

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Paul B. Double	Chair
Lea De Souza Speeter	Vice Chair
Andrew D. Hultgren	Vice Chair
Jerome Schleis	Ex-Officio Member
William Stangler	Ex-Officio Member

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IN THE MATTER OF THE PETITION FOR ) THE ANNEXATION OF CERTAIN LAND ) TO THE CITY OF ELYSIAN PURSUANT ) TO MINNESOTA STATUTES 414 )	) ) ) ) )	<b><u>AMENDED</u></b> <b><u>FINDINGS OF FACT</u></b> <b><u>CONCLUSIONS OF LAW</u></b> <b><u>AND ORDER</u></b>
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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on July 1, 1997, at the American Legion in the City of Elysian, County of LeSueur, Minnesota. The hearing was conducted by Lea De Souza Speeter, Vice Chair, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Paul B. Double, Chair, and County Commissioners William Stangler and Jerome Schleis, Ex-Officio Members of the Board. The City of Elysian appeared by and through John C. Peterson, Attorney at Law. The Town of Elysian made no formal appearance. Testimony was heard and records and exhibits were received. Since the hearing, Commissioner Andrew Hultgren was appointed to the Municipal Board. Mr. Hultgren reviewed the hearing transcripts and exhibits prior to the decision in this matter.

After due and careful consideration of all evidence, together with all records,

files and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On May 15, 1997, a Resolution of the City of Elysian for annexation of 24 parcels of land totaling approximately 61.44 acres was filed with the Minnesota Municipal Board pursuant to Minnesota Statutes Section 414.031(a). The resolution contained all of the information required by statute, including a description of the area subject to annexation, hereinafter referred to as "the subject area" which encompasses all of the 24 parcels separately described in Exhibit A attached hereto. The following description encompasses all of the parcels previously described and any remnants not included in the prior descriptions:

All of that part of Government Lot 5, Section 34, T109, R24; and Government Lot 6, Section 35, T109, R24 which have not been previously annexed into the City of Elysian. All of which lies northerly and easterly of the lakeshore of Lake Francis;

AND:

All of CHESNUTS LAKESHORE SUBDIVISION NO. 3, LeSueur County, Minnesota;

AND:

All of Government Lot 5 Section 35, T109, R24 lying easterly of the east right of way line of Lake Tustin, described as follows: Beginning at the north line of Parcel 10 of said Government Lot 5 in Section 35 and the easterly right of way line of County Road 11, thence southerly along the easterly line of C.R. 11 to the south line of the north half of Section 35, thence easterly to the west shore of Lake Tustin, thence northerly and easterly along the lakeshore of Lake Tustin to a point of intersection with the north line of said Parcel number 10 (or the easterly extension thereof), thence westerly along the north line of Parcel 10 to the point of beginning.

The area proposed for annexation is further and more particularly described as

follows:

The property proposed for annexation is described as follows and is intended to encompass all of the parcels described separately in Exhibit A of the petition and any remnants not included in the prior descriptions: All of that part of Government Lot 5 Section 34 T109, R24; and Government Lot 6, Section 35 T109, R24, not previously annexed – excluding that part of the Franklin Subdivision which is in Government Lot 6. AND: All of Government Lot 5 Section 35 T109, R24 lying easterly of the east right of way line of County Road 11, described as follows: Commencing at the Northeast corner of Lot Twenty-three (23) of Root's Beach Subdivision in Government Lot Six (6), Section Thirty-five (35), Township One Hundred Nine (109) North, Range Twenty-four (24) West, Le Sueur County, Minnesota, thence South 84 degrees 13 feet East 66.55 feet, thence South 77 degrees 55 feet East 410.45 feet to the centerline of County Road Number 11, thence North 31 degrees 11 feet West along said road centerline 128.72 feet to place of beginning; thence North 32 degrees 56 feet West along the centerline of said road 169.07 feet, thence North 58 degrees 47 feet East 606.00 feet, thence South 76 degrees 13 feet East 30.00 feet more or less to the water's edge of Lake Tustin, thence Southerly and Easterly along the water's edge of said Lake to a point on the South line of the North half of Section 35 thence Westerly to the centerline of said County Road Number 11, thence Northerly along the centerline of County Road Number 11 to the point of beginning. AND: All of Government Lot 7 Section 35 T109, R24 which have not previously been annexed into the City of Elysian.

2. Due, timely and adequate legal notice of the hearing was published, served and filed.
3. The subject area is unincorporated, approximately 61.44 acres in size, and abuts the City of Elysian, hereinafter referred to as "the City," by approximately 70.4 percent of its perimeter. The City is approximately 281.6 acres in size, and the Township of Elysian, hereinafter referred to as "the Town," is approximately 19,673.6 acres in size.
4. The City had a population of approximately 445 in 1970, a population of approximately 450 in 1980, and has a current population of approximately 456.

The Town had a population of approximately 674 in 1970, a population of approximately 874 in 1980, and has a current population of approximately 894.

The subject area has a current population of approximately seven persons.

