

NOTICE OF INTENT TO ANNEX PROPERTY

TO: Elysian Township Board of Supervisors
Township Clerk
19919 Ridge Road
Elysian, MN 56028

You are hereby notified that the City of Elysian intends to annex the property described on attached Exhibit A and further delineated on the map attached as Exhibit B. Said property consists of a combined surface water area of approximately 157.6 acres and the perimeter is adjacent to land already incorporated into the City of Elysian. This Notice of Intent to Annex is being served upon you pursuant to Minnesota Statute 414.031.

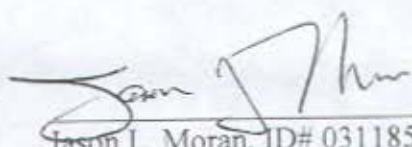
The city will request that the Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments order the annexation of the two combined lake surface areas legally described on the attached Exhibit A and as shown on the map attached hereto as Exhibit B be incorporated into the City of Elysian's corporate limits under M.S.A. 414.031, as amended.

You are notified that on August 11, 2008, the City Council for the City of Elysian passed Resolution No. 316/08 authorizing the annexation of the surface water areas under M.S.A. 414.031 legally described in Exhibit A and that the office of Administrative Hearings will be scheduling further hearings in regard to this matter pursuant to law.

You are notified that the primary reason for the City's pursuit of this annexation is because waterfowl hunting is occurring within the areas identified for annexation, and protective measures are needed to ensure the safety of those living adjacent to the lake waters. The City has received complaints of shot/pellets that sprayed homes and damaged residential property and annexation is needed to protect the residents of the area.

Dated: 9-5-08

By:



Jason L. Moran, ID# 0311856
Attorney for the City of Elysian
Christian, Keogh, Moran & King
65 South Park Avenue
P.O. Box 156
Le Center, MN 56057
507-357-2278

Commencing at the southeast corner of the northeast quarter of section 35-109-24 west, thence north approximately 625 feet to the Lake Tustin south shoreline to the point of beginning, thence north along the east boundary line of section 35 approximately 1,235 feet to the north shore of Lake Tustin, thence a northwesterly direction following the shoreline of Lake Tustin and the City of Elysian's city boundary in a counterclockwise direction to the point of beginning, and containing approximately 74 acres of lake water body area.

And

Commencing at the southwest corner of the northwest quarter of section 35-109-24 west, thence north approximately 74 feet to the Lake Francis south shoreline to the point of beginning, thence north along the west boundary line of section 35 approximately 972 feet to the north shore of Lake Francis, thence a northeasterly direction following the shoreline of Lake Francis and the City of Elysian's boundary in a clockwise direction to the point of beginning, and containing approximately 83.6 acres of lake water body area.

