

OA-631 Northfield/Bridgewater Township Joint Agreement

**BRIDGEWATER TOWNSHIP RESOLUTION NO. 2019-12
CITY OF NORTHFIELD RESOLUTION NO. 2019-099**

In the Matter of the Joint Resolution of the City of Northfield and the Town of Bridgewater Designating Certain Areas as in Need of Orderly Annexation Pursuant to Minnesota Statutes, Section 414.0325	First Amendment to Joint Resolution for Orderly Annexation
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WHEREAS, the City of Northfield (hereinafter the “City”) and Bridgewater Township (hereinafter the “Township”) (collectively the “Parties”) entered into a Joint Resolution for Orderly Annexation (City of Northfield Resolution No. 99-255, approved by the City of Northfield on August 24, 1999 and by Bridgewater Township on August 25, 1999), a true and correct copy of which is attached hereto as Exhibit A (hereinafter referred to as the “Joint Agreement”), describing the procedures and process for orderly annexations of certain designated areas of the Township, pursuant to Minnesota Statutes, Section 414.0325; and

WHEREAS, the Joint Agreement was accepted by the Office of Administrative Hearings Municipal Boundary Adjustments Unit (hereinafter “OAH-MBAU”) on September 3, 1999, and is referenced as Office of Administrative Hearings File No. OA-631 Township of Bridgewater/City of Northfield Joint Agreement by OAH-MBAU; and

WHEREAS, the Joint Agreement is incorporated herein by reference; and

WHEREAS, the Joint Agreement has an expiration date of December 31, 2019; and

WHEREAS, the Parties begun discussions of entering into a new Joint Agreement, and the Township has been exploring the possibility of and preparing for filing a petition for incorporation of Bridgewater Township; and

WHEREAS, the Parties desire to amend the Joint Agreement to extend the term of the Agreement for three additional years, until December 31, 2022, on the condition that provisions be added to the existing agreement pursuant to the effect that during the term of such extension (1) the Township commits not to file a petition for incorporation, or otherwise support a property owner petition for incorporation, of any portion of Bridgewater Township; (2) the City commits not to initiate legal action related to the Township’s potential incorporation during the term of such extension; and (3) the parties commit to engage in good faith negotiations to resolve any and all issues of mutual concern regarding future growth and jurisdictional boundaries and thereby avoid an adversarial process according to a defined meeting schedule.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of Supervisors of the Township of Bridgewater, Rice County, Minnesota, and the City Council of the City of Northfield, Rice County, Minnesota, as follows:

1. **First Amendment to Joint Agreement.** This Joint Resolution between the City and Township shall modify and amend the above-referenced Joint Agreement as provided herein and shall be referred to as the “First Amendment to Joint Agreement.”

2. **Extension of Term of Joint Agreement.** Notwithstanding anything to the contrary in the Joint Agreement, the Joint Agreement’s expiration date of December 31, 2019, as set forth in Article XIX of the Joint Agreement, is hereby amended by extending the expiration date to December 31, 2022.

3. **No Incorporation.** Notwithstanding anything to the contrary in the Joint Agreement, the Township commits not to file a petition for incorporation, or otherwise support a property owner petition for incorporation, of any portion of Bridgewater Township, and the Parties agree that OAH-MBAU shall not issue an order for the incorporation of any portion of Bridgewater Township, during the term of this Agreement, as extended by this First Amendment to Joint Agreement.

4. **No Initiation of Legal Action.** Notwithstanding anything to the contrary in the Joint Agreement, the City commits not to initiate legal action against the Township related to the Township’s potential incorporation during the term of this Agreement, as extended by this First Amendment to Joint Agreement; however, this paragraph shall not be construed to prevent the City from taking any action determined necessary or convenient by the City to respond to any legal filing made by the Township or its residents, including but not limited to any petition for incorporation that may be filed with OAH-MBAU by the Bridgewater Town Board or property owners in the Township.

5. **Negotiation Process for New Joint Agreement.** During the term of this extension term, City and Township representatives, as selected by the Northfield City Council and Bridgewater Town Board, respectively, shall meet on at least a quarterly basis to negotiate in good faith to develop a new joint orderly annexation agreement, which if adopted by the parties and upon the effective date thereof shall supersede and replace in its entirety this Joint Agreement. For the purposes of this paragraph, meeting on a quarterly basis shall mean a minimum of one meeting during each of the following periods during the term of the Agreement, as extended by this First Amendment to Joint Agreement, unless otherwise agreed to by the Parties:
 - January 1 through March 31
 - April 1 through June 30
 - July 1 through September 30
 - October 1 through December 31

6. **Intent.** The Parties intend this First Amendment to Joint Agreement to modify and amend the Joint Agreement, but only to the extent of extending the term of the Joint Agreement, prohibiting the incorporation of any portion of Bridgewater Township and the initiation of legal proceedings in regards thereto, and establishing a process for negotiations of a new joint orderly annexation agreement during the term of the Joint

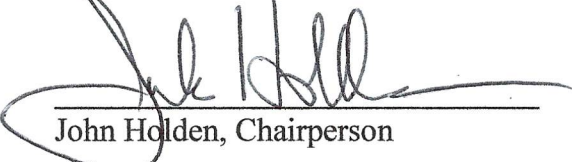
Agreement, as extended by this First Amendment to Joint Agreement. No other changes to the Joint Agreement are intended by this amendment.

7. **Termination.** Notwithstanding anything to the contrary in the Joint Agreement, in the event that either Party reasonably determines at any time after January 1, 2020 that, despite its good faith participation in negotiations for a new joint orderly annexation agreement pursuant to Paragraph 5 above, reaching such an agreement does not appear to be possible, such Party may provide written notice of the same to the other Party not less than 30 days in advance of the next quarterly meeting pursuant to Paragraph 5 above (or if the next such quarterly meeting has not been scheduled, such written notice shall include a request to schedule such meeting at least 30 days after the date of such notice), and the Parties shall proceed to attend the next quarterly meeting as scheduled and negotiate in good faith to attempt to agree on a mutually acceptable framework for future negotiations. In the event that such good faith efforts of the Parties are unsuccessful, either Party may provide written notice of termination of this Agreement to the other Party, and this Agreement shall terminate on the date that is 180 days after the date such written termination notice is received by the non-terminating Party. The quarterly meetings requirement of Paragraph 5 above shall not apply during said 180-day notice period.
8. **Filing.** Following adoption and execution, the Parties agree the City will be responsible for filing this First Amendment to Joint Agreement with the OAH-MBAU and for paying any required filing fees.
9. **Recitals.** The recitals contained in this resolution are incorporated in and made part of this First Amendment to Joint Agreement.
10. **Effective Date.** This First Amendment to Joint Agreement shall be effective the date of the latest signature and attestation affixed hereto and following immediately upon its receipt and acceptance by the OAH-MBAU.

[Signature Page to follow]


Adopted by the Town Board of Bridgewater Township, Rice County, Minnesota, this 11 day of Sept, 2019.

BRIDGEWATER TOWNSHIP



John Holden, Chairperson

ATTEST:



Frances Boehning, Town Clerk

Adopted by the City Council of the City of Northfield, Rice County, Minnesota, this ____ day of _____, 2019.

CITY OF NORTHFIELD

Rhonda Pownell, Mayor

ATTEST:

Deborah Little, City Clerk

EXHIBIT A

Joint Resolution of City of Northfield and Township of Bridgewater for Orderly
Annexation of Certain Areas of Bridgewater Township, August 25, 1999