

Resolution 2005-05

**JOINT RESOLUTION OF THE CITY OF FULDA AND OF THE TOWN OF BONDIN,
COUNTY OF MURRAY, STATE OF MINNESOTA, DESIGNATING AN
UNINCORPORATED AREA SITUATED WITHIN SAID TOWN AS IN NEED OF ORDERLY
ANNEXATION, AND CONFERRING JURISDICTION OVER SAID AREA TO THE
DEPARTMENT OF ADMINISTRATION, BOUNDARY ADJUSTMENT OFFICE, PURSUANT
TO MINNESOTA STATUTE 414.0325**

WHEREAS, Donald E. Haberman and Heidi Haberman (the "Haberman's") are the sole owners of the unplatted property currently located in Bondin Township, legally described as attached "Exhibit B"; and

WHEREAS, the property abuts land within the City limits, is located west of South Lafayette Avenue in the southwesterly area of the City, is approximately 0.91 acres in size, and has no households, population, or improved residential structures; and

WHEREAS, an orderly annexation will best provide for the development and extension of municipal services to the remainder of the adjoining lot, legally described as Tract 1 on "Exhibit A"; and

WHEREAS, the Haberman's have petitioned the City for annexation of their property for the purpose of developing it along with the adjoining lot (Tract 1) for additional residential uses and receiving city services; and

WHEREAS, the City of Fulda can provide the requested urban services to the property.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Town of Bondin and the City of Fulda hereby designate the attached described territory to be in need of immediate orderly annexation pursuant to and in accordance with Minnesota Statute 414.0325.
2. The purpose of the annexation of the property is to transfer jurisdiction over the property in order to provide access to urban services provided by the City of Fulda, including but not limited to water, sewer, refuse collection, police and fire protection.
3. That in order to accomplish this purpose, the property owned by the Haberman's described herein should be immediately annexed to and made part of the City of Fulda.
4. Upon approval by the respective governing bodies of the City and the Township, this joint resolution and agreement shall confer jurisdiction upon the Director of the Office of Strategic and Long-Range Planning (or his or her successor designee responsible for administering Minnesota Statutes 414) so as to immediately annex the land described in the attached Exhibit A and B in accordance with the terms of this joint resolution and agreement without need for any subsequent resolution(s) of the parties.

5. The City and Township mutually state that no alteration by the director of the OAA boundaries, as illustrated in Exhibit A and described in Exhibit B, is appropriated or permitted.

6. The City and Township agree that upon annexation all planning, official controls, and governmental services for the annexed area shall become the responsibility of the City, and that the provisions of Minnesota Statutes 414.035 and 414.036 authorizing differential taxation and municipal reimbursement for the annexed property will not be applied in this proceeding.

7. The City and Township mutually state that the annexation of the property will not result in any change of electrical service and will not require joint planning since upon final approval of this joint resolution and issuance of the annexation order by the Director, the property will immediately be fully subject to the official controls and other ordinances of the City of Fulda, including all land use controls. Further, that differential taxation under Minnesota Statute 414.035, or reimbursement under Minnesota Statute 414.036 is not required.

8. Having designated the area illustrated in Exhibit A and described in Exhibit B as in need of orderly annexation, and having provided for all of the conditions of its annexation within this document, the parties to this agreement agree that no consideration by the director is necessary. The director may review and comment but shall within thirty (30) days order the annexation in accordance with the terms of this Resolution.

Approved and Adopted
this 14th day of June, 2005.

TOWN OF BONDIN

By: Edward O. Reusse, Jr.
Edward O. Reusse, Jr.
Its Town Board Chairman

AND: Donna Clarke
Its Town Board Clerk

Approved and Adopted
this 20th day of June, 2005.

CITY OF FULDA

By: John G. Maertens
John G. Maertens
Its Mayor

AND: Michelle Baumbach
Its City Clerk-Treasurer

EXHIBIT A

PARTS OF THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 35,
TOWNSHIP 105 NORTH, RANGE 40 WEST IN THE
CITY OF FULDA, MURRAY COUNTY, MINNESOTA.

