

Docket No. \_\_\_\_\_

Municipal Boundary Adjustments

City of Cologne Resolution No.

Benton Township Resolution No.

2004-01

**CITY OF COLOGNE  
BENTON TOWNSHIP  
COUNTY OF CARVER  
STATE OF MINNESOTA**

**JOINT RESOLUTION OF THE CITY OF COLOGNE AND BENTON  
TOWNSHIP AS TO THE ORDERLY ANNEXATION OF PROPERTY**

**WHEREAS**, the City of Cologne ("City") and Benton Township ("Township") desire to enter into an agreement to provide for the orderly development and extension of services to areas of the Township that are or are about to become urban or suburban in character; and

**WHEREAS**, the City and Township wish to encourage development and extension of services to properties in an orderly manner; and

**WHEREAS**, the City and the Township are in agreement as to the procedures and process for orderly annexation of certain lands described herein for the purpose of orderly, planned growth; and

**WHEREAS**, the City has received a request for annexation for real property described in the attached Exhibit A, which is located within Benton Township; and

**WHEREAS**, the annexation of real property described in the attached Exhibit A is being sought for the purpose of obtaining municipal water and sewer service; and

**WHEREAS**, the City and Township wish to provide for the immediate orderly annexation of real property described in the attached Exhibit A to the City pursuant to Minn. Stat. § 414.0325, Subdivision 1; and

**WHEREAS**, it is in the best interest of the City, the Township and their respective residents to agree to orderly annexation in furtherance of orderly growth

and the protection of the public health, safety and welfare; and

**WHEREAS**, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Joint Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Cologne, Carver County, Minnesota and Benton Township, Carver County, Minnesota, as follows:

1. **Description of Orderly Annexation Area.** The following described area is properly subject to orderly annexation under and pursuant to Minn. Stat. § 414.0325, and the parties hereby designate this area for orderly annexation as provided by statute:

That area legally described on the attached Exhibit A and graphically depicted on attached Exhibit B.

("Annexation Area").

2. **Amendment of Prior Joint Resolution.** The City and Township have previously entered into a joint resolution titled "A Joint Resolution of the City of Cologne and Benton Township for the Orderly Annexation of Property" dated August 2, 1999/March 9, 2000 and subsequently amended January 16, 2001/April 12, 2001 and docketed as Municipal Boundary Adjustments file no. OA-734. This Joint Resolution further amends Joint Resolution OA-734 by removing the following described property from the terms of Joint Resolution OA-734 and placing such property under the terms of this Joint Resolution. Said property is described as follows:

The east half (E1/2) of the southwest quarter (SW1/4) of Section 13, Township 115, Range 25, Carver County, Minnesota, lying south of the City of Cologne.

3. **Department of Administration, Municipal Boundary Adjustments Jurisdiction.** Upon approval by the parties, this Joint Resolution shall confer jurisdiction upon the Department of Administration, Municipal Boundary Adjustments hereinafter referred to as the "MBA", or its successor pursuant to Minnesota Statutes, so as to accomplish said orderly annexation in accordance with the terms of this Joint Resolution.
4. **No Alterations of Boundaries.** The City and Township agree that no alteration of the stated boundaries as described in this Joint Resolution is appropriate.