5. The subject area is generally rolling with sandy soils and some low sand. It lies north of the City and touches either Lake Francis or Lake Tustin. Lake Francis is classified by the DNR for recreational development while Lake Tustin is classified as a natural environment. The subject area is in a shoreland zone.

6. The subject area can be divided generally into three parts: the Eastern, Middle and Western sections;

(1) The eastern section is comprised of parcels 5 through 8, plus 10 and 11. This section borders Lake Tustin on its east side and is surrounded by Elysian City limits on the north, west, and south. This section contains Glencoe, Lester and Estherville soils. Glencoe soil has severe limitations and requires special design for septic tank absorption fields. Lester and Estherville soils have moderate to severe limitations.

(2) The middle section is a tract of land that is designated as a DNR preserve for a spawning habitat of Northern Pike Fry. This section is adjacent to Lake Francis on part of its southern border and borders the City limits on its east and west edges. This section contains some Glencoe, but mostly Caron, Blue Earth, and Palms soil types. Caron, Blue Earth and Palms also require special design and maintenance for septic tank absorption fields.

(3) The western section of the subject area includes three small plots of land which are northeast of the southern curve of Chesnuts's Lakeshore

Subdivision, and a small stretch of land that is immediately north of and to the east of Chesnuts's Lakeshore Subdivision. Parts of this section are adjacent to Lake Francis. This section includes Glencoe, Dassel, Hamel Clay Loam, Lester, Harwick and Storden soil types. Glencoe, Dassel, and Hamel Clay Loam have severe limitations on septic tank absorption fields. Lester, Harwick and Storden have moderate to severe limitations on absorption fields.

7. Roots Beach, Chesnuts's Lakeshore Subdivision and Chesnuts's Lakeshore Subdivision No. 2, which abut the middle and western section of the subject area were annexed into the City in calendar year 1995. The City is presently in the process of extending sewer and water to these subdivisions. The sizing of the sewer and water lines can accommodate extension into the subject area.

8. Immediately to the north of the subject area is Roemhildt Subdivision, a newly platted residential subdivision consisting of 43 lots which was annexed in the City upon Petition of the owner in May, 1997.

9. The City has approximately 33.2 percent of its land in residential use, approximately 4 percent in institutional use, approximately 8 percent in commercial use, approximately 39.7 percent in agricultural use, approximately 13.1 percent vacant land, and approximately 2 percent in industrial use.

The Town has its land in residential and agricultural use.

The subject area has approximately 19.4 percent of its land in residential use, approximately 77.8 percent in institutional use, and approximately 2.8 percent vacant land.

10. The subject area has a total of ten homes, five of which are year round residences and five are seasonal residences. No further development is planned for the subject area.

11. The City has approximately 6.998 miles of highways, streets and roads. The subject area has .213 miles of roadway which consists of County State Aid Highway No. 11 and a private roadway.

12. The City has plans to improve the roads in Roots Beach, Chesnuts's Subdivision and Chesnuts's Subdivision #2 as well as the road leading from County State Aid Highway #11 into Roemhildt's Subdivision, and further plans to blacktop the roads in Roemhildt's Subdivision. These properties were previously annexed into the City.

There are no proposed transportation changes in the subject area.

13. The County has a comprehensive plan adopted in 1996.

The City is in the process of developing a comprehensive plan.

It is unknown whether the Town has a comprehensive plan.

14. The Elysian City Council and Elysian Planning Commission support the proposed annexation . The LeSueur County Planning Commission has not taken an official position on the matter.

15. The County has a zoning ordinance, subdivision regulations, shoreland ordinance, flood plain ordinance, and a sanitation ordinance.

The City has a zoning ordinance, subdivision regulations, capital improvements program and budget, a fire code, shoreland ordinance, a flood plain ordinance, and a sanitation ordinance.

The Town has no zoning ordinances, subdivision regulations, shoreland ordinances, flood plain ordinances or sanitation ordinances.

16. The subject area is currently zoned by LeSueur County as a conservancy district and for agricultural/residential uses.

17. If the subject area is annexed to the City, it is anticipated that the subject area will be zoned general residential district, R-1.

18. No portion of the subject area is in Green Acres or in a rural service taxing district.

19. The City presently provides its residents with water, sanitary sewer and waste water treatment, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, recreational facilities and cable.

The Town presently provides its residents with fire protection through a contract with the City, police protection through a contract with the County Sheriff, street improvements, street maintenance and administrative services.

The City is willing to provide all of the services it presently provides to its residents to the subject area.

20. Sanitary sewer for the subject area is presently provided by individual septic systems. The subject area has a high water table that can impede the proper function of septic systems and drain fields according to a recent feasibility study. Previous failures have been reported, particularly during periods of wet weather or with systems in low-lying areas. The Le Sueur County Planning and Zoning supports the proposed annexation and the extension of city sewer and water because of the long

term benefits to water quality of Lake Francis.

21. Water service in the subject area is provided by individual wells.

22. Neither the Town or County have central water or sanitary sewer systems and neither have plans for developing a central sanitary sewer or water system to provide service to the subject area.

