

**JOINT RESOLUTION**

**CITY OF MONTGOMERY  
RESOLUTION 17-2008**

**COPY FOR YOUR  
INFORMATION**

**TOWNSHIP OF MONTGOMERY  
RESOLUTION**

A JOINT RESOLUTION OF THE CITY OF MONTGOMERY AND MONTGOMERY TOWNSHIP DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER THE AREA TO THE MONTGOMERY MUNICIPAL BOUNDARY ADJUSTMENT BOARD, PURSUANT TO MINNESOTA STATUTES SECTION 414.0325.

WHEREAS, the City of Montgomery and the Township of Montgomery have met, conferred, considered and reached agreement relating to the annexation of an area located in the Township of Montgomery; and,

WHEREAS, the area proposed for annexation is owned by Michael D. Loftus and Mary E. Loftus, as well as the First National Bank of Montgomery (mortgagee), hereinafter together referred to as "Owners"; and,

WHEREAS, the City of Montgomery and the Township of Montgomery desire to designate a certain unincorporated area as in need of orderly annexation pursuant to Minnesota Statutes Section 414.0325 and have agreed upon certain terms and conditions relating to the annexation of said property.

NOW, THEREFORE, BE IT RESOLVED AND AGREED between the City of Montgomery and the Township of Montgomery as follows:

1. That the City of Montgomery (hereinafter "City") is a city pursuant to the laws of the State of Minnesota and that the Township of Montgomery (hereinafter "Township") is a township pursuant to the laws of the State of Minnesota, and that both parties are fully authorized and empowered to enter into this resolution.
2. That the following unincorporated area is in need of orderly annexation, lies wholly within Montgomery Township, Le Sueur County, Minnesota, and is described as follows: see Exhibit A attached hereto and incorporated herein (hereinafter "the Property") and no alteration of its stated boundaries is appropriate.
3. That jurisdiction over annexation within the Property and over the various provisions contained in this Resolution is hereby conferred upon the Minnesota Department of Administration (hereinafter "Department").
4. That the property does abut the City and is, or is about to become, urban or suburban in character.

5. That the Property will be immediately annexed to the City upon the adoption of this Resolution and the Order of the Department.
6. No consideration by the Department is necessary, the Department may review and comment, but shall within 30 days order the annexation in accordance with the terms of this Resolution.
7. The City will comply fully with the requirements of Minnesota Statutes Section 414.036 (2008). The City of Montgomery shall reimburse Montgomery Township the real estate taxes for the property in question for a period of eight years (2009-2016). Said reimbursement shall be based on payable 2008 property taxes and shall be paid in two equal installments in the years 2009 and 2010.
8. That connection to the sewer system will be the responsibility of the Owners and will be conducted in accordance with the ordinances of the City as well as any State or Federal agency laws, rules or regulations.
9. That the Owners of the Property have waived the provisions of Minnesota Statutes Section 414.0325(1a), relative to notice of the costs of electric utility service.
10. That every provision of this Resolution will be and hereby is declared severable, and if any part or portion is held invalid, it will not affect or invalidate the remaining parts or portions of the Resolution.
11. That the Property upon annexation will be zoned B-2, Service Business District.

AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY THIS 5<sup>TH</sup> DAY OF MAY, 2008.

