

MBAU DOCKET OA-1863-1

**IN THE MATTER OF THE ORDERLY ANNEXATION OF CERTAIN REAL
PROPERTY TO THE CITY OF STACY FROM LENT TOWNSHIP**

**CITY OF STACY
TOWNSHIP OF LENT**

**CITY RESOLUTION NO. 2023-8-5
TOWN RESOLUTION NO. 2023-36**

**A JOINT RESOLUTION AMENDING CITY RESOLUTION NO. 2023-05-2
AND TOWN RESOLUTION NO. 2023-4
A JOINT RESOLUTION FOR ORDERLY ANNEXATION**

WHEREAS, the City of Stacy (“City”) and Township of Lent (“Township”) adopted A Joint Resolution for Orderly Annexation, City Resolution No. 2023-05-2, Town Resolution No. 2023-4 on May 23, 2023 (“Orderly Annexation Agreement”); and

WHEREAS, the Orderly Annexation Agreement was filed with the Minnesota Office of Administrative Hearings Municipal Boundary Adjustments Unit on June 2, 2023; and

WHEREAS, Article I, Section 1 of the Orderly Annexation Agreement provides:

Orderly Annexation Area. All of the land presently situated in and located within the Township of Lent, Chisago County, Minnesota, as legally described on the attached Exhibit A, and graphically depicted on the attached Exhibit B, which exhibits are incorporated herein by this reference; the area so described and depicted on the exhibits is designated as an unincorporated area in need of immediate orderly annexation, pursuant to section 414.0325, as the same may hereafter be amended or supplemented from time to time. Said property described on Exhibit A and depicted on Exhibit B is herein referred to as the “Orderly Annexation Area”. It is the intention of the parties that the Orderly Annexation Area incorporate all of the lands presently located within the Town of Lent, such that upon completion of the annexation contemplated by this Agreement, the Town of Lent shall cease to exist as a separate entity but shall be fully incorporated within the City of Stacy. The Orderly Annexation Area is in need of City services, which the City of Stacy is uniquely capable of providing to the Orderly Annexation Area. All of the Orderly Annexation Area is now or is about to become urban or suburban in character. Incorporation of the Orderly Annexation Area into the City of Stacy is in the Township’s and City’s best interests.

; and

WHEREAS, Article I, Section 3 of the Orderly Annexation Agreement provides:

Immediate Annexation. The City and Township agree that the Orderly Annexation Area will be annexed into the City forthwith, upon confirmation by the Minnesota Office of Administrative Hearings – Municipal Boundary Adjustment Unit (“MBAU”). The parties to this Agreement hereby consent to said annexation as of the date of the request and grant the MBAU their approvals to accomplish the annexation in accordance with this Agreement. The City and Township agree they will not oppose said annexation. The MBAU is authorized and requested to take any and all such actions as may be necessary and appropriate to accomplish the annexation contemplated herein by the parties hereto.

; and

WHEREAS, the City and Township desire to amend the Orderly Annexation Agreement to set a different effective date for the annexation to address transition issues, including budgeting and time frame for a special election of municipal officers; and

WHEREAS, Article I, Section 5 of the Orderly Annexation Agreement provides:

Requisite Election. Pursuant to section 414.031, subdivision 4a, an election shall be held between 45 and 60 days from the date this Agreement is approved and annexation ordered by the MBAU; the election shall be for the new City Council, Mayor, and any other elected City officials. The acting Clerk for the purposes of administering this ad hoc election is: Tanya Smolke. The three appointed election judges from the new, combined city shall be: Michelle Hayes, Veronica Schroeder, and Richard Stiers. If any of these persons becomes unavailable to perform their duties, then an alternate shall be selected by mutual agreement of the Town Board and City Council.

; and

WHEREAS, the City and Township desire to amend the Orderly Annexation Agreement to adopt a different, less burdensome election process.

NOW THEREFORE, the City and Township hereby amend the Orderly Annexation Agreement as follows:

SECTION 1. Article I, Section 3 of the Orderly Annexation Agreement is deleted and replaced with the following language:

Annexation Effective Date. The City and Township agree that the Orderly Annexation Area will be annexed into the City upon confirmation by the Minnesota Office of Administrative Hearings – Municipal Boundary Adjustments Unit (“MBAU”). The effective date of the Annexation Order shall be December 29, 2023. The parties to this Agreement hereby consent to said annexation as of

the date of the request and grant the MBAU their approvals to accomplish the annexation in accordance with this Agreement. The City and Township agree they will not oppose said annexation. The MBAU is authorized and requested to take any and all such actions as may be necessary and appropriate to accomplish the annexation contemplated herein by the parties hereto. The existing Stacy City Council Members will remain in office after the effective date of the annexation until their successors are elected at a special election as provided for in Article I, Section 5 of this Orderly Annexation Agreement and have qualified for office.

SECTION 2. Article I, Section 5 of the Orderly Annexation Agreement is deleted and replaced with the following language:

Requisite Election. If this Agreement is approved and annexation ordered by the MBAU on or before December 29, 2023, an election shall be held on April 9, 2024; the election shall be for the new City Council, Mayor, and any other elected City officials. The acting Clerk for the purposes of administering this ad hoc election is: Tanya Smolke. The three appointed election judges from the new, combined city shall be: Michelle Hayes, Veronica Schroeder, and Richard Stiers. If any of these persons becomes unavailable to perform their duties, then an alternate shall be selected by mutual agreement of the Town Board and City Council.

[Remainder of page intentionally left blank. Signature pages follow.]

ADOPTED this ____ day of _____, 2023 by the Town Board of the Township of Lent, Minnesota and the City Council of the City of Stacy, Minnesota.

TOWNSHIP OF LENT:

All those in favor:

All those opposed:

Adopted this __ day of _____, 2023

BY THE BOARD

Richard Keller,
Township Chairperson

Motion passes _____ or fails _____

Attest: _____
Tanya Smolke,
Township Clerk

ADOPTED this ___ day of _____, 2023 by the Town Board of the Township of Lent, Minnesota and the City Council of the City of Stacy, Minnesota.

CITY OF STACY:

All those in favor:

All those opposed:

Motion passes _____ or fails _____

Adopted this ___ day of _____, 2023 by the Stacy City Council.

Mark Utecht, Mayor

Attest: _____
Angie Comstock,
Deputy City Clerk