5. **No Consideration by MBA.** The City and Township mutually state that this Joint Resolution sets forth all of the conditions for annexation of the areas designated herein for orderly annexation and that no consideration by the MBA is necessary, the MBA may review and comment, but shall, within 30 days of receipt, order the annexation in accordance with the terms and conditions of this Joint Resolution.
6. **Conditions Required for Annexation.**
  - A. The City may annex any property legally described on Exhibit A and graphically depicted on Exhibit B, or a portion thereof, upon: (i) the receipt of a Petition requesting annexation signed by 100% of the owners of the property to be annexed; (ii) written agreement of both the City and the Township; or (iii) by the City pursuant to Minn. Stat. § 414.0325, Subdivision (1)(d)(1). Annexations meeting the requirements of this subparagraph may be initiated by the City via passage of a resolution declaring the land to be annexed and the conditions of this Joint Resolution which have been met. Said resolution shall be simultaneously mailed to the Township Clerk, Township Chair and the MBA.
7. **Revenue Sharing.** To compensate the Township for the permanent loss of taxable property from Township tax rolls, the City shall pay the Township \$250.00 per acre of land annexed, said payment to be made in equal annual payments over a period of six years from the date of annexation of such property to the City, with the first payment occurring within 30 days of the date of annexation and succeeding payments on the same payment date for each of the remaining five succeeding years.
8. **Planning in the Orderly Annexation Area.** It is the intent of the parties that the Township recognizes the City's Comprehensive Plan, Subdivision Ordinance and Land Use Controls. As such, the Township agrees for itself and consents that Carver County may, pursuant to Minn. Stat. § 414.0325, Subdivision (5)(d)(1) exclude the Annexation Area as described on attached Exhibit A and depicted on attached Exhibit B from Carver County's zoning and subdivision ordinances and allow the City to extend its zoning and subdivision regulations to include the entire Annexation Area.
9. **Township Review.** The City, upon receipt of an application for the development of said property annexed to the City, shall require the person or entity developing said property to do as follows:
  - A. Require that any and all drain tiles and waterways from outside the annexation area that currently connect within the Annexation Area

either be connected to City storm sewer or otherwise rerouted as necessary such that the flow of water through such drain tiles is not reduced in either rate or volume. The obligation of the developer to comply is contingent upon the Township using its best efforts to ensure that all drain tile lines are to be definitively located at the point they enter the Annexation Area within 30 days after the developer gives written notice to the Township. If a drain tile line is not located by the Township and is subsequently discovered, developer shall be required to use reasonable efforts through the warranty period for developer installed improvements to connect the drain tile line to City storm sewer or otherwise reroute as necessary such that the flow of water entering the drain tile is not reduced in either rate or volume.

- B. Require that the Grading, Drainage and Erosion Control Plan be presented to the Township for review and comment, which review and comment must be completed by the Township within 45 days.
10. **No Hearing Required.** Pursuant to Minn. Stat. § 414.0325, the City and the Township agree that with respect to the properties described in attached Exhibit A, no hearing is required and the City may initiate annexation of the property described in Exhibit A pursuant to Section 6 herein. The Township agrees not to object to or oppose any annexation undertaken pursuant to the terms and conditions contained in this Joint Resolution.
11. **Roads within area designated for orderly annexation.** The parties agree as follows with regard to the roads located within the Annexation Area:
- A. **134<sup>th</sup> Street.**
- i. The City shall maintain that portion of 134<sup>th</sup> Street abutting any property annexed pursuant to this Joint Resolution. The City's maintenance responsibility shall extend the entire width of said road, including those portions of the road which remain in the Township. The City shall reasonably maintain the road in a manner similar to how the Township had maintained said road. During the time said portion of 134<sup>th</sup> Street is gravel, the City shall provide calcium chloride or other dust control treatments at least twice per year on those portions of 134<sup>th</sup> Street which abut a residence which is located less than 500 feet north or south of the centerline of 134<sup>th</sup> Street in order to minimize the dust from 134<sup>th</sup> Street.
- ii. The City and Town intend that 134<sup>th</sup> Street be kept open only so long as it is needed to provide access to those properties



abutting 134<sup>th</sup> Street. At such time as the properties on both sides of 134<sup>th</sup> Street develop, the City and Town anticipate that 134<sup>th</sup> Street will be vacated or closed.

