

RESOLUTION NUMBER 3121, SECOND SERIES

STATE OF MINNESOTA



JUL 16 2008

OFFICE OF STRATEGIC AND LONG-RANGE PLANNING

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, individual property owners with property located within the Township of Fairview ("Township") and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, have approached the City of Marshall ("City") regarding annexation of that property and extension of City services to that property; and

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

WHEREAS, the above-mentioned property is proposed to be developed for residential and commercial purposes, abuts the City, and is in need of orderly annexation and extension of services from the City since the property is urban or suburban or about to become so; and

WHEREAS, the City has available capacity to provide needed services to the above-mentioned property; and

WHEREAS, the City and Township agree that orderly annexation of the property legally described in Exhibit A is in the best interest of the property owners and would benefit the public health, safety, and welfare of the community; and

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

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the property legally described in Exhibit A without the need for a hearing.

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 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 area legally described in Exhibit A and designated as in need of immediate orderly annexation is approximately 66.56 acres.
3. A boundary map showing the area legally described in Exhibit A is attached hereto as Exhibit B and is hereby incorporated by reference.
4. The City and Township agree that the population of the area legally described in Exhibit A and designated as in need of immediate orderly annexation 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 area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by Minnesota Planning is necessary. Upon the execution and filing of this Joint Resolution, Minnesota Planning may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.

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6. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Minnesota Planning Municipal Boundary Adjustments Office.
7. In the event there are errors, omissions or any other problems with the legal descriptions provided in Exhibit A in the judgment of the Minnesota Planning Agency, the City and Township agree to make such corrections and file any additional documentation, including a new Exhibit A making the corrections requested or required by the Minnesota Planning Agency as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution.
8. With respect only to the area legally described in Exhibit A, which is attached hereto and incorporated herein by reference, 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 hereto, but only with respect to the area legally described in Exhibit A.

Passed, adopted, and approved by the Township Board of Supervisors of the Township of Fairview, Lyon County, Minnesota, this 27th day of June, 2008.

TOWNSHIP OF FAIRVIEW

By: Dean Louwagie
Dean Louwagie, Chair

ATTEST:

Bruce DeVos
Bruce DeVos, Township Clerk

Passed, adopted, and approved by the City Council of the City of Marshall, Lyon County, Minnesota, this 7th day of July, 2007.

CITY OF MARSHALL

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

ATTEST:

Thomas M. Meulebroeck
Thomas M. Meulebroeck, City Clerk

EXHIBIT A

RECD BY
MMB

JUL 16 2008

All that part of the Southeast Quarter of Section 32, Township 112 North, Range 41 West, Lyon County, Minnesota, described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence North 00 degrees 14 minutes 14 seconds East, assumed bearing, along the East line of said Southeast Quarter, a distance of 1742.70 feet, to the point of beginning; thence North 89 degrees 45 minutes 46 seconds West a distance of 392.00 feet; thence North 00 degrees 14 minutes 14 seconds East, parallel with said East line, a distance of 233.00 feet; thence South 89 degrees 45 minutes 46 seconds East a distance of 257.00 feet; thence South 00 degrees 14 minutes 14 seconds West, a distance of 85.00 feet; thence South 89 degrees 45 minutes 46 seconds East, a distance of 135.00 feet, to a point on said East line; thence South 00 degrees 14 minutes 14 seconds West, along said East line, a distance of 148.00 Feet, to the point of beginning.

Said tract of land is subject to any existing highways, roadways, or easements. Said tract continuing 64.266 acres +/-.

ALSO

All that part of the Southwest Quarter of Section 32, Township 112 North, Range 41 West, Lyon County, Minnesota, described as follows:

Beginning at the intersection of the intersection of the East line of said Southwest Quarter, Section 32 and the North right-of-way line of T.H. 19; thence North 00 degrees 10 minutes 28 seconds East, a distance of 345.00 feet; thence North 89 degrees 49 minutes 32 seconds West, a distance of 250.57 feet; thence North 00 degrees 10 minutes 28 seconds East, a distance of 71.18 feet; thence North 65 degrees 30 minutes 32 seconds West, a distance of 194.70 feet; thence South 00 degrees 10 minutes 28 seconds West, a distance of 200.33 feet to the North right-of-way line of T.H. 19; thence Southeasterly along the North right-of-way line of T.H.19 to the point of beginning.

Said tract continuing 2.37 acres +/-.

These parcels are entirely encompassed by the current City of Marshall City limits. Said parcels of land collectively contain 66.64 acres more or less.



