

CITY OF NORTHFIELD RESOLUTION NUMBER 2009-015

TOWNSHIP OF GREENVALE RESOLUTION NUMBER _____

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARING

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF NORTHFIELD AND THE TOWNSHIP
OF GREENVALE DESIGNATING A CERTAIN AREA
AS IN NEED OF ORDERLY ANNEXATION
PURSUANT TO MINNESOTA STATUTES,
SECTION 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, individual property owners with property located within the Township of Greenvale ("Township") and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, have petitioned the City of Northfield ("City") seeking annexation of that property to the City; and

WHEREAS, for ease of reference, the area of the Township petitioned for annexation in accordance with this Joint Resolution and legally described in Exhibit A is hereinafter referred to as the "Subject Area" and 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 agricultural property, abuts the City, and is in need of orderly annexation since the Subject Area is urban or suburban or about to become so as it is proposed for development as a business and industrial park; and

WHEREAS, the City has available capacity to provide needed municipal 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 owners 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(s) before the Minnesota Office of Administrative Hearings ("OAH").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Northfield and the Township Board of Supervisors of the Township of Greenvale, as follows:

1. Designation of Orderly Annexation Area. The City and Township hereby designate the Subject Area legally described in Exhibit A for immediate orderly annexation pursuant to Minn. Stat. § 414.0325.
2. Boundary Map. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B.
3. Acreage. The City and Township agree that the Subject Area is approximately 530 acres.
4. Population. The City and Township agree that the population of the Subject Area is 9.
5. No OAH Hearing Permitted. Pursuant to Minn. Stat. § 414.0325, the City and Township 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 Office of Administrative Hearings is necessary. Upon the execution and filing of this Joint Resolution, the

Office of Administrative Hearings 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 Minn. Stat. § 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 the loss of taxes from the property so annexed for the period and in accordance with the following schedule:

2009 - An amount equal to one hundred (100) percent of the 2009 Township property taxes, approximating what the Township would have otherwise received but for annexation of the Subject Area to the City if the Subject Area had remained in agricultural use, calculated by multiplying the net tax capacity of the Subject Area as agricultural property (taxable market value of the Subject Area as agricultural property times the applicable class rate for agricultural property for the respective payable tax year) times the Township's 2009 certified tax rate;

2010 - An amount equal to one hundred (100) percent of the 2010 Township property taxes calculated as provided above for 2009 but applying the Township's 2010 certified tax rate;

2011 - An amount equal to one hundred (100) percent of the 2011 Township property taxes calculated as provided above for 2009 but applying the Township's 2011 certified tax rate;

2012 - An amount equal to one hundred (100) percent of the 2012 Township property taxes calculated as provided above for 2009 but applying the Township's 2012 certified tax rate;

2013 - An amount equal to one hundred (100) percent of the 2013 Township property taxes calculated as provided above for 2009 but applying the Township's 2013 certified tax rate;

2014 - A one-time, lump sum payment calculated by multiplying the average of the Township's tax rates for the prior 5 years (2010-2014) times the net tax capacity of the Subject Area as agricultural property (taxable market value of the Subject Area as agricultural property times the applicable class rate for agricultural property for the respective payable tax year). The City shall pay to the Township the sum of 20 times said amount. The Township agrees that the lump sum payment provided herein approximates an amount sufficient to reimburse the Township for its share of the loss of property taxes from the annexation of the Subject Area as if it had remained in agricultural use for the next twenty years.

Thereafter, the City will no longer reimburse the Township for their portion of lost property taxes within the subject Area as a result of annexation thereof to the City. There shall be no further payments to the Township for the annexation of the Subject Area.

For purposes of calculating the above respective yearly amounts of reimbursement to the Township, property taxes shall be calculated as if the entirety of the Subject Area remains as agricultural property with an agricultural class rate, notwithstanding whether the Subject Area is developed otherwise. In the event that portions of the Subject Area following annexation become a class of property other than agricultural, the net tax capacity of said non-agricultural portion shall be calculated by applying proportionately the portion of the Subject Area remaining as agricultural property across the non-agricultural portion of the Subject Area as if said portion had remained agricultural property.