- iii. The City shall not, without the written permission of the Township, open any streets that: 1) cross 134<sup>th</sup> Street, and 2) which provide access via 134<sup>th</sup> Street from such cross street to either CSAH 53 or Carver County Highway No. 153, except under the following circumstances:
  - A. The City may construct a road which accesses 134<sup>th</sup> Street in the approximate location of "Connect Point B" as shown on the attached Exhibit C, provided the City paves and maintains 134<sup>th</sup> Street from the intersection of such road to Carver County Highway No. 153, and provided that some portion of 134<sup>th</sup> Street is closed or vacated such that traffic from the intersection of said road and 134<sup>th</sup> Street cannot travel to CSAH 53 on 134<sup>th</sup> Street.
  - B. The City may construct a road which accesses to 134<sup>th</sup> Street provided that portions of 134<sup>th</sup> Street are closed or vacated such that traffic accessing 134<sup>th</sup> Street from such road cannot reach either CSAH 53 or Carver County Highway No. 153.
  - C. The City may establish one or more emergency accesses from the property described on Exhibit A to 134<sup>th</sup> Street, provided such emergency accesses are barricaded with a locking gate which may be opened only by City officials and designated emergency personnel and which is only open during emergency situations caused by fire, tornado, traffic accident, natural disaster, or other similar emergency event.
- iv. The Township shall maintain that portion of 134<sup>th</sup> Street from Ohio Avenue to Carver County Highway 153 which is not maintained by the City, but the City shall annually pay any maintenance cost for said portion of 134<sup>th</sup> Street beyond the three year average amount that the Township spent to maintain said portion of 134<sup>th</sup> Street in calendar years 2001 - 2003. The Township shall periodically forward billings and accompanying calculations of their cost to maintain such portion of 134<sup>th</sup> Street, along with copies of all bills paid by the Township for such maintenance. Maintenance for purposes of this sub-paragraph

shall refer to such usual maintenance activities as blading the road, adding gravel to the road, snow plowing the road, mowing the ditches and trimming brush in the right of way. Maintenance shall not include the reconstruction, widening or rebuilding of such road.

- v. Nothing in this Joint Resolution shall be construed to prevent the City from contracting with the Township to maintain any portion of 134<sup>th</sup> Street.
  - vi. The City may make drainage and utility improvements within the right-of-way of 134<sup>th</sup> Street as needed to serve properties within the annexation area provided such improvements do not compromise the existing condition and use of 134<sup>th</sup> Street.
- B. Naples Avenue. The City shall not connect Naples Avenue to the north right of way of 134<sup>th</sup> Street such that traffic can flow between 134<sup>th</sup> Street and Naples Avenue to the north without the written consent of the Township, except for an emergency access as provided in this subparagraph. In the event the City constructs Naples Avenue north of 134<sup>th</sup> Street, it shall barricade Naples Avenue on the north side of 134<sup>th</sup> with a locking gate which may be opened only by City officials and designated emergency personnel and which is only open during emergency situations caused by fire, tornado, traffic accident, natural disaster, or other similar emergency event.
- C. Use of Township Roads. For all properties annexed under this Joint Resolution, the City shall require in its developer's agreements the following provisions:
- i. That during development (including construction of infrastructure and residences) all construction traffic which delivers materials or equipment ("Construction Traffic") use State Trunk Highways, Carver County Highways or Cologne city streets, and that Township roads be used only when no State Trunk Highway, Carver County Highway, Cologne city street or paved Township street being maintained by the City under this Joint Resolution is available. Construction Traffic shall not include materials and equipment used to repair 134<sup>th</sup> Street, emergency vehicles, City or Township owned vehicles or persons reporting for work on the Property described in Exhibit A, provided such persons reporting for work are not using trucks larger than a standard pickup truck.



12. **Special Assessments.** The City shall not specially assess properties outside and abutting the Orderly Annexation Area for the costs of improving roads, or installing City sewer and water utilities abutting such properties without the written consent of the owners of such properties to be specially assessed. However, the City may recover its utility installation costs via connection charges as allowed by law that would be due upon connection of the abutting properties to the utilities or other charges and fees as a condition precedent to the properties described herein being annexed to the City limits.
13. **Dispute Resolution.** The parties agree to mediate any disputes concerning the interpretation of this Joint Resolution by filing a request for mediation with the other party within 30 days after one party notifies the other of the existence of a dispute under this Joint Resolution. All such mediation shall be conducted in accordance with the Commercial Mediation Rules of the American Arbitration Association unless both parties agree to a different method. The parties shall each pay half of the cost of the mediator. If mediation is unsuccessful, the dispute may be litigated. In the event of litigation, the reasonable attorney's fees of the non-breaching party incurred as a result of a breach of this agreement shall be paid by the breaching party.
14. **Venue.** This Joint Resolution is made pursuant to, and shall be construed in accordance with, the laws of the State of Minnesota. The venue for all actions concerning this Joint Resolution shall be Carver County, Minnesota.
15. **Costs Associated with Orderly Annexation Agreement.** The City and Township shall each pay its own costs incurred in the negotiation, development and implementation of this Joint Resolution and the City shall pay all applicable filing fees and other costs necessary to have this Joint Resolution filed with and approved by the MBA.
16. **Severability.** All prior resolutions and ordinances of the Township or City, or portions of resolutions and ordinances which relate to annexation of the Annexation Area and are in conflict herewith, are hereby repealed. Should any section of this Joint Resolution be held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions will remain in full force and effect. In the event of litigation, neither the City nor the Township will seek to have any provision of this Joint Resolution declared null and void. If a court issues an order declaring a portion of this Joint Resolution unconstitutional or void, the parties mutually agree to request of that court reformation of the contract and/or of the legislature, special legislation, both actions being for the purpose of reinstating the original intent of this Joint Resolution.