Exhibit A

REC'D BY
MAMB

OCT 16 2008

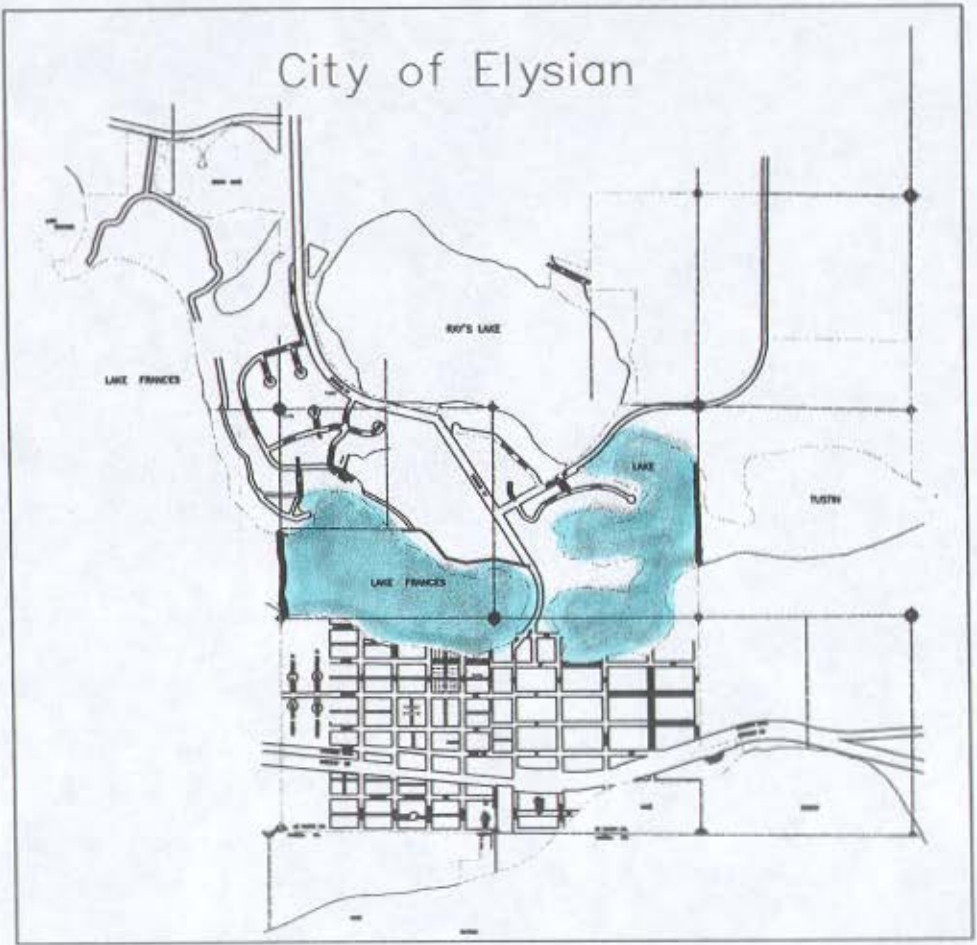


Exhibit B

Lake
Water
to be
annexed

RESOLUTION 316/08

REC'D BY
MAM 8

OCT 16 2008

RESOLUTION FOR ANNEXATION OF UNINCORPORATED PROPERTY TO A MUNICIPALITY BY ORDER

IN THE MATTER OF THE RESOLUTION OF THE
CITY OF ELYSIAN FOR ANNEXATION OF
UNINCORPORATED ABUTTING PROPERTY TO
THE CITY OF ELYSIAN, MINNESOTA
PURSUANT TO MINNESOTA STATUTES § 414.031

TO: Office of Administrative Hearings
Municipal Boundary Adjustments
P. O. Box 64620
St. Paul, MN 55164-0620
651-361-7900

REC'D BY
MAM 8
AUG 20 2008

The Office of Administrative Hearings is hereby requested to hold a public hearing on the question of annexing certain property to the City of Elysian, Minnesota pursuant to Minnesota Statutes § 414.031. The petitioner for annexation is:

X The City of Elysian, Minnesota,

Notice of Intent to Incorporate was served on Township(s) (Subd. 1a) July 16, 2008. ✓

The area proposed for annexation is described as follows (see illustration A):

Commencing at the southeast corner of the northeast quarter of section 35-109-24 west, thence north approximately 625 feet to the Lake Tustin south shoreline to the point of beginning, thence north along the east boundary line of section 35 approximately 1,235 feet to the north shore of Lake Tustin, thence a northwesterly direction following the shoreline of Lake Tustin and the City of Elysian's city boundary in a counterclockwise direction to the point of beginning, and containing approximately 74 acres of lake water body area.

And

Commencing at the southwest corner of the northwest quarter of section 35-109-24 west, thence north approximately 74 feet to the Lake Francis south shoreline to the point of beginning, thence north along the west boundary line of section 35 approximately 972 feet to the north shore of Lake Francis, thence a northeasterly direction following the shoreline of Lake Francis and the City of Elysian's boundary in a clockwise direction to the point of beginning, and containing approximately 83.6 acres of lake water body area.

1. The area proposed for annexation abuts the city on the city's *East and West* boundary thereof, and none of it is presently a part of any incorporated city or in an area designated for orderly annexation.
2. The total acreage of the area proposed for annexation is: *157.6 acres of water surface*

area.

