

JOINT RESOLUTION OF THE CITIES OF  
LAKE ELMO AND OAKDALE

WASHINGTON COUNTY, MINNESOTA

RESOLUTION AFFECTING THE DETACHMENT OF CERTAIN LANDS FROM  
THE CITY OF LAKE ELMO AND THE ANNEXATION OF SUCH LANDS TO  
THE CITY OF OAKDALE.

This Joint Resolution is presented by the City of Lake Elmo, a municipal corporation and political subdivision of the State of Minnesota (herein "Lake Elmo") and the City of Oakdale, a municipal corporation and political subdivision of the State of Minnesota (herein "Oakdale").

1. WHEREAS, Lake Elmo currently has jurisdiction over portions of following described property situated in Washington County, Minnesota to-wit:

All that part of Section 32, Township 29 North, Range 21 West, and the West 1/2 of Section 33, Township 29 North, Range 21 West, lying Southerly of the center line of County Road 10 and Westerly of the center line of County Road 13, (herein the "Subject Property").

2. WHEREAS, Oakdale currently has jurisdiction over portions of the Subject Property; and

3. WHEREAS, the Lake Elmo City Council and the Oakdale City Council have each concluded that the present jurisdictional status of the Subject Property is not in the best interests of either City or their citizens and has the potential for causing an inefficient use of the resources of each city.

4. WHEREAS, The Lake Elmo City Council and the Oakdale City Council wish to resolve the jurisdictional issues between the cities relative to the Subject Property without the necessity of costly litigation; and,

5. WHEREAS, The Lake Elmo City Council is willing to consent to the detachment of the Subject Property and Oakdale City Council is willing to consent to the annexation of the Subject Property.

6. NOW, THEREFORE, the Lake Elmo City Council and the Oakdale City Council hereby resolve:

6.1 That the Subject Property would best be served by detachment from Lake Elmo and the annexation to Oakdale:

6.2 That the Lake Elmo City Council and the Oakdale City Council respectfully request the Minnesota Municipal Board (herein the "Board") to review this Joint Resolution for concurrent detachment and annexation of the Subject Property pursuant to the provisions of

Minnesota Statutes 414.061;

- 6.3 That by adoption of this Resolution, Lake Elmo and Oakdale are jointly approving such detachment and annexation as provided by law; and,
- 6.4 That Lake Elmo and Oakdale hereby request the Board to approve concurrent detachment and annexation of the Subject Property to be effective upon the issuance of the Board's order or at such later date as may be provided by the Board in its order.

Passed by the City Council of the City of Lake Elmo this 17th  
day of February, 1995.

Wyn John  
Wyn John, Mayor

ATTEST:

Mary Kuefner  
Mary Kuefner, City Administrator

Passed by the City Council of the City of Oakdale this \_\_\_\_\_  
day of Feb 14, 1995.

William Pulkrabek  
William Pulkrabek, Mayor

ATTEST:

Craig Waldron  
Craig Waldron, City Administrator

AGREEMENT

(DETACHMENT AND ANNEXATION OF LAND)

This Agreement, made and entered into this 14<sup>TH</sup> day of FEBRUARY, 1995, by and between the City of Lake Elmo ("Lake Elmo") and the City of Oakdale ("Oakdale"), jointly called the "Cities";

WITNESSETH THAT:

WHEREAS, the Cities share a common boundary; and

WHEREAS, OWNERS of real property located in the West 1/2 Section 33, Township 29 North, Range 21 West, Washington County, Minnesota, have petitioned the Minnesota Municipal Board for detachment of their property from Lake Elmo and its annexation to Oakdale; and

WHEREAS, it is in the best interests of the Cities to settle the matter of their common boundary from Washington County Road 10, South to Interstate No. 94; and

WHEREAS, the Cities have other mutual concerns, regarding sanitary sewer allocations, the locations of the MUSA line, and the availability of water service to parts of Lake Elmo by Oakdale.