REC'D BY  
MMB

OCT 07 2004

**PASSED, ADOPTED AND APPROVED** by the Benton Town Board of Supervisors, Carver County, Minnesota this 8 day of July 2004.

**BENTON TOWNSHIP**

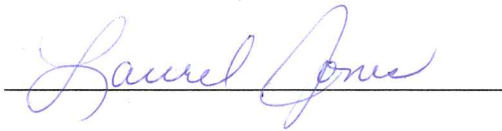
  
Dayle Radde, Chair

  
Terry Brueschoff, Clerk

**PASSED, ADOPTED AND APPROVED** by the Cologne City Council, Carver County, Minnesota this 6<sup>th</sup> day of July 2004.

**CITY OF COLOGNE**

  
Barb Swanson, Mayor



Laurel Jones, City Clerk



REC'D BY  
MMB

OCT 07 2004

**EXHIBIT "A"**

**Legal Description of Annexation Area**

**EXHIBIT "B"**

**Map of Annexation Area**

**EXHIBIT "C"**

**Graphic of Proposed Access from Parkway to 134<sup>th</sup> Street**

**Exhibit A****Casper/Blanche Tellers Property**

That part of the Southeast Quarter of Section 15, Township 115, Range 25, Carver County, Minnesota described as follows: Commencing at the south quarter corner of said Section 15; thence on an assumed bearing of North 00 degrees 39 minutes 35 seconds West along the west line of said Southeast Quarter 500.00 feet to the point of beginning of the tract to be described; thence South 89 degrees 54 minutes 57 seconds East parallel with the south line of said Southeast Quarter 215.00 feet; thence South 00 degrees 39 minutes 55 seconds East parallel with the west line of said Southeast Quarter 500.00 feet to the south line of said Southeast Quarter; thence South 89 degrees 54 minutes 57 seconds East along said south line 1322.88 feet; thence North 00 degrees 39 minutes 55 seconds West parallel with the west line of said Southeast Quarter 2146.42 feet more or less to the southerly right-of-way of the Soo Line Railroad formerly Hastings Dakota Railway Company; thence South 86 degrees 20 minutes 29 seconds West along said southerly railroad right-of-way 1549.86 feet more or less to the west line of said Southeast Quarter; thence South 00 degrees 39 minutes 55 seconds East along said west line 1545.24 feet to the point of beginning.

**Gordon/Harriet Tellers Property**

Tract 1. The West Half of the Southwest Quarter of Section 14, Township 115, Range 25, EXCEPTING THEREFROM the following described tracts:

1. All land lying north of the southerly right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad.
2. Commencing at the southwest corner of said Section 14; thence on an assumed bearing of North 90 degrees 00 minutes 00 seconds East along the south line of said Southwest Quarter 570.00 feet to the point of beginning of the tract to be described; thence continuing on a bearing of North 90 degrees 00 minutes 00 seconds East along said south line of the Southwest Quarter 441.00 feet; thence North 00 degrees 00 minutes 00 seconds East 591.20 feet; thence North 90 degrees 00 minutes 00 seconds West 441.00 feet; thence South 00 degrees 00 minutes 00 seconds West 591.20 feet to the point of beginning.

