

**CITY OF PINE ISLAND
ANNEXATION RESOLUTION NO. 09-006**

WHEREAS, Elk Farm III, LLC is the owner of the property described in Exhibit A ("Property");

WHEREAS, by City of Pine Island Resolution #08-005, and New Haven Township Resolution #08-01, the City and Town entered an orderly annexation agreement including the Property;

WHEREAS, the orderly annexation agreement ("OAA") authorizes the City to submit a resolution to the chief administrative law judge of the Minnesota Office of Administrative Hearings ("OAH") approving annexation of all or portions of the covered territory;

WHEREAS, by petition dated December 23, 2008, Elk Farm III, LLC requested annexation of the Property under the OAA;

WHEREAS, Elk Farm III, LLC has satisfied the OAA's conditions for annexation including that no petition can be made unless the owner enters into an agreement with the City requiring presentation of a development plan within 24 months of annexation, reimbursement of all City expenses for the annexation, and compliance with the City's requirements for utility extension.

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. OAH Jurisdiction/Consideration by the Chief Judge. The OAA confers jurisdiction over annexation of the Property described in Exhibit A to the OAH. The City requests immediate annexation of the Property. Pursuant to the OAA and Minnesota Statutes, Section 414.0325, Subd. 1(g) and (h), the chief judge may review and comment but no additional consideration is necessary and the annexation shall be ordered within 30 days without alteration of the boundaries.

2. Electric Utility Service Notice. The property owner timely gave any and all required notices to the City prior to petitioning, and the City timely gave any and all required notices to petitioner regarding potential changes in the cost of electric utility service.

3. Effective Date of Annexation. The chief's order for annexation shall be effective as of the date of issuance.

4. Reimbursement. Pursuant to paragraph 9 of the OAA, New Haven Township has been reimbursed in the amount of \$6,730.64 as required for the payment in lieu of taxes.

Adopted by the Pine Island City Council this 20th day of January, 2009.

BY: _____

Paul Perry, Mayor

BY: _____

Abraham Algadi, City Administrator

REC'D BY
M M B

JAN 30 2009

Exhibit A

Legal Description of Property Being Annexed

“Exhibit A”

REC'D BY
M M B

JAN 30 2009

LAND DESCRIPTION

That part of the East Half of the Southwest Quarter of Section 2, Township 108 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of said East Half of the Southwest Quarter; thence on an assumed bearing of North 00°50'18" West along the east line of said East Half of the Southwest Quarter 1322.98 feet to the northeast corner of the Southeast Quarter of said Southwest Quarter of Section 2; thence South 89°01'25" West along the north line of said Southeast Quarter of the Southwest Quarter 661.17 feet to the west line of the East Half of said Southeast Quarter of the Southwest Quarter; thence South 00°49'09" East along said west line 611.29 feet; thence South 89°10'51" West 347.77 feet; thence North 19°48'24" East 347.49 feet; thence North 19°19'41" West 48.01 feet; thence South 89°01'25" West 410.64 feet to a point 10.00' easterly of the west line of said East Half of the Southwest Quarter and the point of beginning; thence North 00°48'00" West parallel with said west line 710.16 feet; thence North 79°08'53" West 10.21 feet to said west line of the East Half of the Southwest Quarter; thence South 00°48'00" East along said west line 712.25 feet; thence North 89°01'25" East 10.00 feet to the point of beginning, containing 0.16 acres and is subject to any easements, covenants, and restrictions of record.

ALSO

That part of the Southeast Quarter of the Southwest Quarter of Section 2, Township 108 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of said Southeast Quarter of the Southwest Quarter; thence on an assumed bearing of North 00°50'18" West along the east line of said Southeast Quarter of the Southwest Quarter 1322.98 feet to the northeast corner of said Southeast Quarter of the Southwest Quarter; thence South 89°01'25" West along the north line of said Southeast Quarter of the Southwest Quarter 661.17 feet to the west line of the East Half of said Southeast Quarter of the Southwest Quarter; thence South 00°49'09" East along said west line 611.29 feet; thence South 89°10'51" West 347.77 feet to the point of beginning; thence North 19°48'24" East 347.49 feet; thence North 19°19'41" West 48.01 feet; thence South 89°01'25" West 155.78 feet; thence South 22°39'00" West 403.71 feet; thence North 89°10'51" East 209.39 feet to the point of beginning, containing 1.67 acres and is subject to any easements, covenants, and restrictions of record.

