

RESOLUTION No. 1
A Joint Resolution of the City of Willmar and of
Willmar Township
Relating to Orderly Annexation

WHEREAS, the City of Willmar (hereinafter the "City") and the Township of Willmar (hereinafter "Township") deem it necessary and appropriate that they work together to develop and implement a process for the orderly and controlled growth of the City and the Township; and,

WHEREAS, the City and Township agree that orderly development with municipal services and the orderly annexation of certain unincorporated areas located in the Township is in the best interests of the community and of all affected political subdivisions; and,

WHEREAS, the land to be included in this plan for Orderly Annexation consists of the following Lands located in Kandiyohi County, Minnesota, described as follows, to-wit:

That part of the South Half of the Southeast Quarter of Section 1, and also that part of the North Half of the Northeast Quarter of Section 12, all in Township 119 North, Range 35 West of the Fifth Principal Meridian, Willmar Township, Kandiyohi County, Minnesota, described as follows:

- Commencing at the northwest corner of the Northeast Quarter of said Section 12;
- thence on a geodetic bearing of South 89 degrees 33 minutes 14 seconds East, along the north line of the Northeast Quarter of said Section 12, a distance of 546.31 feet to the southeasterly right of way boundary line of the railroad which is also the point of beginning of the land to be described;
- thence on a bearing of North 32 degrees 44 minutes 46 seconds East, along the southeasterly right of way boundary line of the railroad, a distance of 867.66 feet to the southwesterly right of way boundary line of the state highway;
- thence on a bearing of South 40 degrees 23 minutes 22 seconds East, along the southwesterly right of way boundary line of the state highway, a distance of 522.24 feet;
- thence southeasterly, along the westerly right of way boundary line of the state highway, on a curve, concave to the southwest, which has a radius of 4483.66 feet, a central angle of 22 degrees 49 minutes 15 seconds and a chord bearing of South 20 degrees 10 minutes 02 seconds East, a distance of 1785.83 feet to the south line of the North Half of the Northeast Quarter of said Section 12;
- thence on a bearing of North 89 degrees 31 minutes 59 minutes West, along the south line of the North Half of the Northeast Quarter of said Section 12, a distance of 1969.83 feet to the west line of the Northeast Quarter of said Section 12;

- thence on a bearing of North 00 degrees 10 minutes 43 minutes East, along the west line of the Northeast Quarter of said Section 12, a distance of 463.64 feet to the southeasterly right of way boundary line of the railroad;
- thence on a bearing of North 32 degrees 44 minutes 46 seconds East, along the southeasterly right of way boundary line of railroad, a distance of 1014.88 feet to the point of beginning.

AND

All that portion of the W1/2 of NW 1/4 of NE 1/4 lying northwesterly of a line drawn parallel with and distant 50' northwesterly of BNRR main track centerline as now located and constructed upon, over and across said W 1/2 NW 1/4 NE 1/4 Section 12, Township 119, Range 35. Totaling 61.35 acres more or less.

And that these parcels, (hereinafter referred to as Annexation Properties) consist of areas that will best be served by the municipal services available through the City of Willmar; and,

WHEREAS, Minnesota Statutes Sections 414.0325 and the following, provides a procedure whereby the City and the Township may agree on a process of orderly annexation of a designated area; and

WHEREAS, the City and the Township desire to accomplish orderly annexation of said area in a mutually acceptable and beneficial manner without the need for a hearing before the Minnesota Municipal Board; and

WHEREAS, The City and Township have determined that no alteration of the stated boundaries of **Annexation Properties** is appropriate, and that no consideration by the Minnesota Municipal Board is necessary.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar and by the Board of supervisors of the Town of Willmar jointly as follows:

1. **Designation of Orderly Annexation Areas.** The City and Township designate the following lands located in Kandiyohi County, Minnesota, as being in need of orderly annexation pursuant to Minnesota Statutes S 414.0325:

That part of the South Half of the Southeast Quarter of Section 1, and also that part of the North Half of the Northeast Quarter of Section 12, all in Township 119 North, Range 35 West of the Fifth Principal Meridian, Willmar Township, Kandiyohi County, Minnesota, described as follows:

- Commencing at the northwest corner of the Northeast Quarter of said Section 12;
- thence on a geodetic bearing of South 89 degrees 33 minutes 14 seconds East, along the north line of the Northeast Quarter of said Section 12, a distance of 546.31 feet to the southeasterly right of way boundary line of the railroad which is also the point of beginning of the land to be described;
- thence on a bearing of North 32 degrees 44 minutes 46 seconds East, along the southeasterly right of way boundary line of the railroad, a distance of 867.66 feet to the southwesterly right of way boundary line of the state highway;
- thence on a bearing of South 40 degrees 23 minutes 22 seconds East, along the southwesterly right of way boundary line of the state highway, a distance of 522.24 feet;
- thence southeasterly, along the westerly right of way boundary line of the state highway, on a curve, concave to the southwest, which has a radius of 4483.66 feet, a central angle of 22 degrees 49 minutes 15 seconds and a chord bearing of South 20 degrees 10 minutes 02 seconds East, a distance of 1785.83 feet to the south line of the North Half of the Northeast Quarter of said Section 12;
- thence on a bearing of North 89 degrees 31 minutes 59 minutes West, along the south line of the North Half of the Northeast Quarter of said Section 12, a distance of 1969.83 feet to the west line of the Northeast Quarter of said Section 12;
- thence on a bearing of North 00 degrees 10 minutes 43 minutes East, along the west line of the Northeast Quarter of said Section 12, a distance of 463.64 feet to the southeasterly right of way boundary line of the railroad;
- thence on a bearing of North 32 degrees 44 minutes 46 seconds East, along the southeasterly right of way boundary line of railroad, a distance of 1014.88 feet to the point of beginning.

AND

All that portion of the W1/2 of NW ¼ of NE ¼ lying northwesterly of a line drawn parallel with and distant 50' northwesterly of BNRR main track centerline as now located and constructed upon, over and across said W ½ NW ¼ NE ¼ Section 12, Township 119, Range 35. Totaling 61.35 acres more or less.

2. **No Minnesota Municipal Board Hearing is required.** Subject to the terms and conditions of this Resolution, the City and Township hereby agree that **Annexation Properties** are in need of orderly annexation pursuant to Minnesota Statutes § 414.0325. No alteration of the stated boundaries is appropriate. No consideration by the Minnesota Municipal Board is necessary. All terms and

conditions for annexation of said areas are provided for in this Resolution. The Minnesota Municipal Board may review and comment only. Within 30 days of receipt of this Joint Resolution, the Municipal Board shall order the annexation of **Annexation Properties**, in accordance with this Joint Resolution.

3. **Municipal Reimbursement to Township.** The City shall reimburse the Township for the taxable property of parcel 1/A. and 2/B. (as described above) lost by annexation for a period of six (6) years following the last year in which the township would receive real estates for this property following annexation, and shall be paid according the schedule as follows:

Year 1:	100%	of the Real Estate Tax paid to the Township in the year of annexation.
Year 2:	80%	" "
Year 3:	60%	" "
Year 4:	40%	" "
Year 5:	20%	" "
Year 6:	10%	" "
Year 7 and thereafter:	0%	

4. **Zoning Designation.** The real estate described below shall be zoned I-1 (Limited Industry) and the remainder of the property shall be zoned Ag (Agriculture).