The City shall pay the Township the respective amounts provided herein on or before December 31 in each year specified.

7. Municipal Services in Subject Area. After annexation of the Subject area, the City shall be responsible for providing municipal governmental services to the annexed area.

8. Road Maintenance in Subject Area. The City agrees to assume responsibility for future road maintenance of North Avenue and Garrett Avenue that are adjacent to and included within the Subject Area immediately following annexation thereof.
9. Agricultural Uses in Subject Area. The Subject Area may be zoned agricultural by the City and if so zoned, such zoning will remain in effect following annexation for the term of this Joint Resolution, unless portions of the Subject Area are otherwise zoned or rezoned by the City for development purposes. For portions of the Subject Area zoned agricultural following annexation, the Township shall be the permit authority for continuing agricultural uses and any permit revenues from such continuing agricultural uses received by the City shall be paid to the Township within 90 days of receipt by the City. The City will exercise review and comment authority for all agricultural permitting activities in the Subject Area. The Township shall provide the City at least 30 days written notice of all permits for the City to review and comment thereon before issuing a permit, and all agricultural permits issued by the Township shall not conflict with development plans for the Subject Area, the City's zoning, or the City's comprehensive plan as said plan exists at the time. To the extent that the City finds that a permit is in conflict, said permit shall not be issued, and if issued, shall be declared null and void.
10. Residential Development in Subject Area. Unless otherwise agreed, residential land uses within the Subject Area during the term of this Joint Resolution will be limited to 20% of the net developable acres within the Subject Area.
11. Future Annexations – Comprehensive Plan. Unless otherwise agreed, the City will not initiate annexation of property located in the Township outside the Subject Area during the term of this Joint Resolution, which is inconsistent with the City's comprehensive plan as said plan exists at the time of annexation or as said plan may be amended from time to time thereafter. The Township agrees to maintain agricultural zoning and not to initiate incorporation or enter into any agreement with any other local unit of government for annexation of a portion of the Township during the term of this Joint Resolution.

Notwithstanding the foregoing, for a period of five years following the effective date of this Joint Resolution, the City may initiate annexations pursuant to Minn. Stat. §§ 414.0325 (orderly annexation by joint agreement with the Township) or 414.0335 (pollution/state mandated), but the City will not initiate a contested annexation pursuant to Minn. Stat. § 414.031 or an annexation by ordinance of property pursuant to Minn. Stat. § 414.033 in the Township outside the Subject Area, unless the City, prior to filing the annexation with the OAH, or its successor agency, receives a written petition from 100% of the property owners from within the proposed annexation area requesting annexation and the City does not receive a written objection from those property owners having property directly abutting the property proposed for annexation.

12. Limitation on Assessments. The City agrees that in the event the City levies any assessments for improvement of Garrett Avenue, those assessments shall be deferred for adjoining property owners for so long as the adjoining properties remain in agricultural use.
13. Term. This Joint Resolution shall remain in full force and effect until one of the following conditions takes place, whichever comes first:
 - a. Termination by mutual written joint resolution of the City and Township; or
 - b. Upon completion of tax reimbursement to the Township in accordance with paragraph 6 of this Joint Resolution; or
 - c. Twenty-five years from the effective date of this Joint Resolution.
14. Notice Not Required. 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 to be annexed.

15. Filing. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Office of Administrative Hearings - Municipal Boundary Adjustments Unit.
16. Governing Law. The City and Township agree that this Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
17. Headings and Captions. The Township and City agree that the headings and captions contained in this Joint Resolution are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
18. 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 between the parties.
19. Severability. In the event that any provision of this Joint Resolution is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect.
20. Legal Description and Mapping. The City and Township agree that 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 Office of Administrative Hearings, the City and Township agree 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 Office of Administrative Hearings as necessary to make effective the annexation of the Subject Area in accordance with the terms of this Joint Resolution.
21. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.

