

JOINT RESOLUTION

RECEIVED BY
JAN 10

APR 10 2009

**CITY OF OLIVIA RESOLUTION NO. 09-06
TOWNSHIP OF TROY**

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

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

WHEREAS, the area proposed for annexation is entirely owned by the Olivia Economic Development Authority; and

WHEREAS, the City of Olivia and the Township of Troy 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; and

WHEREAS, the Owner of the property described in Paragraph Two, has waived the provisions of MSA 414.0325 subd. 1a regarding Electric Utility Service.

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

1. That the City of Olivia (hereinafter "City") is a city pursuant to the laws of the State of Minnesota and that the Township of Troy (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 Troy Township, Renville County, Minnesota and is described as follows:

See attached Exhibit One and Exhibit Two.

3. That jurisdiction over annexation within the Property and over the various provisions contained in this Resolution is hereby conferred upon the

Minnesota Director of Municipal Boundary Adjustments (hereinafter "Director").

4. That the Property abuts the City and is, or in the future will become, urban or suburban in character. Further, the City is able upon annexation to take action to provide sewer service, water, power or other essential municipal services needed for the development and use of the Property.
5. That the Property will be immediately annexed to the City upon the adoption of this Resolution and the Order of the Director.
6. That no consideration by the Director of the annexation is necessary; the Director or chief administrative law judge may review and comment, but shall, within 30 days, order the annexation; and the City and the Township request that the Director order the annexation in accordance with the terms of this Resolution.
7. That the real estate taxes collected from the Property due and payable in 2008 have been paid and delivered to the Township. That the real estate taxes due and payable in 2009 and for all years thereafter will be paid and delivered to the City of Olivia.
8. That there will be no reimbursement by the City to the Township for tax revenues lost in accordance with Minnesota Statutes Section 414.036.
9. That connection to the sewer system, if any, will be the responsibility of the City and will be conducted in accordance with the ordinances of the City as well as any State or Federal agency laws, rules or regulations.
10. That no abandoned wells are on the Property and no individuals reside on the Property.
11. That the Owner of the Property has waived the provisions of Minn. Stat. section 414.0325 subd. 1a relative to notice of the costs of electric utility service.
12. 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.

AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OLIVIA this 3rd day of February, 2009.

CITY OF OLIVIA

By Bill Miller
Its Mayor

By Daniel P. Hoffman
Its City Administrator

AGREED TO AND APPROVED BY THE TOWN BOARD OF THE TOWNSHIP OF
TROY this 21st day of January, 2009.