Tract 2. The Southeast Quarter of Section 15, Township 115 North, Range 25 West, Carver County, Minnesota, EXCEPTING THEREFROM the following described tracts:

1. The right of way of the Chicago, Milwaukee, St. Paul & Pacific Railroad;
2. That part taken for state highway purposes.
3. Beginning at the southeast corner of said Section 15; thence West along the south line of said Southeast Quarter of the Southeast Quarter 665.00 feet to the point of



- beginning of the tract to be described; thence continuing West along said south line of the Southeast Quarter of the Southeast Quarter 225.00 feet; thence North deflecting right 90 degrees 407.00 feet; thence East deflecting right 90 degrees 225.00 feet; thence South deflecting right 90 degrees 407.00 feet to the point of beginning.
4. Commencing at the south quarter corner of said Section 15; thence Northerly along the west line of said Southwest Quarter of the Southeast Quarter 500.00 feet; thence Easterly parallel with the south line of said Southwest Quarter of the Southeast Quarter 215.00 feet; thence Southerly parallel with the west line of said Southwest Quarter of the Southeast Quarter 500.00 feet to said south line of the Southwest Quarter of the Southeast Quarter; thence Westerly along said south line 215.00 feet to the point of beginning.
  5. That part of the Southeast Quarter of Section 15, Township 115, Range 25, Carver County, Minnesota, described as follows: Commencing at the south quarter corner of said Section 15; thence on an assumed bearing of North 00 degrees 39 minutes 35 seconds West along the west line of said Southeast Quarter 500.00 feet to the point of beginning of the tract to be described; thence South 89 degrees 54 minutes 57 seconds East parallel with the south line of said Southeast Quarter 215.00 feet; thence South 00 degrees 39 minutes 55 seconds East parallel with the west line of said Southeast Quarter 500.00 feet to the south line of said Southeast Quarter; thence South 89 degrees 54 minutes 57 seconds East along said south line 1332.88 feet; thence North 00 degrees 39 minutes 55 seconds West parallel with the west line of said Southeast Quarter 2146.42 feet more or less to the southerly right-of-way of the Soo Line Railroad formerly Hastings Dakota Railway Company; thence South 86 degrees 20 minutes 29 seconds West along said southerly railroad right-of-way 1549.86 feet more or less to the west line of said Southeast Quarter; thence South 00 degrees 39 minutes 55 seconds East along said west line 1545.24 feet to the point of beginning.

**Lloyd/Lydene Vinkemeier Property**

The East Half of the Southwest Quarter of Section 14, Township 115, Range 25 West, excepting there from the following tracts of land:

1. 4.64 acres formerly deeded to the Chicago, Milwaukee and St. Paul Railway Company.
2. Land acquired by the State of Minnesota for highway purposes.
3. Part of the East Half of the Southwest Quarter of Section 14, Township 115, Range 25, Carver County, Minnesota, described as follows: Beginning at the Southeast corner of said Southwest Quarter; thence on an assumed bearing of West along the South line of said Southwest Quarter of Section 14 a distance of 335.00 feet; thence North 01 degrees 04 minutes 03 seconds West 390.16 feet; East 335.00 feet to the East line of said Southwest Quarter; thence South 01 degrees 04 minutes 02 seconds East along said East line 390.16 feet to the point of beginning.

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**James/Carol Wickenhauser Property**

The West Half of the Southeast Quarter (W1/2 of SE1/4) of Section Fourteen (14), Township One Hundred Fifteen (115) North, Range Twenty-Five (25) West.

*Same*  
Excepting therefrom right of way of the Hastings and Dakota Railway Co., now Chicago, Milwaukee & St. Paul Railway Co., described as follows: A strip of land One Hundred (100) feet in width across said premises to have its center in the center of the main railway track on the line that is now located over and across said premises.

*Same*  
Also excepting therefrom the right of way of the Chicago, Milwaukee and St. Paul Railway Co., described as follows: All that portion of land in the Northwest Quarter of Southeast Quarter (NW1/2 of SE1/4) Section Fourteen (14), Township One Hundred Fifteen (115) North of Range Twenty-five (25) West, and in the West twenty (20) rods of the Northeast Quarter of Southeast Quarter (NE1/4 of SE1/4) said Section, lying North of and adjacent to a line drawn Fifty-six and five tenths (56.5) feet South of and parallel to the centerline of the North or West bound track of said railway, as now located across said quarters. Also all the land lying North of the centerline of the North or West bound track and South of the Northerly line of the Southeast Quarter (SE1/4) Section Fourteen (14), Township One Hundred Fifteen (115) North of Range Twenty-five (25) West, not included in the old right of way. Also a strip of land Sixty-six (66) feet wide along south side of said right of way line in the West twenty (20) rods of the Northeast Quarter of Southeast Quarter (NE1/4 of SE1/4) of said Section Fourteen (14) and through the East Six Hundred (600) feet of the Northwest Quarter of Southeast Quarter (NW1/4 of SE1/4) of said Section Fourteen (14), Township One Hundred Fifteen (115) North of Range 25 West.

Also commencing at the Northwest (NW) Corner of the East Half of the Southeast Quarter (E1/2 of SE1/4) of Section Fourteen (14), Township One Hundred Fifteen (115) North, Range Twenty-five (25) West; thence South forty (40) chains to Section line; thence East Seven and Fifty Hundredths (7.50) chains; thence North twenty (20) chains; thence West Two and Fifty Hundredths (2.50) chains; thence North Twenty (20) chains to the centerline of Section Fourteen (14); thence West Five (5) chains to place of beginning, situated in East Half of Southeast Quarter (E1/2 of SE1/4) Section Fourteen (14), Township One Hundred Fifteen (115) North, Range Twenty-five (25) West. Excepting therefrom the right of way of the Chicago, Milwaukee and St. Paul Railway Company.

The North nine (9) acres of the following described land, to-wit: Beginning at a point from which the Quarter Section Corner in line between Sections 13 and 14, in Township One Hundred Fifteen (115) North, Range Twenty-five (25) West, bears East Fifteen (15) chains; thence running South twenty (20) chains; thence East two and Fifty Hundredths (2.50) chains; thence South Twenty (20) chains to Section Line; thence East Seven and Fifty Hundredths (7.50) chains; thence North twenty (20) chains; thence West Two and Fifty Hundredths (2.50) chains; thence North Twenty (20) chains to a point which the quarter section corner in line between Sections Thirteen and Fourteen bears East ten (10) chains; thence West Five (5) chains to place of beginning, situated in Southeast Quarter (SE1/4) of Section Fourteen (14), Township One Hundred Fifteen (115) North, Range Twenty-five (25) West, excepting therefrom one (1) acre of land of the Chicago, Milwaukee and St. Paul Railway Co., described as follows: All that portion



of land lying in the Northeast Quarter of the Southeast Quarter (NE1/4 of SE1/4) Section Fourteen (14), Township One Hundred Fifteen (115) North, Range Twenty-five (25) West, and between the point Thirty (30) rods West of the East line of said premises, and East of the point twenty (20) rods East of the West line of said premises, and lying North of and adjacent to a line drawn One Hundred Twenty-two and Five Tenths (122.5) feet South of and parallel to the centerline of the North or West bound track of the line of said railway, as located in 1912 over and across said premises.

EXCEPT part of the Southeast Quarter of Section 14, Township 115, Range 25, Carver County, Minnesota, described as follows: Commencing at the southeast corner of said Section 14; thence Westerly along the South line of said Southeast Quarter 1833.00 feet to the point of beginning of the tract to be described; thence continuing Westerly along said South line 210.00 feet; thence Northerly deflecting Right 90 degrees 00 minutes 00 seconds 435.60 feet; thence Easterly deflecting Right 90 degrees 00 minutes 00 seconds 210.00 feet; thence Southerly deflecting Right 90 degrees 00 minutes 00 seconds 435.60 feet to the point of beginning.