Passed, adopted, and approved by the Township Board of Supervisors of the Township of Greenvale, ~~the~~ ^{DAKOTA} ~~County~~ ^{RKM} ~~of~~ ^{MR} Greenvale, Minnesota, this 17 day of February, 2009.

ATTEST:

TOWNSHIP OF GREENVALE

By: *J. Dick Nelson*
Greenvale, Township Clerk

By: *Richard K. Moore*
Greenvale, Chair

Passed, adopted, and approved by the City Council of the City of Northfield, Rice County, Minnesota, this 23rd day of February, 2009.

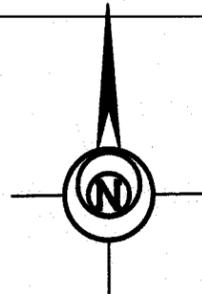
ATTEST:

CITY OF NORTHFIELD

By: *Debra Kittle*
Northfield, City Clerk

By: *Mary Moss*
Northfield, Mayor

SKETCH FOR LAND VISTA

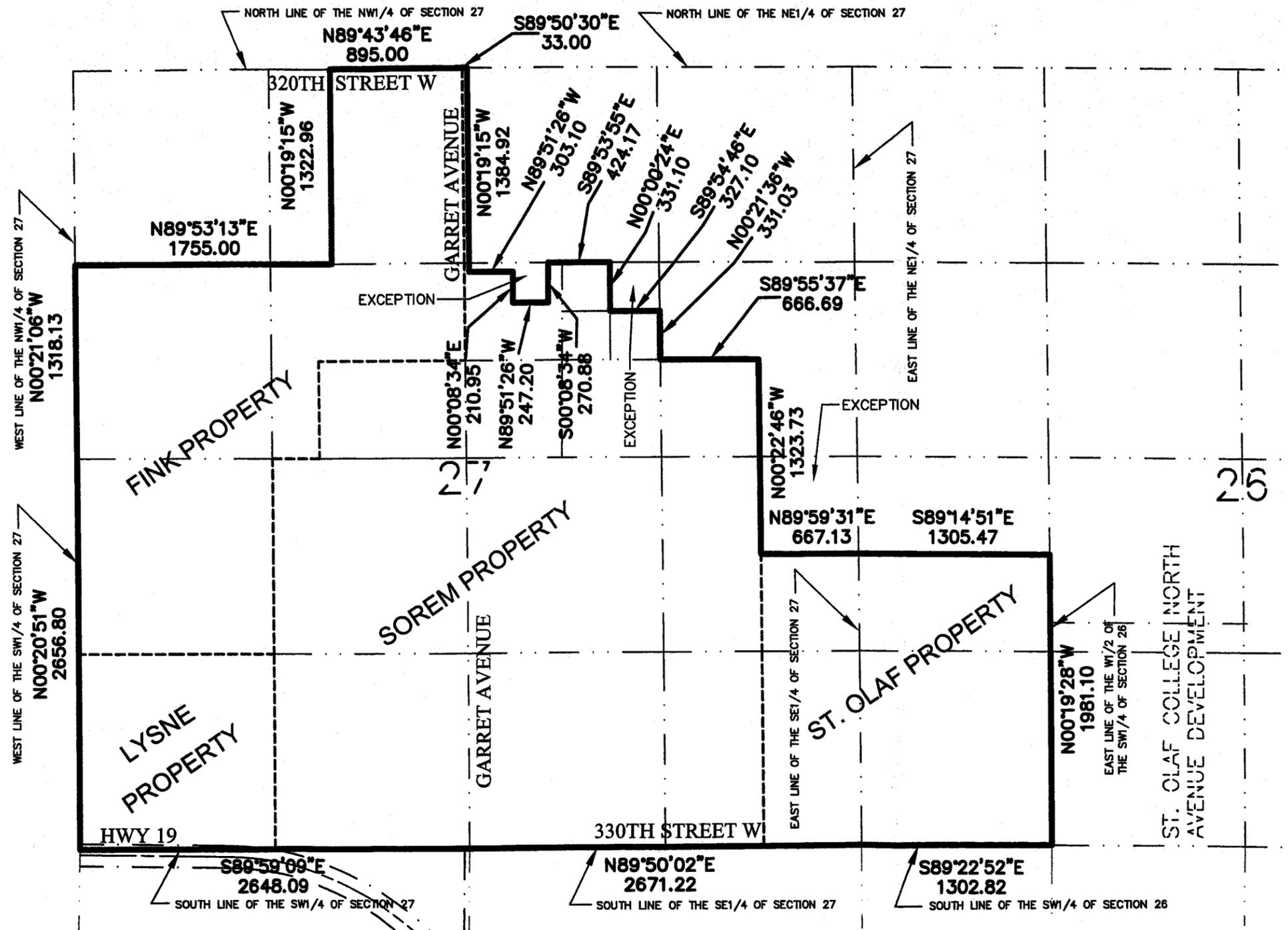


1" = 800'
12-12-08
REVISED: 2-9-09

PROPERTY DESCRIPTION

THE SW1/4 OF SECTION 27
AND THE S1/2 OF THE NW1/4 OF SECTION 27
AND THE EAST 895 FEET OF THE NE1/4 OF THE NW1/4 OF SECTION 27
AND THE WEST 33 FEET OF THE NW1/4 OF THE NE1/4 OF SECTION 27
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EXCEPT THE NE1/4 OF THE NE1/4 OF THE SE1/4 OF SAID SECTION 27.
