RESOLUTION #2001-318

TO THE OFFICE OF MINNESOTA PLANNING
A JOINT RESOLUTION
OF THE CITY OF NORTHFIELD AND THE TOWNSHIP OF NORTHFIELD DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA ON THE OFFICE OF MINNESOTA PLANNING PURSUANT TO MINN. STAT. 414.0325

WHEREAS, the City of Northfield and the Township of Northfield desire to accommodate growth in the most orderly fashion; and

WHEREAS, the City of Northfield and the Township of Northfield did adopt a joint resolution for orderly annexation on September 18, 1978 and October 10, 1978, respectively; and

WHEREAS, the City of Northfield and the Township of Northfield desire to rescind and replace the previous joint resolution for orderly annexation; and

WHEREAS, a joint orderly annexation agreement between the parties hereto is beneficial to both parties from the standpoint of orderly planning and orderly transition of government within the area proposed to be annexed, and provides the guidelines under which such annexation shall take place; and

WHEREAS, the Parties hereto desire to enter into a binding contract which encompasses the terms of this Joint Resolution;

NOW THEREFORE BE IT RESOLVED by the City of Northfield (sometimes hereinafter referred to as "the City") and the Township of Northfield (sometimes hereinafter referred to as "the Township") that the property described herein is designated for orderly annexation by the City of Northfield and shall be annexed subject to the following terms and conditions:

1. The property covered by this orderly annexation agreement is legally described as follows:

   The West Half of Section 5, Township 111 North, Range 19 West, Rice County, Minnesota, not already annexed and part of the City of Northfield. (Approximately 102.5 acres)

   TOGETHER WITH:

   The West Half of the Northeast Quarter of Section 5, Township 111 North, Range 19 West, Rice County, Minnesota, not already annexed and part of the City of Northfield. (Approximately 69.5 acres)

TOGETHER WITH:

The South Half of Section 7, Township 111 North, Range 19 West, Rice County Minnesota. (Approximately 320 acres)

TOGETHER WITH:

The West Half of Section 8, Township 111 North, Range 19 West, Rice County, Minnesota, (Approximately 320 Acres)

TOGETHER WITH:

The Southeast Quarter of the Northwest Quarter of Section 7, Township 111 North, Range 19 West, Rice County, Minnesota. Said tract contains 40 acres more or less. (Koester Property)

TOGETHER WITH:

The South 270.88 feet of the North 1,004.61 feet of the West 329.48 feet of the Northeast Quarter of Section 7, Township 111 North, Range 19 West of the Fifth Principal Meridian, Rice County, Minnesota. Said tract contains 2.05 acres more or less. (Wegner Property)

TOGETHER WITH:

The West Half of Section 32, Township 112 North, Range 19 West, Rice County, Minnesota, not already annexed and part of the City of Northfield. (Approximately 286.70 acres)

TOGETHER WITH:

The North 390 feet of the East 225 feet of the Northeast Quarter of the Northeast Quarter of Section 7, Township 111, Range 19, Rice County Minnesota. (Approximately 2.01 acres)

(All of which property is hereinafter referred to as "the Property") (Approximately 1,142.76 acres total).

2. The City of Northfield and the Township of Northfield hereby agree that the following described property, which is included within the orderly annexation area described above, be immediately annexed to the City of Northfield:

1. The Southeast Quarter of the Northwest Quarter of Section 7, Township 111 North, Range 19 West, Rice County, Minnesota. Said tract contains 40 acres more or less. (Koester Property)

This property described in this Section 2. 1. shall be zoned R-2 One and Two Family Residential immediately upon annexation.

TOGETHER WITH:

2. The South 270.88 feet of the North 1,004.61 feet of the West 329.48 feet of the Northeast Quarter of Section 7, Township 111 North, Range 19 West of the Fifth Principal Meridian, Rice County, Minnesota. Said tract contains 2.05 acres more or less. (Wegner Property)

   The property described in this Section II. 2. shall be zoned Agricultural immediately upon annexation.

3. Subsequent to the annexation of the property described in Section 2 and after December 31, 2001, the City of Northfield may annex land pursuant to the following schedule.

Beginning on January 1, 2002 the City may annex up to 160 acres of land in each of the following time periods listed below, with no more than 80 acres of land to be annexed in any one calendar year. If 80 acres of land is annexed in any one year then the City would not be able to annex additional land until six months after the date the said 80 acres was approved. by the Office of Minnesota Planning. However, this time limit shall not apply if it limits the ability of the City to annex the full amount of allowable acreage in any of the five-year time periods listed below.

1. January 1, 2002 through December 31, 2006
2. January 1, 2007 through December 31, 2011
3. January 1, 2012 through December 31, 2016
4. January 1, 2017 through December 31, 2021

Any unused acreage from any time period shall not accumulate and shall not be carried forward to another time period.

4. No part of the Property may be annexed to the City of Northfield unless a minimum of two-thirds of the landowners owning a minimum of two-thirds of the land in the area to be annexed request annexation. All land to be annexed shall be reasonably compact in size and, after the annexation, should not isolate any other parcels of land. Notwithstanding any other provision of this Agreement, however, nothing herein shall prevent the City from annexing any property per Minnesota Statutes Section 414.033, Subd. 2, (2), which specifically allows the annexation by ordinance of land that is completely surrounded by land within the municipal limits. In addition nothing herein shall prevent the City from annexing property owned by the State of Minnesota or the United States of America, pursuant to Minnesota Statutes, Section 414.033. In addition, any parcels of land that are located within the Township of Northfield that are owned by the City on or before the date of this Agreement

may be annexed by the City of Northfield pursuant to Minnesota Statutes Section 414.033.