### **Lemke Property**

The West Half of the Southwest Quarter of Section 13, Township 115 North, Range 25 West of the 5<sup>th</sup> Principal Meridian, excepting therefrom that part lying northerly of the northerly right of way line of United States Highway 212, also excepting therefrom a tract of land out of the Southwest quarter of Section 13, Township 115 North, Range 25 West, more particularly described as follows: Commencing at a point on the East line of West Half of Southwest Quarter a distance of 1666.27 feet North from Southeast corner of said West Half of the Southwest Quarter; thence West at right angle to West right of way line of County Road and actual point of beginning of land to be described; thence continue West a distance of 100.0 feet; thence North at right angles 75.0 feet; thence East at right angles to said West right of way line of Said County Road; thence South along said right of way line to point of beginning.

The East Half of the Northeast Quarter of the Southeast Quarter and the east 25 acres of the Southeast Quarter of the Southeast Quarter of Section 14, Township 115 North, Range 25 West of the 5<sup>th</sup> Principal Meridian, excepting therefrom 55/100 acres heretofore conveyed to the Chicago Milwaukee and St. Paul Railway Company for additional right of way purposes, and also excepting therefrom that part lying northerly of the northerly right of way line of United States Highway No. 212.

The West Half of the East Half of the Southwest Quarter of Section 13, Township 115 North, Range 25 West of the 5<sup>th</sup> principal Meridian, excepting therefrom land described as follows: Commencing at the northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 13; thence running South 11 chains; thence East 10 chains; thence North 11 chains; thence West 10 chains to the place of beginning.

Also excepting from the above described tracts of land those parts thereof now owned by the State of Minnesota in the County of Carver by virtue of condemnation proceedings for highway purposes as to United States Highway No. 212 and Carver County State Aide No. 53 as same exists as of the date hereof.

Exhibit A

REC'D BY  
MMB

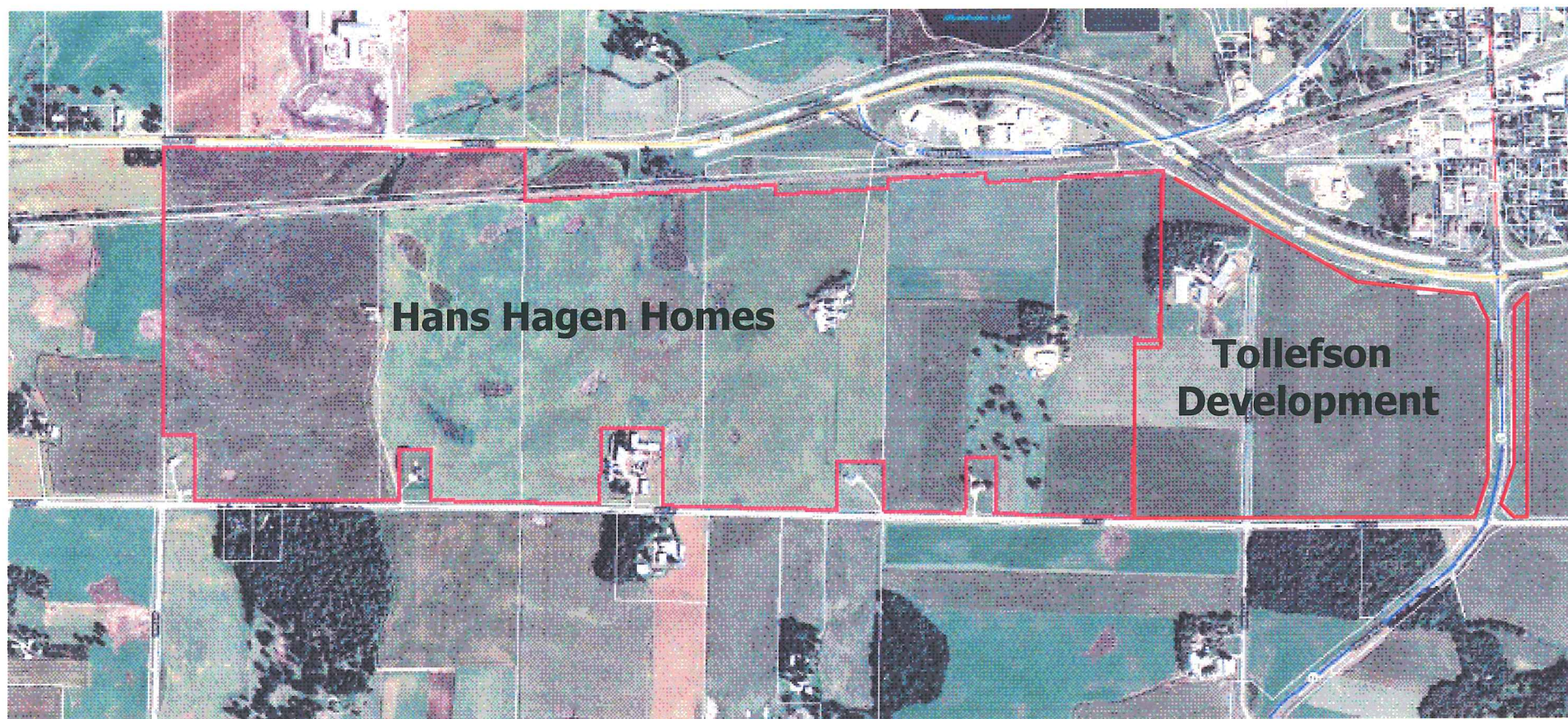
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**Existing Property As Described in Paragraph 2**