TOWNSHIP OF TROY

By Mike B. Will
Its Chairman

By Karen Emberson
Its Clerk

EXHIBIT ONE
Annexation Legal Description

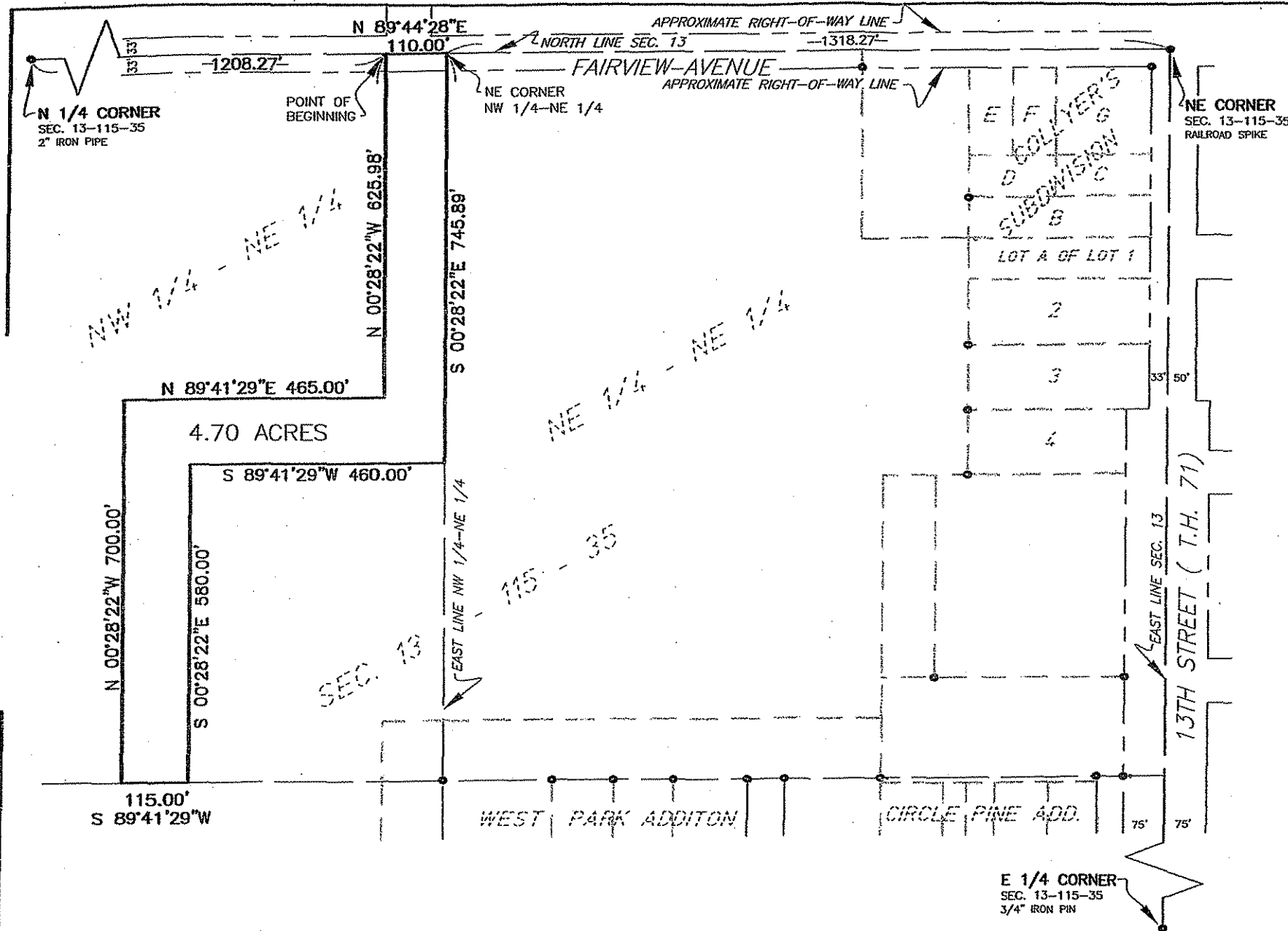
Part of the Northwest Quarter of the Northeast Quarter of Section 13, Township 115 North, Range 35 West, Renville County, Minnesota, described as follows:

Commencing at the North Quarter Corner of said Section 13; thence North 89 degrees 44 minutes 28 seconds East (bearings based on Renville County Coordinates, NAD 83, 1996 adjustment), along the north line of said Northeast Quarter of Section 13, a distance of 1208.27 feet to the point of beginning; thence continuing North 89 degrees 44 minutes 28 seconds East, along said north line, 110.00 feet to the Northeast Corner of said Northwest Quarter of the Northeast Quarter; thence South 00 degrees 28 minutes 22 seconds East, along the east line of said Northwest Quarter of the Northeast Quarter, 745.89 feet; thence South 89 degrees 41 minutes 29 seconds West, 460.00 feet; thence South 00 degrees 28 minutes 22 seconds East, 580.00 feet to the south line of said Northwest Quarter of the Northeast Quarter; thence South 89 degrees 41 minutes 29 seconds West, along said south line, 115.00 feet; thence North 00 degrees 28 minutes 22 seconds West, 700.00 feet; thence North 89 degrees 41 minutes 29 seconds East, 465.00 feet; thence North 00 degrees 28 minutes 22 seconds West, 625.98 feet to the point of beginning;

Contains 4.70 acres, more or less.

REC'D BY
APR 10 2009

MMB



PROPOSED PARCEL DESCRIPTION

Part of the Northwest Quarter of the Northeast Quarter of Section 13, Township 115 North, Range 35 West, Renville County, Minnesota, described as follows:

Commencing at the North Quarter Corner of said Section 13; thence North 89 degrees 44 minutes 28 seconds East (bearings based on Renville County Coordinates, NAD 83, 1996 adjustment), along the north line of said Northeast Quarter of Section 13, a distance of 1208.27 feet to the point of beginning; thence continuing North 89 degrees 44 minutes 28 seconds East, along said north line, 110.00 feet to the Northeast Corner of said Northwest Quarter of the Northeast Quarter; thence South 00 degrees 28 minutes 22 seconds East, along the east line of said Northwest Quarter of the Northeast Quarter, 745.89 feet; thence South 89 degrees 41 minutes 29 seconds West, 460.00 feet; thence South 00 degrees 28 minutes 22 seconds East, 580.00 feet to the south line of said Northwest Quarter of the Northeast Quarter; thence South 89 degrees 41 minutes 29 seconds West, along said south line, 115.00 feet; thence North 00 degrees 28 minutes 22 seconds West, 700.00 feet; thence North 89 degrees 41 minutes 29 seconds East, 465.00 feet; thence North 00 degrees 28 minutes 22 seconds West, 625.98 feet to the point of beginning; Subject to easements.