23. The City is currently extending water and sewer service to the area adjoining the subject area and will have services in place immediately adjacent to the annexed parcels proposed for annexation. The City is also developing a plan to extend gas and cable services to the subject area.

24. The City has a well and water tower. The City is currently constructing a new waste water treatment facility of sufficient capacity to service its present and future residents, including the subject area.

25. The City anticipates being able to serve Lot 11 eventually, however, no feasibility study has been conducted regarding the entire subject area.

26. Sewer will not be immediately available to Lot 11. Water and sewer lines will have to be extended along County Road 11 and another lateral will be needed.

27. The City has a net tax capacity of approximately \$183,219.00. The City's tax rate for the County is 37.307; the City's tax rate is 69.783, the School District's tax rate is 44.211 and the tax rate for the Special Taxing District is .180. The City has a total bonded indebtedness of approximately \$714,000.00.

The Town has a net tax capacity of approximately \$781,425.00. The Town's tax rate for the County is 42.613. The Town's tax rate is 7.528, the School District' tax rate is 49.593, and the tax rate for the Special Taxing District is .180. The



Town has no present bonded indebtedness.

The subject area has a net tax capacity of approximately \$11,453.00, a County tax rate of 42.613; its tax rate for the Town is 7.528, its tax rate for the School District is 49.593 and its tax rate for the Special Taxing District is .180.

28. It is not anticipated that the annexation would have any impact on the area school districts or adjacent communities.

29. If the subject area is annexed, the remainder of the town can continue to carry on the functions of government without undue hardship.

30. Testimony from property owners in Chesnuts's Lakeshore Subdivision #3 indicated that those properties were not experiencing problems with individual septic systems, nor were they likely to in the future due in part to the high elevation and the size of those lots.

31. Additional evidence regarding tax impact on the Chesnuts's Lakeshore Subdivision #3 parcels showed a dramatic increase in property taxes if these parcels were annexed into the City.

32. The increased revenue to the City bears no reasonable relationship to the monetary value of the benefits conferred upon the Chesnut Lakeshore Subdivision #3.

33. By Municipal Board action on September 12, 1997, the area proposed for annexation previously described in Finding of Fact No. 1 was reduced by 2.39 acres to exclude the following area:

All of Chesnuts's Lakeshore Subdivision #3 , LeSueur County, Minnesota; described in attached Exhibit A as Parcel Number 24.

#### CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of

the within proceeding.

2. The subject area, less that area described as Chesnut's Lakeshore Subdivision #3, hereinafter referred to as "the reduced area," is now or is about to become urban or suburban in character, in need of or will be in need of municipal services, and the annexing city is capable of providing the services required by the reduced area within a reasonable time.

3. The municipal government is presently required to protect the public health, safety and welfare of the reduced area.

4. The existing township of government is not adequate to protect the public health, safety and welfare of the reduced area.

5. The annexation would be in the best interests of the reduced area.

6. The Town can carry on the functions of government without undue hardship.

7. An Order should be issued by the Minnesota Municipal Board annexing the reduced area and ordering a four-year tax rate step up for Lot 11.

#### ORDER

1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 1 herein, less that area described as Chesnut's Lakeshore Subdivision #3, is hereby annexed to the City of Elysian, Minnesota, the same as if it had originally been made a part thereof.

2. IT IS FURTHER ORDERED: That the tax rate of the City of Elysian on Lot 11 herein ordered annexed shall be increased in substantially equal proportions

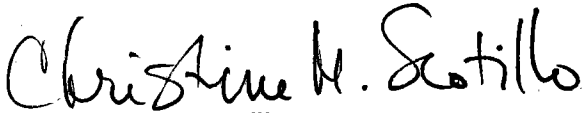
over a period of four years to equality with the tax rate of the property already within the city.

3. IT IS FURTHER ORDERED: That the effective date of this order is November 21, 1997.

4. IT IS FURTHER ORDERED: That the effective date of this amended order is November 20, 2000.

Dated this 21<sup>st</sup> day of November, 1997

MINNESOTA MUNICIPAL BOARD  
Suite 225 Bandana Square  
1021 Bandana Boulevard East  
St. Paul, MN 55108

  
Christine M. Scotillo  
Executive Director

Amended Order Dated this 27<sup>th</sup> day of  
December, 2000.

