

RESOLUTION NUMBER 3747, 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 1.00 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 0.
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. \$21.20 – 1.00 acre of the property legally described in Exhibit A and is a small agricultural 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, 20 12.

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, 20 12.

CITY OF MARSHALL

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

ATTEST:

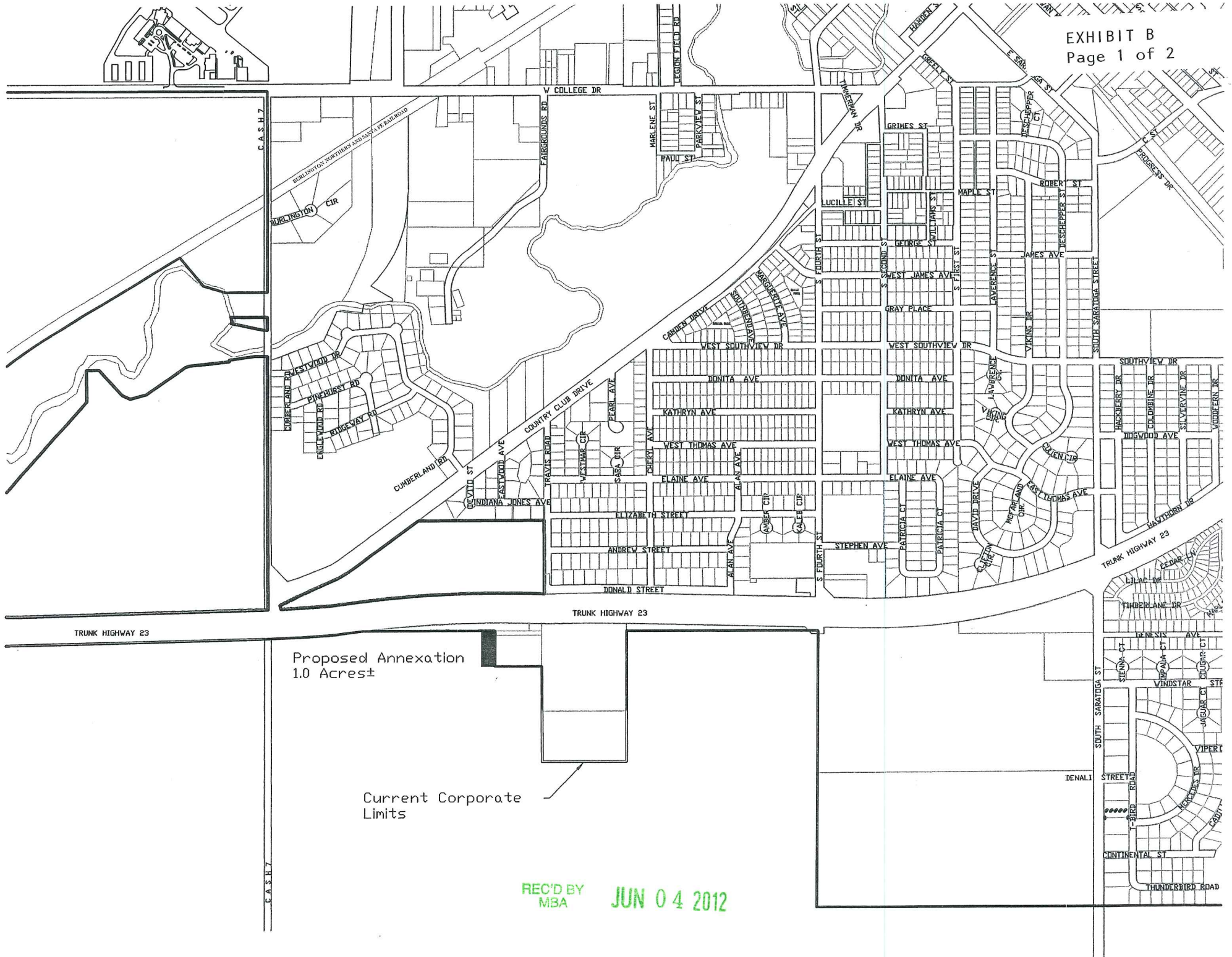
Thomas M. Meulebroeck
Thomas M. Meulebroeck, City Clerk

EXHIBIT A

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All that part of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Seventeen (17), Township One Hundred Eleven (111) North, Range Forty-one (41) West of the Fifth Principal Meridian, described as follows:

Commencing at the southwest corner of Lot One (1), Block One (1) Water-Bus Addition to the City of Marshall; thence North 00°31'33" West 340.01 feet along the west line of Lot One (1), Block One (1) and Outlot C of Water-Bus Addition to the northwest corner of said Outlot C; thence South 89°54'30" West along the south line of Outlot B of Water-Bus Addition a distance of 128.11 feet; thence South 00°31'33" East a distance of 340.01 feet; thence North 89°54'30" East a distance of 128.11 feet to the point of beginning.



Proposed Annexation
1.0 Acres±

Current Corporate
Limits

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20' UTILITY
EASEMENT

$\Delta = 03^{\circ}40'27''$

ChBrg. = N 85°33'51" E 728.30'
R=11359.23' L=728.43'

C1

C2

OUTLOT A

OUTLOT B

30" W 663.77'

128.11'

>40.00'

OUTLOT C

120.00'

N 00°31'33" W 340.01'

N 00°31'33" W 340.01'

S 89°54'30" W 450.01'

BLOCK

NE COR NW1/4
SEC 17-111-14

Lot 1 ONE

7.5' UTILITY
EASEMENT

30' UTILITY
EASEMENT

Area to be
Annexed
1.0 Acres±

128.11'

S 89°54'30" W 450.01'

783.00'

N 00°31'33" W

300.01'

16.00'

125'

L2

L5

783.00' W

00°31'33" W

Existing Corporate
Limits

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1.00'