Contains 4.70 acres, more or less.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey 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.

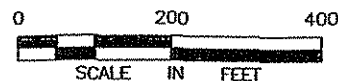
Aaron J. Maggs
Aaron J. Maggs
License Number 45507

10-15-08
Date



LEGEND

• MONUMENT FOUND



CERTIFICATE OF SURVEY CITY OF OLIVIA, MINNESOTA

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
140 FIRST AVENUE NORTH, SLEEPY EYE, MN 56085 (507) 794-5541
MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
WILLMAR, MN CHASKA, MN RAMSEY, MN AMES, IA

PART OF THE NW 1/4-NE 1/4
SEC. 13-115-35, CITY OF OLIVIA
RENVILLE COUNTY, MINNESOTA

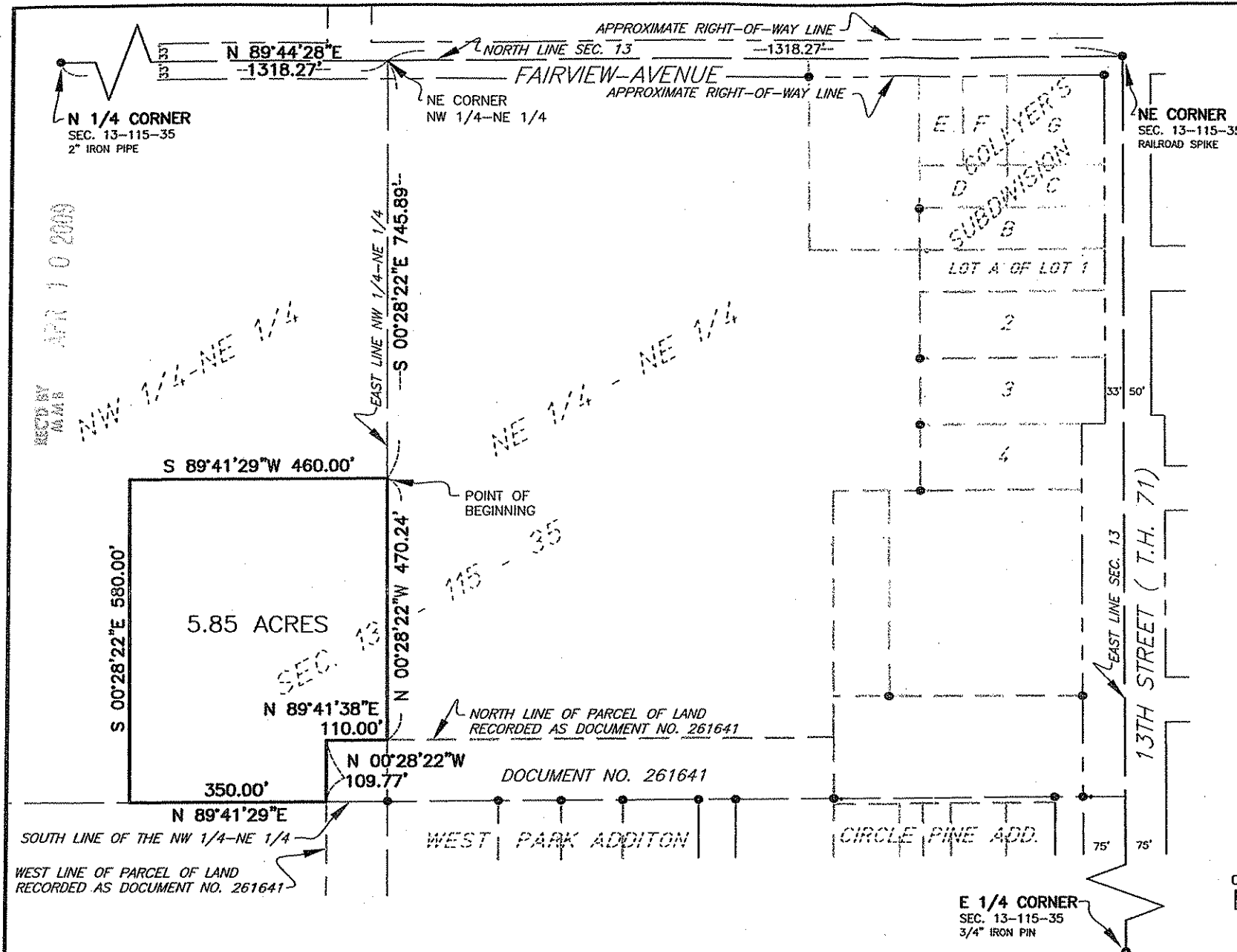
FOR: CITY OF OLIVIA

EXHIBIT TWO

Part of the Northwest Quarter of the Northeast Quarter of Section 13, Township 115 North, Range 35 West, Renville County, Minnesota, described as follows:

Commencing at the North Quarter Corner of said Section 13; thence North 89 degrees 44 minutes 28 seconds East (bearing based on Renville County Coordinates NAD 83, 1996 adjustment), on the north line of said Northeast Quarter, 1318.27 feet to the Northeast Corner of said Northwest Quarter of the Northeast Quarter; thence South 00 degrees 28 minutes 22 seconds East, on the east line of said Northwest Quarter of the Northeast Quarter, 745.89 feet to the point of beginning; thence South 89 degrees 41 minutes 29 seconds West, 460.00 feet; thence South 00 degrees 28 minutes 22 seconds East, 580.00 feet to the south line of said Northwest Quarter of the Northeast Quarter; thence North 89 degrees 41 minutes 29 seconds East, on said south line, 350.00 feet to the west line of a parcel of land described in a deed recorded as Document No. 261641; thence North 00 degrees 28 minutes 22 seconds West, on said west line, 109.77 feet to the northwest corner of said parcel of land described in a deed recorded as Document No. 261641; thence North 89 degrees 41 minutes 38 seconds East, on the north line of said parcel of land described in a deed recorded as Document No. 261641, a distance of 110.00 feet to said east line of the Northwest Quarter of the Northeast Quarter; thence North 00 degrees 28 minutes 22 seconds West, on said east line, 470.24 feet to the point of beginning.

