

**CITY OF COLOGNE
RESOLUTION NO. 24-06**

**RESOLUTION TO TERMINATE ORDERLY ANNEXATION AGREEMENT AND PETITION THE CARVER COUNTY
BOARD OF COMMISSIONERS TO ESTABLISH MAINTENANCE RESPONSIBILITIES FOR 134th STREET**

WHEREAS, the City of Cologne, Minnesota (the “City”) and Benton Township (the “Township”) are parties to a Joint Resolution for Orderly Annexation dated July 8, 2004 by the Township as its Resolution 2004-01 and July 6, 2004 by the City as its Resolution 04-05 (the “Orderly Annexation Agreement”) designating an area of the Township in need of orderly annexation for the purpose of bringing such area into the city limits and immediately annexing said areas.; and

WHEREAS, the Orderly Annexation Agreement contained provisions which anticipated development of the property which was annexed by the Orderly Annexation Agreement including provisions for the City to maintain portions of 134th Street for the purpose of alleviating maintenance burdens created by the development; and

WHEREAS, 134th street remains a Township road which at present almost exclusively provides access to property which is in the Township; and

WHEREAS, the anticipated development contemplated by the Orderly Annexation Agreement was not undertaken, is not presently underway, and is not likely to be undertaken soon; and

WHEREAS, the purpose of those provisions of the Orderly Annexation Agreement have been frustrated by the non-occurrence of the anticipated development; and

WHEREAS, preliminary discussions with the Township to amend the Agreement have not resulted in a fair agreement for the City; and

WHEREAS, it is deemed appropriate by the City that said Orderly Annexation Agreement be terminated;

WHEREAS, Minnesota law directs that the City may petition the County Board to determine the appropriate and equitable allocation of maintenance responsibilities for 134th Street.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLOGNE, MINNESOTA, THAT:

1. The recitals above are hereby incorporated and adopted as findings of fact;
2. It is in the best interest of the City to terminate the Orderly Annexation Agreement.
3. That the Mayor and City Administrator are directed to execute and deliver to the Township a notice to terminate the Orderly Annexation Agreement substantially as set out in the attached Exhibit A;
4. That the Mayor and City Administrator are directed to execute and deliver to the Carver County Board of Commissioners a petition to establish the maintenance responsibilities of the City and the Township substantially as set out in the attached Exhibit B;

[Approval And Signature Page to Follow]