The east half (E1/2) of the southwest quarter (SW1/4) of Section 13, Township 115, Range 25, Carver County, Minnesota, lying south of the City of Cologne.

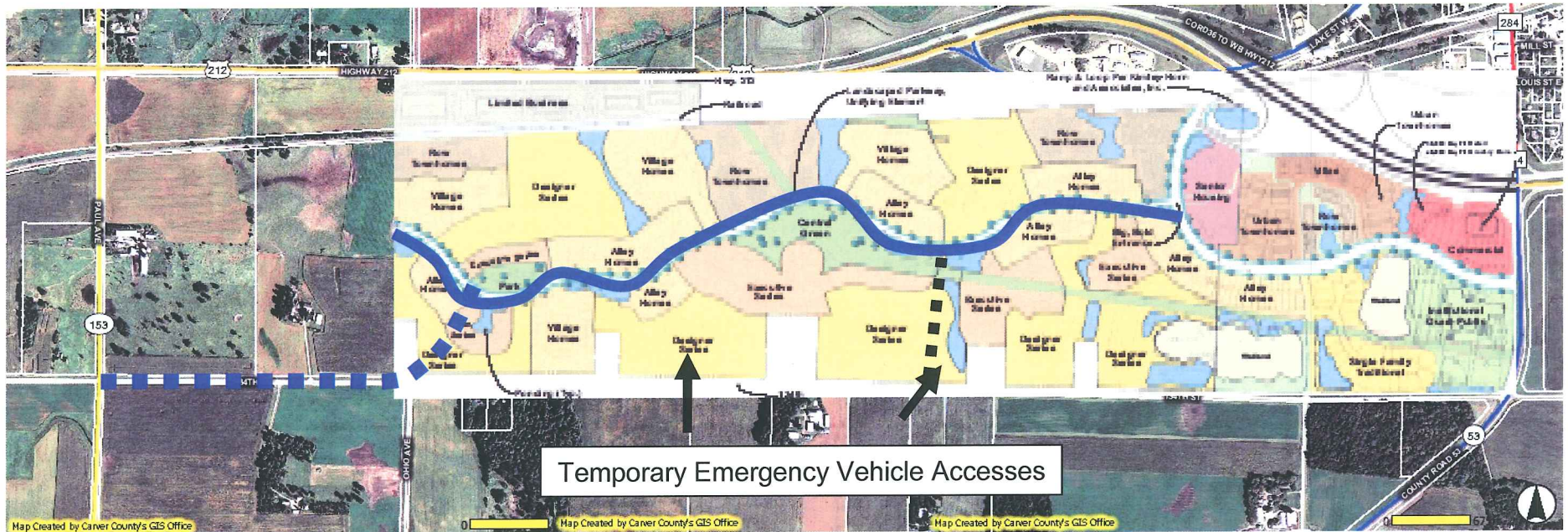


## Exhibit B – Property Location





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Exhibit C

■ ■ ■ ■ ■ ■ ■ ■ ■

## Possible north/south connection A

■ ■ ■ ■ ■ ■ ■ ■ ■

## Temporary Connection B