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ALSO EXCEPT THAT PART OF THE SW1/4 OF THE NE1/4 OF SAID SECTION 27 DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SW1/4 OF THE NE1/4; THENCE EAST, ON THE NORTH LINE OF SAID SW1/4 OF THE NE1/4, A DISTANCE OF 33.00 FEET TO THE EAST RIGHT OF WAY LINE OF GARRET AVENUE AND THE POINT OF BEGINNING; THENCE EAST, ON THE NORTH LINE OF SAID SW1/4 OF THE NE1/4, A DISTANCE OF 550.78 FEET; THENCE S00°02'29"W, A DISTANCE OF 270.88 FEET; THENCE N89°57'31"W, A DISTANCE OF 247.20 FEET; THENCE N00°02'29"E, A DISTANCE OF 210.95 FEET; THENCE N89°57'31"W, A DISTANCE OF 303.10 FEET TO THE EAST RIGHT OF WAY LINE OF GARRET AVENUE; THENCE NORTH, ON SAID RIGHT OF WAY LINE, A DISTANCE OF 59.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 528.01 ACRES



NOTE: THIS IS NOT A SURVEY. THIS IS INTENDED FOR INFORMATIONAL PURPOSES ONLY.

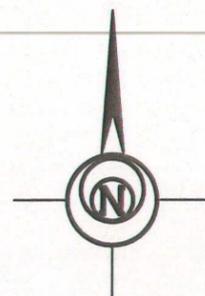
**Bohlen
Surveying & Associates**

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1584 Cliff Road E.
Burnsville, MN 55337
Phone: (952) 895-9212
Fax: (952) 895-9259

SKETCH FOR LAND VISTA

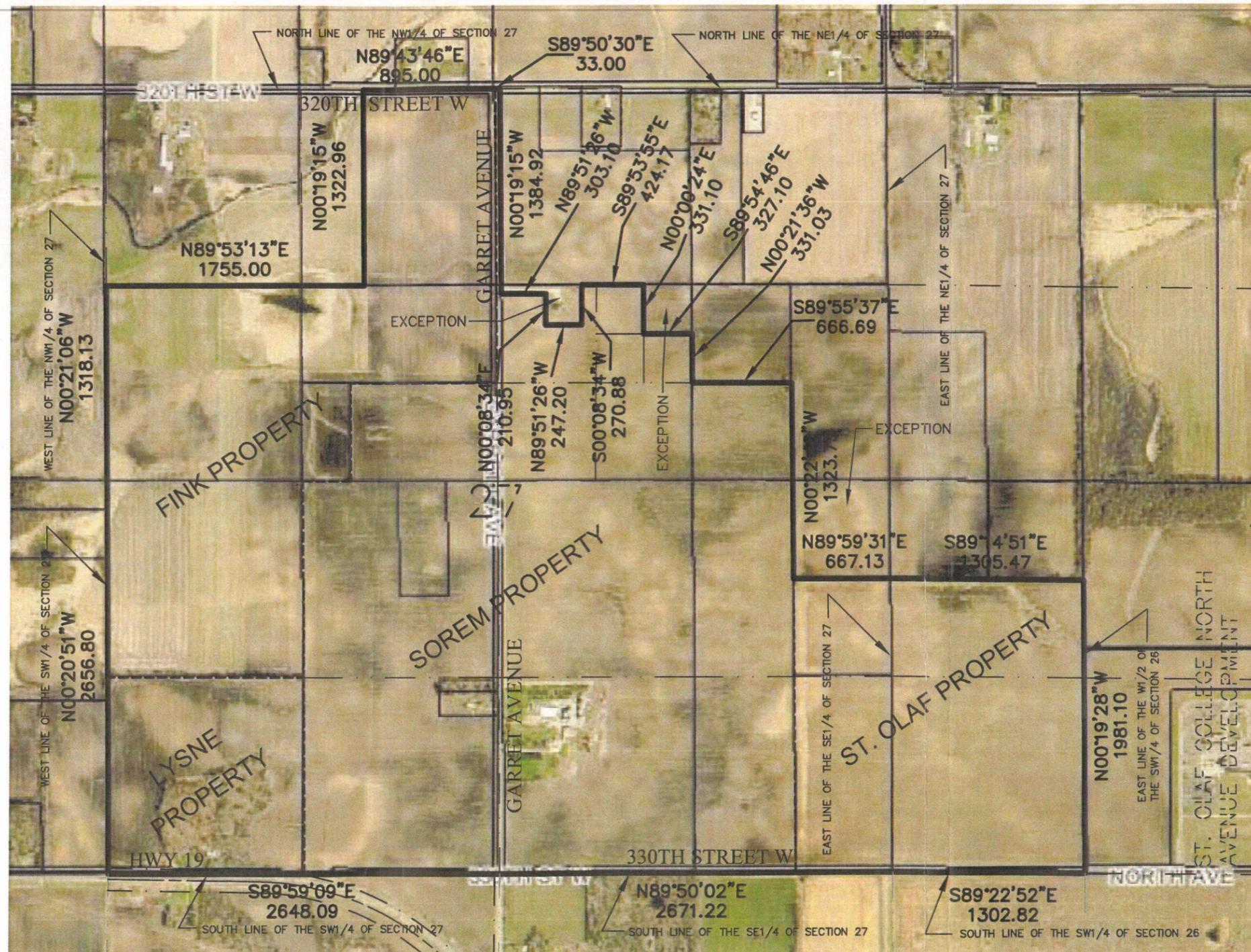


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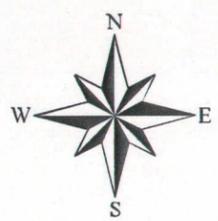
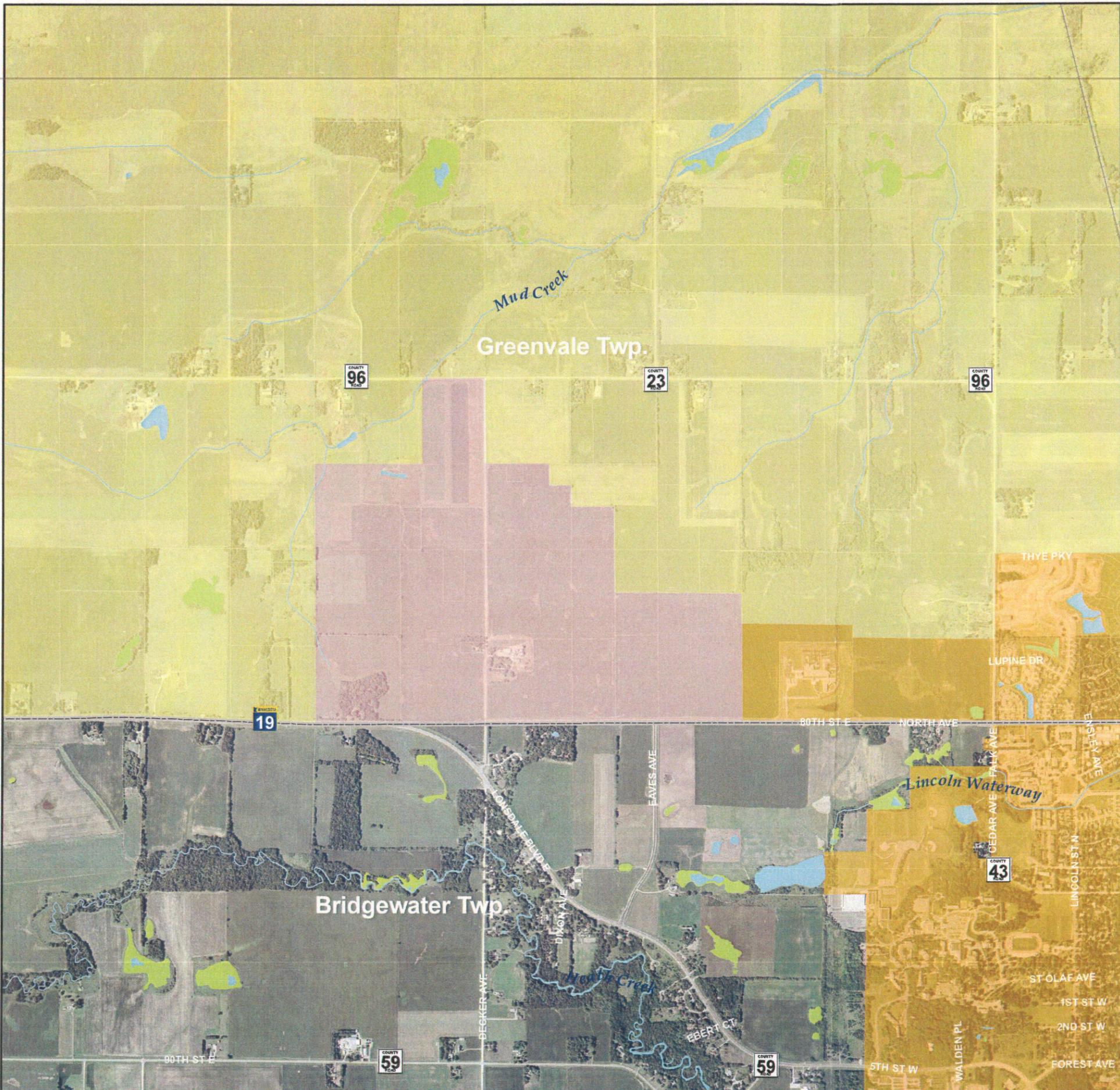
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Northfield Northwest Annexation



Legend

Annexation Area

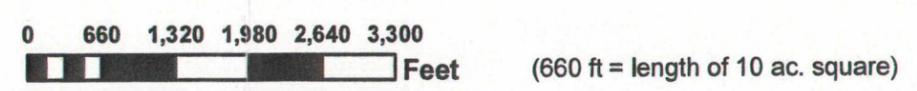
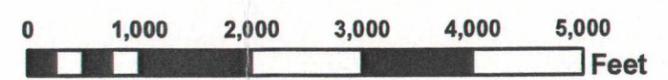
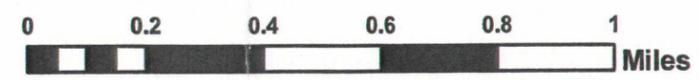
-  Northfield, 2009
-  Greenvale Twp., 2009