5. The City of Northfield agrees that during the term of this Agreement no annexations, other than through this Orderly Annexation Agreement, shall be requested or take place from the Township of Northfield to the City of Northfield, except in such cases where the annexation is ordered by the State of Minnesota without petition by the City, and except as provided in Section IV.

6. The parties hereby confer jurisdiction on the Office of Minnesota Planning or its successor agency over annexation of the Property and over the various provisions of this Agreement. The Property is adjacent to the City of Northfield.

7. All annexation within the Property will be consistent with the City's policies concerning the extension of municipal utilities.

8. The City of Northfield will construct and provide water, sanitary sewer, storm sewer and street improvements to the Property as requested by the owner, pursuant to state and local law, in the discretion of the City and based on the policies of the City then in effect.

9. For each annexation that occurs under this Agreement, the electric utility service notice as required by Minnesota Statutes Section 414.0325, Subd. 1 a. will be satisfied.

10. The parties agree to the following division of tax revenues from the Property and payment of special assessments for local improvements to the Property:

(A) Property Taxes: After annexation, the tax capacity rate applicable to parcels within the Property which have been developed for residential use and are occupied as of the date of this Agreement shall be increased in substantially equal proportions each year of a six year period until it equals the tax capacity rate of the City of Northfield. The tax capacity rate applicable to other parcels within the Property shall be increased in substantially equal proportions each year of a six year period until it equals the tax capacity rate of the City of Northfield, provided that when substantially all municipal services are available to any such parcel(s), as determined by the City Engineer, the tax capacity rate applicable to those parcel(s) shall thereupon be increased immediately to the tax capacity rate of the City of Northfield.

The Property or any portion thereof shall be taxed at the tax capacity rate as described above, and the City shall receive all local property taxes payable on the Property, until the second full calendar year after the year in which a Certificate of Occupancy is issued for the Property or any portion thereof. Beginning with the second full calendar year after the year in which a Certificate of Occupancy is issued for the Property or any portion thereof, the Township shall receive property taxes on such Property or portion thereof for a six year period to the extent of the Township's tax

capacity rate each year multiplied by the tax capacity of the Property or portion thereof in each year of the six year period, except that for single family residential properties the reimbursement shall be based on the tax capacity multiplied by the Township's tax capacity rate established for the second calendar year after a Certificate of Occupancy has been issued for the Property or any portion thereof that is single family residential, and this same amount shall be paid to the Township in each year of the six year period regardless of the exact amount collected by the City of Northfield. The City of Northfield shall receive all property taxes in excess of any amounts payable to the Township pursuant hereto, and all property taxes payable from and after the expiration of any applicable six year period.

In the event that no Certificate of Occupancy has been issued for the Property or any portion thereof within six (6) years of the effective date of each annexation, then beginning in the seventh year after the effective date for each annexation the Township shall receive property taxes from the Property or any portion thereof for which a Certificate of Occupancy has not already been issued for a six year period to the extent of the Township's tax capacity rate each year multiplied by the tax capacity of the Property or portion thereof in each year of the six year period, except that for single family residential properties the reimbursement shall be based on the most recent tax capacity multiplied by the most recent tax capacity rate established and this same amount shall be paid to the Township in each year of the six year period regardless of the exact amount collected by the City of Northfield. The City of Northfield shall receive all property taxes in excess of any amounts payable to the Township pursuant hereto, and all property taxes payable from and after the expiration of any applicable six year period.

For the purposes of this Agreement the term "single family residential" shall be defined as single family detached dwelling units consisting of one dwelling unit per lot and single family attached units consisting of two dwelling units connected by a common wall with each dwelling unit located on a separate lot.

(B) Utility and Street Assessments: The Property will be assessed for utility and street improvements when said improvements have been determined by the City to benefit the Property as required by Minnesota Statutes Chapter 429.

11. The Property shall be zoned according to normal zoning procedures established in the Northfield Zoning Ordinance. The City of Northfield Comprehensive Plan shall guide the City in arriving at the appropriate zoning of the Property. When the Property is annexed to the City, it will be zoned Agricultural, unless another zoning designation is specified at the time of annexation.

12. This Agreement will go into effect on the date that the Orderly Annexation Agreement is approved by the Office of Minnesota Planning. Each subsequent annexation within the

Property designated by this Agreement must be reviewed and approved by the Office of Minnesota Planning.

13. The City of Northfield and the Township of Northfield agree that no alteration of the stated boundaries of the Property is appropriate. Furthermore, the parties agree that no consideration by the Office of Minnesota Planning is necessary. Upon receipt of this resolution, passed and adopted by each party, the Office of Minnesota Planning may review and comment, but shall, within thirty (30) days, make an order, including the immediate annexation stated in Section II, in accordance with the terms of this joint resolution.

    Future annexations will be accomplished by submission of a resolution for orderly annexation to the Office of Minnesota Planning from the City of Northfield. The City shall not be required to obtain any additional resolutions or other similar approvals from the Township in order for the City to annex property pursuant to the terms of this Agreement. The submission of a resolution by the City to the Office of Minnesota Planning to consider an annexation under the terms of this Agreement shall confer jurisdiction to the Office of Minnesota Planning over said annexation. An annexation shall be deemed completed as of the date fixed in the annexation order by the Office of Minnesota Planning.