OFFICE OF
DIRECTOR OF PUBLIC WORKS /
CITY ENGINEER
344 WEST MAIN STREET
MARSHALL, MN 56258-1313
PHONE: 507-537-6773
FAX: 507-537-6830

REC'D BY
MMB

JUL 16 2008

July 7, 2008

Mr. Dean Louwagie
Chairman
Fairview Township
3208 State Highway 23
Marshall, MN 56258

Mr. Bruce DeVos
Clerk/Treasurer
Fairview Township
3301 240th Ave.
Marshall, MN 56258

Gentlemen:

As per our meeting on June 27, 2008, the following represents the agreement for the payment due to Fairview Township from the City of Marshall for reimbursement of taxes in accordance with Minnesota Statute 414.036. The following schedule was prepared by Lyon County Assessor Dean Champine:

<u>Parcel #</u>	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Year</u>
06-032005-0	83.10			
06-032006-0	188.81			
06-032007-0	4.56			
06-032008-0	1.22			
	<u>\$277.69</u>			
		90%	\$249.92	1
		70%	194.38	2
		50%	138.85	3
		30%	83.31	4
		10%	<u>27.77</u>	5
			\$694.23	

Respectfully,

Glenn J. Olson
Glenn J. Olson, P.E.
Director of Public Works/City Engineer

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In lieu of payment over a minimum period of two years, Fairview Township agrees to a lump sum payment in the amount of \$694.23.

TOWNSHIP OF FAIRVIEW

By: *Dean Louwagie*
Dean Louwagie, Chair

ATTEST:

Bruce DeVos
Bruce DeVos, Township Clerk

EXHIBIT A

All of the Southeast Quarter (SE¼) of Section Thirty-two (32), Township One Hundred Twelve (112) North of Range Forty-one (41), West of the Fifth Principal Meridian, lying Northerly of the Northeasterly right of way of Trunk Highway No. 68, Excepting therefrom that part of said SE¼ Quarter platted as McLaughlin Industrial Park to the City of Marshall, and also except the Marshall Diversion Channel and Marshall Parkway thereof; and also except the following:

All that part of the Southeast Quarter (SE¼) of Section Thirty-two (32), Township One Hundred Twelve (112) North, Range Forty-one (41) West, Lyon County, Minnesota, described as follows:

Commencing at the Southeast corner of said Southeast Quarter, thence North 00 degrees 14 minutes 14 seconds East, assumed bearing, along the east line of said Southeast Quarter, a distance of 1742.70 feet to the point of beginning; thence North 89 degrees 45 minutes 46 seconds West, a distance of 392.00 feet; thence North 00 degrees 14 minutes 14 seconds East, parallel with said east line a distance of 268.00 feet; thence North 89 degrees 45 minutes 46 seconds West, a distance of 1253.00 feet; thence South 00 degrees 14 minutes 14 seconds West, parallel with said east line, a distance of 840.00 feet to a corner on the northerly line of the Redwood River Diversion Channel; thence South 89 degrees 45 minutes 46 seconds East, along said northerly line, a distance of 1645.00 feet to a point on said east line of the Southeast Quarter; thence North 00 degrees 14 minutes 14 seconds East, along said east line, a distance of 572.00 feet to the point of beginning.

Also except the following:

All that part of the Southeast Quarter of Section 32, Township 112 North, Range 41 West, Lyon County, Minnesota, described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence North 00 degrees 14 minutes 14 seconds East, assumed bearing, along the East line of said Southeast Quarter, a distance of 1742.70 feet, to the point of beginning; thence North 89 degrees 45 minutes 46 seconds West a distance of 392.00 feet; thence North 00 degrees 14 minutes 14 seconds East, parallel with said East line, a distance of 233.00 feet; thence South 89 degrees 45 minutes 46 seconds East a distance of 257.00 feet; thence South 00 degrees 14 minutes 14 seconds West, a distance of 85.00 feet; thence South 89 degrees 45 minutes 46 seconds East, a distance of 135.00 feet, to a point on said East line; thence South 00 degrees 14 minutes 14 seconds West, along said East line, a distance of 148.00 Feet, to the point of beginning.

Said tract of land is subject to any existing highways, roadways, or easements. Said tract continuing 64.26 acres +/-.

ALSO

All that part of the Southwest Quarter of Section 32, Township 112 North, Range 41 West, Lyon County, Minnesota, described as follows:

Beginning at the intersection of the intersection of the East line of said Southwest Quarter, Section 32 and the North right-of-way line of T.H. 68; thence North 00 degrees 10 minutes 28 seconds East, a distance of 345.00 feet; thence North 89 degrees 49 minutes 32 seconds West, a distance of 250.57 feet; thence North 00 degrees 10 minutes 28 seconds East, a distance of 71.18 feet; thence North 65 degrees 30 minutes 32 seconds West, a distance of 194.70 feet; thence South 00 degrees 10 minutes 28 seconds West, a distance of 200.33 feet to the North right-of-way line of T.H. 68; thence Southeasterly along the North right-of-way line of T.H. 68 to the point of beginning.

Said tract continuing 2.3 acres +/-.

These parcels are entirely encompassed by the current City of Marshall City limits. Said parcels of land collectively contain 66.56 acres more or less.