NOW, THEREFORE, for and in consideration of the foregoing and the Covenants and Agreements herein contained, the parties hereto do hereby agree as follows:

1. Oakdale has approximately 37,000 gallons of sanitary sewer capacity that it will permanently transfer to Lake Elmo. This excess capacity is a result of the proposed golf course to be constructed in Section 33, Township 29 North, Range 21 West, Washington County, Minnesota, and not developed for residential use. The exact amount of the excess capacity will be known when the Metropolitan Council approves Oakdale's plan for the golf course.
2. Oakdale will lend another 55,000 gallons of sanitary sewer capacity to Lake Elmo until such time Oakdale needs the same; subject to compliance with the notice requirements contained in Section 9 hereof.
3. Both Cities agree to a joint application to the Metropolitan Council to remove the restrictions in the WONE Interceptor downstream which will increase the capacity of the sewer and result in additional sewer capacity to each city. The amount of increased capacity will be determined by the Metropolitan Council.

4. Both cities agree to study a joint and/or parallel construction project for the sanitary sewer pipes, pump stations and appurtenances, the cost of said project to be fairly and equitably distributed and will proceed with a joint project if it is feasible for each City to do so as determined by each City's Council. Both cities will look at the feasibility of one pump station to serve both cities.
5. Lake Elmo will look at the feasibility of purchasing water from Oakdale for its areas within the MUSA or any future expansion thereof. If such area to be served is greater than that which can be handled by the Oakdale water system, Oakdale would agree to the temporary use of water facilities until Lake Elmo can install their own system or at such time that Oakdale needs the capacity; subject to compliance with the notice requirements contained in Section 9 hereof.
6. Within fifteen days after signing this Agreement by both Cities, each City shall pass a resolution, in compliance with Minn. Stat. 414.061, Subd. 1., requesting the concurrent detachment of all parcels of land in Section 32 and the West 1/2 of Section 33, Township 29 North, Range 21 West, Washington County, Minnesota, which are still in Lake Elmo, from Lake Elmo, and their annexation to Oakdale, subject to the approval and order of the Minnesota Municipal Board. The Joint Resolution is attached hereto as Exhibit A.
7. Lake Elmo also agrees to support Oakdale with respect to its golf course requests in regard to required Comprehensive Plan Amendments and financing.
8. In order to allow each City to undertake a reasonable planning process and to maintain the integrity of the planning process, each City agrees that it will not support annexation petitions filed by property owners requesting detachment and annexation from one city to the other for a period of one year following the execution of this Agreement by both Cities.
9. It is acknowledged that Lake Elmo will be re-evaluating its Comprehensive Plan and Official Controls, at its City Council's discretion, for those portions of its City which abut Interstate 94 and County Road 13 and that it may also be reviewing development applications for those areas which anticipate the availability of sanitary sewer and water. If Lake Elmo has received development applications for the development of areas which would rely upon a joint sewer project constructed with Oakdale or which would rely upon the provision of water from Oakdale, Oakdale agrees to give Lake Elmo one year written notice before it requires Lake Elmo to return any

loaned sewer capacity, or, before it disconnects Lake Elmo from a joint sewer project or before it disconnects Lake Elmo from its water utilities. It is understood that this amount of time is reasonable in order to allow Lake Elmo to provide alternate sources of sanitary sewer and water for properties which may have been developed or planned for development in reliance upon the availability of such utilities from Oakdale.

10. The foregoing, with Exhibit "A", constitutes the entire Agreement of the Cities regarding detachment and annexation.

CITY OF LAKE ELMO

By Wyn John  
Wyn John, Mayor

By Mary Kueffner  
Mary Kueffner, City Adm.

Pursuant to authorization  
granted by the Lake Elmo  
City Council on the 7th  
day of February, 1995.

Approve as to Form:

Jerome P. Filla  
Jerome P. Filla  
City Attorney

CITY OF OAKDALE

By William Pulkhaber  
William Pulkhaber, Mayor

By Craig Waldron  
Craig Waldron, City Adm.

Pursuant to authorization  
granted by the Oakdale  
City Council on the 14th  
day of Feb, 1995.

Approve as to Form:

Seldon Caswell  
Seldon Caswell  
City Attorney