14. The City shall acquire the right-of-way and assume the responsibility for maintenance of the annexed portions of Hall Avenue, which will become Spring Creek Road upon annexation, on January 1, 2005 or as soon thereafter as is practical, or at the time that Jefferson Parkway is extended and constructed to Spring Creek Road, whichever occurs first. This roadway is designated as a collector in the transportation section of the City's Comprehensive Plan, which will have a 10-ton road design, and as such will include its use by agricultural traffic within this limit. This item was approved by the City Council and the Township of Northfield in Resolution #99-188 annexing land for the Hills of Spring Creek development and is hereby restated in this agreement.

15. In regard to the maintenance of the following portions of Hall Avenue/Spring Creek Road from the Northern boundary of the Cemetery to Highway #19 as shown on Exhibit A, the City and the Township desire to enter into a joint maintenance agreement. Therefore, the City of Northfield hereby agrees to contract with the Township of Northfield to pay $0.16 per foot per year to defray the costs for the Township's services in grading, graveling and otherwise maintaining this section of roadway, except that the City will plow the snow on this section of roadway during the Winter. This amount shall be adjusted and reduced as portions of Spring Creek Road (Hall Avenue) are annexed and maintained by the City. (Approximately 2,600 feet @ $0.16 = $416.00) The City and Township further agree to equally share in the cost of providing the rock to maintain this portion of roadway. This amount shall also be reviewed and adjusted by the mutual agreement of the City and the Township on or before September 1st of each year for payments made the following year.

16. In recognition of the urban traffic that Hall Avenue now bears and will bear prior to its annexation or acquisition by the City and the assumption of full maintenance responsibilities by the City, the City desires to financially assist the Township to defray the cost of maintenance for the portions of Hall Avenue between Sumac Lane and Rice County #81. Therefore, the City of Northfield hereby agrees to pay the Township of Northfield the amount of $0.32 per foot per year to defray the Township's maintenance costs in grading, graveling, snowplowing and otherwise maintaining those portions of Hall Avenue between Sumac Lane and Rice County #81that are gravel as shown on the attached Exhibit A. This amount shall be adjusted and reduced as portions Spring Creek Road are acquired and maintained by the City. (Approximately 4,200 feet @ $0.32 per foot = $1,344.00) The City and Township further agree to equally share in the cost of providing the rock to maintain this portion of roadway. This amount shall also be reviewed and adjusted by the mutual agreement of the City and the Township on or before September 1st of each year for payments made the following year.

17. The Township shall maintain the bridges and culverts located in the roadway of Hall Avenue from Woodley Street to County State Aid Highway #81 until such time it is determined by the appropriate authority and verified by the Northfield City Engineer that a bridge or culvert is in need of replacement. If the replacement of a bridge or culvert is necessary the City of Northfield shall be responsible for cost of installing said bridge or culvert. The purpose of this section is to recognize that the Northfield Town Board will continue to maintain this section of roadway, however, at the time a significant investment is necessary in a bridge or culvert structure the City can utilize this opportunity to install a structure that will meet the intended use of the roadway in the City's transportation system.

18. At the time that future orderly annexations occur under this Agreement that are adjacent to unannexed portions of Hall Avenue, the City will annex those portions of Hall Avenue that are adjacent to the said areas to be annexed.

19 The City of Northfield will reimburse Northfield Township for its costs, limited to attorney's fees and extra meeting costs incurred in relation to this Orderly Annexation Agreement, up to $3,500.00.

20. Any tax payments due to the Township per Section 12 of this Agreement will be made within 30 days of receipt by the City of the tax distribution from Rice County.

21. This Agreement will automatically expire on December 31, 2021; however, nothing herein shall prevent the City of Northfield and the Township of Northfield from amending this Agreement during its term.

22. This Resolution shall be a binding contract upon the Parties herein, and may be enforced in either Law or Equity, notwithstanding future amendments in Minnesota Statutes, except as specifically provided otherwise in this Agreement.

Approved by the Township of Northfield 13 day of November, 2001.

TOWNSHIP OF NORTHFIELD

By: _____
Town Board Supervisor

By: _____
Town Board Supervisor

By: _____
Town Board Clerk

Approved by the City of Northfield this 7th day of November, 2001.

