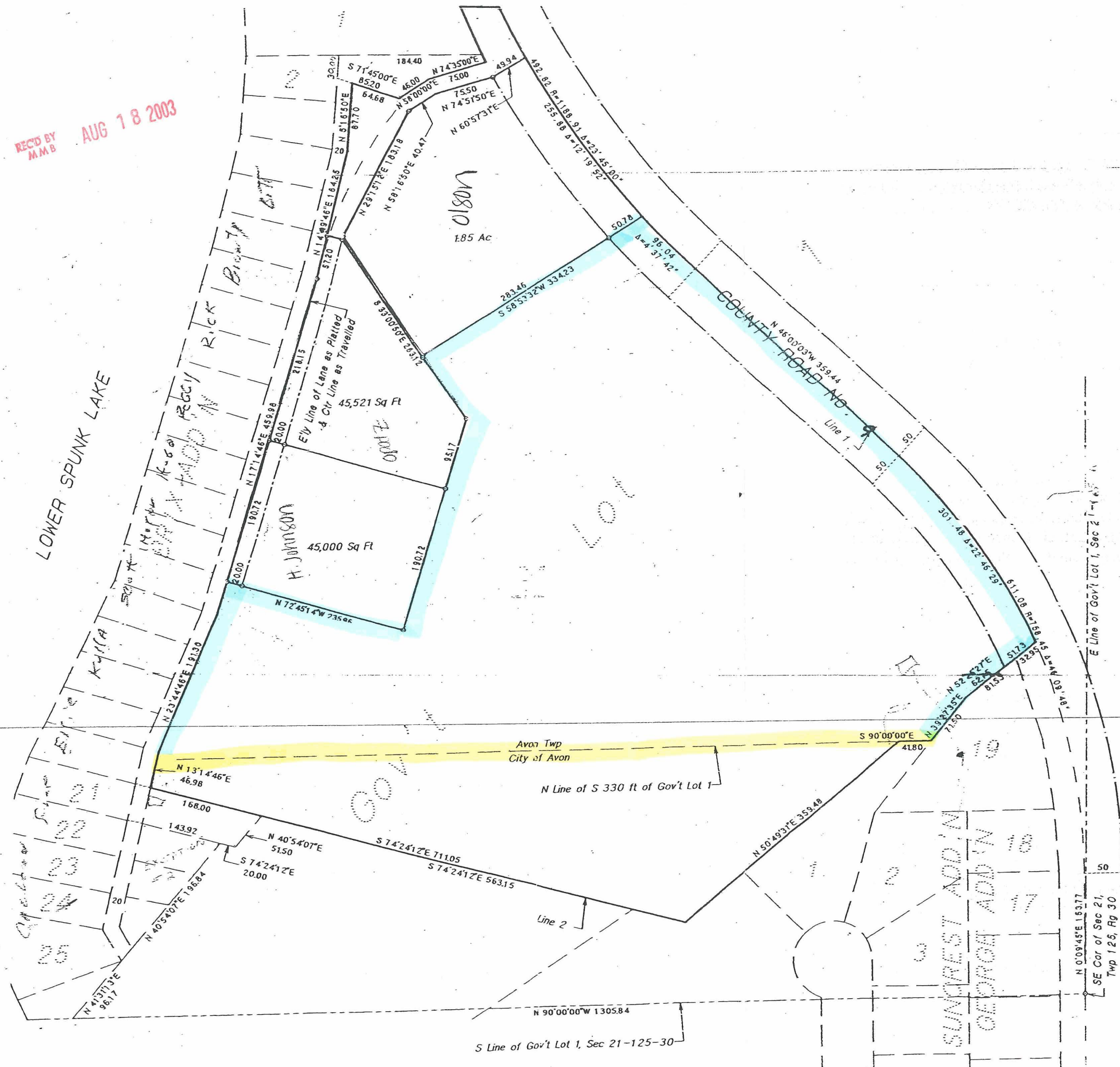


EXHIBIT 2**LEGAL DESCRIPTION**

That part of Government Lot 1, Section 21, Township 125, Range 30, Stearns County, Minnesota which lies southwesterly of Line 1 described below, northerly of Line 2 describe below and easterly of the easterly right of way line of the Lane as shown on BRIX ADDITION, a duly recorded plat, except therefrom the three following described parcels:

1. Beginning at the southeast corner of Lot 1 of said BRIX ADDITION; thence west along the south line thereof for 184.40 feet to an iron monument being the northeast corner of Lot 2 in said BRIX ADDITION; thence southwesterly along the easterly line of said Lot 2 for 30.00 feet; thence South 71° 45' East for 85.20 feet; thence North 58° 00' East for 46.00 feet; thence North 74° 35' East 75.00 feet to a point on the westerly right of way line of County Road No. 9; thence northwesterly to the point of beginning.
2. Beginning at the northeast corner of Lot 21 of said BRIX ADDITION; thence southeasterly along the northerly line of said Lot 21 produced for 168.00 feet; thence southwesterly for 51.50 feet to a point on the southerly line of said Lot 21 produced distant 143.92 feet southeasterly of the southeast corner of said Lot 21; thence northwesterly along the southerly line of said Lot 21 produced for 20.00 feet; thence southwesterly to the southeasterly corner of Lot 25 in said BRIX ADDITION; thence continue along the last mentioned line to the shore of Lower Spunk Lake; thence northwesterly to the southwest corner of said Lot 25; thence northeasterly to the southeast corner of said Lot 25; thence northwesterly to the northeast corner of said Lot 25; thence northeasterly along the easterly lines of Lot 24, 23, 22, and 21 to the point of beginning.
3. Beginning at a point on Line 1 described below distant 1220.34 feet northwesterly, as measured along said Line 1, of its point of beginning; thence South 58° 53' 32" West for 334.23 feet; thence North 33° 00' 50" West for 186.39 feet; thence North 29° 15' 12" East for 183.18 feet; thence North 58° 16' 50" East for 40.47 feet; thence North 74° 51' 50" East for 75.50 feet; thence North 60° 57' 31" East for 49.94 feet to said Line 1; thence southeasterly along said Line 1 for 255.88 feet to the point of beginning.

Subject to the right of way of County Road No. 9 as per easement recorded in Book 263 of Deeds, page 2 in the office of the County Recorder in and for said county.

Line 1: Beginning at the southeast corner of said Section 21, from which the east line of said section is assumed to bear North 0° 58' 23" East; thence North 0° 09' 45" East for 153.77 feet; thence deflect to the left along a tangential curve, having a radius of 758.45 feet and a central angle of 46° 09' 48", for 611.08 feet; thence North 46° 00' 03" West on tangent to said curve for 359.44 feet; thence deflect to the right along tangential curve, having a radius of 1188.91 feet and a central angle of 23° 45' 00", for 492.82 feet and there terminating.

Line 2: Commencing at the southeast corner of said Section 21; thence West (assumed bearing) along the south line of said Section 21 for 1305.84 feet to the

point of beginning of the line to be described; thence North $41^{\circ} 31' 13''$ East for 96.17 feet to the most easterly corner of Lot 25; BRIX ADDITION; thence North $40^{\circ} 54' 07''$ East for 196.84 feet; thence South $74^{\circ} 24' 12''$ East for 20.00 feet; thence North $40^{\circ} 54' 07''$ East for 51.50 feet; thence South $74^{\circ} 24' 12''$ East for 563.15 feet; thence North $50^{\circ} 49' 31''$ East for 359.48 feet; thence East parallel with said south line of Section 21 for 41.80 feet to the northwesterly line of Lot 19, GEORGE ADDITION, a duly recorded plat; thence northeasterly along the northwesterly line of said Lot 19 and along the northeasterly extension thereof to Line 1 described above and there terminating.

LESS: That part of Government Lot 1, Section 21, Township 125 Range 30, described as follows: Commencing at the SE corner of Lot 3, Brix Addition; thence South $79^{\circ} 56' 42''$ East along the Southerly line of said Lot 3 extended 69.50 feet; thence S. $29^{\circ} 15' 12''$ West 114.78 feet to an iron monument in place, the point of beginning of the tract to be described; thence South $33^{\circ} 00' 50''$ East 283.12 feet to an iron monument in place; thence South $17^{\circ} 14' 46''$ West 285.89 feet; thence N. $72^{\circ} 45' 14''$ West 235.96 feet to the Easterly right of way line of Lane as platted in said Brix Addition; thence N. $17^{\circ} 14' 46''$ East along the Easterly line of said lane 408.87 feet; thence North $14^{\circ} 49' 46''$ East along the Easterly line of said lane 57.20 feet; thence South $75^{\circ} 10' 14''$ East 20.67 feet to the point of beginning.

LESS: The property situated in Avon Township described as a tract of land lying in and being a part of Government Lot 1, Section 21, Township 125, Range 30 bounded by a line described as follows: Commencing at a point on the Easterly line of Lot 2, Brix Addition, said point being 30 feet Southerly of the Iron Monument at the NE corner of said Lot 2; thence South $71^{\circ} 45'$ East a distance of 85.20 feet to a point (X) on the Northerly right of way line of a 20 foot public roadway leading from the Southerly lots of said Brix Addition to the State Aid Road which abuts the Easterly line of Lot 1, Brix Addition; thence from said point X along the Northwestern right of way line of said 20 foot public roadway South $29^{\circ} 15' 12''$ to a point (Y) said Point Y being a point where an extension of the Southerly line of Lot 3, Brix Addition would intersect the Northwestern right of way line of the aforesaid 20 foot public roadway; thence from said Point Y Northwesternly to the SE corner of Lot 3, Brix Addition; thence along the Easterly line of Lots 2 & 3 of Brix Addition, Northeasterly 90.60 feet to the point of beginning, said tract being conveyed for purpose of attachment to a contiguous lot, to-wit; Lots 2 & 3, Brix Addition, and which tract hereafter shall not be considered a separate tract, lot, parcel or subdivision of land for purposes of conveyance, but rather a part of the lot to which it is being attached.

Parcel No. 42.26200.000