

#### **ANNEXATION RESOLUTION NO. 21-17**

### CITY OF ELKO NEW MARKET SCOTT COUNTY

# A RESOLUTION FOR ORDERLY ANNEXATION OF LAND TO THE CITY OF ELKO NEW MARKET

WHEREAS, New Market Township (the "Township") and the City of Elko New Market (the "City") have entered into an orderly annexation agreement identified by Minnesota Municipal Board Number OA-1594, as amended ("Agreement"); and

WHEREAS, that Agreement provides that it shall be binding upon the City and Township and does not provide a right of objection by the Township to the City filing an Annexation Resolution, provided the terms and conditions have been met as contained in the Agreement; and

WHEREAS, the Agreement states, in part, that no consideration by the Chief Administrative Law Judge is necessary, and that all terms and conditions for annexation are provided in the Agreement;

WHEREAS, the Agreement designates, in part, pursuant to Paragraph 8(B), that the City shall file this Annexation Resolution with the Chief Administrative Law Judge, who may review and comment within thirty days of receipt of this Annexation Resolution and the Agreement, and order the annexation of the area designated in this Annexation Resolution in accordance with the Agreement.

WHEREAS, the Agreement designates, in part, the following area legally described in Exhibit A as in need of orderly annexation ("Land"); and

WHEREAS, the necessary criteria for annexation of the Land pursuant to the Agreement have been met; and

**WHEREAS,** reimbursement to New Market Township for lost property taxes from the annexed property is addressed in OA-1594 and shall be paid pursuant to OA-1594.

WHEREAS, an annexation charge is required to be paid by the Petitioner for Annexation within 30 days of the date of the Annexation Order pursuant to Paragraph 11 of OA-1594.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elko New Market that the Land is hereby annexed into the City.

ADOPTED this \_1sr day of April\_\_\_\_, 2021, by the City Council of the City of Elko New Market.

CITY OF ELKO NEW MARKET

Joe Julius, Mayor

ATTEST:

Thomas Terry, City Clerk/City Administrator

#### **EXHIBIT A**

#### **Legal Description of Land**

The Southwest Quarter of the Northwest Quarter (SW ¼ of NW ¼) and the North Half of the Northwest Quarter (N ½ of NW ¼) of Section 25, Township 113, Range 21, Scott County, Minnesota, lying Southerly of County Road No. 2 (Deuce Road), EXCEPTING THEREFROM the following described parcels:

1. That part of the East 725.00 feet of the Northeast Quarter (NE ½) of the Northwest Quarter (NW ½) of Section Twenty-five (25), Township One Hundred Thirteen North (113N), Range Twenty-One West (21W), Scott County, Minnesota, lying southerly of County Road No. 2.

2. A tract of land, being a part of the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) of Section Twenty-four (24), and the Northwest Quarter (NW 1/4) of Section Twenty-five (25), Township One Hundred Thirteen (113), Range Twenty-one (21), Scott County, Minnesota, described as follows: Beginning at the intersection of the easterly boundary of Interstate Highway No. 35, and the North line of the Northwest Quarter (NW 1/4) of Section Twenty-five (25); thence South 20 degrees, 00 minutes west, along said highway boundary, 257.13 feet; thence South 70 degrees, 00 minutes east, 1008.0 feet; thence North 28 degrees, 11 minutes east, 226.0 feet to the centerline of Scott County Road No. 2; thence North 51 degrees 23 minutes, 22 seconds west, along the centerline of said County Road, 500.0 feet; thence on a tangential curve to the left, having a central angle of 20 degrees, 40 minutes, 245.98 feet; thence on a curve to the left having a radius of 1145.92 feet; compound to the last described curve, 54.21 feet; thence South 15 degrees, 14 minutes west, radial to the last described curve, 55.26 feet; thence South 89 degrees, 33 minutes, 15 seconds west, along the north line of said Section Twenty-five (25), 84.50 feet; thence westerly on a curve to the left (having a radius of 1070.92 feet and whose long chord bears North 84 degrees, 32 minutes, 03 seconds west), 202.27 feet; thence South 20 degrees, 00 minutes west, 22.87 feet to the point of beginning,

Also specifically excepting the Trunk Highway 35 right-of-way within the Northwest Quarter (NW ½) of Section Twenty-Five (25), Township One Hundred Thirteen North (113N), Range Twenty-One West (21W), Scott County, Minnesota.