CITY OF NORTHFIELD

By: _____
Mayor

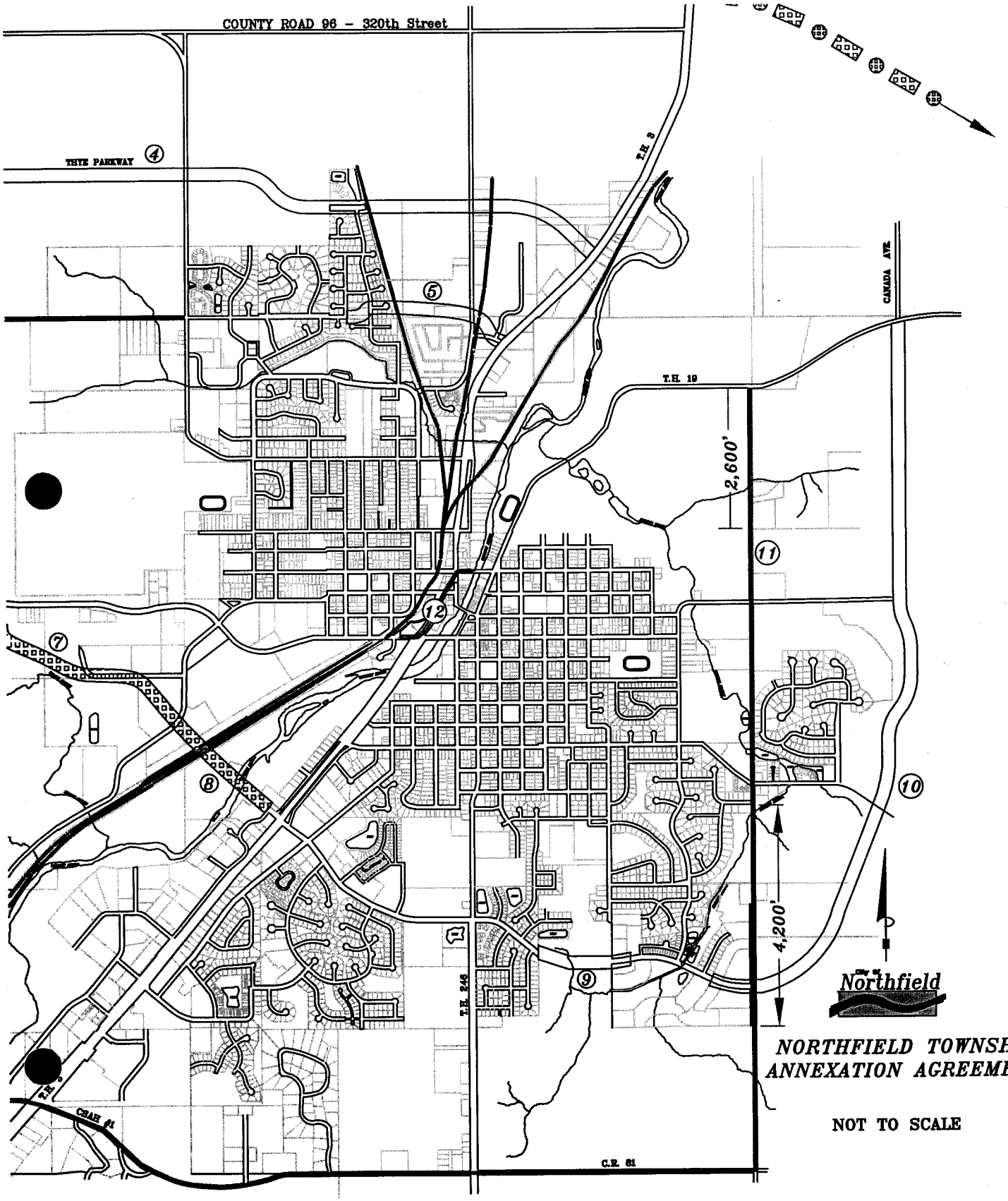
By: _____
Council Member

By: _____
Council Member

ATTEST:

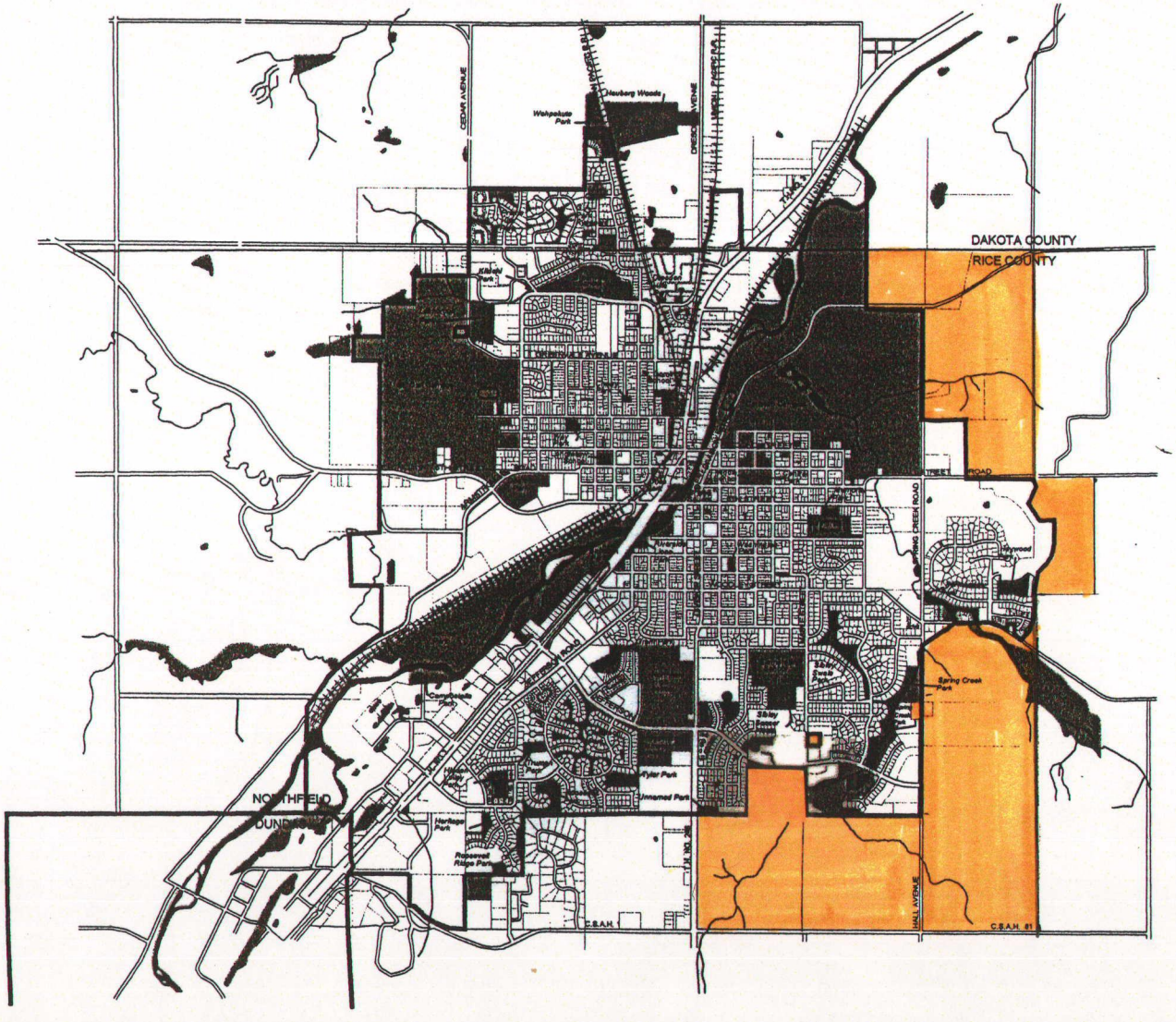
_____
Finance Director/ City Clerk

EXHIBIT A



NORTHFIELD TOWNSHIP ANNEXATION AGREEMENT

NOT TO SCALE



LEGEND

- Parks
- Open Space
- Schools
- Colleges
- Wetland
- Municipal Boundary

Area covered by the Orderly Annexation Agreement - Northfield Township

Map for Planning Purposes Only

Map Sources:

Base Data Provided by Horizons, Inc.
Digitized off of 1998 Aerial Photography

Land Use, HKGi

National Wetland Inventory

Urban Expansion Boundary,
Northfield Comprehensive Plan, 1997

Proposed Roads,
Northfield Transportation Plan

NORTH

Northfield, Minnesota

June, 2001

Hoisington Koegler Group Inc.

City Of Northfield

Community Development Department
Office of the Community Development Director
Memorandum #2001-068

DATE: November 1, 2001

TO: Mayor Covey and City Council Members
Scott Neal, City Administrator

FROM: Joel B. West, Community Development Director

RE: City Council Resolution #2001–318: Joint Resolution for Orderly Annexation Establishing a Master Annexation Agreement between the City of Northfield and the Township of Northfield

EXHIBITS: Map of the area designated for Orderly Annexation
1978 Orderly Annexation Agreement

Request

Staff is requesting that the City Council approving a joint resolution for orderly annexation between the City and the Township of Northfield. The joint resolution designates an orderly annexation area within the Township and the terms and condition under which property can be annexed to the City of Northfield. This agreement replaces an existing annexation agreement that was adopted in 1978. The 1978 agreement designated an orderly annexation area and a process for annexation, but did not address acreage limits.

The annexation agreement is modeled after the agreement between the City of Northfield and the Township of Bridgewater. Stated below are the major points of the agreement:

1. The agreement designates 1,142.76 acres within the Township as subject to orderly annexation.

2. With the approval of the agreement 42.05 acres would be immediately annexed to the City, 40 acres of City owned property that was purchased from Vern Koester and 2.05 acres of property owned by Patricia Wegner. The property owned by Patricia Wegner, is wholly surrounded by the City.

City Hall ♦ 801 Washington Street ♦ Northfield, Minnesota 55057
Telephone 507.645.3006 ♦ Fax 507.645.3055 ♦ email: Joel.West@ci.northfield.mn.us

3. Commencing on January 1, 2002 the City can annex up to 160 acres in any 5-year period through December 31, 2021. This will allow up to 800 acres to be annexed to the City over the 20-year period of the agreement.

4. The phase-in of the City's property tax structure and the phase-out of the Township's property tax structure is the same as in the City's agreement with Bridgewater Township.

5. The City will acquire the right-of-way and assume the responsibility for the maintenance of the annexed portions of Hall Avenue, which will become Spring Creek Road upon annexation, on January 5, 2005; or at the time that Jefferson Parkway is extended and constructed to Spring Creek Road whichever occurs first. This item was approved by the City Council and Northfield Township in Resolution #99-188 annexing land for the Hills of Spring Creek development and is restated in this agreement.

6. Paragraphs 15 and 16 of the agreement specify a cost sharing arrangement for the maintenance of portions of Hall Avenue/Spring Creek Road. In part these paragraphs formalize a current arrangement for maintaining these roadways with Northfield Township. In addition, this agreement more fully recognizes the urban traffic on the Township portions of these roadways seeks to mitigate the increased maintenance costs faced by the Township until such time as the roadways are annexed or otherwise acquired by the City.

7. Paragraph 17 accomplishes somewhat the same objective as paragraphs 15 and 16, but in regard to bridges and culverts on Hall Avenue/Spring Creek Road. The Township will maintain these structures until such time as these structures require replacement. Since there is significant urban development occurring adjacent to Hall Avenue and Spring Creek Road, it seems appropriate that if bridges or culverts needed to be replaced they should be replaced by the City to allow for a roadway that is more urban design and to recognize that the City acquisition and control of this roadway is not too distant in the future.