Office of Strategic and Long Range Planning  
658 Cedar Street - Room 300  
St. Paul, MN 55155


  
Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

EXHIBIT A  
PARCELS OF PROPERTY

- 1) Beginning at the Northwest corner of Lot One (1) of Root's Beach, part of Government Lot Number Six (6), Section Thirty-five (35), Township One Hundred Nine (109) North, Range Twenty-four (24) West, Le Sueur County, Minnesota, thence North twenty (20) feet; thence in a westerly direction parallel to the North line extended of Lot One (1) to the East property line of property now owned by Charles and Golda Chesnut; thence in a Southerly direction along the East property line of the Charles and Golda Chesnut property a distance of 170 feet more or less to the waters edge of Lake Francis; thence in an Easterly direction to the Southwest corner of Lot One (1) of Root's Beach; thence Northerly along the West property line of said Lot One (1) of Root's beach to a point twenty (20) feet North of the Northwest corner of said Lot One (1) of Root's Beach. (State of Minnesota)
- 2) Beginning at a point on the East Line of Government Lot Number Seven (7), Section Number Thirty-five (35), Township Number One Hundred Nine (109) North, Range Number Twenty-four (24) West, Le Sueur County, Minnesota, said point being 1165.40 feet North and 1465.20 feet East of the West one Quarter Corner of said Section Number Thirty-five (35), thence North Fifty-five (55) degrees West 524.80 feet, thence North 70 degrees 37' West 311.75 feet, thence South 29 degrees 00' West 66.00 feet, thence South 70 degrees 37' East 311.75 feet, thence South 55 degrees 00' East 315.80 feet, thence South 29 degrees 00' West 190.00 feet more or less to the waters edge of Lake Frances, thence Southeasterly along the waters edge of said lake to the East line of said Government Lot Number Seven (7), thence North along said East line 190.00 feet more or less to place of beginning. also including a strip of land sixty-six (66) feet wide from the above described tract by the most direct route to the driveway and utility easement of Chesnut's Lakeshore Subdivision. (State of Minnesota)
- 3) All that part of Government Lot (6), Section Thirty-five (35), Township One Hundred Nine (109) North, Range Twenty-four (24) West of the 5th P.M. lying Westerly and bounded by the following described lines, beginning at a point on the West line of said lot 1119.4 feet North and 1466.0 feet East of the West quarter corner of said section, thence South 89° 40' 30" East, 253.25 feet; thence South 54° 46' East, 118.0 feet; thence South 39° 00' 30" East, 348.0 feet; thence South 76° 18' East, 251.0 feet; thence North 81° 49' 30" East, 332.0 feet; thence North 08° 52' West, 570.2 feet; thence North 76° 00' West, 320.00 feet; thence North 27° 00' West, 950.0 feet; thence North 01° 00' West, 300.0 feet; thence North 78° 00' West, 340.0 feet; and there terminating on the West line of said Lot. Containing 25.6 acres more or less. (State of Minnesota)
- 4) All that part of Government Lot Seven (7), Section Thirty-five (35), Township One Hundred Nine (109) North, Range Twenty-four (24) West of the 5th P.M. lying easterly of the following described line. Beginning at a point on the East line of said lot 1165.4 feet North and 1165.2 feet East of the West ¼ corner of said section. Thence North 55° 00' West, 524.8 feet; thence North 24° 00' west, 230.0 feet; thence North 54° 00' West, 260.0 feet; thence North 10° 00' West, 150.0 feet; thence North 73° 00' East, 760.00 feet, and there terminating on the East line of said lot. Containing 10.2 acres more or less. (State of Minnesota)
- 5) Commencing at the Northeast Corner of Lot Twenty-three (23) of Root's Beach Subdivision in Government Lot Six (6), Section Thirty-five (35), Township One Hundred Nine (109) North, Range Twenty-four (24) West, Le Sueur County, Minnesota, thence South 84° 13' East 66.55 feet; thence

South 77° 55' East 410.45 feet, thence South 28° 11' East along the centerline of State Aid Highway Number 11 a distance of 221.28 feet to place of beginning; thence North 61° 49' East 233.00 feet; thence North 28° 11' West 200.00 feet, thence South 61° 49' West 233.00 feet, thence South 28° 11' East 200.00 feet to place of beginning, being 1.07 acres of Government Lot Five (5) of said Section Thirty-five (35). (Wayne and Shirley Roemhildt)

