

JOINT RESOLUTION

REC'D BY
M M B

AUG 20 2004

**CITY OF MONTGOMERY
RESOLUTION NO. 91-2004**

**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 CITY OF MONTGOMERY, LE SUEUR COUNTY, MINNESOTA, 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, Le Sueur County, Minnesota; and,

WHEREAS, the owners of the property described in Exhibit A are as follows: Randall D. Trnka and Cheryl M. Trnka, husband and wife, as contract for deed vendors, Robert Roloff, a single person, as contract for deed vendee, and Rural American Bank Montgomery/Lonsdale, a Minnesota corporation, as mortgagee; 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 owners of the property to be annexed have submitted a petition for annexation to the City of Montgomery, Le Sueur County, Minnesota, in which said owners request the annexation of the subject property into the City of Montgomery, Le Sueur County, Minnesota.

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 Owners 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 Owners of the Property have 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 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 16th DAY OF August, 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 5th DAY OF August, 2004.

TOWNSHIP OF MONTGOMERY

BY


Its Chairman

BY


Its Clerk

REC'D BY
MMB

AUG 20 2004

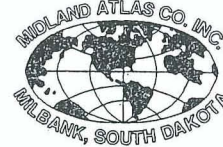
EXHIBIT A

The South 158.40 feet of the North 448.80 feet of the West 275.00 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15-111-23, Le Sueur County, Minnesota, containing 1.00 acre and being subject to all existing Highway right-of-way easements.