Community Development Department
Office of the Community Development Director
Memorandum #2001-068

Statement of Urgency

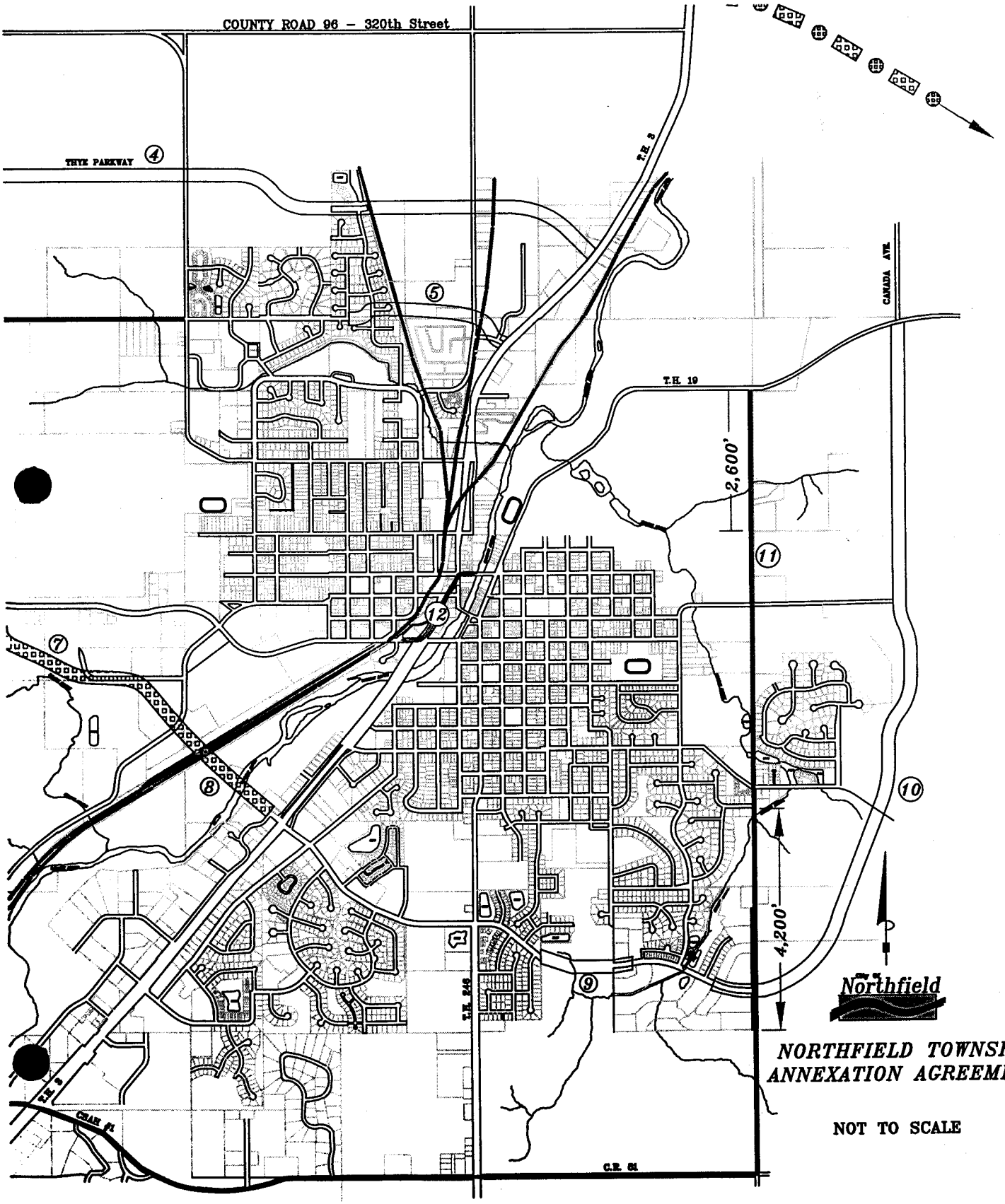
In order to accomplish the immediate annexation of the 42.05 acres in 2000, this resolution should be adopted in November 2000, which will allow for its review and acceptance by the Office of Minnesota Planning by the end of the year. The adoption of this resolution in this month will also allow the annexation acreage limits and timing to begin as scheduled on January 1, 2002.

Recommendation

I recommend that the City of Northfield adopt resolution #2001-318 approving the joint resolution for orderly annexation between the City and the Township of Northfield.

City Hall ♦ 801 Washington Street ♦ Northfield, Minnesota 55057
Telephone 507.645.3006 ♦ Fax 507.645.3055 ♦ email: Joel.West@ci.northfield.mn.us