- 6) Commencing at the Northeast Corner of Lot Twenty-three (23) of Root's Beach Subdivision in Government Lot Six (6), Section Thirty-five (35), Township One Hundred Nine (109) North, Range Twenty-four (24) West, Le Sueur County, Minnesota, thence South 84° 13' East 66.55 feet, thence South 77° 55' East 410.45 feet, thence South 28° 11' East along the centerline of State Aid Highway Number 11 a distance of 221.28 feet to place of beginning; thence continuing south 28° 11' East 108.00 feet, thence North 61° 49' East 233.00 feet, thence North 28° 11' West 100.00 feet, thence South 61° 49' West 233.00 feet to place of beginning. Being 0.54 acres of Government Lot Number Five (5) of said Section Thirty-five (35). (Thomas L. Williamson)
- 7) Commencing at the Northeast Corner of Lot Twenty-three (23) of Root's Beach Subdivision in Government Lot Six (6), Section Thirty-five (35), Township One Hundred Nine (109) North, Range Twenty-four (24) West, Le Sueur County, Minnesota, thence South 84° 13' East 66.55 feet, thence South 77° 55' East 410.45 feet, thence South 29° 11' East along the centerline of State Aid Highway Number 11 a distance of 221.28 feet to place of beginning; thence continuing South 28° 11' East 100.00 feet, thence North 61° 49' East 233.00 feet, thence North 28° 11' West 100.00 feet, thence North 61° 49' East 353.00 feet more or less to the water's edge of Lake Tustin, thence Easterly, Southerly, Westerly and Southwesterly along the water's edge of said lake to the South line of Government Lot Five (5) of said Section Thirty-five (35), thence West along said South line 236.00 feet more or less to the waters edge of Lake Francis, thence Northerly along the waters edge of said lake to a point bearing South 67° 04' West of place of beginning, thence North 67° 04' East 140.00 feet more or less to place of beginning, being 9.60 acres more or less of Government Lot Five (5) of said Section Thirty-five (35). (State of Minnesota)
- 8) Commencing at the Northeast Corner of Lot Twenty-three (23) of Root's Beach Subdivision in Government Lot Six (6), Section Thirty-five (35), Township One Hundred Nine (109) North, Range Twenty-four (24) West, Le Sueur County, Minnesota, thence South 84° 13' East 66.55 feet, thence South 77° 55' east 410.45 feet; thence South 28° 11' East along the centerline of State Aid Highway Number 11 a distance of 208.58 feet to place of beginning; thence continuing South 28° 11' East 12.70 feet, thence South 67° 04' West 140.00 feet more or less to the water's edge of Lake Francis, thence northerly along the water's edge of said lake to a point bearing South 67° 04' West of place of beginning, thence North 67° 04' East 145.00 feet more or less to place of beginning, being 0.04 acres more or less of Government Lot Five (5) of said Section Thirty-five (35).  
ALSO  
Commencing at the Northeast Corner of Lot Twenty-three (23) of Root's Beach Subdivision in Government Lot Six (6), Section Thirty-five (35), Township One Hundred Nine (109) North, Range Twenty-four (24) West, Le Sueur County, Minnesota, thence South 84° 13' East 66.55 feet, thence South 77° 55' East 410.45 feet, thence South 28° 11' East 21.28 feet, thence North 61° 49' East 233.00 feet to place of beginning, thence South 28° 11' East 200.00 feet, thence North 61° 49' East 353.00 feet more or less to the water's edge of Lake Tustin, thence Northwesterly along the water's edge of said lake to a point bearing North 61° 49' East of place of beginning, thence South 61° 49' West 216.00 feet more or less to place of beginning, being 1.30 acres more or less of Government Lot Five (5) of said Section Thirty-five (35). (Wayne and Shirley Roemhildt)

- 9) All that part of Government Lot No. 6, Section No. 35, Township 109 North, Range 24 West, Le Sueur County, Minnesota, described as follows: Beginning at a point 1119.40 feet North and 1486.00 feet East of the West one quarter corner of said Section No. 35, thence South 00 degrees 00 minutes 00 seconds West 20.00 feet to the Northwest corner of Lot No. 1 of Root's Beach Subdivision, the Plat of said Subdivision being on file in the Office of the County Recorder of Le Sueur County, thence continuing South 00 degrees 00 minutes 00 seconds West on the West line of said Lot No. 1 a distance of 150.00 feet more or less to the waters edge of Lake Francis, thence northwesterly along the waters edge of said lake to a point bearing South 00 degrees 00 minutes 00 seconds East of a point 1165.40 feet North and 1465.20 feet East of the West one quarter corner of said Section No. 35, thence North 00 degrees 00 minutes 00 seconds West 160.00 feet more or less to a point bearing North 89 degrees 40 minutes 30 seconds West of the point of beginning, thence South 89 degrees 40 minutes 30 seconds East 20.80 feet to point of beginning. Containing 0.08 acres. (Joan C. Barnett)
- 10) Commencing at the Northeast corner of Lot Twenty-three (23) of Root's Beach Subdivision in Government Lot Six (6), Section Thirty-five (35), Township One Hundred Nine (109) North, Range Twenty-four (24) West, Le Sueur County, Minnesota, the Plat of said subdivision being recorded in the Office of the register of Deeds in Le Sueur County, thence South 84° 13' East 66.55 feet, thence South 77° 55' East 410.45 feet to the centerline of County Road Number 11, thence North 31° 11' West along said road centerline 128.72 feet to place of beginning; thence North 32° 56' West along the centerline of said road 169.07 feet, thence North 58° 47' East 606.00 feet, thence South 76° 13' East 30.00 feet more or less to the water's edge of Lake Tustin, thence Southerly along the water's edge of said Lake to a point bearing North 61° 44' East of place of beginning, thence South 61° 44' West 543.00 feet more or less to place of beginning. Containing 2.50 acres more or less and being part of Government Lot Five (5) said Section Thirty-five (35). (William and Mary Nikoley)
- 11) Commencing at the Northeast corner of Lot Twenty-three (23) of Root's Beach Subdivision in Government Lot Six (6), Section Thirty-five (35), Township One Hundred Nine (109) North, Range Twenty-four (24) West, Le Sueur County, Minnesota, thence South 84° 13' East 66.55 feet, thence South 77° 55' East 410.45 feet, thence South 28° 11' East along the centerline of State Aid Highway No. 11 a distance of 21.28 feet to place of beginning, thence North 28° 11' West along the center of said highway 21.28 feet, thence North 31° 11' West along the center of said highway 128.72 feet, thence North 61° 44' East 543.00 feet more or less to the waters edge of Lake Tustin, thence southwesterly along the waters edge of said lake to a point bearing North 61° 49' East of place of beginning, thence South 61° 49' West 449.00 feet more or less to place of beginning, being 1.71 acres more or less of Government Lot Five (5) of said Section No. Thirty-five (35). (Wayne and Shirley Roemhildt)
- 12) Commencing at the Northeast corner of Lot Three (3) in a Northwesterly direction on a line extending the East boundary line of Lot Three (3) to the North boundary line of the Driveway-Utility Easement adjacent to Lot Three (3), a distance of 40.03 feet; thence Southwesterly along the North boundary line of said Easement, a distance of 50.00 feet; thence Southeasterly to the Northwest corner of Lot Three (3), a distance of 40.03 feet; thence Northeasterly along the North boundary line of Lot Three (3) to the Northeast corner of Lot Three (3), a distance of 50.00 feet to the point of beginning. And in addition, the West 10.00 feet of the following described real property: Commencing at the Northeast corner of Lot Two (2) in a Northwesterly direction on a line extending the East boundary line of Lot Two (2) to the North boundary line of the Driveway-Utility Easement adjacent to Lot Two (2) a distance of 40.03 feet; thence Southwesterly along the North boundary line of said Easement, a distance of 50.00 feet; thence Southeasterly to the Northwest corner of Lot Two (2), a distance of 40.03 feet; thence Northeasterly along the North