CITY OF MONTGOMERY

BY Michael P. McGinnis  
Its Mayor

BY Steve Leber  
Its City Administrator

RECD BY  
A.M.B

MAY 12 2008

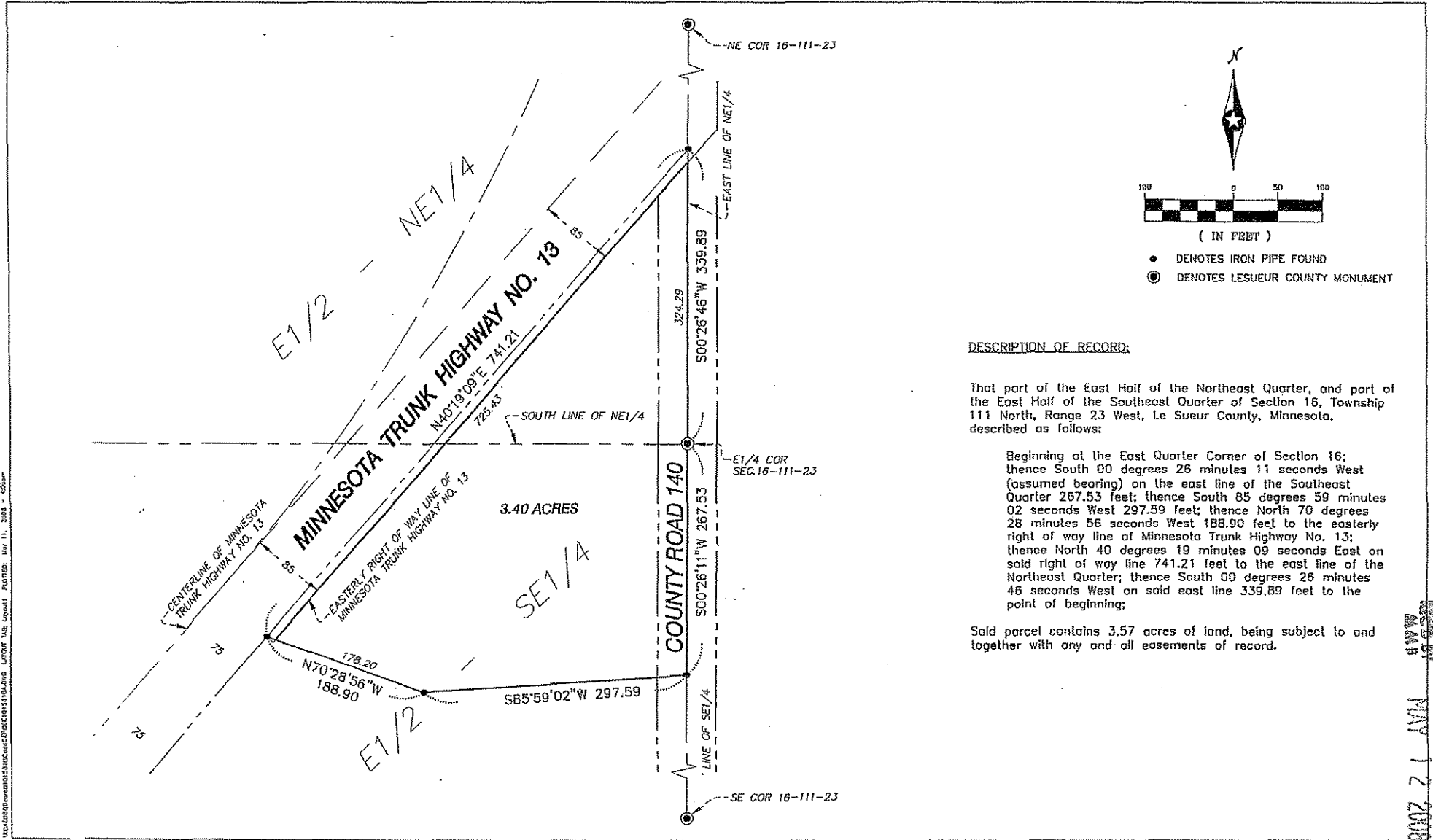
AGREED TO AND APPROVED BY THE TOWN BOARD OF THE TOWNSHIP OF MONTGOMERY THIS 1<sup>ST</sup> DAY OF MAY, 2008.

TOWNSHIP OF MONTGOMERY

BY *Alvin Nasmeo*  
Its Chairman

BY *Susan Pardo*  
Its Clerk

# Exhibit A

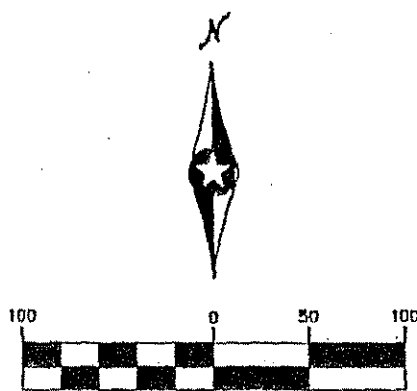


### DESCRIPTION OF RECORD:

That part of the East Half of the Northeast Quarter, and part of the East Half of the Southeast Quarter of Section 16, Township 111 North, Range 23 West, Le Sueur County, Minnesota, described as follows:

Beginning at the East Quarter Corner of Section 16; thence South 00 degrees 26 minutes 11 seconds West (assumed bearing) on the east line of the Southeast Quarter 267.53 feet; thence South 85 degrees 59 minutes 02 seconds West 297.59 feet; thence North 70 degrees 28 minutes 56 seconds West 188.90 feet to the easterly right of way line of Minnesota Trunk Highway No. 13; thence North 40 degrees 19 minutes 09 seconds East on said right of way line 741.21 feet to the east line of the Northeast Quarter; thence South 00 degrees 26 minutes 46 seconds West on said east line 339.89 feet to the point of beginning;

Said parcel contains 3.57 acres of land, being subject to and together with any and all easements of record.



( IN FEET )

- DENOTES IRON PIPE FOUND
- ⊙ DENOTES LESUEUR COUNTY MONUMENT

DESCRIPTION OF RECORD:

That part of the East Half of the Northeast Quarter, and part of the East Half of the Southeast Quarter of Section 16, Township 111 North, Range 23 West, Le Sueur County, Minnesota, described as follows:

Beginning at the East Quarter Corner of Section 16; thence South 00 degrees 26 minutes 11 seconds West (assumed bearing) on the east line of the Southeast Quarter 267.53 feet; thence South 85 degrees 59 minutes 02 seconds West 297.59 feet; thence North 70 degrees 28 minutes 56 seconds West 188.90 feet to the easterly right of way line of Minnesota Trunk Highway No. 13; thence North 40 degrees 19 minutes 09 seconds East on said right of way line 741.21 feet to the east line of the Northeast Quarter; thence South 00 degrees 26 minutes 46 seconds West on said east line 339.89 feet to the point of beginning;

Said parcel contains 3.57 acres of land, being subject to and together with any and all easements of record.

RECORDED BY  
MAY 12 20