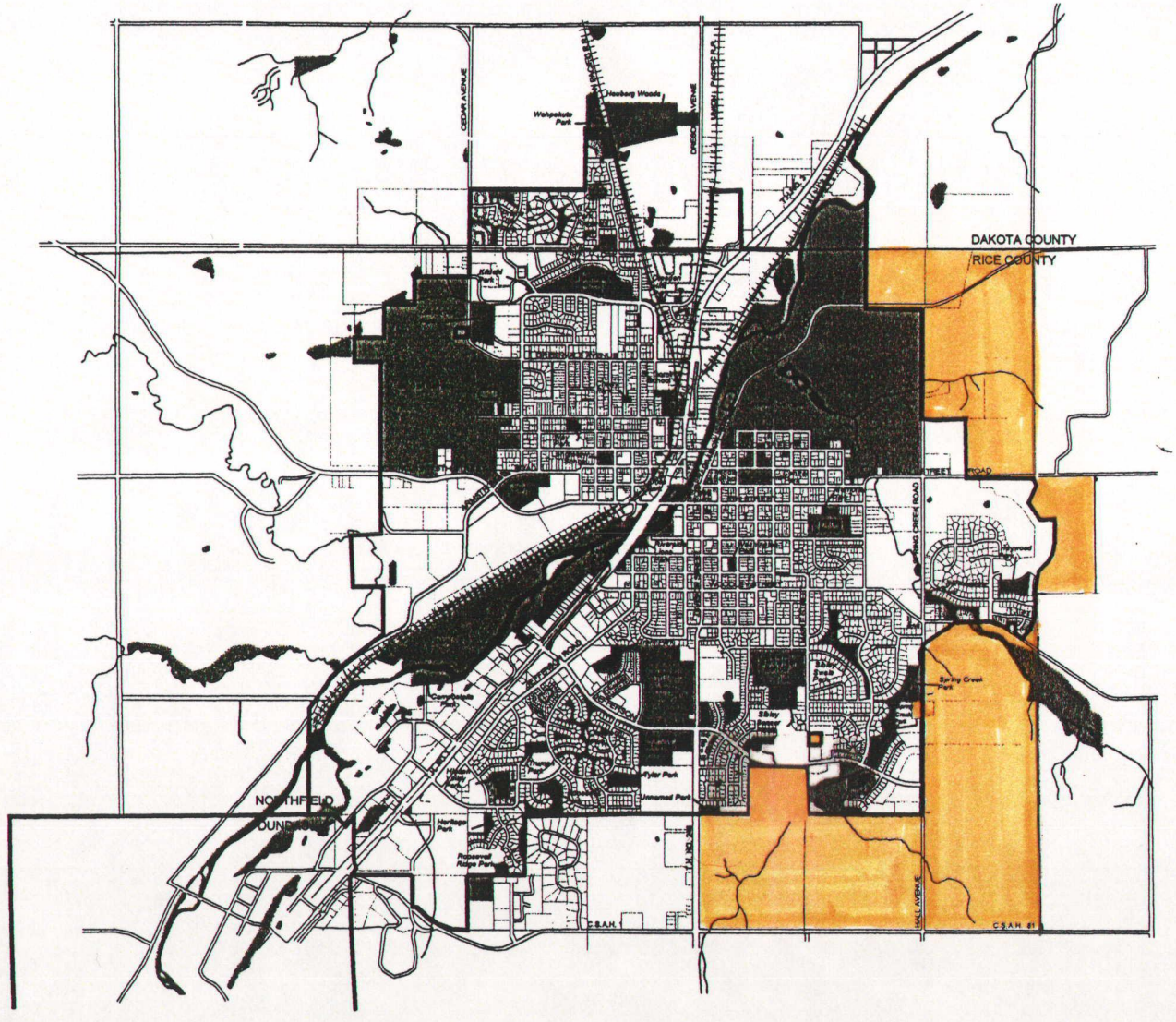
EXHIBIT A



Northfield

NORTHFIELD TOWNSHIP
ANNEXATION AGREEMENT

NOT TO SCALE



LEGEND

- Parks
- Open Space
- Schools
- Colleges
- Wetland
- Municipal Boundary

Area covered by the Orderly Annexation Agreement - Northfield Township

Map for Planning Purposes Only

Map Sources:

Base Data Provided by Horizons, Inc.
Digitized off of 1998 Aerial Photography

Land Use, HKGi

National Wetland Inventory

Urban Expansion Boundary,
Northfield Comprehensive Plan, 1997

Proposed Roads,
Northfield Transportation Plan

0 500 1000 2000ft

NORTH

Northfield, Minnesota

June, 2001

Hoisington Koegler Group Inc.

JOINT RESOLUTION AS TO ORDERLY ANNEXATION

RECD. BY MMB NOV 1 1978

Township of Northfield, Rice County, Minnesota, and

City of Northfield, Rice County, Minnesota

WHEREAS, the Township of Northfield and the City of Northfield recognize the potential for urban development into the Township of Northfield; and

WHEREAS, both the township and the city desire to accommodate growth in the most orderly fashion; and

WHEREAS, there is a basis for agreement between the township and the city concerning annexations, and both the township and the city desire to set forth such terms and agreements by means of this resolution.

NOW THEREFORE BE IT RESOLVED by the Township of Northfield and the City of Northfield that annexations of township lands by the city shall be under the following conditions:

1. That the following described area in the Township of Northfield is property subject to orderly annexation under and pursuant to Minnesota Statutes Section 414.032, and the parties hereto do hereby designate this area as in need of orderly annexation as provided by law:

   "All that part of Northfield Township, Rice County, Minnesota, designated in the Rice County Zoning Ordinance as A-1, Agricultural Land Retainment for Urban Expansion District."

   That this agreement shall apply to the above described real property.

2. That the Township of Northfield does upon the passage of this resolution and its adoption by the City Council of the City of Northfield, confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish said orderly annexation immediately in accordance with the terms of this resolution.

3. All annexations within the above described lands will be of contiguous properties and in agreement with the city's policies concerning the extention of municipal utilities.

4. Property taxes which have already been assessed for the year in which an annexation occurs and payable the following year shall be proportioned on a monthly basis between the city and the township. For example, if a parcel is annexed as of June 30, 1979, the property taxes paid in 1980 will be divided six months to the township and six months to the city, so that if the county collects $5,000 in taxes in 1980 for the newly annexed area, one-half of the township's portion for the entire year shall be paid to the township and one-half shall be paid to the city.

5. All lands annexed to the city will be zoned according to the normal zoning designation procedure established in the Northfield Zoning Ordinance. The City of Northfield's Comprehensive Guide Plan will guide the city in arriving at the appropriate zoning of the parcel.

6. The city will consider annexation of property subject to the agreement upon the receipt of a petition signed by a majority of the land owners of a particular parcel. This petition will be forwarded to the city, the township, and to the Minnesota Municipal Board.

   a. Should either the township or the city agree to the annexation, the city's normal annexation process will occur.

   b. Should either the township or the city disagree with the annexation, the Minnesota Municipal Board shall conduct a public hearing and resolve the disagreement.