boundary line of Lot Two (2) to the Northeast corner of Lot Two (2), a distance of 50.00 feet to the point of beginning. (*William and Grace Roberts*)

- 13) That part of Government Lot Number Seven (7), Section Number Thirty-five (35), Township Number One Hundred Nine (109) North, Range Number Twenty-four (24) West, Le Sueur County, Minnesota, described as follows: Commencing at the Northeast corner of Lot Number One (1) of Chesnut's Lakeshore Subdivision, the Plat of said Subdivision being on file in the Office of the County Recorder of Le Sueur County, Minnesota, thence North 18° 30' West, 40.03 feet, thence North 61° 30' West, 207.00 feet, thence South 20 degrees 52 minutes West 34.00 feet to place of beginning; thence South 00 degrees 58 minutes West 115.43 feet, thence South 73 degrees      minutes East 35.03 feet, thence North 69 degrees 03 minutes East 15.25 feet, thence Northwesterly 132.50 feet to place of beginning.

Commencing at the Northeast corner of Lot Four (4) in a Northwesterly direction on an extending the East boundary line of Lot Four (4) to a point of intersection on the North boundary line of the Driveway-Utility Easement adjacent to Lot Four (4), distance of 40.03 feet, thence Southwesterly and then Northwesterly following the boundary line of said Easement, a total distance of 53.13 feet; thence Southwesterly to the Northwest corner of Lot Four (4), a distance of 40.03 feet; thence Southeasterly and then Northeasterly along the North boundary line of Lot Four (4) the Northeast corner of Lot Four (4), a total distance of 78.88 feet to the point of beginning. (*Edwin and Lois Gehrke*)

- 14) Beginning at the Northeast corner of Lot No. 5 of Block No. 1 of Chesnut's Lakeshore Subdivision, thence North 17 degrees 03 minutes 09 seconds East 39.96 feet to the north line of the Driveway-Utility Easement adjacent to Lot No. 4, thence North 72 degrees 16 minutes West along the north line of said easement 43.00 feet, thence South 27 degrees 00 minutes 29 seconds West 40.48 feet to the Northwest corner of said Lot No. 5, thence South 72 degrees 16 minutes East along the North line of said Lot No. 5 a distance of 50.00 feet to place of beginning.

All that part of Government Lot Number Seven (7), Section Number Thirty-five (35), Township Number One Hundred Nine (109) North, Range Number Twenty-four (24) West, Le Sueur County, Minnesota, described as follows: Commencing at the Northeast corner of Lot Number One (1) of Chesnut's Lakeshore Subdivision, the Plat of said Subdivision being on file in the Office of the County Recorder of Le Sueur County, Minnesota, thence North 18 degrees 30 minutes West 40.03 feet, thence North 61 degrees 30 minutes West 207.00 feet, thence South 20 degrees 52 minutes West 34.00 feet to place of beginning; thence South 00 degrees 58 minutes West 115.43 feet, to the northerly right of way line of a driveway and utility easement described in said plat, thence North 72 degrees 16 minutes West 43.00 feet along said northerly right of way line, thence North 20 degrees 52 minutes East 407.13 feet to place of beginning. (*Richard and Margaret Wood*)