3. The reason for requesting the annexation is: *The water areas described above encompass areas immediately adjacent to developed areas of Elysian which are and have been used for waterfowl hunting resulting in conflict between a rural use and an urban use. Residents of Lakeview Manor (a Planned Unit Development on the west shore of Lake Tustin) have reported being hit by shot and shot coming down on deck areas during fall hunting season. By annexing those portions of the lake areas that are bounded by city limits now, the City of Elysian will be able to protect its residents from this incompatible rural use.*
4. Parties entitled to notice under Minnesota Statutes § 414.09 are:
City of Elysian, PO Box 246, Elysian, MN 56028-0246
Elysian Township, c/o Township Clerk, 19919 Ridge Road, Elysian, MN 56028-4523
LeSueur County, c/o Environmental Services, 88 South Park Ave., LeCenter, MN 56057.

Resolution presented by Member Opsahl, seconded by Hanson, and approval given with voting as follows:

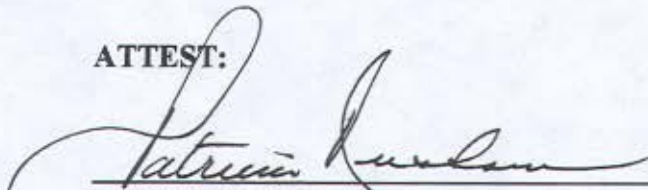
Voting Yes: Opsahl, Hanson, Coon, Evans


Voting No: None

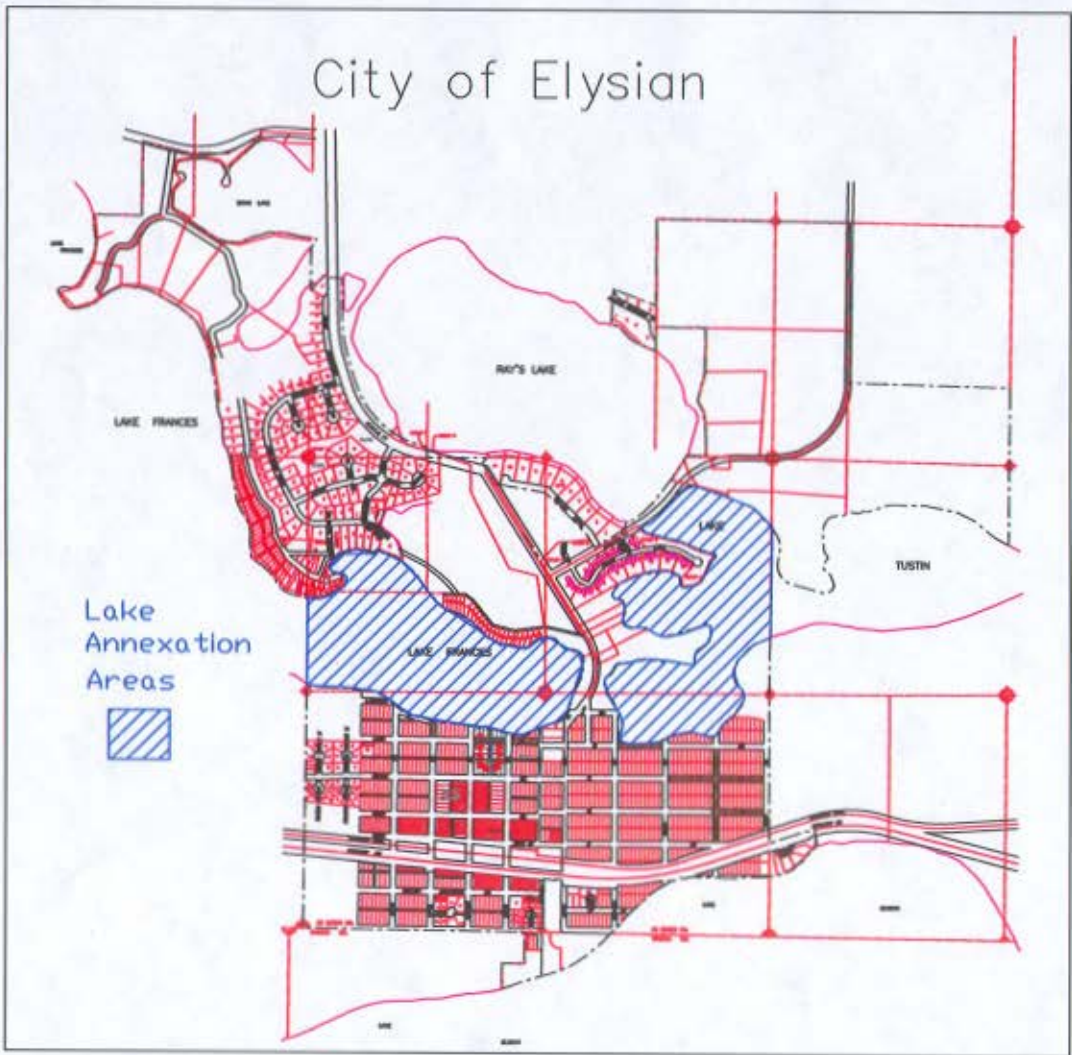
Abstain: None

Dated: August 11, 2008

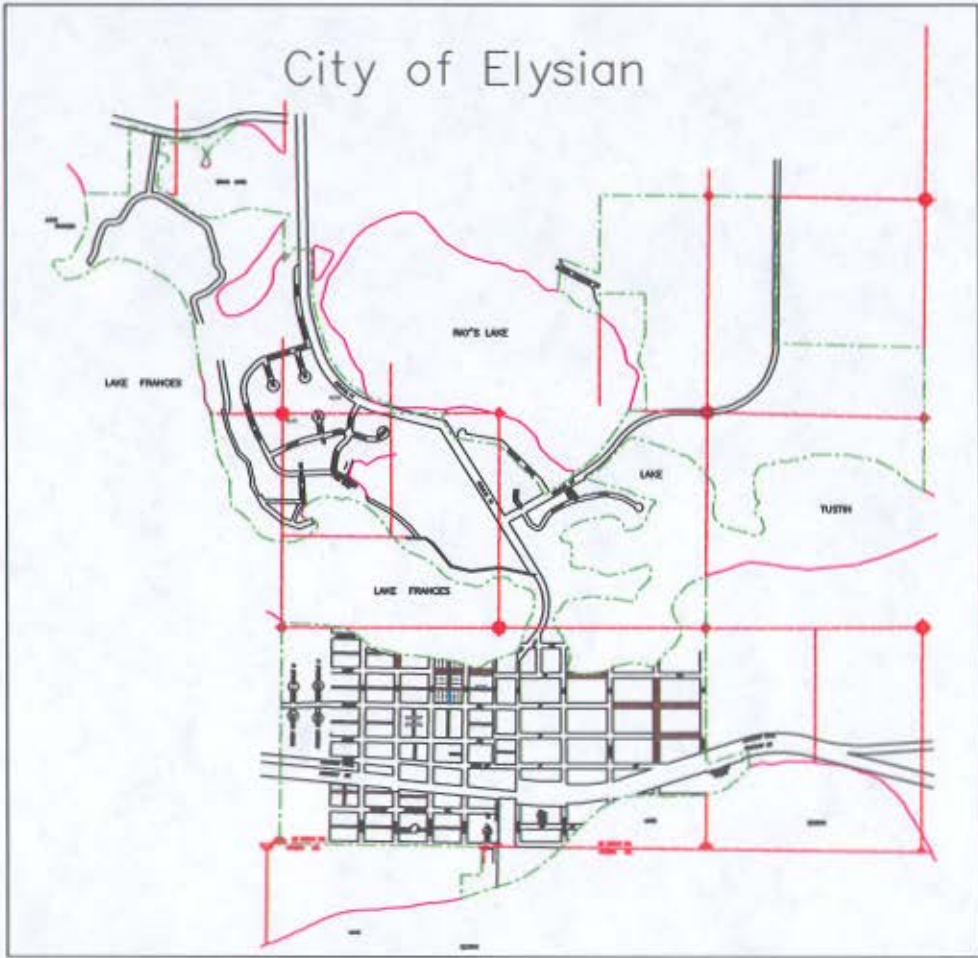
ATTEST:


Patricia Nusbaum, Clerk Administrator


Mack Evans, Mayor



RECD BY
MAB
OCT 16 2008



REC'D BY
MMS
OCT 16 2008