MAP OF MONTGOMERY

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AUG 20 2004

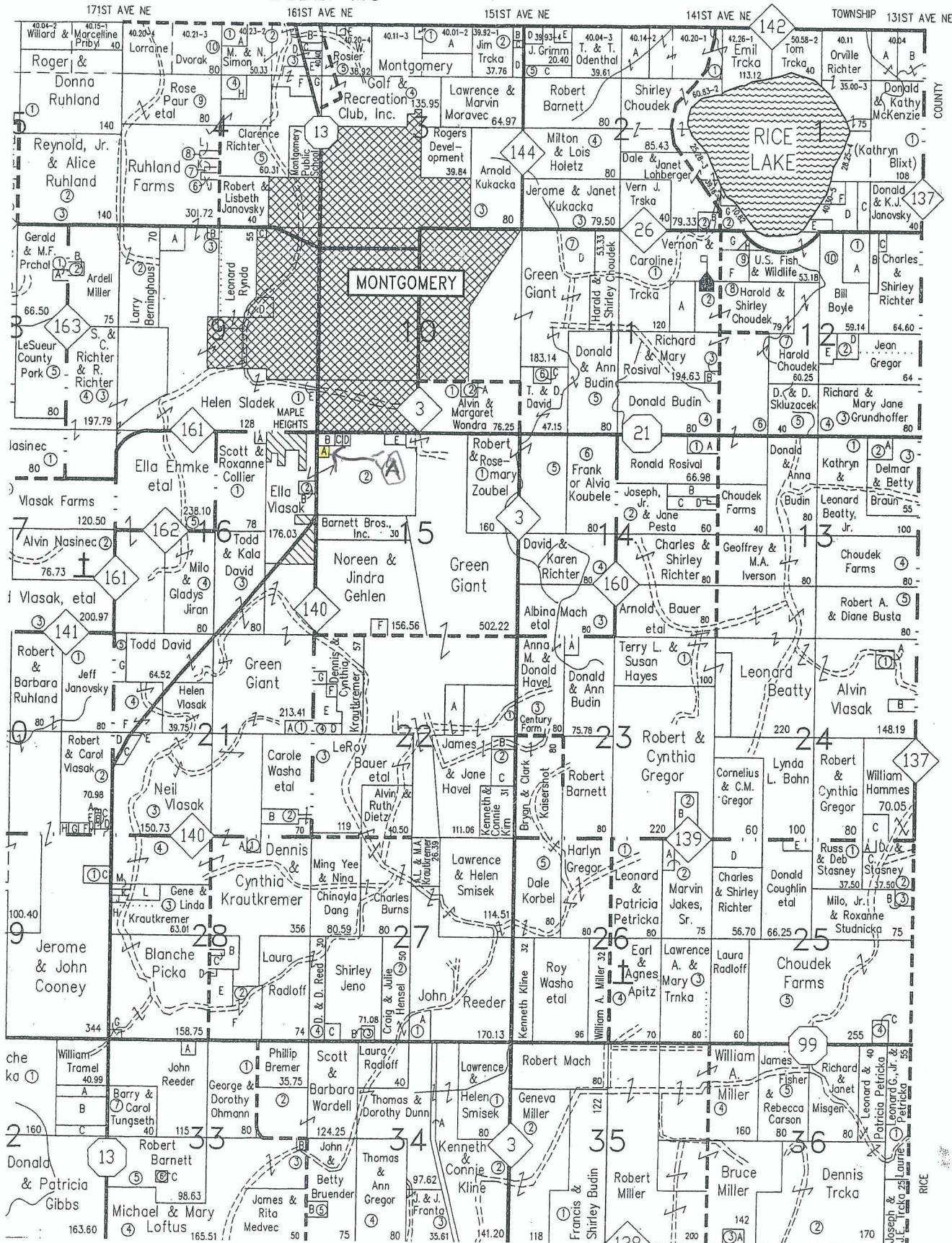


IP: 111 N

MIDLAND ATLAS CO. INC. COPYRIGHT 1999

RANGE: 23 W

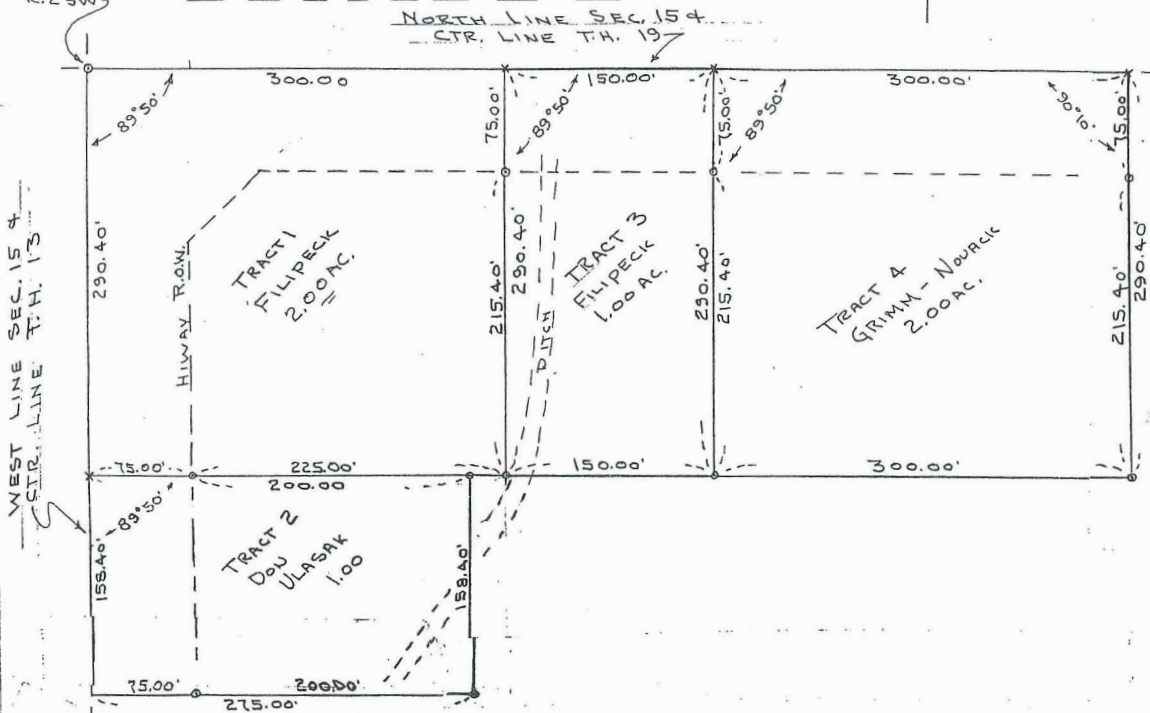
CODE: MO



REC'D BY
MMB

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NW CORNER
SEC. 15, T. 111N.,
R. 23W.



DESCRIPTION: TRACT 3

The East 150.00 feet of the West 450.00 feet of the North 290.40 feet of the Northwest quarter of the Northwest quarter of Section No. 15, Township No. 111 North, Range No. 23 West, Le Sueur County, Minnesota, containing 1.00 acre and being subject to all existing highway right-of-way easements.

DESCRIPTION: TRACT 4

The East 300.00 feet of the West 750.00 feet of the North 290.40 feet of the Northwest quarter of the Northwest quarter of Section No. 15, Township No. 111 North, Range No. 23 West, Le Sueur County, Minnesota, containing 2.00 acres and being subject to all existing highway right-of-way easements.

DESCRIPTION: - TRACT 1

The North 290.40 feet of the West 300.00 feet of the Northwest quarter of the Northwest quarter of Section Number 15, Township Number 111 North, Range Number 23 West, Le Sueur County, Minnesota, containing 2.00 acres and being subject to all existing highway right-of-way and sight easements.

DESCRIPTION - TRACT 2

The South 158.40 feet of the North 448.80 feet of the West 275.00 feet of the Northwest quarter of the Northwest quarter of Section Number 15, Township Number 111 North, Range Number 23 West, Le Sueur County, Minnesota. Containing 1.00 acre and being subject to all existing highway right-of-way easements.

Sketch of Survey in Section Number 15,
T. 111N., R. 23W., Montgomery Township, Le
Sueur County, Minn.
For: JAMES Vlasak, Montgomery, Minn.
Survey: Deegan & Bradshaw, Le Center, Minn.
Scale: one inch = 100 feet
⊙ - denotes iron monument
May - 1974 Book 248
REMOVED - June - '76
REVISED - Sept - '77