ALSO

That part of the Northeast Quarter of the Southwest Quarter and that part of the Southeast Quarter of the Northwest Quarter all in Section 2, Township 108 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of said Southwest Quarter of Section 2; thence on an assumed bearing of North 00°50'18" West along the east line of said

Southwest Quarter 1558.65 feet to the point of beginning; thence continuing North 00°50'18" West along said east line 1087.31 feet to the northeast corner of said Northeast Quarter of the Southwest Quarter; thence continuing North 00°50'18" West along the east line of said Southeast Quarter of the Northwest Quarter 124.92 feet to the southwesterly right of way of Trunk Highway Number 52; thence South 89°09'30" West along said southwesterly right of way 33.01 feet; thence North 00°50'17" West along said southwesterly right of way 84.38 feet; thence North 30°04'13" West along said southwesterly right of way 174.53 feet; thence South 59°18'11" East 138.73 feet to said east line of the Southeast Quarter of the Northwest Quarter; thence North 00°50'18" West along said east line of the Southeast Quarter of the Northwest Quarter 333.21 feet; thence North 59°18'11" West 88.58 feet to a point on the northeasterly right of way of said Trunk Highway Number 52; thence continuing North 59°18'11" West along said northeasterly right of way 1.00 feet; thence South 30°41'49" West 1.00 feet; thence South 59°18'11" East 89.02 feet; thence South 00°50'18" East 330.86 feet; thence North 59°18'11" West 140.78 feet; thence South 30°04'13" East 178.11 feet; thence South 00°50'17" East 85.12 feet; thence North 89°09'30" East 33.01 feet; thence South 00°50'18" East 860.70 feet; thence South 89°12'03" West 1009.77 feet; thence South 00°48'00" East 196.34 feet; thence South 71°52'34" East 74.00 feet; thence South 62°44'18" East 169.06 feet; thence South 58°03'17" East 97.73 feet; thence North 89°01'25" East 709.63 feet to the point of beginning, containing 7.61 acres and is subject to any easements, covenants, and restrictions of record.

ALSO

That part of the North Half of the Southeast Quarter of Section 2, Township 108 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of said Southeast Quarter of Section 2; thence on an assumed bearing of North 00°50'18" West along the west line of said Southeast Quarter 1334.35 feet to the point of beginning; thence continuing North 00°50'18" West along said west line 50.00 feet; thence North 89°01'22" East 274.29 feet; thence North 68°54'11" East 1271.21 feet; thence North 30°41'49" East 155.33 feet to the southwesterly right of way of Trunk Highway Number 52; thence South 45°15'59" East along said southwesterly right of way 51.54 feet; thence South 30°41'49" West 160.15 feet; thence South 68°54'11" West 1297.39 feet; thence South 89°01'22" West 283.29 feet to the point of beginning, containing 1.98 acres and is subject to any easements, covenants, and restrictions of record.

ALSO

That part of the East Half of the Southwest Quarter of Section 2, Township 108 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of said East Half of the Southwest Quarter; thence on an assumed bearing of North 00°50'18" West along the east line of said

East Half of the Southwest Quarter 1322.98 feet to the northeast corner of the Southeast Quarter of said Southwest Quarter of said Section 2 and the point of beginning; thence South $89^{\circ}01'25''$ West along the north line of said Southeast Quarter of the Southwest Quarter 661.17 feet to the west line of the East Half of said Southeast Quarter of the Southwest Quarter; thence South $00^{\circ}49'09''$ East along said west line 611.29 feet; thence South $89^{\circ}10'51''$ West 347.77 feet; thence North $19^{\circ}48'24''$ East 347.49 feet; thence North $19^{\circ}19'41''$ West 48.01 feet; thence South $89^{\circ}01'25''$ West 410.64 feet to a point 10.00' easterly of the west line of said East Half of the Southwest Quarter; thence North $00^{\circ}48'00''$ West parallel with said west line 710.16 feet; thence South $79^{\circ}08'53''$ East 201.06 feet; thence South $71^{\circ}52'34''$ East 184.20 feet; thence South $62^{\circ}44'18''$ East 169.06 feet; thence South $58^{\circ}03'17''$ East 97.73 feet; thence North $89^{\circ}01'25''$ East 709.63 feet to the east line of said East Half of the Southwest Quarter; thence South $00^{\circ}50'18''$ East 235.67 feet to the point of beginning, containing 15.06 acres and is subject to any easements, covenants, and restrictions of record.

The above described conveyance contains 26.48 acres and is subject to any easements, covenants, and restrictions of record.

ANNEXATION EXHIBIT

SECTION 2

T. 108 N., R. 15 W.

REC'D BY
MAMB

JAN 30 2009



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

Geoffrey G Griffin

DATE

REG. NO. 21940

G³

G-Cubed

14070 Hwy 52 S.E.
Chatfield, MN 55923

ENGINEERING
SURVEYING
PLANNING

Ph. 507-867-1666
Fax 507-867-1665
www.ggg.to

DATE: 12-16-08

Prepared For:
Tower Investments, LLC

250 W Main St., Suite 101
Woodland, CA 95695

SHEET 1 OF 1 FILE NO: 06-128