

Township Resolution No. _____

City Resolution No. 7 - 05

**JOINT RESOLUTION OF THE CITY OF HERON LAKE AND THE
TOWNSHIP OF WEIMER DESIGNATING CERTAIN
UNINCORPORATED LAND IN THE SW1/4 OF SECTION 16,
WEIMER TOWNSHIP, JACKSON COUNTY, MINNESOTA, AS BEING IN
NEED OF ORDERLY ANNEXATION, CONFERRING JURISDICTION,
AND AGREEING TO ANNEXATION**

WHEREAS, the Board of Supervisors of the Township of Weimer ("Township") and the City Council of the City of Heron Lake ("City") both located in Jackson County, Minnesota, find:

- A. That certain unincorporated land (hereinafter called "Annexation Area") in the Township abuts the corporate limits of the City on its east side;
- B. That the Annexation Area is described as follows:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

subject to existing streets, roads, alleys, railroads, and easements.

- C. That the Annexation Area comprises approximately 87.78 acres (BioEnergy Site) and 3.78 acres (City well site), more or less;
- D. That Virginia E. Hay, John A. Hay and Lori M. Hay ("Hays") and the City own the entire Annexation Area except for or subject to any streets, roads, alleys, and railroads passing through or adjacent thereto and that Heron Lake BioEnergy, LLC ("BioEnergy") has an option to purchase the Hay property;
- E. That the Annexation Area is urban or suburban in character, and its use is "Industrial."
- F. That there are no households in the Annexation Area, and its population is "zero";
- G. The cost of electric utility service to owners will change when the Annexation Area is annexed to the City and the area is developed into a Bio-Energy production facility. Property owner waives any further notification under Minnesota Statute Section 414.0325, Subd. 1a.
- H. That the City's water and sanitary sewer services are immediately available to the Annexation Area, and the Annexation Area would benefit from immediate connection to the City's water and sanitary sewer services;
- I. That owners and BioEnergy have requested that the Annexation Area be annexed to the City; and
- I. That the Annexation Area is in need of orderly annexation,

Now, therefore, it is JOINTLY RESOLVED AND AGREED by the Board of Supervisors of the Township and the City Council of the City, as follows:

- 1. **Designation for Immediate orderly annexation.** Hays, BioEnergy, Township, and City do hereby [a] find that the Annexation Area (including all streets, roads, alleys, and railroads passing through or adjacent thereto) is properly subject to and in need of orderly

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annexation, and [2] designate the Annexation Area for orderly and immediate annexation under and pursuant to the Statute.

2. **Jurisdiction.** Hays, BioEnergy, Township, and City shall and do hereby confer jurisdiction on the Department of Administration or its successor ("Department") over annexations in the Annexation Area and over the various provisions in this agreement.
3. **No alteration of boundaries, conditions, or consideration.** No alteration of the stated boundaries of the Annexation Area is appropriate, no conditions for the annexation are required, and no consideration by the Department is necessary.
4. **Map.** City shall file with the Department a copy of the City's corporate boundary map and shall delineate the Annexation Area on that map.
5. **Differential taxation.** The tax rate of the City on the Annexation Area shall be increased from the Township rate in substantially equal proportions over four (4) years to equality with the tax rate on property already within the City.
6. **Collection of property taxes.** Property taxes on the Annexation Area due and payable in 2005 shall be paid to the Township; property taxes payable thereafter shall be paid to the City; and the City shall not be required to make any reimbursement to the Township after the City can first levy on the Annexation Area.
7. **Review and comment.** Pursuant to the Statute, the Department may review and comment, but within 30 days it shall order the annexation in accordance with the terms of this resolution and the Statute.
8. **Initial land use/zoning.** Upon annexation to the City the Annexation Area shall be classified as a "Industrial Zone" under the City's zoning ordinance and on the City's zoning map, subject to amendment as provided by the ordinance.

Duly adopted at a meeting of the City Council of the City of Heron Lake, Minnesota, held on JULY 5 2005, and at a meeting of the Board of Supervisors of Weimer Township, Jackson County, Minnesota, held on July 12, 2005.

CITY OF HERON LAKE, MINNESOTA

John Hay Mayor
John Hay, Mayor

ATTEST:

Judy Haberman
Judy Haberman, City Clerk

TOWNSHIP OF WEIMER

Karl Fudenberg, Chairman

ATTEST:

Marvin Liepold
Marvin Liepold, Township Clerk

DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 104 NORTH, RANGE 37 WEST IN JACKSON COUNTY, MINNESOTA, LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON MONUMENT AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE SOUTH 89 DEGREES 57 MINUTES 49 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1031.09 FEET; THENCE NORTH 00 DEGREES 37 MINUTES 05 SECONDS EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 275.02 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 49 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1600.10 FEET, TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 37 MINUTES 05 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 593.98 FEET; THENCE SOUTH 89 DEGREES 22 MINUTES 55 SECONDS EAST A DISTANCE OF 412.00 FEET; THENCE NORTH 00 DEGREES 37 MINUTES 05 SECONDS EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 400.00 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 55 SECONDS WEST A DISTANCE OF 412.00 FEET, TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 37 MINUTES 05 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 103.50 FEET, TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE NORTH 76 DEGREES 38 MINUTES 53 SECONDS EAST, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID UNION PACIFIC RAILROAD, A DISTANCE OF 2706.70 FEET, TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 29 MINUTES 31 SECONDS WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1995.89 FEET, TO THE POINT OF BEGINNING.

THE TRACT CONTAINS 87.78 ACRES AND IS SUBJECT TO EXISTING HIGHWAY EASEMENT AND OTHER EASEMENTS OF RECORD, IF ANY.

EXHIBIT A

Schedule "A" Legal Description

RECD BY
MMB

JUL 15 2005

Part of the Southwest Quarter (SW1/4) of Section Sixteen (16), Township One Hundred Four (104) North, Range Thirty-seven (37), West of the Fifth Principal Meridian, Jackson County, Minnesota described as follows: Commencing at an existing iron monument at the Southwest corner of the Southwest Quarter of said Section 16; thence North 00 degrees 37 minutes 05 seconds East, bearings based on Jackson County Coordinate System, along the West line of said Southwest Quarter, a distance of 869.00 feet to the point of beginning; thence continuing North 00 degrees 37 minutes 05 seconds East, along said West line, a distance of 400.00 feet; thence South 89 degrees 22 minutes 55 Seconds East a distance of 412.00 feet; thence South 00 degree 37 minutes 05 Seconds West, parallel with the West line of said Southwest Quarter a distance of 400.00 feet; thence North 89 degrees 22 minutes 55 seconds West a distance of ~~412.00~~ feet, to the point of beginning.

18.016.0300 5-215 pt SW⁴ SW⁴ 412.00

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