### SURVEYOR'S NOTES:

- 1.) This survey was performed with the benefit of Old Republic National Title Insurance Company, Title Commitment No. ORTE741545, having an effective date of October 6, 2014, at 7:00 A.M.
- 2.) Site Addresses:
  Parcel 1: 11551 Deuc

Parcel 1: 11551 Deuce Road Parcel 2: 11301 Deuce Road

- 3.) There are currently no striped parking stalls located on the property.
- 4.) Contours are shown at 1-foot intervals. Vertical datum is NAVD88.

5.) As scaled from the FEMA Flood Zone Map Number 2704280125C, having an effective date of February 19, 1987, the subject property appears to lie within "Other Areas" Zone X (areas determined to be outside the 500 year floodplain) and "Other Flood Areas" Zone X (Areas of 500 year flood; areas of 100 year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100 year flood).

See Sheet 2, for hatched area showing "Other Flood Areas" Zone X.

- 6.) Area of subject property:
  Parcel 1: 50.47 acres (2,198,451 square feet)
  Parcel 2: 68.92 acres (3,001,951 square feet)
  Total: 119.39 acres (5,200,402 square feet)
- 7.) The underground utilities shown have been located from field survey information per markings provided by underground utility locators and available drawings, The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated, although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities. (Gopher One—Call ticket number: 142972049)

Note: the telephone and fiber optic lines shown on the Survey are approximate, they were scaled from a map received from the Telephone Company.

8.) Subject Property is currently zoned UBR — Urban Business Reserve Zoning District, per the Scott County Planning

- 9.) The wetlands shown on the Survey are preliminary and subject to change pending regulatory approval.
- 10.) Property is subject to Exceptions listed in Schedule B Section II of Title Commitment: ORTE741545. Exceptions are listed as they appear in said Schedule B Section II:

8. Mortgage executed by F & Z Properties LLP, a Minnesota limited liability partnership in favor of AgStar Farm Credit Services, FLCA, dated June 19, 2000, filed June 29, 2000, as Document No. 477990, in the original amount of \$150,150.00. (As to Parcel 1) (UNPLOTTABLE)

9. Mortgage executed by F & Z Properties LLP, a Minnesota limited liability partnership in favor of AgStar Farm Credit Services, PCA, dated June 19, 2000, filed June 29, 2000, as Document No. 477991, in the original amount of \$21,540.00. (As to Parcel 1) The above mortgage has been subordinated to the lien of mortgage filed as Document No. 761697 by Subordination filed January 9, 2007 as Document No. 761698. (UNPLOTTABLE)

10. Mortgage executed by F & Z Properties LLP, a Minnesota limited liability partnership in favor of AgStar Financial Services, FCLA, dated December 15, 2006, filed January 9, 2007, as Document No. 761697, in the original amount of \$102,000.00. (As to Parcel 1) (UNPLOTTABLE)

11. Easement to construct, operate and maintain electrical transmission lines and appurtenances together with incidental rights thereof in favor of Northern States Power Company as evidenced by instrument filed September 4, 1954 as Document No. 82348. (As to Parcel 1) (SHOWN ON SURVEY)

12. Easement to construct, operate and maintain electrical transmission lines and appurtenances together with incidental rights thereof in favor of Northern States Power Company as evidenced by instrument filed September 4, 1954 as Document No. 82349 (As to Parcel 2) (EASEMENT NOT SHOWN, THE LOCATION OF THIS EASEMENT HAS BEEN BEEN REVISED IN THE MODIFICATION OF EASEMENT DOCUMENT)

The above easement has been modified by Modification of Easement filed August 19, 1998 as Document No. 423374. (SHOWN ON SURVEY)

13. Easement to construct, operate and maintain pipeline and appurtenances together with incidental rights thereof in favor of Mid—America Pipeline Company, a Delaware corporation as evidence by Grant of Easement filed July 25, 1960 as Document No. 95868. (As to Parcel 1) (SHOWN ON SURVEY)