- 15) Commencing at the Northeast corner of Section Number 34, Township 109 North, Range Number 24 West, Le Sueur County, Minnesota, thence South on the East line of said Section 34 a distance of 1094.94 feet, thence North 89 degrees West 88.00 feet to place of beginning; thence North 89 degrees West 160.45 feet, thence South 46 degrees 45 minutes East 128.52 feet, thence North 38 degrees 33 minutes East 108.50 feet to place of beginning. Being 0.16 acres of Government Lot 5 of said Section 34. (*Rebecca L. Eilen*)
- 16) Commencing at the Northeast corner of Section Number 34, Township Number 109 North, Range 24 West, Le Sueur County, Minnesota, thence South on the East line of said Section 34 a distance of 1094.94 feet, thence North 89 degrees West 12.00 feet to place of beginning; thence North 89 degrees West 76.00 feet, thence South 38 degrees 33 minutes West 108.50 feet,

thence South 46 degrees 46 minutes East 59.00 feet, thence North 38 degrees 40 minutes East 159.65 feet to place of beginning. Being 0.19 acres of Government Lot Number 5 of said Section 34. (*Gayle Staloch*)

- 17) Commencing at the Northeast corner of Section Number 34, Township Number 109 North, Range Number 24 West, Le Sueur County, Minnesota, thence South on the East line of said Section 34 a distance of 1094.94 feet to place of beginning; thence North 89 degrees West 12.00 feet, thence South 38 degrees 40 minutes West 159.65 feet, thence South 46 degrees 46 minutes East 88.00 feet, thence North 31 degrees 29 minutes East 215.50 feet, thence North 89 degrees West 65.00 feet to place of beginning. Being 0.26 acres of Government Lot 5 of said Section 34 and 0.08 acres of Government Lot 7 of Section 35, said Town and Range. (*John and Marilyn Sandquist*)
- 18) Commencing at the Northwest corner of Section Number 35, Township Number 109 North, Range Number 24 West, Le Sueur County, Minnesota, thence South on the West line of said Section 35 a distance of 1094.94 feet, thence South 89 degrees East 65.00 feet to place of beginning; thence South 31 degrees 29 minutes West 215.50 feet, thence South 46 degrees 46 minutes East 65.00 feet, thence North 21 degrees, 32 minutes East 245.18 feet, thence North 89 degrees West 25.00 feet to place of beginning. Being 0.17 acres of Government Lot 7 of said Section 35 and 0.07 acres of Government Lot 5 of Section 34, and Town and Range. (*Gary and Dallas Hagen*)
- 19) Commencing at the Northwest corner of Section Number 35, Township Number 109 North, Range Number 24 West, Le Sueur County, Minnesota, thence South on the West line of said Section 35 a distance of 1094.94 feet, thence South 89 degrees East 90.00 feet to place of beginning; thence South 21 degrees 32 minutes West 245.18 feet, thence South 71 degrees 19 minutes East 57.00 feet, thence North 13 degrees 46 minutes East 253.42 feet, thence North 89 degrees West 25.00 feet to place of beginning. Being 0.23 acres of Government Lot 7 of said Section 35. (*Duane and Alice Bromeland*)
- 20) Commencing at the Northwest corner of Section Number 35, Township Number 109 North, Range Number 234 West, Le Sueur County, Minnesota, thence South on the West line of said Section 35 a distance of 1094.94 feet, thence South 89 degrees East 115.00 feet to place of beginning; thence South 13 degrees 46 minutes West 253.42 feet, thence South 71 degrees 19 minutes East 54.50 feet, thence North 20 degrees 52 minutes East 196.15 feet, thence North 50 degrees 14 minutes East 123.90 feet, thence North 89 degrees West 161.00 feet to place of beginning. Being 0.50 acres of Government Lot 7 of said Section Number 35. (*Tim and Sharon Brandt*)
- 21) All that part of Government Lot No. 5, Section No. 34, Township 109N, Range 24W, Le Sueur County, Minnesota, described as follows: Commencing at the Northeast (the most northerly) corner of Lot No. 12, Block No. 2, Chesnuts Lakeshore Subdivision, the Plat of said Subdivision being on file in the office of the County Recorder of Le Sueur County, thence North 48 degrees 25 minutes 44 seconds East 58.17 feet to the point of beginning of the tract to be described; thence continuing North 48 degrees 25 minutes 44 seconds East 142.00 feet, thence South 89 degrees 00 minutes 00 seconds East 210.40 feet, thence South 01 degree 00 minutes 00 seconds West 156.80 feet to the north line of a driveway and utility easement as is shown on said Plat, thence North 89 degrees 00 minutes 00 seconds West on said north line 288.71 feet, thence North 22 degrees 23 minutes 00 seconds West on the easterly line of said driveway and utility easement 66.18 feet to the point of beginning. Containing 1.00 acres. (*Joseph and Nadine Strong*)
- 22) Commencing at the Northwest Corner of Lot Seventeen (17) of Chesnut's Lakeshore Subdivision of Undeveloped Lot B, thence in a Northeasterly direction on an extension of the West lot line of Lot Seventeen (17) to a point on the Northeast right-of-way line of the driveway and utility