That part of the Northwest Quarter of the Northeast Quarter of Section 12, Township 119 North, Range 35 West of the Fifth Principal Meridian, Willmar Township, Kandiyohi County, Minnesota, described as follows:

- Commencing at the northwest corner of the Northeast Quarter of said Section 12;
- thence on a geodetic bearing of South 89 degrees 33 minutes 14 seconds East, along the north line of the Northeast Quarter of said Section 12, a distance of 546.31 feet to the southeasterly right of way boundary line of the railroad which is also the point of beginning of the land to be described;
- thence continuing on a bearing of South 89 degrees 33 minutes 14 seconds East, along the north line of the Northeast Quarter of said Section 12, a distance of 119.41 feet;
- thence on a bearing of South 40 degrees 23 minutes 22 seconds East a distance of 132.83 feet;
- thence southeasterly, 588.81 feet along on a curve, concave to the southwest, which has a radius of 3743.66 feet, a central angle of 9 degrees 00 minutes 42 seconds and a chord bearing of South 26 degrees 14 minutes 18 seconds East;
- thence on a bearing of South 54 degrees 06 minutes 19 seconds West a distance of 563.21 feet;
- thence on a bearing of North 57 degrees 15 minutes 14 minutes West, a distance of 527.04 feet to the southeasterly right of way boundary line of the railroad;

- thence on a bearing of North 32 degrees 44 minutes 46 seconds East, along the southeasterly right of way boundary line of railroad, a distance of 802.34 feet to the point of beginning (11.10 acres).

5. **Governing Law.** This Resolution is subject to the laws of the State of Minnesota.

REC'D BY
A.M.E.

APR 17 2007

Passed and adopted by the City Council of the **City of Willmar** this 16th day
of April, 2007.

Lester J. Neithe

Mayor

ATTEST:

Shelley
City Clerk

Passed and adopted by the Town Board of Supervisors of the **Town of Willmar**
this 7 day of April, 2007.

Roman C. Jensen

Chairperson

ATTEST:

Ronald J. Klein
Town Clerk

This is a survey of part of:
S½ of the SE¼ of Section 1
and
N½ of the NE¼ of Section 12

Located in:
**T119N-R35W, Willmar Township, Kandiyohi County,
City of Willmar, Minnesota**



This drawing prepared by:
Bonnema Surveys Inc.
Professional Land Surveying
1809 22nd St SW, Suite 104
Willmar, MN 56201
Office (320) 331-2444
Fax (320) 331-2607

Requested by: Earthtech Energy
5985 Rice Creek Pkwy, Suite 100
Shoreview, MN 55126



LEGEND

- Found Iron Monument from former survey
- Bonnema Surveys Placed Gapped Iron Monument
- ⊙ Cast Iron Monument
- Field Triangulation Line

The Bearing Orientation System for this survey is based on the 1996 Minnesota Department of Transportation projection and transformation parameters for this County.

The Datum of this Survey is the North American Vertical Datum of 1988 (NAVD 88) which is 0.55 feet above the 1929 NGVD elevation.

Bonnema Surveys is not giving a title opinion or abstract of this parcel. We suggest that you contact your attorney or a title insurance company for that purpose. Easements or neighboring deed conflicts may exist which affect this parcel and are not shown on this survey.

