

RESOLUTION NUMBER 3746, SECOND SERIES

STATE OF MINNESOTA

REC'D BY  
MBA

JUN 04 2012

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE JOINT RESOLUTION  
OF THE CITY OF MARSHALL AND THE TOWNSHIP  
OF LAKE MARSHALL ANNEXING CERTAIN AREAS  
PURSUANT TO MINNESOTA STATUTES,  
SECTION 414.0325

**JOINT RESOLUTION FOR  
FOR ORDERLY ANNEXATION**

WHEREAS, the City of Marshall ("City") and the Township of Lake Marshall ("Township") have designated an orderly annexation area, OA-142, via Resolution No. 516, Second Series, in January 1982; and

WHEREAS, individual property owners with property located within the Township and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, have approached the 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 orderly annexation; and

WHEREAS, the City and Township desire to accomplish the 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 Lake Marshall as follows:

1. The City and Township agree that the area legally described in Exhibit A and designated as in need of orderly annexation is approximately 2.64 acres.
2. A boundary map showing the area legally described in Exhibit A is attached hereto as Exhibit B and is hereby incorporated by reference.
3. The City and Township agree that the population of the area legally described in Exhibit A and designated as in need of orderly annexation is 2.
4. 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 Office of Administrative Hearings-Municipal Boundary Adjustments is necessary. Upon the execution and filing of this Joint Resolution, Office of Administrative Hearings-Municipal Boundary Adjustments 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.

5. The City of Marshall and the Town of Lake Marshall have agreed, pursuant to Minnesota Statutes, Section 414.036, that with respect to property taxes payable on the area legally described in Exhibit A, hereby annexed, the City of Marshall shall make a cash payment to the Town of Lake Marshall for the period and in accordance with the following section:
- a. \$355.30 – 2.64 acres of the property legally described in Exhibit A and is a residential parcel.
6. That pursuant to Minnesota Statutes, Section 414.036 with respect to any special assessments assigned by the Township to the annexed property for the area legally described in Exhibit A, there are no special assessments or debt incurred by the Township on the subject area for which reimbursement is required.
7. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Office of Administrative Hearings-Municipal Boundary Adjustments.
8. In the event there are errors, omissions or any other problems with the legal descriptions provided in Exhibit A in the judgment of the Office of Administrative Hearings-Municipal Boundary Adjustments, 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 Office of Administrative Hearings-Municipal Boundary Adjustments as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution.
9. 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 Lake Marshall, Lyon County, Minnesota, this 8 day of May, 2012.

TOWNSHIP OF LAKE MARSHALL

By: Joe Verkinderen  
Joe Verkinderen, Chair

ATTEST:

Sandra Nelson  
Sandra Nelson, Township Clerk

Passed, adopted, and approved by the City Council of the City of Marshall, Lyon County, Minnesota, this 22nd day of May, 2012.

CITY OF MARSHALL

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

ATTEST:

Thomas M. Meulebroeck  
Thomas M. Meulebroeck, City Clerk

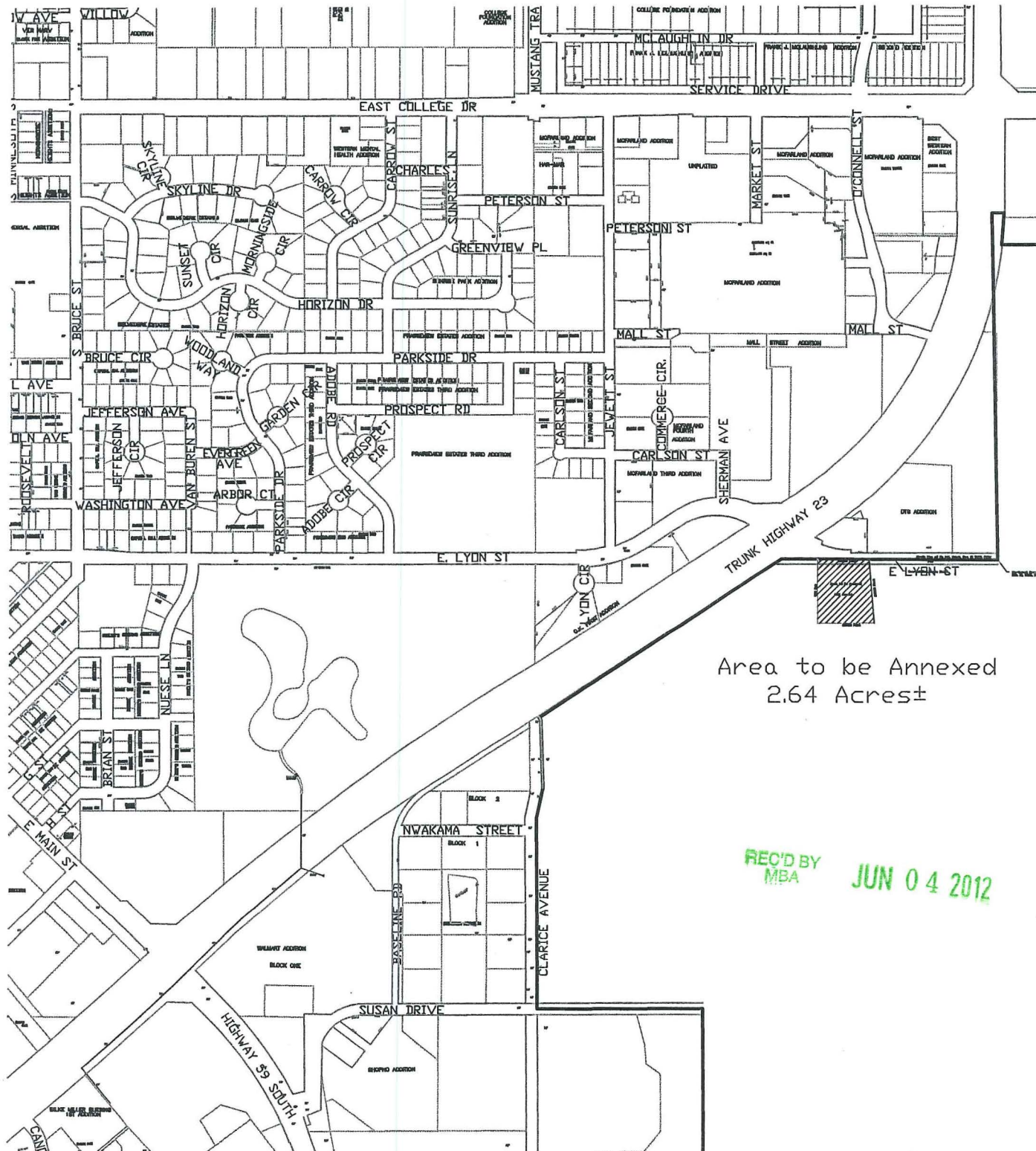
EXHIBIT A

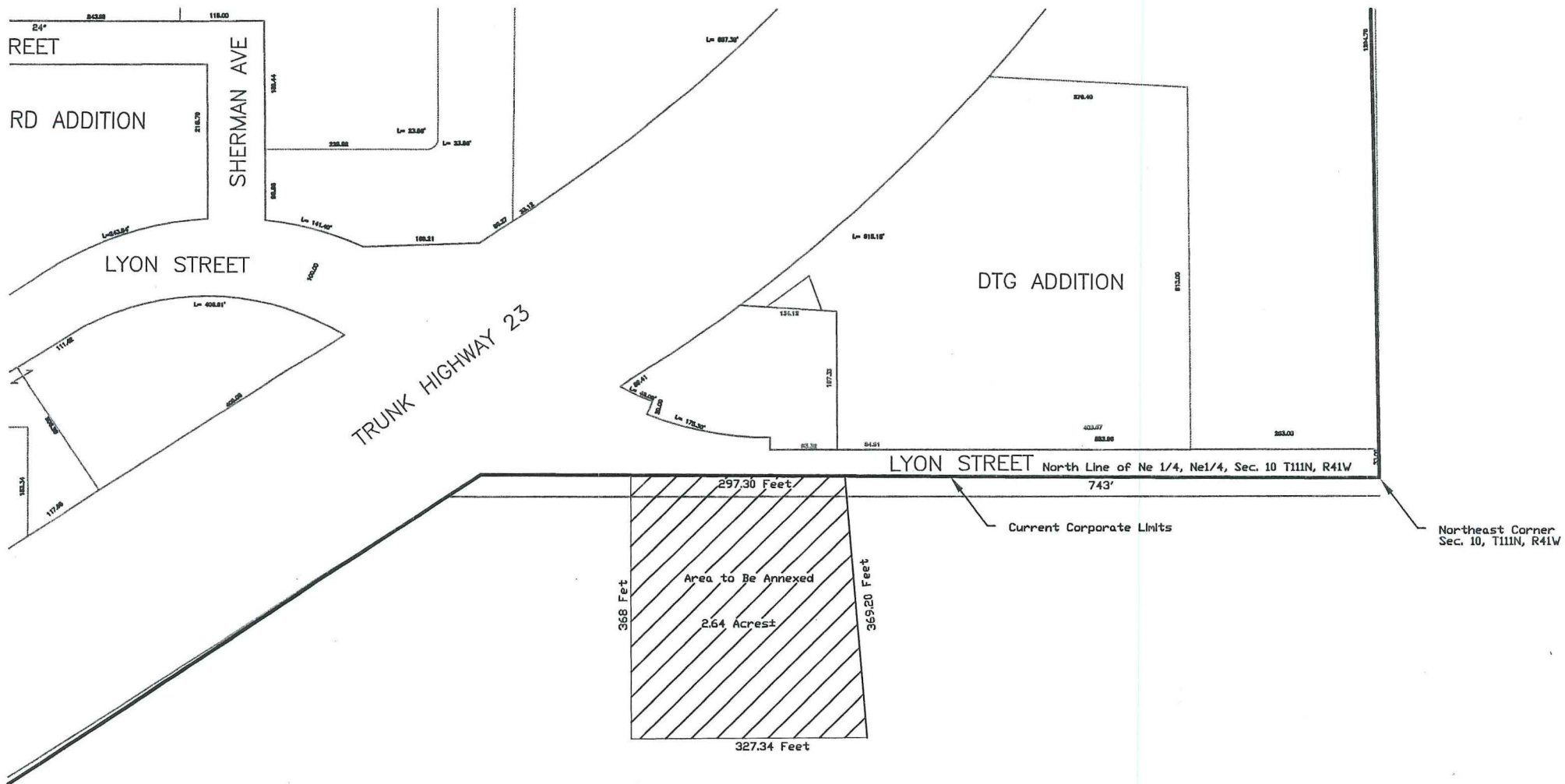
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All that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10, Township 111 North, Range 41 West of the 5<sup>th</sup> P.M. in Lyon County, Minnesota, described as follows:

Beginning at a point on the north line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10, Township 111 North, Range 41 West, which is 743 feet Westerly from the Northeast Corner of said Section 10; thence Westerly along the north line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 10, a distance of 297.3 feet; thence Southerly at right angles 368 feet; thence Easterly and parallel with the north line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10, a distance of 327.34 feet; thence Northwesterly at a deflection angles of 94 degrees 40 minutes, a distance of 369.2 feet to the place of beginning, containing 2.64 acres, more or less, subject to zoning ordinances and subdivision regulation and easements of record.





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