

JOINT RESOLUTION NO. 02-09-2016

IN THE MATTER OF THE JOINT RESOLUTION OF THE TOWNSHIP OF NEWTON AND THE CITY OF NEW YORK MILLS DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE OFFICE OF ADMINISTRATIVE HEARINGS, MUNICIPAL BOUNDARY ADJUSTMENTS, PURSUANT TO MINNESOTA STATUTE 414.0325.

JOINT RESOLUTION FOR ORDERLY ANNEXATION

The Township of Newton and the City of New York Mills hereby jointly agree to the following:

1. That the following described area in Newton Township consists of lands consisting of 1.63 acres, more or less in area and lies entirely within the County of Otter Tail, Minnesota. This parcel is subject to orderly annexation pursuant to Minnesota Statute 414.0325, and the parties hereto designate this area for orderly annexation, to wit:

That part of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 7, Township 135, Range 37, Otter Tail County, Minnesota, lying southerly of STATE HIGHWAY RIGHT OF WAY PLAT No. 56-16, (Plat No. 56-16) as is on file and of record as Document No 521275 in the office of the County Recorder in and for said Otter Tail County, described as follows: Commencing at the east quarter corner of said Section 7, thence North 00 degrees 42 minutes 03 seconds West, assumed bearing along the west line of the Northeast Quarter (NE1/4) of said Section 7 for 1849.62 feet, more or less, to the southerly right of way boundary of said Plat No. 56-16, said point being the point of beginning; thence North 70 degrees 48 minutes 13 seconds West, along the last described southerly right of way boundary, for 35.10 feet to right of way boundary corner B9 as is depicted on said Plat No. 56-16; thence North 39 degrees 13 minutes 52 seconds West, along said southerly right of way boundary for 188.83 feet to right of way boundary corner B10 as is depicted on said Plat No. 56-16; thence northwesterly 129.81 feet along the portion of said southerly right of way boundary being delineated by right of way boundary corners B10 and B11 on said Plat No. 56-16, said boundary being a non-tangential curve concave to the southwest having a radius of 5629.58 feet, a central angle of 1 degree 19 minutes 16 seconds, a chord bearing of North 72 degrees 36 minutes 48 seconds West and a chord of 129.81 feet; thence South 17 degrees 16 minutes 14 seconds West, not tangent to the last described curve, for 247.06 feet; thence South 72 degrees 50 minutes 02 seconds East 368.00 feet to said west line of the Northeast Quarter (NE1/4); thence North 00 degrees 42 minutes 03 seconds West, along the last described west line of the NE1/4 for 147.94 feet to the point of beginning. Containing 1.63 acres, more or less.

2. That the Town Board of the township of Newton, and the City Council of the City of New York Mills, upon passage and adoption of this Resolution and upon the acceptance by the Office of Administrative Hearings, Municipal Boundary Adjustments, confer jurisdiction upon said Office of Administrative Hearings, Municipal Boundary Adjustments, over the various provisions contained in this Agreement.

3. That the City of New York Mills has received a Petition for Annexation signed by all property owners of the parcel to be annexed. This certain property abuts the City of New York Mills on its westerly corporate limits, and none of it is presently included within the corporate limits of any incorporated city. The property owner is requesting that services be extended to the parcel herein described. The City of New York Mills does not currently provide services to this area, and the annexation is in the best interest of the area proposed for annexation.

4. That the City of New York Mills, pursuant to Minn. Stat. §414.036, with respect to the property taxes payable on the area hereby annexed, shall make a cash payment to the Township of Newton in accordance with the following schedule:

- a. *In the first year following the year in which the City of New York Mills could first levy on the annexed area, an amount equal to \$100.00.*
- b. *In the second and final year, an amount equal to \$100.00.*

5. In accordance with Minnesota Statute 414.0325, Subdivision 1 (a) regarding electric utility service notice, the City of New York Mills, notified Lake Region Electric Cooperative of our intent to annex said territory, and requested notification if there is a change in the cost of electric utility service as a result of this annexation. There will be no change since said territory is and will remain within the Lake Region Electric Cooperative's service area, other than the change from residential to commercial rates.