DESCRIPTION (TRACT 1)

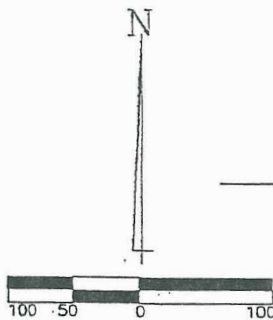
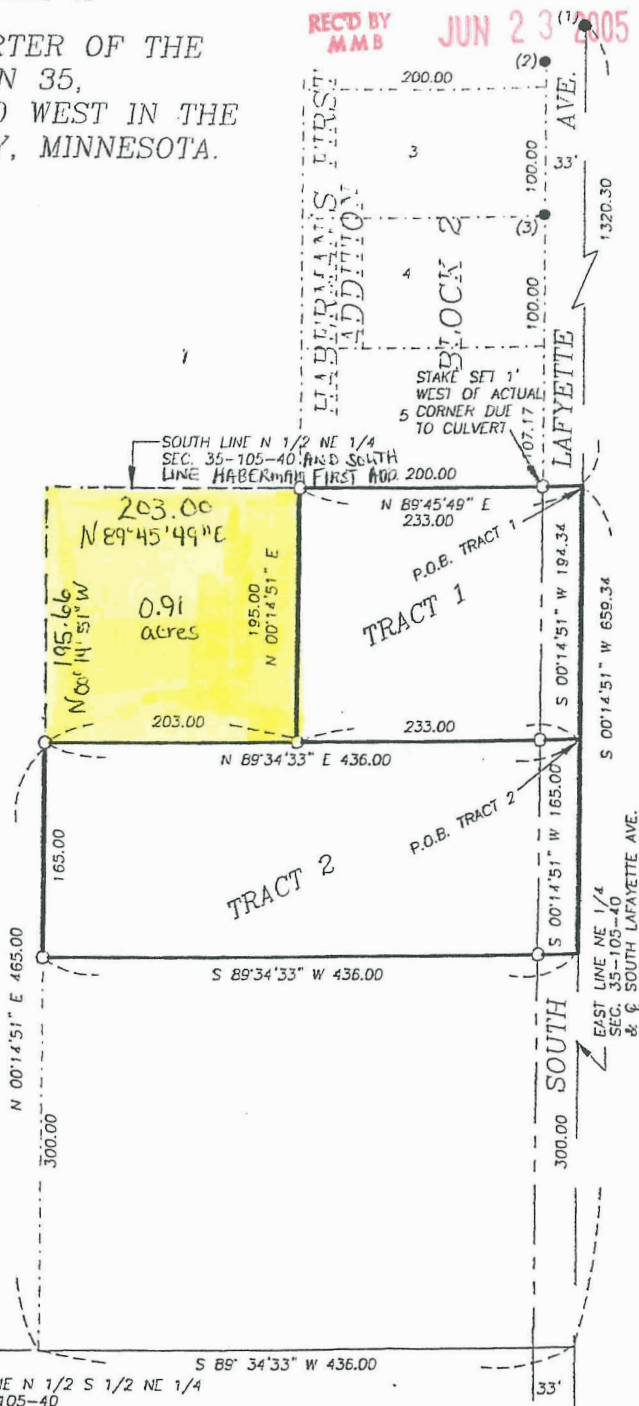
PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 35, TOWNSHIP 105 NORTH, RANGE 40 WEST IN THE
CITY OF FULDA, MURRAY COUNTY, MINNESOTA, DESCRIBED AS
FOLLOWS:

COMMENCING AT AN EXISTING IRON MONUMENT AT THE
NORTHEAST CORNER OF SAID SECTION 35; THENCE SOUTH 00
DEGREES 14 MINUTES 51 SECONDS WEST, ALONG THE EAST LINE
OF THE NORTHEAST QUARTER OF SAID SECTION 35, AND ALONG
THE CENTERLINE OF SOUTH LAFAYETTE AVENUE, A DISTANCE OF
1320.30 FEET, TO THE SOUTHEAST CORNER OF HABERMAN'S
FIRST ADDITION, AS PLATTED, THIS BEING
THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00
DEGREES 14 MINUTES 51 SECONDS WEST, ALONG SAID EAST
LINE AND SAID CENTERLINE, A DISTANCE OF 194.34 FEET;
THENCE SOUTH 89 DEGREES 34 MINUTES 33 SECONDS WEST A
DISTANCE OF 233.00 FEET; THENCE NORTH 00 DEGREES 14
MINUTES 51 SECONDS EAST, PARALLEL WITH THE EAST LINE OF
SAID NORTHEAST QUARTER, A DISTANCE OF 195.00 FEET, TO THE
SOUTHWEST CORNER OF HABERMAN'S FIRST ADDITION, AS
PLATTED; THENCE NORTH 89 DEGREES 45 MINUTES 49 SECONDS
EAST, ALONG THE SOUTH LINE OF SAID HABERMAN'S FIRST
ADDITION AS PLATTED, A DISTANCE OF 233.00 FEET, TO THE
POINT OF BEGINNING, AND SEE EXHIBIT B.

