

**JOINT RESOLUTION****CITY OF MONTGOMERY  
RESOLUTION NO. 40-2004****TOWNSHIP OF MONTGOMERY  
RESOLUTION**

A JOINT RESOLUTION OF THE CITY OF MONTGOMERY AND THE TOWNSHIP OF MONTGOMERY DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER THE AREA TO THE MONTGOMERY MUNICIPAL BOUNDARY ADJUSTMENT BOARD, PURSUANT TO MINNESOTA STATUTES SECTION 414.0325.

WHEREAS, the City of Montgomery and the Township of Montgomery have met, conferred, considered and reached agreement relating to the annexation of an area located in the Township of Montgomery; and,

WHEREAS, the legal description for the property to be annexed is set out herein and attached hereto as Exhibit A; and,

WHEREAS, the owner of the property described in Exhibit A is as follows: City of Montgomery; and,

WHEREAS, the City of Montgomery and the Township of Montgomery desire to designate a certain unincorporated area as in need of orderly annexation pursuant to Minnesota Statutes Section 414.0325 and have agreed upon certain terms and conditions relating to the annexation of said property; and,

WHEREAS, the owner of the property described above has waived the provisions of Minnesota Statutes Section 414.0325(1a) regarding electrical utility service.

NOW, THEREFORE, BE IT RESOLVED AND AGREED between the City of Montgomery and the Township of Montgomery as follows:

1. That the City of Montgomery (hereinafter "City") is a city pursuant to the laws of the State of Minnesota and that the Township of Montgomery (hereinafter "Township") is a township pursuant to the laws of the State of Minnesota, and that both parties are fully authorized and empowered to enter into this resolution.
2. That the following unincorporated area is in need of orderly annexation, lies wholly within Montgomery Township, Le Sueur County, Minnesota, and is described as follows: see Exhibit A attached hereto and incorporated herein (hereinafter "the Property") and no alteration of its stated boundaries is appropriate.

3. That jurisdiction over annexation within the Property and over the various provisions contained in this Resolution is hereby conferred upon the Minnesota Department of Administration (hereinafter "Department").
4. That the property does abut the City and is, or is about to become, urban or suburban in character.
5. That the Property will be immediately annexed to the City upon the adoption of this Resolution and the Order of the Department.
6. No consideration by the Department is necessary, the Department may review and comment, but shall within 30 days order the annexation in accordance with the terms of this Resolution.
7. That the real estate taxes collected from the Property due and payable in 2004 will be paid and delivered to the Township. That the real estate taxes due and payable in 2005 and for all years thereafter will be paid and delivered to the City.
8. That there will be reimbursement by the City to the Township for tax revenues lost of 80% in 2004, 60% in 2005, 40% in 2006 and 20% in 2007 in accordance with Minnesota Statutes Section 414.036.
9. That connection to the sewer system will be the responsibility of the Owner and will be conducted in accordance with the ordinances of the City as well as any State or Federal agency laws, rules or regulations.
10. That the Owner of the Property has waived the provisions of Minnesota Statutes Section 414.0325(1a), relative to notice of the costs of electric utility service.
11. That every provision of this Resolution will be and hereby is declared severable, and if any part or portion is held invalid, it will not affect or invalidate the remaining parts or portions of the Resolution.
12. That the Property annexed is currently zoned agricultural/residential and will be zoned by the City at a future time when the City determines a use for the subject property.

AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
MONTGOMERY THIS 22<sup>nd</sup> DAY OF march, 2004.

## CITY OF MONTGOMERY

BY   
Its Mayor

BY   
Its City Administrator

AGREED TO AND APPROVED BY THE TOWN BOARD OF THE TOWNSHIP OF  
MONTGOMERY THIS 4 DAY OF MARCH, 2004.