Mid-America Pipeline Company, a Delaware corporation is now known as Mid-America Pipeline Company, LLC, a Delaware limited liability company as evidenced by Affidavit Regarding Conversion filed February 4, 2003 as Document No. 585491. (UNPLOTTABLE)

Assignment and Assumption Agreement dated May 22, 2003, filed July 21, 2003 as Document No. 613998. (UNPLOTTABLE)

14. Easement to relocate tile line systems in favor of the State of Minnesota as evidenced by Tile Line Easement filed January 28, 1963 as Document No. 101903. (As to Parcel 2) (SHOWN ON SURVEY)

Certificate filed March 18, 1968 as Document No. 116372. (CONTROLLED ACCESS SHOWN ON SURVEY)

15. No right of access to Interstate Highway No. 35. Right of access was taken in favor of the State of Minnesota by Final

16. Matters disclosed by Scott County Planning Commission Rezoning Proceedings Order Granting Rezoning filed February 11, 1998 as Document No. 408315. (As to Parcel 2) (SHOWN ON SURVEY)

17. Title defects caused by lack of record of the appropriate probate documents of Lester Norman Storlies to support Personal Representative's Deed filed January 14, 2005 as Document No. 685663. (As to Parcel 2) (UNPLOTTABLE)

18. Terms and conditions of that certain Contract for Deed by and between Lester Storlie, single (Vendor) and Thomas William Zwiers and Beatrice Irene Zwiers, husband and wife (Vendee) filed May 27, 1997 as Document No. 392918. (As to Parcel 2) (UNPLOTTABLE)

19. Title defects caused by name variation of Lester Norman Storlies as evidenced by Personal Representative's Deed filed

January 14, 2005 as Document No. 685663 and Lester Storlie, single (Vendor) as evidenced by Contract for Deed filed May 27, 1997 as Document No. 392918. (As to Parcel 2) (UNPLOTTABLE)

20. Title defects caused by a lack of record of Assignment of Contract for Deed or Quit Claim Deed from Thomas William Zwiers and Beatrice Irene Zwiers, husband and wife, Vendees on Contract for Deed filed May 27, 1997 as Document No. 392918 to Zwiers Properties, LLC, a Minnesota limited liability company grantee on Personal Representative's Deed filed January 14, 2005 as Document No. 685663. (As to Parcel 2) (UNPLOTTABLE)

21. Lack of joinder of spouse of Jill Floyd, a married person as evidenced by Quit Claim Deed filed January 9, 2007 as Document No. 761696. (As to Parcel 1) (UNPLOTTABLE)

22. Easement for highway purposes together with incidental rights thereof in favor of the County of Scott as evidenced by Highway Easement filed January 10, 2014 as Document No. 952394 as depicted Scott County Right of Way Plat No. 88 filed December 4, 2013 as Document No. 950203. (As to Parcel 1) (SHOWN ON SURVEY)

23. Rights of the public and the County of Scott in and to that portion of the land that lies within County State Aid Highway No. 2 a/k/a Deuce Road as laid out and travelled as evidenced by available maps and as evidenced by Scott County Right of Way Plat No. 88 filed December 4, 2013 as Document No. 950203. (As to Parcels 1 & 2) (RIGHT OF WAY AND PLAT SHOWN ON SURVEY)

### LEGAL DESCRIPTION (PER TITLE COMMITMENT ORTE741545):

Parcel 1:

The Southeast Quarter of the Northwest Quarter; The West Half of the West Half of the Southwest Quarter of the Northeast Quarter and all that part of the West Half of the Northwest Quarter of the Northeast Quarter lying southerly of New Market Road (now known as County Road No.2 — Deuce Road); all in Section 25, Township 113 North, Range 21 West, according to the United States Government Survey thereof and situate in Scott County, Minnesota.