DESCRIPTION (TRACT 2)

PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 35, TOWNSHIP 105 NORTH, RANGE 40 WEST IN THE
CITY OF FULDA, MURRAY COUNTY, MINNESOTA, DESCRIBED AS
FOLLOWS:

COMMENCING AT AN EXISTING IRON MONUMENT AT THE
NORTHEAST CORNER OF SAID SECTION 35; THENCE SOUTH 00
DEGREES 14 MINUTES 51 SECONDS WEST, ALONG THE EAST LINE
OF THE NORTHEAST QUARTER OF SAID SECTION 35, AND ALONG
THE CENTERLINE OF SOUTH LAFAYETTE AVENUE, A DISTANCE OF
1514.54 FEET, TO THE POINT OF BEGINNING; THENCE
CONTINUING SOUTH 00 DEGREES 14 MINUTES 51 SECONDS
WEST, ALONG SAID EAST LINE AND SAID CENTERLINE, A DISTANCE
OF 165.00 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES 33
SECONDS WEST A DISTANCE OF 436.00 FEET; THENCE NORTH 00
DEGREES 14 MINUTES 51 SECONDS EAST, PARALLEL WITH THE
EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 165.00
FEET; THENCE NORTH 89 DEGREES 34 MINUTES 33 SECONDS
EAST A DISTANCE OF 436.00 FEET, TO THE POINT OF BEGINNING.



SCALE 1" = 100'

- = MONUMENTS FOUND
- = MONUMENTS SET
- 5/8" IRON STAKE W/CAP NO. 23008

I hereby certify that this survey, plan,
or report was prepared by me or under
my direct supervision and that I am a
duly Registered Land Surveyor under the
laws of the State of Minnesota.



8-24-01 *Perry L. Zieske*
Date Reg. No. 23008

REFERENCE

- (1) NE COR. SEC. 35-105-40
IRON MONUMENT IN PLACE
- (2) & (3) IRON MON. WITH MARTIN SURVEY
CAP. IN HABERMAN'S FIRST ADD.
AS SHOWN.

ZIESKE LAND SURVEYING, INC.

Perry Zieske R.L.S.

Phone: (507) 831-0100 Windom, MN 56101

DATE: AUGUST 17, 2001

SCALE: 1"=100'

PROJECT NUMBER: MU 0112 S

SURVEY FOR: *DDN* HABERMAN

EXHIBIT B

REC'D BY
M M B

JUN 23 2005

Description

**PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 35,
TOWNSHIP 105 NORTH, RANGE 40 WEST IN MURRAY COUNTY, MINNESOTA,
DESCRIBED AS FOLLOWS:**

**BEGINNING AT AN EXISTING IRON MONUMENT WITH SURVEY CAP 23008 AT
THE SOUTHWEST CORNER OF HABERMAN FIRST ADDITION IN THE CITY OF
FULDA; THENCE SOUTH 00 DEGREES 14 MINUTES 51 SECONDS WEST,
PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID
SECTION 35, A DISTANCE OF 195.00 FEET, TO AN EXISTING IRON MONUMENT
WITH SURVEY CAP 23008; THENCE SOUTH 89 DEGREES 34 MINUTES 33
SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF THE NORTH HALF OF
THE SOUTH HALF OF SAID NORTHEAST QUARTER, A DISTANCE OF 203.00
FEET, TO AN EXISTING IRON MONUMENT WITH SURVEY CAP 23008; THENCE
NORTH 00 DEGREES 14 MINUTES 51 SECONDS EAST PARALLEL WITH THE
EAST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 195.66 FEET, TO A
POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHEAST
QUARTER; THENCE NORTH 89 DEGREES 45 MINUTES 49 SECONDS EAST,
ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHEAST QUARTER,
A DISTANCE OF 203.00 FEET, TO THE POINT OF BEGINNING.**

**THE TRACT CONTAINS 0.91 ACRES AND IS SUBJECT TO EASEMENT OF
RECORD, IF ANY.**