

CITY OF PARK RAPIDS RESOLUTION NUMBER #2017-39

TOWNSHIP OF TODD RESOLUTION NUMBER 2017.02.13

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARING

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF PARK RAPIDS AND THE
TOWNSHIP OF TODD DESIGNATING
CERTAIN AREAS AS IN NEED OF ORDERLY
ANNEXATION PURSUANT TO MINNESOTA
STATUTES, SECTION 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, a property owner, Itasca-Mantrap Co-Op Electrical Association, with property located within the Township of Todd ("Township") and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, petitioned the City of Park Rapids ("City") and Township seeking annexation of that property to the City; and

WHEREAS, for ease of reference, the area of the Township proposed for annexation in accordance with this Joint Resolution and legally described in Exhibit A (hereinafter referred to as the "Subject Area") is shown on the map, Exhibit B, which is also attached hereto and incorporated herein by reference; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the Subject Area legally described in Exhibit A; and

WHEREAS, the Subject Area is currently vacant property, in close proximity to the City, and is in need of orderly annexation since the Subject Area is about to become urban or suburban and in need of City services based on the development thereof; and

WHEREAS, the City has available capacity to provide needed services to the Subject Area; and

WHEREAS, the City and Township agree that orderly annexation of the Subject Area is in the best interest of the property owner and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the City and Township agree that the Subject Area legally described in Exhibit A is in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the Subject Area without the need for any further hearing before the Office of Administrative Hearings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Park Rapids and the Board of Supervisors of the Township of Todd as follows:

1. Designation of Subject Area. The Township and City hereby designate the Subject Area legally described in Exhibit A for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325.
2. Acreage of Subject Area. The Subject Area is approximately 40 acres.
3. Map of Subject Area. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B and is hereby incorporated herein by reference.
4. Population of Subject Area. The population of the Subject Area is 0.
5. No Hearing Required/Review and Comment Jurisdiction Only. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit is necessary. Upon the execution and filing of this Joint Resolution, the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit may review and comment hereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Tax Reimbursement. Pursuant to Minnesota Statutes, Section 414.036, the City and Township agree that upon annexation of the Subject Area legally described in Exhibit A, the City shall reimburse the Township for 100% of the loss of the property taxes distributed to the Township in regard to the annexed Subject Area in the last year that property taxes from the annexed Subject Area were payable to the Township for a period of three years at the amount of \$120.79 per year. The City and Township agree that the shall pay all three years of tax reimbursement as required by this paragraph in one lump sum payment of \$362.37 to the Township at any time on or before May 1, 2018.
7. Notice of Intent Not Applicable. This Joint Resolution is not subject to the notice and publication requirements of Minn. Stat. § 414.0325, subd. 1b, since this Joint Resolution designates the Subject Area for immediate annexation and all of the property owners of the Subject Area have petitioned the City and Township to be annexed.
8. Termination. This Joint Resolution shall remain in full force and effect until completion of tax reimbursement to the Township in accordance with paragraph 6 of this Joint Resolution.
9. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

10. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
11. Entire Agreement. The terms, covenants, conditions and provisions of this Joint Resolution shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations except for the following:
- Joint Resolution for Orderly Annexation by and Between Todd Township and the City of Park Rapids in Settlement of Minnesota Planning File No. A-6560 Park Rapids; and
 - Joint Resolution by and Between Todd Township and the City of Park Rapids Amending in Part the Joint Resolution for Orderly Annexation by and Between Todd Township and the City of Park Rapids in Settlement of Minnesota Planning File No. A-6560 Park Rapids.

This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the Township and City.

12. Legal Description and Mapping. The Township and City agree, in the event there are errors, omissions or any other problems with the legal description provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit, to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit as necessary to make effective the annexation of the Subject Area in accordance with the terms of this Joint Resolution.
13. Notice. Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by U.S. mail, postage prepaid, as follows:

If to the City:

City Clerk
Park Rapids City Hall

If to the Township:

Township Clerk
Todd Township

14. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.
15. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit and pay the required filing fee and all other costs to have this Joint Resolution filed with and approved by

State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit.

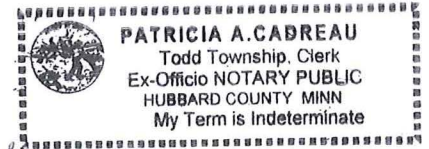
Passed, adopted, and approved by the Township Board of Supervisors of the Township of Todd, Hubbard County, Minnesota, this 13 day of February, 2017.

ATTEST:

TOWNSHIP OF TODD

By: Pat Cadreau
Pat Cadreau, Township Clerk

By: James Schauer
James Schauer, Chair



Passed, adopted, and approved by the City Council of the City of Park Rapids, Hubbard County, Minnesota, this 14th day of FEBRUARY, 2017.

