

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARING

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF MARSHALL AND THE TOWNSHIP
OF FAIRVIEW DESIGNATING CERTAIN
AREAS AS IN NEED OF ORDERLY ANNEXATION
PURSUANT TO MINNESOTA STATUTES,
SECTION 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, an individual property owner with property located within the Township of Fairview ("Township") and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, petitioned the City of Marshall ("City") seeking annexation of that property and extension of City services to that property; and

WHEREAS, for ease of reference, the area of the Township proposed for annexation in accordance with this Joint Resolution and legally described in Exhibit A (hereinafter referred to as the "Subject Area") is shown on Exhibit B; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the Subject Area legally described in Exhibit A; and

WHEREAS, the Subject Area is agricultural property, abuts the City, and is in need of orderly annexation and extension of services from the City since the Subject Area is urban or suburban or about to become so as it is proposed for an industrial park; and

WHEREAS, the City has available capacity to provide needed services to the Subject Area; and

WHEREAS, the City and Township agree that orderly annexation of the Subject Area is in the best interest of the property owner and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the City and Township agree that the Subject Area legally described in Exhibit A is in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the Subject Area without the need for any further hearing before the Office of Administrative Hearings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall and the Board of Supervisors of the Township of Fairview as follows:

1. The City and Township hereby designate the Subject Area legally described in Exhibit A for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325:
2. The City and Township agree that the Subject Area is approximately 162.47 acres, more or less.
3. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B and a city location map as shown in Exhibit C are hereby incorporated herein by reference.
4. The City and Township agree that the population of the Subject Area is 0.
5. Pursuant to Minnesota Statutes, Section 414.0325, the City and Township agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit is necessary. Upon

the execution and filing of this Joint Resolution, the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.

6. Pursuant to Minnesota Statutes, Section 414.036, the City and Township agree that upon annexation of the Subject Area, the City shall reimburse the Township for the loss of taxes from the property so annexed for the period and in accordance with the following schedule:
 - a. In the first year following the year the City of Marshall could first levy on the annexed area, an amount equal to \$136.22 (payable 2009); and
 - b. In the second and final year, an amount equal to \$136.22 (payable 2010).
7. This Joint Resolution is not subject to the notice, publication and informational meeting requirements of Minnesota Statutes, section 414.0325, subd. 1b or 414.0333, since this Joint Resolution designates the Subject Area for immediate annexation and all of the property owners of the Subject Area have petitioned the City to be annexed.
8. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit.
9. The City and Township agree that this Joint Resolution is made pursuant to , and shall be construed in accordance with the laws of the State of Minnesota.
10. The City and Township agree in the event there are errors, omissions or any other problems with the legal descriptions provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit, the City and Township agree to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit as necessary to make effective the annexation of the Subject Area in accordance with the terms of this Joint Resolution.
11. The terms and conditions of this Joint Resolution, shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties.

Passed, adopted, and approved by the Township Board of Supervisors of the Township of Fairview, Lyon County, Minnesota, this 11th day of September, 2007.

ATTEST:

TOWNSHIP OF FAIRVIEW

By: Bruce DeVos
Bruce DeVos, Township Clerk

By: Dean Louwagie
Dean Louwagie, Chairman

Passed, adopted, and approved by the City Council of the City of Marshall, Lyon County, Minnesota, this 17th day of September, 2007.

ATTEST:

CITY OF MARSHALL

By: Thomas M. Meulebroeck
Thomas M. Meulebroeck, City Clerk

By: Robert J. Byrnes
Robert J. Byrnes, Mayor

EXHIBIT A
Legal Description

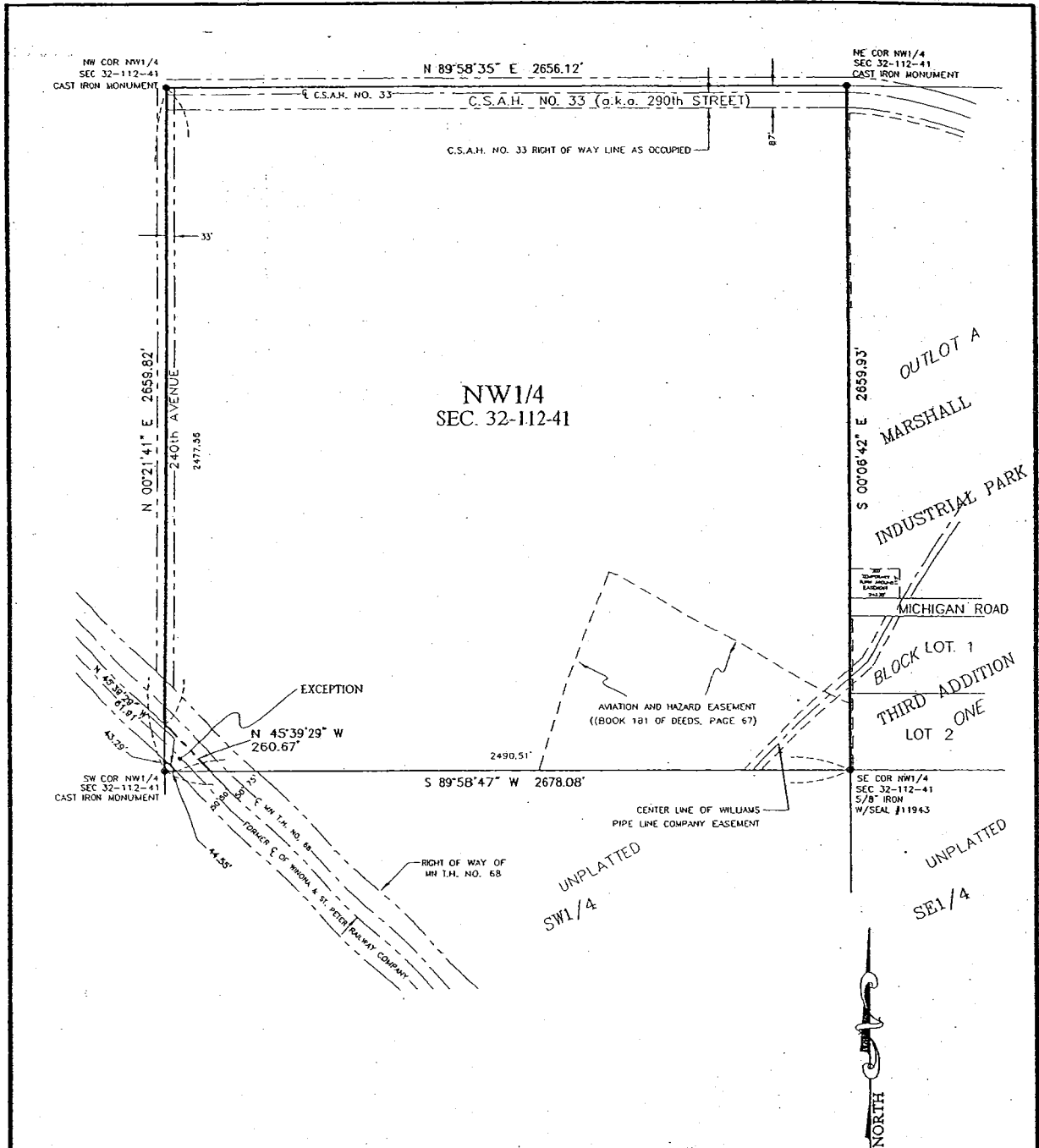
The Subject Area to be annexed in the attached Joint Resolution is legally described as follows:

A tract of land located in Section 32, Township 112 North, Range 41 West, Lyon County, Minnesota, being more particularly described as follows:

The Northwest Quarter (NW 1/4) of Section Thirty-two (32), Township One Hundred Twelve (112) North, Range Forty-one (41) West of the Fifth Principal Meridian, according to the United States Government Survey thereof, except all property located southwest of the southerly right-of-way line of Minnesota Trunk Highway 68.

Said tract contains 162.47 acres, more or less.

EXHIBIT B Boundary Map



RECORDED LAND DESCRIPTION

The Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township One Hundred Twelve (112) North, Range Forty-one (41) West of the Fifth Principal Meridian, according to the United States Government Survey thereof, less the right-of-way heretofore conveyed to Winona and St. Peter Railway Company, subject to right-of-way easement to Great Lakes Pipe Line Company dated September 3, 1946, and subject to easements of record, drainage restrictions of record, the Zoning Ordinance and Subdivision Regulations of Lyon County and the Marshall Municipal Airport Zoning Ordinance.

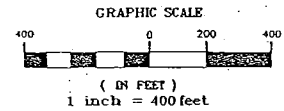
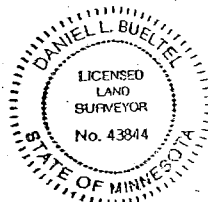
SURVEYOR'S CERTIFICATION

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.

Daniel L. Buelte

LICENSE NO: 43844

DATE: Sept. 7, 2007



LEGEND

These standard symbols will be found in the drawing.

● MONUMENTS FOUND

CITY OF MARSHALL - DERUYCK

Prepared by
Buelte-Moseng
Land Surveying
Lyle Moseng - Licensed Land Surveyor
Daniel Buelte - Licensed Land Surveyor
Marshall, MN 56258 Ph. 507-532-9043
DRAWN BY JGJ SCALE 1" = 400' PROJECT NO. 07-2761

EXHIBIT C City Location Map

