

Minnesota Planning Docket No. _____
City of Avon Resolution No. #2015-18 _____
Town of Avon Resolution No. 06-03-15

**AMENDMENT TO JOINT RESOLUTION AS TO ORDERLY ANNEXATION
AREA AND JOINT RESOLUTION AS TO ANNEXATION OF
MELTON/GERTKEN/MITCHELL PROPERTIES
BY AND BETWEEN THE CITY OF AVON AND
THE TOWN OF AVON**

WHEREAS, the City of Avon (the “City”) and the Town of Avon (the “Town”) have previously approved an orderly annexation agreement entitled “Joint Resolution As To Orderly Annexation Area And Joint Resolution As To Annexation Of Melton/Gertken/Mitchell Properties By And Between The City Of Avon And The Town Of Avon” originally adopted on August 17, 2005 (hereafter, “OAA”); and

WHEREAS, the OAA was amended by the Town and the City on the 13th day of April, 2009 and again on the 8th day of June, 2009; and

WHEREAS, the OAA expires on December 31, 2015; and

WHEREAS, the City and the Town wish to modify selected provisions of the OAA and extend the termination date of the OAA until December 31, 2025;

**NOW, THEREFORE, IT IS RESOLVED, BY THE COUNCIL OF THE
CITY OF AVON AND THE BOARD OF SUPERVISORS OF THE TOWN OF
AVON:**

1. Paragraph 6.B. of the OAA as originally set out on page 3 of the OAA is hereby amended to read as follows:
 - B. Time-line for Connection. Annexed properties must connect to municipal services within one year of the earlier of one of the following:
 - (1) The property owner petitions for service;
 - (2) The property is sold or otherwise transferred for purposes other than agricultural;
 - (3) The property’s septic system is failing;
 - (4) State or Federal law requires connection; or
 - (5) Nine years have past since the property was annexed to the City.

2. Paragraph 6.C. of the OAA as originally set out on page 3 of the OAA is hereby amended to read as follows:
 - C. No Assessments for Utilities Running Past Township Property. The City will not assess or charge township properties for utilities running in front or past those properties unless the properties are connected to the utilities by agreement between the Town Board and City Council. These properties may be subject to deferred assessments and/or connection charges payable at the time of the property's annexation and connection to the City.

3. Paragraph 10.A. of the OAA as originally set out on page 5 of the OAA is hereby amended to read as follows:
 - A. Creation of Board. The parties agree to form a Joint Planning Board, pursuant to Minnesota Statutes Chapter 471.59, to exercise planning and land use control over the Annexation Area. The Joint Planning Board will meet at least once annually and more frequently as required to conduct business which may come before the Joint Planning Board. The annual meeting shall be scheduled for the last Thursday in February.

4. Paragraph 19 of the OAA as originally set out on page 10 of the OAA is hereby amended to read as follows:
 19. **Termination of OA Agreement.** The parties agree that they will, at a minimum, either meet or request the Joint Planning Board to consider potential changes and adjustments to this Agreement on an annual basis. Unless the parties have agreed to an extension, this Agreement shall terminate on December 31, 2025. At least 6 months prior to December 31, 2025, the City and Town agree to meet and decide on the terms of a ten year extension to this Agreement. In the event the Town and the City are unable to agree on the terms of the 10 year extension, the City and Town shall use good faith efforts toward a mediated extension pursuant to paragraph 13 of this Agreement. Notwithstanding the termination of this Agreement, the provisions of Sections 6, 7, and 8 of this Agreement shall remain binding after the termination of the Agreement for all properties annexed under the terms of this Agreement prior to its termination.

5. Paragraph 20 is hereby added to the OAA as follows:

20. **Wellhead Protection Plan.** The City has approved a Wellhead Protection Plan (“WPP”) that applies to some of the properties described on Exhibit A and shown on Exhibit B. The City’s WPP is shown on the attached Exhibit E. The Township shall cooperate with the City in implementing the WPP in the Annexation Area in a manner similar to that which is implemented by the City within the City limits.

6. Paragraph 21 is hereby added to the OAA as follows:

21. **Annual Meeting of City Council and Town Board.** The City Council and Town Board shall meet at least annually to discuss issues of concern to the City or Town and to further cooperation between the two entities in implementing this Agreement.

7. All other provisions of the OAA as amended in 2009 which are not amended by this amendment shall remain binding upon the parties.

This amendment approved by the Avon Township Board this _____ day of _____, 2015.

TOWNSHIP OF AVON

By _____
Town Chair

ATTEST:

Town Clerk

This amendment approved by the Avon City Council this _____ day of _____, 2015.

CITY OF AVON

By _____
Mayor

ATTEST:

City Clerk/Administrator