

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF LUVERNE AND LUVERNE
TOWNSHIP DESIGNATING CERTAIN AREAS
AS IN NEED OF ORDERLY ANNEXATION
PURSUANT TO MINNESOTA STATUTES § 414.0325

RESOLUTION NO. 32-15
JOINT RESOLUTION
FOR
ORDERLY ANNEXATION

WHEREAS, property owners, James Remme and Stacie Busse-Remme and Darv Habben of MSDB Partnership, with property located within Luverne Township (the "Township") and legally described herein, (hereinafter referred to as the "Subject Area") have approached and petitioned the City of Luverne (the "City") requesting annexation to the City; and

WHEREAS, the above-mentioned property owners seek to develop this property for urban or suburban purposes; and

WHEREAS, the Subject Area abuts the City and no part thereof is located in an incorporated area; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the area legally described herein; and

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

WHEREAS, the City and Township agree that the property legally described herein is urban or suburban or about to become so and that orderly annexation of the described property would be in the best interest of the property owner and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the City and Township agree that the Subject Area legally described herein is designated as in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the Subject Area legally described herein without the need for a hearing.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Supervisors of Luverne Township and the City Council of the City of Luverne, as follows:

1. Designation of Orderly Annexation Area – City of Luverne and Luverne Township. The Township and the City hereby designate the Subject Area legally described in Exhibit A,

which is attached hereto and incorporated herein by reference, for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325.

2. Acreage. The Township and City agree that the above-mentioned Subject Area legally described in Exhibit A and designated as in need of immediate orderly annexation is approximately 3.89 acres.
3. Population. The Township and City agree that the population of the Subject Area legally described in Exhibit A and designated as in need of immediate orderly annexation is 0.
4. Map of Area. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B and is incorporated herein by reference.
5. No Hearing Required. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the Office of Administrative Hearings is necessary. Upon the execution and filing of this Joint Resolution, the Office of Administrative Hearings may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Tax Reimbursement. The City and Township agree that upon annexation of the Subject Area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed for the period in one lump sum payment of \$40.00, which sum represents 100 percent of the property taxes distributed to the Township in regard to the annexed area in the last year that property taxes from the annexed area were payable to the Township (\$8.00), multiplied by a period of five years. After making the lump sum payment to the Township, the City will no longer reimburse the Township.
7. Filing. The Township and City 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 Office and pay the required filing fees.
8. Governing Law. The Township and City agree that this Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
9. Headings and Captions. The Township and City agree that the headings and captions contained in this Joint Resolution are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
10. Entire Agreement. With respect to the Subject Area legally described in Exhibit A and shown on Exhibit B, which are attached hereto and incorporated herein by reference, the terms, covenants, conditions, and provisions of this Joint Resolution shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties.

11. Legal Description and Mapping. The Township and City agree that in the event there are errors, omissions or any other problems with the legal description provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the Office of Administrative Hearings, the City and Township agree to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the Office of Administrative Hearings as necessary to make effective the annexation of said Subject Area in accordance with the terms of this Joint Resolution.

Passed, adopted, and approved by the Town Board of Supervisors of Luverne Township, Rock County, Minnesota, this 8 day of July, 2015.

LUVERNE TOWNSHIP

By: Mark A. Overgaard
Mark A. Overgaard, Chairman

ATTEST:

George H. Bonnema
George H. Bonnema, Town Clerk

Passed, adopted, and approved by the City Council of the City of Luverne, Rock County, Minnesota, this 14th day of July, 2015.

CITY OF LUVERNE

By: Patrick T. Baustian
Patrick T. Baustian, Mayor

By: John M. Call
John M. Call, City Administrator

ATTEST:

Jessica Mead
Jessica Mead, City Clerk

EXHIBIT A
Legal Description

The Subject Area to be annexed in the attached Joint Resolution is legally described as follows:

A tract of land located in the Southwest Quarter (SW 1/4) of Section Fourteen (14), Township One Hundred Two (102) North, Range Forty-Five (45) West of the 5th P.M. described as follows: Commencing at the Southwest corner of said SW 1/4; thence going North along the West line of said SW 1/4 a distance of 1089.70 feet to the point of beginning; thence going in a Northerly direction along the West line of said SW 1/4 a distance of 316.55 feet; thence going in an Easterly direction 440 feet; thence going in a Southeasterly direction 328 feet to a point 444.85 feet East of the point of beginning; thence going in a Westerly direction 444.85 feet to the point of beginning, subject to easements, if any.

AND

Tract in the SW 1/4 commencing at the Southwest Corner of said SW 1/4; thence going North along the West line of said SW 1/4 a distance of 1054.70 feet to the point of beginning; thence going in a Northerly direction along the West line of said SW1/4 a distance of 35 feet; thence going in an Easterly direction 800.85 feet; thence going in a Southerly direction 35 feet; thence going in a Westerly direction 800.85 feet to the point of beginning.

EXHIBIT B
Boundary Map

REC'D BY
MBA JUL 20 2015

The following is a municipal boundary map as referenced in the attached Joint Resolution, showing the current City of Luverne and its relation to the Subject Area to be annexed, which are legally described in Exhibits A:

