

2003 - 41

IN THE MATTER OF THE JOINT RESOLUTION OF THE TOWNSHIP 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 DEPARTMENT OF ADMINISTRATION 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 on Exhibit A, which is attached hereto and incorporated herein by reference.

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 Department of Administration, confer jurisdiction on the Department of Administration over the various provisions contained in this agreement.

3. That the property described on Exhibit A attached hereto and incorporated herein by reference 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 in this area within a reasonable time after annexation and annexation would be in the best interest of the area proposed to be annexed. Now, 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 Department of Administration.

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 portions over a period of two (2) years to an equality with the tax level on the property already within the City of Paynesville.

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 the 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 hook-up; and
- c) Assessment for an improvement 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 that are annexed by the City pursuant to this agreement, of the tax base 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 that base tax.

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

9. The land described in Exhibit A attached hereto and incorporated herein by reference 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 Department of Administration.

10. No consideration by the Department of Administration is necessary. The Board may review and comment, but shall, within thirty (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 Joint Resolution for Orderly Annexation shall only be valid if they have been reduced to writing and signed by authorized representatives of the parties.

12. The provisions of this Joint Resolution for Orderly Annexation shall be deemed to be 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 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 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.

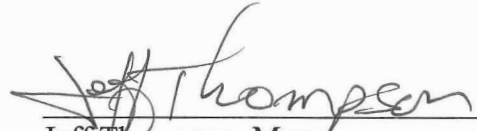
14. It is specifically acknowledged and understood that the parties are represented by and have available to them, independent counsel. As a matter of convenience, one party to this agreement may have taken on the bulk of the task of drafting this agreement. This agreement shall not be construed against 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 23rd day of
July, 2003.

Attest:


Steve Helget, City Administrator


Jeff Thompson, Mayor

PAYNESVILLE TOWNSHIP

Passed and adopted by the Town Board of the Town of Paynesville this 25 day of
August, 2003.

Attest:


Town Clerk, Don Wiese



Chairman, Don Pietsch

EXHIBIT A

That part of Section 17 and 20, Township 122, Range 32, Stearns County, Minnesota described as follows, to-wit: Commencing at the Southwest corner of said Section 17; thence North 89 degrees 47 minutes 57 seconds East, along the line between said sections, a distance of 1282.07 feet; thence South 74 degrees 23 minutes 57 seconds East 1005.94 feet to the point of beginning of the property to be described; thence North 74 degrees 23 minutes 57 seconds West 1005.94 feet to a point on the line between said sections; thence South 89 degrees 47 minutes 57 seconds West 1282.07 feet to the Southwest corner of said Section 17; thence North 00 degrees 32 minutes 32 seconds West, along the West line of the Southwest Quarter of said Section 17, a distance of 1326.42 feet; thence South 74 degrees 23 minutes 57 seconds East 67.70 feet; thence North 89 degrees 44 minutes 39 seconds East 1116.23 feet; thence North 00 degrees 29 minutes 26 seconds West 83.96 feet; thence North 88 degrees 51 minutes 39 seconds East 819.76 feet; thence South 45 degrees 55 minutes 03 seconds East 1129.00 feet; thence South 00 degrees 34 minutes 03 seconds East 618.17 feet to the South line of said Section 17; thence North 89 degrees 48 minutes 28 seconds East along said South line of Section 17 a distance of 567.04 feet more or less to the Westerly right-of-way line of State Highway Number 23; thence Southerly along said Westerly right-of-way line to its intersection with a line which bears South 65 degrees 52 minutes 07 seconds East from the point of beginning; thence North 65 degrees 52 minutes 07 seconds West 966.57 feet to the point of beginning.

And that part of Section 18, Township 122, Range 32, Stearns County, Minnesota described as follows, to-wit: Beginning at the Southeast corner of said Section 18; thence North 89 degrees 55 minutes 26 seconds West, along the South line of said section, a distance of 1332.68 feet; thence North 00 degrees 29 minutes 58 seconds West, along the West line of the East Half of said Southeast Quarter, a distance of 734.63 feet; thence North 74 degrees 23 minutes 57 seconds West 2839.56 feet; thence North 15 degrees 36 minutes 03 seconds East 492.01 feet to a point in the South line of the North 20 acres of the Northeast Quarter of the Southwest Quarter of said section; thence North 89 degrees 47 minutes 36 seconds West, along said South line, a distance of 68.50 feet to the Southwest corner of said North 20 acres; thence North 00 degrees 16 minutes 27 seconds West, along the West line thereof, a distance of 411.88 feet; thence South 74 degrees 23 minutes 57 seconds East 1381.71 feet to a point on the East line thereof; thence North 00 degrees 27 minutes 24 seconds West, along said East line, a distance of 57.23 feet; thence South 74 degrees 23 minutes 57 seconds East 1385.40 feet to a point on the East line of the West Half of the Southeast Quarter of said section; thence South 00 degrees 29 minutes 58 seconds East, along said East line, a distance of 43.30 feet; thence South 89 degrees 55 minutes 26 seconds East 1331.44 feet to its intersection with the East line of said section; thence South 00 degrees 32 minutes 32 seconds East 1654.10 feet to the point of beginning.