### Abstract property

# Parcel 2:

The Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4) and the North Half of the Northwest Quarter (N 1/2 of NW 1/4) of Section 25, Township 113 North, Range 21 West, Scott County, Minnesota, lying Southerly of County Road No. 2 (Deuce Road), EXCEPTING THEREFROM the following described parcels:

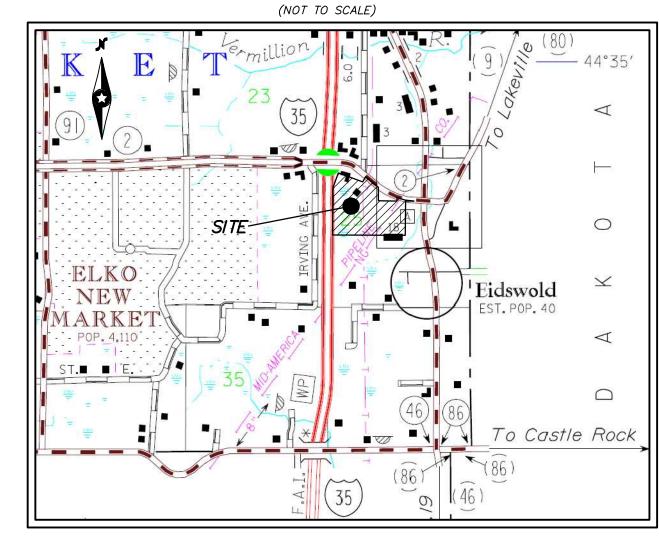
A) That part of the East 725.00 feet of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section Twenty—five (25), Township One Hundred Thirteen North (113N), Range Twenty—One West (21W), Scott County, Minnesota, lying southerly of County Road No. 2.

B) A tract of land, being a part of the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) of Section Twenty—four (24), and the Northwest Quarter (NW 1/4) of Section Twenty—five (25), Township One Hundred Thirteen (113), Range Twenty—one (21), Scott County, Minnesota, described as follows: Beginning at the intersection of the easterly boundary of Interstate Highway No. 35, and the North line of the Northwest Quarter (NW 1/4) of Section Twenty—five (25); thence South 20 degrees, 00 minutes west, along said highway boundary, 257.13 feet; thence South 70 degrees, 00 minutes east, 1008.0 feet; thence North 28 degrees, 11 minutes east, 226.0 feet to the centerline of Scott County Road, No. 2; thence North 51 degrees, 23 minutes, 22 seconds west, along the centerline of said County Road, 500.0 feet; thence on a tangential curve to the left, having a central angle of 20 degrees, 40 minutes, 245.98 feet; thence on a curve to the left having a radius of 1145.92 feet; compound to the last described curve, 54.21 feet; thence South 15 degrees, 14 minutes west, radial to the last described curve, 55.26 feet; thence South 89 degrees, 33 minutes, 15 seconds west, along the north line of said Section Twenty—five (25), 84.50 feet; thence westerly on a curve to the left (having a radius of 1070.92 feet and whose long chord bears North 84 degrees, 32 minutes, 03 seconds west), 202.27 feet; thence South 20 degrees, 00 minutes west, 22.87 feet to the point of beginning, according to the United States Government Survey thereof and situate in Scott County, Minnesota.

C) And specifically excepting the real estate condemned by the State of Minnesota for trunk highway purposes as evidenced by Final Certificate filed March 18, 1968 as Document No. 116372.

Abstract property

### VICINITY MAP



AREA ANNEXED
TO CITY OF ELKO
NEW MARKET BY
RESOLUTION
#21-17

Westwood

Westwood Professional Services, Inc.
3701 12th Street North, Suite 206
St. Cloud, MN 56303

PHONE 320-253-9495
FAX 320-253-8737

TOLL FREE 1-800-270-9495

www.westwoodps.com

Record Drawing by/date:

Crew: DAA/EAW
Checked: NHC
Drawn: NAS

Revisions:

12/05/14 Add Wetlands and Telephone lines (NAS)
.

Prepared for:

Ryan

Companies

Minneapolis, MN

# SURVEYOR'S CERTIFICATE:

To: Ryan Companies US, Inc. and Old Republic National Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(b), 7(a)(b1), 8, 9, 11(a), 13 and 14 of Table A thereof.

The field work was completed on November 19th, 2014.

Date of Plat or Map: November 26th, 2014.