6. It is therefore agreed that the following property be immediately annexed


to the City of New York Mills, to wit:

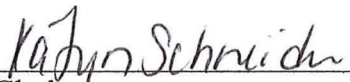
That part of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 7, Township 135, Range 37, Otter Tail County, Minnesota, lying southerly of STATE HIGHWAY RIGHT OF WAY PLAT No. 56-16, (Plat No. 56-16) as is on file and of record as Document No 521275 in the office of the County Recorder in and for said Otter Tail County, described as follows: Commencing at the east quarter corner of said Section 7, thence North 00 degrees 42 minutes 03 seconds West, assumed bearing along the west line of the Northeast Quarter (NE1/4) of said Section 7 for 1849.62 feet, more or less, to the southerly right of way boundary of said Plat No. 56-16, said point being the point of beginning; thence North 70 degrees 48 minutes 13 seconds West, along the last described southerly right of way boundary, for 35.10 feet to right of way boundary corner B9 as is depicted on said Plat No. 56-16; thence North 39 degrees 13 minutes 52 seconds West, along said southerly right of way boundary for 188.83 feet to right of way boundary corner B10 as is depicted on said Plat No. 56-16; thence northwesterly 129.81 feet along the portion of said southerly right of way boundary being delineated by right of way boundary corners B10 and B11 on said Plat No. 56-16, said boundary being a non-tangential curve concave to the southwest having a radius of 5629.58 feet, a central angle of 1 degree 19 minutes 16 seconds, a chord bearing of North 72 degrees 36 minutes 48 seconds West and a chord of 129.81 feet; thence South 17 degrees 16 minutes 14 seconds West, not tangent to the last described curve, for 247.06 feet; thence South 72 degrees 50 minutes 02 seconds East 368.00 feet to said west line of the Northeast Quarter (NE1/4); thence North 00 degrees 42 minutes 03 seconds West, along the last described west line of the NE1/4 for 147.94 feet to the point of beginning. Containing 1.63 acres, more or less.

7. Both Newton Township and the City of New York Mills agree that no alteration of the stated boundaries of this Agreement is appropriate. Furthermore, each party agrees that no consideration by the Office of Administrative Hearings, Municipal Boundary Adjustments, is necessary. Upon receipt of this Resolution, passed and adopted by each party, the Office of Administrative Hearings, Municipal Boundary Adjustments, may review and comment, but shall, within thirty (30) days, order the annexation with the terms of this joint Resolution.

APPROVED by Newton Township's Town Board this 8th day of February, 2016.

NEWTON TOWNSHIP

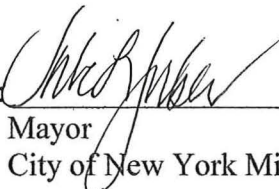
By: 
Chairperson
Newton Township


By: 
Clerk
Newton Township

APPROVED AND ADOPTED by the City Council of the City of New York Mills, this 9th day of February, 2016.

CITY OF NEW YORK MILLS

ATTEST:

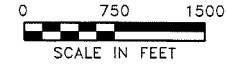
By: 
Mayor
City of New York Mills

By: 
Clerk
City of New York Mills

(SEAL)