Contains 5.85 acres, more or less.



PROPOSED PARCEL DESCRIPTION

Part of the Northwest Quarter of the Northeast Quarter of Section 13, Township 115 North, Range 35 West, Renville County, Minnesota, described as follows:

Commencing at the North Quarter Corner of said Section 13; thence North 89 degrees 44 minutes 28 seconds East (bearing based on Renville County Coordinates NAD 83, 1996 adjustment), on the north line of said Northeast Quarter, 1318.27 feet to the Northeast Corner of said Northwest Quarter of the Northeast Quarter; thence South 00 degrees 28 minutes 22 seconds East, on the east line of said Northwest Quarter of the Northeast Quarter, 745.89 feet to the point of beginning; thence South 89 degrees 41 minutes 29 seconds West, 460.00 feet; thence South 00 degrees 28 minutes 22 seconds East, 580.00 feet to the south line of said Northwest Quarter of the Northeast Quarter; thence North 89 degrees 41 minutes 29 seconds East, on said south line, 350.00 feet to the west line of a parcel of land described in a deed recorded as Document No. 261641; thence North 00 degrees 28 minutes 22 seconds West, on said west line, 109.77 feet to the northwest corner of said parcel of land described in a deed recorded as Document No. 261641; thence North 89 degrees 41 minutes 38 seconds East, on the north line of said parcel of land described in a deed recorded as Document No. 261641, a distance of 110.00 feet to said east line of the Northwest Quarter of the Northeast Quarter; thence North 00 degrees 28 minutes 22 seconds West, on said east line, 470.24 feet to the point of beginning. Subject to easements.

Contains 5.85 acres, more or less.

LEGEND

● MONUMENT FOUND

SURVEYOR'S CERTIFICATION

I hereby certify that this survey 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.

Larry L. Zeig
Larry L. Zeig
License Number 19791

4/14/2008
Date

CERTIFICATE OF SURVEY

CITY OF OLIVIA, MINNESOTA

BOLTON & MENK, INC.

Consulting Engineers & Surveyors

140 FIRST AVENUE NORTH, SLEEPY EYE, MN 56085 (507) 794-5541
MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
WILLMAR, MN CHASKA, MN RAMSEY, MN AMES, IA

PART OF THE NW 1/4-NE 1/4
SEC. 13-115-35, CITY OF OLIVIA
RENNVILLE COUNTY, MINNESOTA

FOR: CITY OF OLIVIA