Nathan H. Carlson Nate.Carlson@westwoodps.com Minnesota Registration No. 45873 Part of Section 25, Township 113N Range 21W

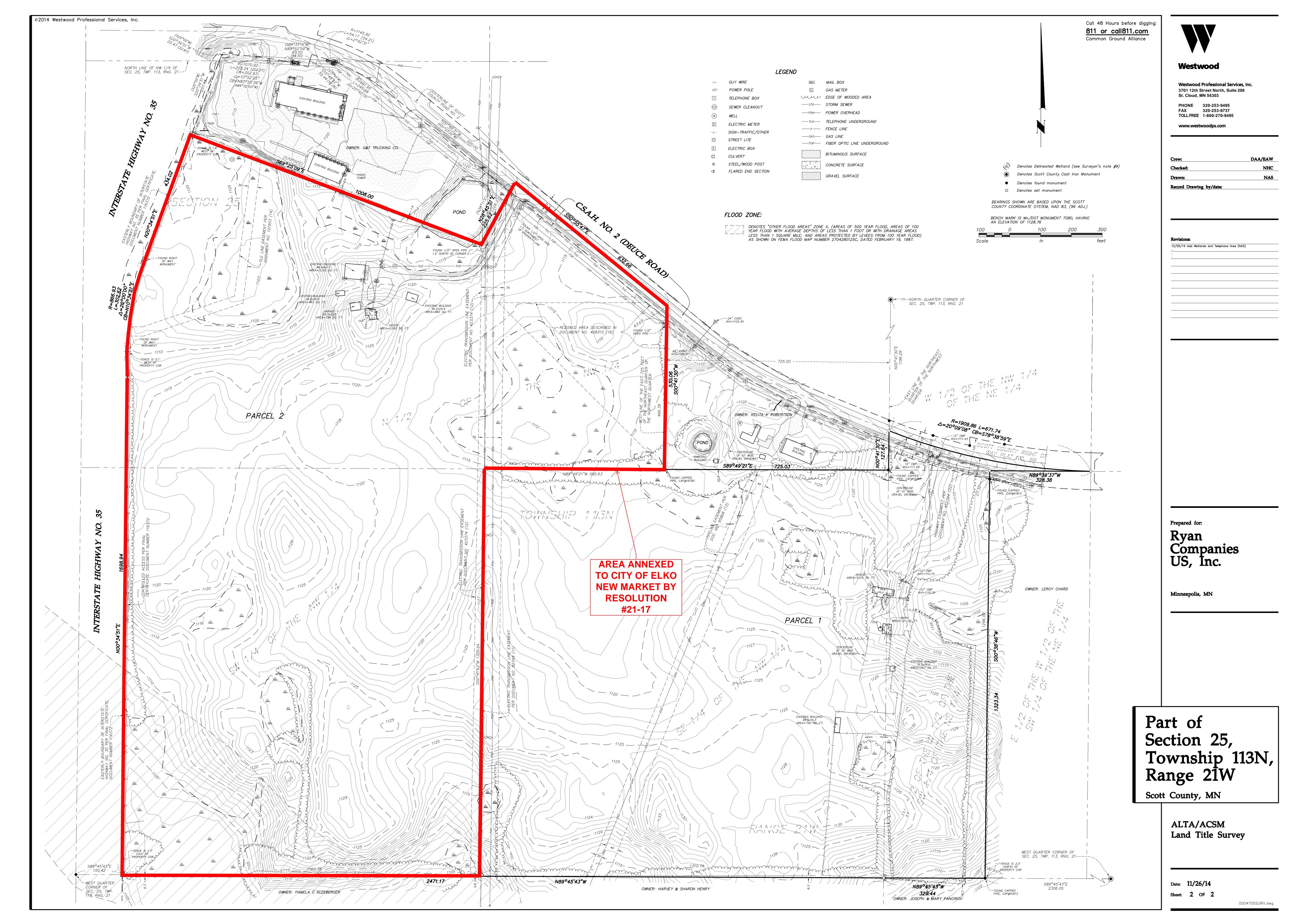
Scott County, MN

ALTA/ACSM Land Title Survey

Date: 11/26/14

Sheet: 1 OF 2

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### Zwiers Property Annexation Location Map Resolution #21-17