easement, the place of beginning; thence in a Northeasterly direction on an extension of the Westerly lot line of Lot Seventeen (17), a distance of One Hundred (100) feet; thence in a northwesterly direction and parallel to the Northeasterly right-of-way line of the driveway and utility easement, to a point which bears from the Southeast Corner of Lot Thirty-three (33) of Chesnut's Lakeshore Subdivision of Undeveloped Lot B, which is an extension of the Southeast Lot line of Lot Thirty-three (33) to a point on the driveway and utility easement, and thence on a further extension of said line a distance of One Hundred (100) feet; thence in a Southwesterly direction over the previous description line a distance of One Hundred (100) feet to the Northeasterly right-of-way line of the driveway and utility easement. Thence in a Southeasterly direction on the Northeasterly right-of-way line of the driveway and utility easement to place of beginning. Said Tract located in Government Lot (5) Section Thirty-four (34) Township One Hundred Nine (109) North, Range Twenty-four (24) West, Le Sueur County, Minnesota.

That part of Government Lot 5 in Section 34 Township 109 North, Range 24 West, Le Sueur County, MN, described as:

Commencing at the Northeast Corner of Section 34, thence South 89 degrees 48 minutes 00 seconds West, (assumed bearing) along the North line of Government Lot 5 in Section 34 a distance of 712.38 feet; thence South 14 degrees 12 minutes 00 seconds East, 220.20 feet to the point of beginning; thence continuing south 14 degrees 12 minutes 00 seconds East, 0.37 feet to the point of intersection with the Easterly extension of the Southerly line of Lot 33, "Subdivision of Undeveloped Lot B to Chesnut's Lakeshore Subdivision according to the plat thereof on file and of record with the Le Sueur County Recorder; thence North 76 degrees 30 minutes 00 second East, along the Easterly extension of said Southerly line, 66.01 feet; thence North 14 degrees 12 minutes 00 seconds West, 204.92 feet to a point on the North line of Government Lot 5 in said Section 34; thence South 89 degrees 48 minutes 00 seconds West along said North line, 3.22 feet to a point on the Easterly line of the 66 foot wide Roadway and Utility Easement as shown on "Chesnut's Lakeshore Subdivision No. 3" on file and of record with the Le Sueur County Recorder; thence South 02 degrees 07 minutes 00 seconds West, along said Easterly line 3.13 feet; thence South 02 degrees 54 minutes 00 seconds West, along said Easterly line, 210.84 feet to the point of beginning. Said tract contains 7115 square feet. (Thomas and Janet Tonneson)

- 23) That part of Government Lot 5 in Section 34, Township 109 North, Range 24 West, Le Sueur County, Minnesota described as:

Commencing at the Northeast Corner of Section 34; thence South 89 degrees 48 minutes 00 seconds West, (assumed bearing) along the North line of Government Lot 5 in Section 34 a distance of 644.36 feet to a point 3.22 feet east of the easterly line of the 66 foot wide Roadway and Utility Easement as shown on "Chesnut's Lakeshore Subdivision No. 3" on file and of record with the Le Sueur County Recorder; said point being the point of beginning; thence North 89 degrees 48 minutes 00 seconds East, back along the north line of Government Lot 5 a distance of 35.04 feet; thence South 14 degrees 12 minutes 00 seconds East, along a line parallel with and distant 100.00 feet easterly of as measured at right angles to the easterly line of the 40-foot wide Roadway and Utility Easement adjoining Lots 33 and 34, as shown on the "Subdivision of Undeveloped Lot B of Chesnut's Lakeshore Subdivision," according to the plat thereof on file and of record with the Le Sueur County Recorder, a distance of 196.86 feet to the point of intersection with the easterly extension of the southerly line of said Lot 33; thence South 76 degrees 30 minutes 00 seconds West, along the Easterly extension of said Southerly line, 34.00 feet; thence North 14 degrees 12 minutes 00 seconds West, 204.92 feet to the point of beginning. (Hobert J. Setzer)

- 24) All that part of Government Lot 5, Section 34, Township 109 North, Range 24 West, and Government Lot 6, Section 27, Township 109 North, Range 24 West, described as follows:

Commencing at the Southeast corner of Section 27, Township 109 North, Range 24 West; thence South 89° 48' west (an assumed bearing) and along the South line of Government Lot 6 a distance of 712.38 feet to an iron pipe, said point being the place of beginning of the following described tract; thence South 14° 12' East 220.20 feet; thence North 2° 54' East, 210.84 feet; thence North 2° 07' East, 133.78 feet; thence North 9° 06' West, 519.76 feet; thence South 82° 18' West, 279 feet more or less to the present shoreline of Lake Francis, thence in a Southeasterly direction along said lake shoreline to a point of intersection with said South line of Government Lot 6, said point of intersection being South 89° 48' West 171 feet more or less from the point of beginning; thence North 89° 48' East, 171 feet more or less to the point of beginning. (*Chesnut's Lakeshore Subdivision No. 3*)

- 25) All riparian lands to the above-described parcels.