7. The City of Northfield and the Township of Northfield may independently propose an annexation if the City Council and the Township Board agree that a certain land parcel is about to become urban and can be served by the city's utilities. Effected landowners may appeal to the Minnesota Municipal Board, which will conduct a public hearing and determine if the annexation is appropriate.

8. The Municipal Commission shall determine the ratio of the population annexed to the total population of the town on the date of its order. This ratio will be further modified by the proportion of the year remaining in which the annexation takes place. The County Auditor will apply this modified ratio to all quarterly or other subsequent payments of state per capita aids to the town and divide the payments accordingly. Per capita aids received by the town in the year of annexation, prior to the date of annexation, would be shared by the same modified ratio as explaned above.

Adopted by the Town Board of the Township of Northfield, Rice County, Minnesota, this 10th day of October, 1978.

Willard Eastman
Chairman

Willard Eatum
Supervisor

Marjorie Randolph
Clerk

Adopted by the City Council of the City of Northfield, Rice County, Minnesota, this 18th day of September, 1978.

Kent E. Ekeland
Mayor

Dwayne Fall
Recorder

RESOLUTION #78-252

WHEREAS, Northfield Township has reviewed the Orderly Annexation Agreement; and

WHEREAS, Northfield Township after reviewing the agreement has approved it.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Northfield authorizes the mayor and city recorder to sign the Orderly Annexation Agreement with Northfield Township.

Passed by the City Council of the City of Northfield this 18 day of September, 1978.

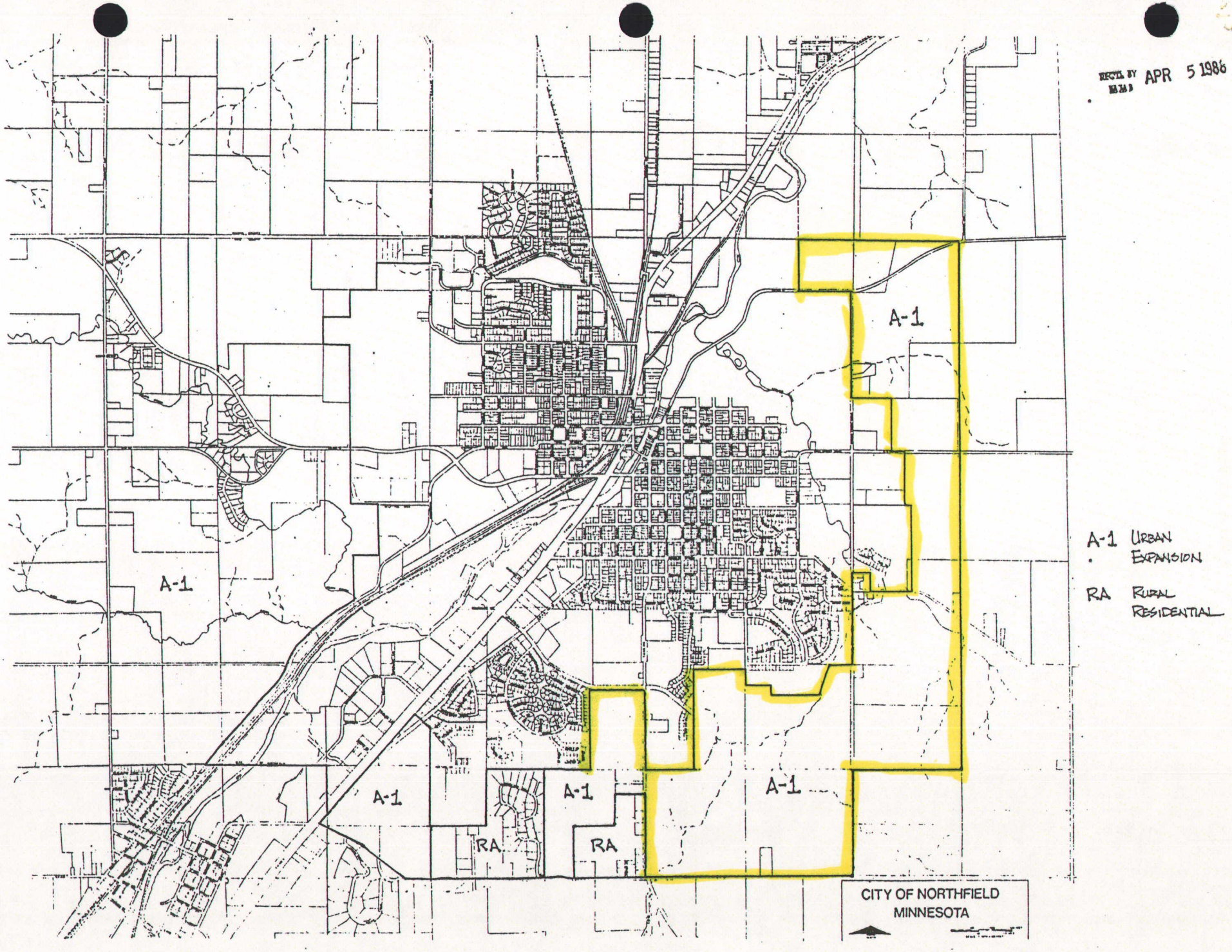
Kent E. Eklund
Mayor

Marie Jaeger
Council Member

ATTEST:

Caroline Hall
City Recorder

Margaret B Rundgaard
Council Member



RECD. BY MMB APR 5 1986

A-1 URBAN EXPANSION

RA RURAL RESIDENTIAL