## TOWNSHIP OF MONTGOMERY

BY   
Its Chairman

BY   
Its Clerk

EXHIBIT A

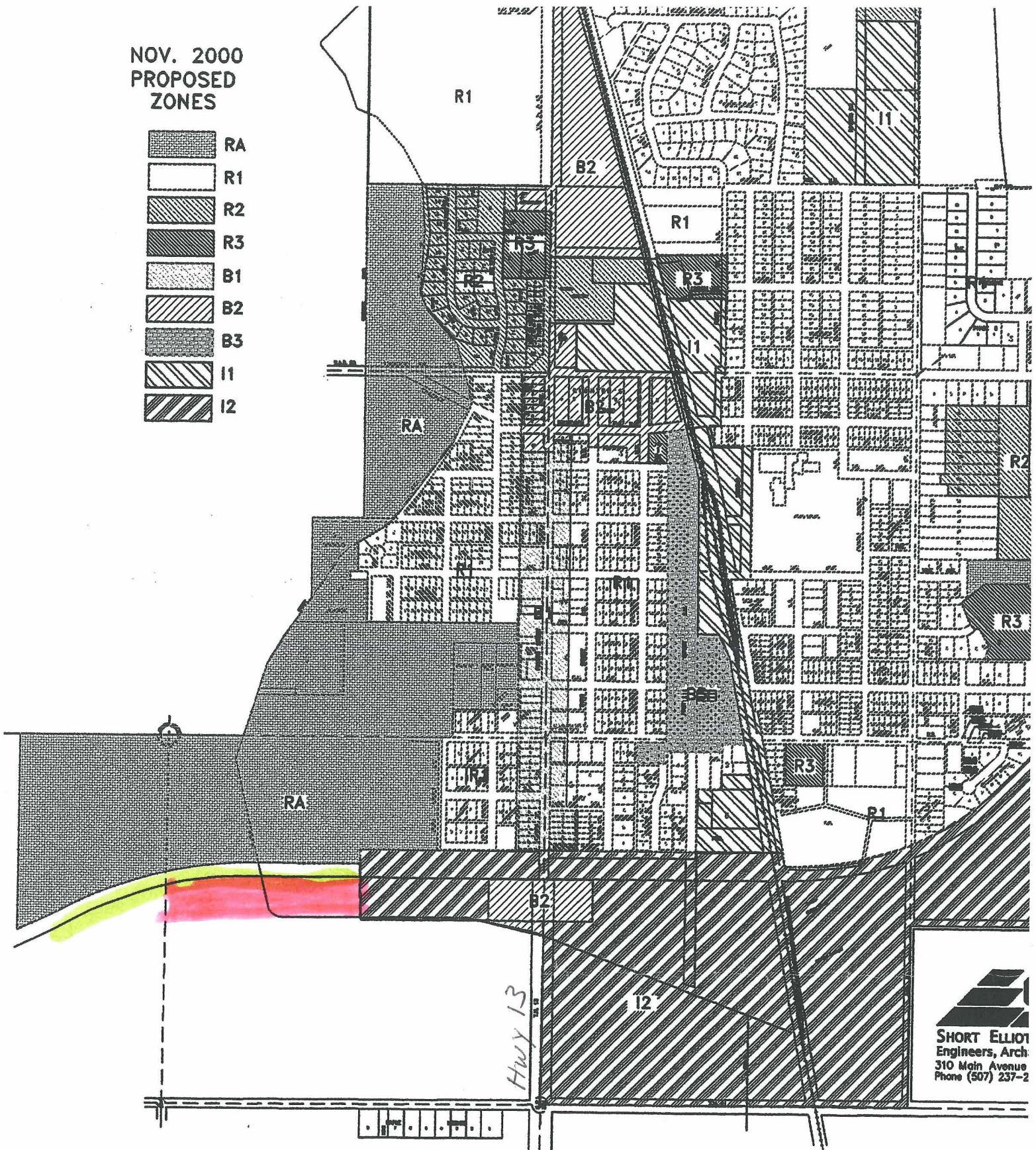
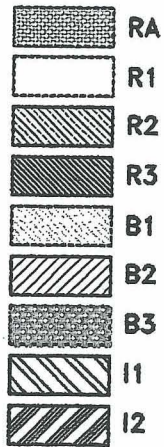
REC'D BY  
MMB

MAR 29 2004

That part of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  South of Railroad, Section 9-111-23, Le Sueur County, Minnesota.



NOV. 2000  
PROPOSED  
ZONES



SHORT ELLIOT  
Engineers, Architects  
310 Main Avenue  
Phone (507) 237-2

*Rail Road*

*10.11 acre tract*

REC'D BY  
MMB

MAR 29 2004