

Resolution No. 22-_____

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARING

IN THE MATTER OF THE JOINT
RESOLUTION OF THE CITY OF
MARSHALL AND THE TOWNSHIP OF
FAIRVIEW DESIGNATING CERTAIN
AREAS AS IN NEED OF ORDERLY
ANNEXATION PURSUANT TO
MINNESOTA STATUTES, SECTION
414.0325.

JOINT RESOLUTION FOR
ORDERELY ANNEXATION

WHEREAS, the property owner with property located within the Township of Fairview (“Township”) and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, has petitioned the City of Marshall (“City”) regarding annexation of that property and extension of City services to that property; 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 is shown on Exhibit B; and

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

WHEREAS, the above-mentioned property is agricultural property, abuts the City, and is in need of orderly annexation and extension of services from the City since the property is urban or suburban or about to become so; and

WHEREAS, the City has available capacity to provide needed services to the above-mentioned property; and

WHEREAS, the City and Township agree that orderly annexation of the property legally described in Exhibit A 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 property legally described in Exhibit A has been designated and is in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the property legally described in Exhibit A without the need for hearing.

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

1. The City and Township hereby agree that the area legally described in Exhibit A has been designated for orderly annexation pursuant to Minnesota Statutes, Section 414.0325:

2. The City and Township agree that the area legally described in Exhibit A and designated is in need of immediate orderly annexation and is approximately 80.52 acres.
3. A boundary map showing the area legally described in Exhibit A is attached hereto as Exhibit B and is hereby incorporated by reference.
4. The City and Township agree that the population of the area legally described in Exhibit A is zero (0).
5. Pursuant to Minnesota Statutes, Section 414.0325, the City and Township agree that no alteration of boundaries stated herein is appropriate, that all conditions for annexation of the 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 Office is necessary. Upon the execution and filing of this Joint Resolution, the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Office may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Pursuant to Minnesota Statutes, Section 414.036, the City and Township agree that upon annexation of the 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:
 - a. In the first year following the year the City of Marshall could first levy on the annexed area, an amount equal to \$275.28 and
 - b. In the second and final year, an amount equal to \$275.25.
7. Following annexation of the area legally described in Exhibit A, the tax rate of the City applied to the area of the Township hereby annexed shall be increased in substantially equal proportions over two (2) years to equality with the City's tax rate applicable to other property already within the City.
8. The City and Township 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 Office.
9. In the event there are errors, omissions or any other problems with the legal descriptions provided in Exhibit A in the judgment of the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Office, the City and Township agree to make such corrections and file any additional documentation, including a new Exhibit A making the

corrections requested or required by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Office as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution.

10. With respond only to the area legally described in Exhibit A, which is attached hereto and incorporated herein by reference, to the terms and conditions of this Joint Resolution, shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties hereto, but only with respect to the area legally described in Exhibit A.

Passed, adopted, and approved by the Township Board of Supervisors of the Township of Fairview, Lyon County, Minnesota this ___ day of _____, 2022.

ATTEST:

By: _____
_____, Township Clerk

TOWNSHIP OF FAIRVIEW

By: _____
_____, Chair

Passed, adopted, and approved by the City Council in and for the City of Marshall, Lyon County, Minnesota this ___ day of _____, 2022.

ATTEST:

By: _____
_____, City Clerk

CITY OF MARSHALL

By: _____
_____, Mayor