Containing 203 acres more or less.

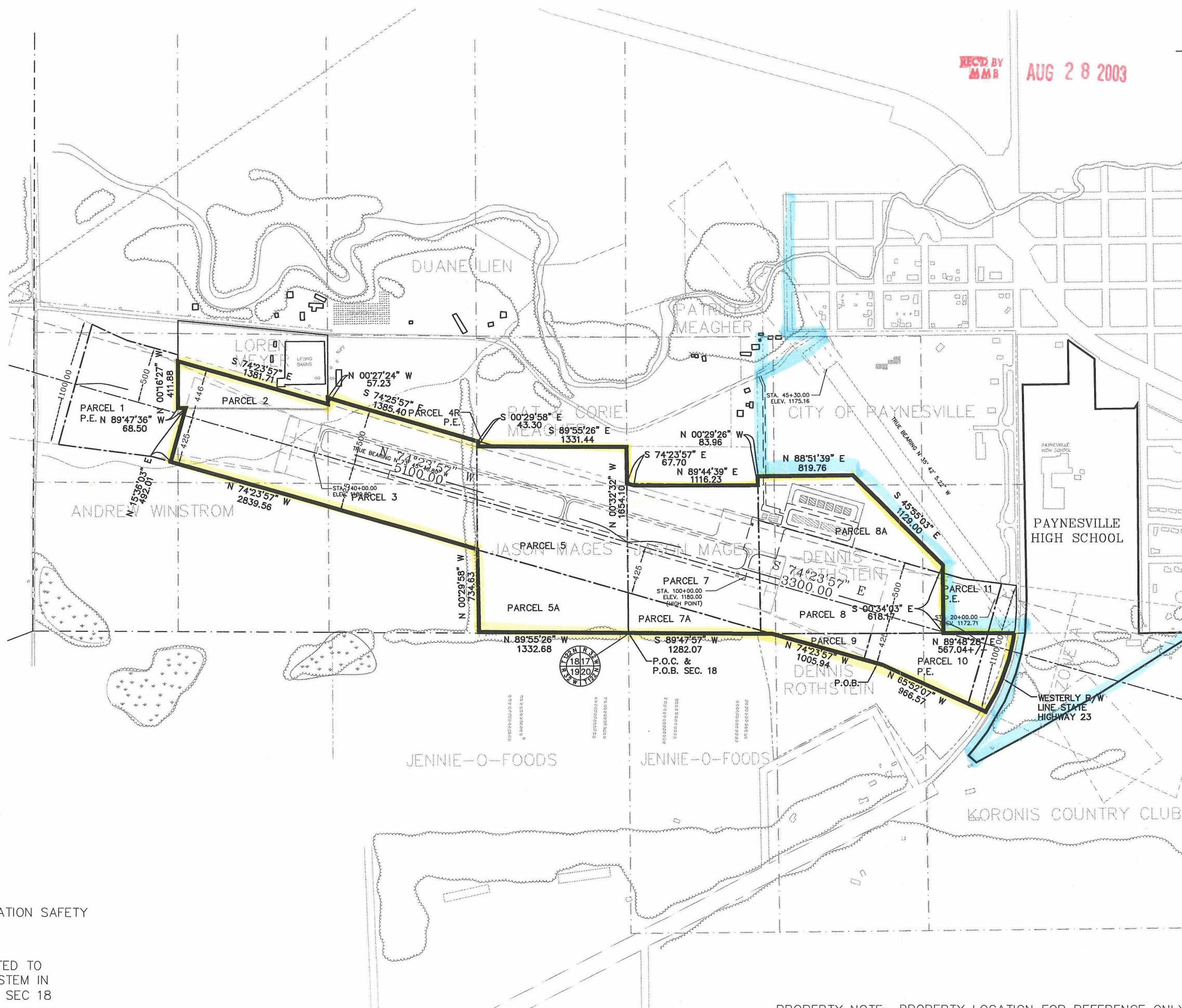


MAGNETIC DECLINATION = 3.45° E
SOURCE: GEOMAGNETIC INFORMATION CENTER,
USGS, SEPTEMBER 1, 1998

GRAPHIC SCALE IN FEET

0 400 800 1200

REC'D BY
MMB
AUG 28 2003



AIRPORT DESCRIPTION SKETCH
PAYNESVILLE MUNICIPAL AIRPORT