REC'D BY
MBA

FEB 22 2016



Sec. 5

Parcel to
be Annexed

U.S. HIGHWAY NO. 10

Sec. 7

Sec. 8

Sec. 9

Twp. 135 N, Rng. 37 W
Otter Tail County, MN

Sec. 17

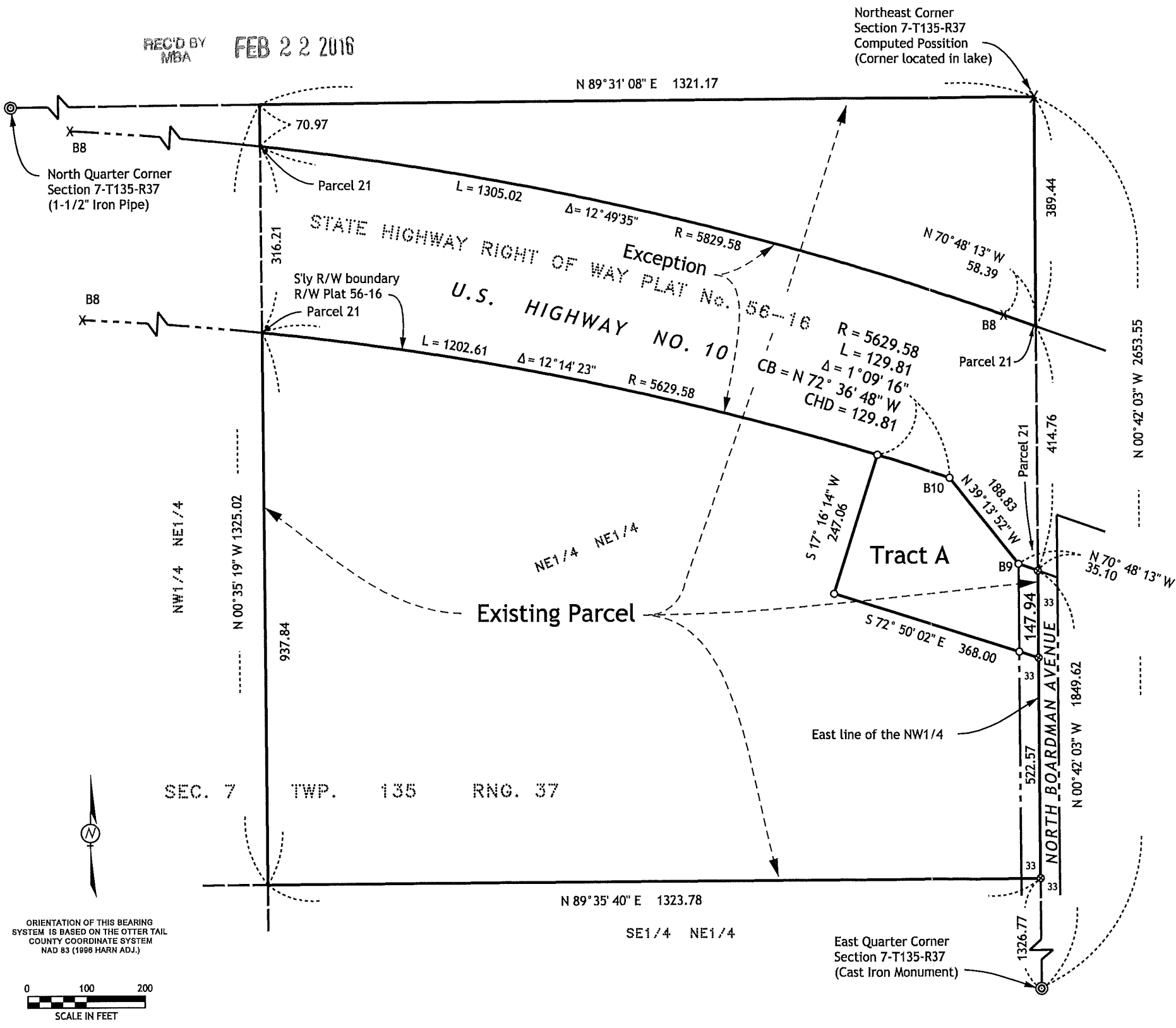


Current Corporate Limits
of New York Mills, MN

CORPORATE BOUNDARY MAP
FOR BOUNDARY ADJUSTMENT

February 3, 2016

REC'D BY
MBA FEB 22 2016



Legal Descriptions

Existing Parcel (PID 40000070052000)

The NE1/4 NE1/4, Section 7, Township 135, Range 37, Otter Tail county, Minnesota,

Except:

Parcel 21 as shown on the plat designated as State Right of Way Plat No. 56-16, on file and of record in the Office of the Register of Deeds in and for Otter Tail County, Minnesota.

Containing 30.58 acres, more or less.

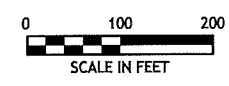
Tract A, To be subdivided from the existing parcel

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Containing 1.63 acres, more or less.

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE OTTER TAIL COUNTY COORDINATE SYSTEM NAD 83 (1986 HARN ADJ.)



- DENOTES: SET IRON PIPE WITH CAP STAMPED "DELEO 40341"
- ⊗ DENOTES: SET MAGNETIC "PK" NAIL
- B# DENOTES: R/W BOUNDARY CORNER PER R/W PLAT 56-16
- ⊙ DENOTES: GOVERNMENT SECTION CORNER MONUMENT

NO.	REVISIONS SINCE INITIAL SURVEY DATED 2/04/2016	DATE
1	REVISED TOWNSHIP NUMBER IN GRAPHICS LABEL	2/10/2016



KRAMER LEAS DELEO
SURVEYING • ENGINEERING • PLANNING
BRAINERD ST. CLOUD

13 North 11th Avenue
St. Cloud, MN 56303
320-259-1266

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: *Samuel J. DeLeo* 2/10/2016
Samuel J. DeLeo, MN License No. 40341 Date

PROJECT NO. OVERG1520

CERTIFICATE OF SURVEY

Property Boundary Survey

For: The Overland Group, LLC
For Property at: 111 Boardman Ave. No.
New York Mills, County of Otter Tail, State of Minnesota
Located in Section 7, Township 135 North, Range 37 West

Sheet No. 1 of 1