

JOINT POWERS AGREEMENT

This Agreement made and entered into this 9th day of March, 2004, by and between the County of Steele (hereinafter referred to as "County") and the City of Owatonna (hereinafter referred to as "City"), bodies corporate and politic existing under the laws of the State of Minnesota.

WITNESSETH:

RECITALS

1. Two or more governmental units, by agreement entered into through action of their respective governing bodies, may cooperatively exercise any power common to each, pursuant to Minn. Stat. § 471.59; and,
2. Minn. Stat. § 394.361 authorizes the County to adopt an official map identifying land needed for future public uses and provides procedures for the grant or denial of land use permits on land so identified; and,
3. Minn. Stat. § 462.359 authorizes the City to adopt an official map to identify land needed for future public purposes and provide procedures for the grant or denial of land use permits thereon; and,
4. On February 10, 2000, the County duly recorded an Official Map, as document number 280471 in the office of the Steele County Recorder, identifying land necessary for highway purposes commonly known as the "East Side Corridor", a true and correct copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and,
5. The County and the City have determined that the lands so identified are necessary for a north-south inner corridor; and,

6. The County and the City agree that it is in the public interest and in furtherance of public purposes that the land so identified as the "East Side Corridor" be jointly administered in the manner authorized by statute made in such case provided;

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the City and the County agree as follows:

PROMISES

1. The County shall continue to maintain and keep on file the Official Map of the "East Side Corridor".

2. The County shall continue to administer the application for permits or approvals of buildings or other structures any owner desires to erect within the limits of the "East Side Corridor", where such property is located outside the City, pursuant to Minn. Stat. § 394.361, et. seq. In the event a building permit is denied by the County the owner may appeal to the County Board of Adjustment pursuant to Minn. Stat. § 394.361, subd. 4.

In the event that the County Board of Adjustment authorizes the issuance of a building permit the County shall provide the City with notice of the Board of Adjustment's decision authorizing the issuance of a permit to build within the "East Side Corridor".

In such event, the County delegates to the City the authority, pursuant to Minn. Stat. § 394.361, subd. 4, to elect, within six months of the decision of the Board of Adjustment, to institute proceedings on the City's behalf to acquire the land the City, in its discretion, deems necessary for the "East Side Corridor".

In the event the County Board of Adjustment denies the issuance of a building permit and the applicant thereafter commences legal action against the County based on the denial the City shall indemnify and hold harmless the County for those damages allowable under Minnesota Statutes Chapter 117, the eminent domain statute.

The County and City shall notify one another of any pending permit applications located within the limits of the "East Side Corridor".

3. Where the property for which a permit is sought lies within the City, the owner shall apply to the City for a permit and the matter shall be administered pursuant to Minn. Stat. § 462.359, et. seq.

4. The County hereby assigns its authority as described herein over and with respect to the lands identified as the "East Side Corridor" to the City and delegates to City the duty to administer the same pursuant to Minnesota Statute.