Municipal Boundaries

-  Northfield, 2008

Water Bodies

-  Pond/River/Creek
-  Wetland



Parcels: Rice Co., Dakota Co. (Sept. 9, 2008)
 Roads: MN/DOT (2008)
 Hydrography: U.S.G.S./City of Northfield (2008)
 Aerial Photo: U.S.D.A. (2008)

City Council Meeting Date: February 23, 2009

Regular

ITEM: 6a

Resolution: #2009-015

ITEM: Consider Approval of a Joint Resolution with Greenvale Township to Annex Approximately 530 Acres.

ACTION REQUESTED:

The City Council is being asked to approve Resolution #2009-015 that will approve the annexation of approximately 530 acres of property in Greenvale Township west of the Northfield Municipal Hospital.

The Greenvale Town Board of Supervisors approved this annexation at their meeting of February 17, 2009.

1. Option #1
The City Council can adopt Resolution #2009-015. This will approve the orderly annexation agreement between the City of Northfield and Greenvale Township which will approve of the annexation of approximately 530 acres west of the Northfield Municipal Hospital.
2. Option #2
The City Council can decide to not adopt Resolution #2009-015. This will deny approval the orderly annexation agreement between the City of Northfield and Greenvale Township which will deny approval of the annexation of approximately 530 acres west of the Northfield Municipal Hospital.
3. Option #3
The City Council can refer this matter back to City Staff for additional information.

Staff recommends that the City Council approve this joint resolution.

SUMMARY:

The owners of the property, the David Sorem family, John Fink, Don and Ruth Lysne and St. Olaf College, have filed a petition with the City seeking annexation as early as June of 2007. The petition for annexation has been evaluated by the Staff, and the Planning Commission held a public hearing on April 29, 2008, related to the annexation request. Both the Staff and the Commission have recommended that the annexation be approved.

In July of 2008 the City Council approved Resolution #2008-063 which approved on a preliminary basis the annexation of this property subject to a series of conditions that included:

1. The City and Greenvale Township enter into an orderly annexation agreement which is contained in Resolution #2009-015. This agreement is pursuant to Minnesota Statutes 414.0325.

2. The property owners seeking annexation sign an agreement with the City which is the subject of agenda Item 5b.

Since July of 2008 Staff has met monthly and on some occasions twice a month with the Greenvale Township Board of Supervisors negotiating the orderly annexation agreement.

A summarized list of the major points of the agreement include:

1. The area proposed for annexation is approximately 530 acres;
2. The number of people residing in the area to be annexed totals nine people;
3. The area to be annexed is described as Exhibit A attached to the orderly annexation agreement;
4. Tax reimbursement to the Township will occur according to the payment schedule included in the agreement for a period of six years. The amount of taxes to be paid is equal to the amount of taxes that the Township would have collected for the each of the next five years with payment in the sixth year being equal to the average of the initial five years of payment multiplied by 20;
5. The City of Northfield will be responsible for the maintenance of Garrett Avenue immediately upon annexation;
6. Greenvale Township will be responsible for administering zoning permits for property annexed as long as the property remains zoned agricultural;
7. No additional annexation can occur in Greenvale Township for a period of five years where there is not 100% consent for the annexation by all property owners seeking annexation and 100% of all property adjacent to the annexation consenting to the annexation;
8. Any assessment for improvements to Garret Avenue, should improvements occur, will be deferred as long as adjacent property to Garrett Avenue remains in an agricultural use;
9. The agreement will expire in 25 years.

The orderly annexation agreement has been prepared by the legal counsel representing the City of Northfield and has been reviewed by legal counsel representing Greenvale Township.

A copy of the full orderly annexation agreement along with the survey document that includes the legal description plus an aerial photograph of the area being annexed is attached to this Staff report.

SUBMITTED BY: Brian P. O'Connell, Community Development Director

ATTACHMENTS:

Joint Resolution #2009-015 (Orderly Annexation Agreement)