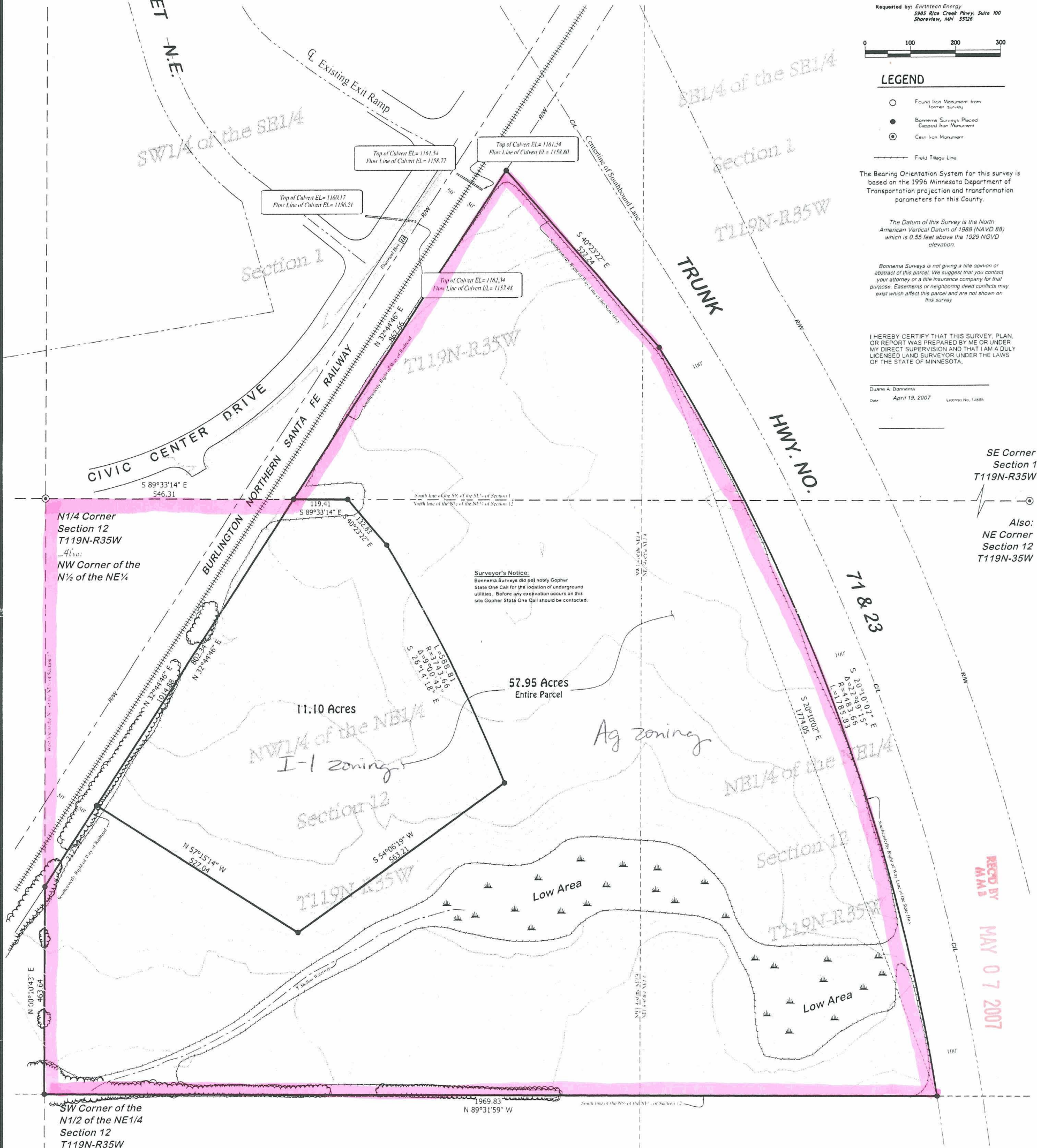
I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Duane A. Bonnema
Date: April 19, 2007 License No. 14895

SE Corner
Section 1
T119N-R35W

Also:
NE Corner
Section 12
T119N-R35W

RECORDED BY
MMS
MAY 07 2007



LAND DESCRIPTION - 57.95 Acre Parcel

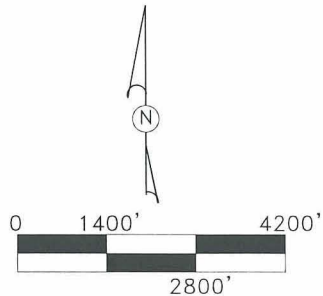
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- thence on a bearing of North 89 degrees 31 minutes 59 minutes West, along the south line of the North Half of the Northeast Quarter of said Section 12, a distance of 1969.83 feet to the west line of the Northeast Quarter of said Section 12;
- thence on a bearing of North 00 degrees 10 minutes 43 minutes East, along the west line of the Northeast Quarter of said Section 12, a distance of 463.64 feet to the southeasterly right of way boundary line of the railroad;
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LAND DESCRIPTION - 11.10 Acre Parcel

That part of the Northwest Quarter of the Northeast Quarter of Section 12, Township 119 North, Range 35 West of the Fifth Principal Meridian, Willmar Township, Kandiyohi County, Minnesota, described as follows:

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CITY of WILLMAR

REC'D BY
M.M.S. MAY 07 2007