ATTEST:

CITY OF PARK RAPIDS

By: Margie Vik
Margie Vik, City Clerk

By: Pat Mikesch
Pat Mikesch, Mayor

EXHIBIT A
Legal Description

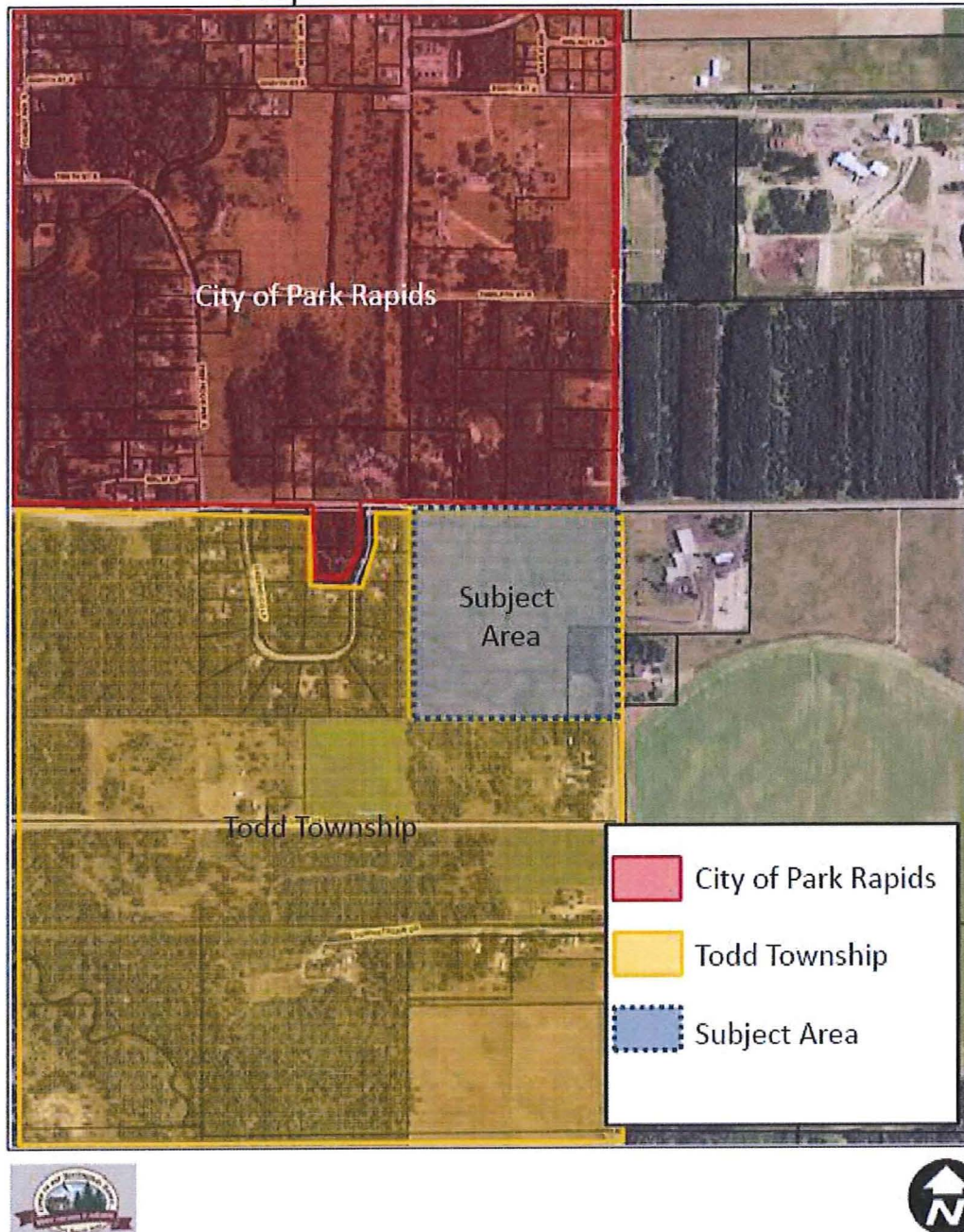
The Subject Area to be annexed in the attached Joint Resolution is legally described as follows:

Northeast Quarter of the Northeast Quarter, Section 36, Township 140 North, Range 35 West, Hubbard County, Minnesota.

EXHIBIT B
Boundary Map

The municipal boundary map referenced in the attached Joint Resolution, showing the current City of Park Rapids and its relation to the Subject Area to be annexed, legally described in Exhibit A, is attached hereto.

City of Park Rapids
Properties to Be Annexed in 2017



City of Park Rapids Boundary Map

