

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, an individual property owner with property located within the Township of Willmar ("Township") and legally described in Exhibit A, which is attached hereto and incorporated herein by reference (referred to hereinafter as the "Subject Area A"), petitioned the City of Willmar ("City") seeking annexation of that property to the City; and

WHEREAS, a group of individual property owners with property located within the Township and legally described in Exhibit B, which is attached hereto and incorporated herein by reference (referred to hereinafter as the "Subject Area B"), separately petitioned the City of Willmar ("City") seeking annexation of that property to the City; and

WHEREAS, for ease of reference, the areas of the Township proposed for annexation in accordance with this Joint Resolution and legally described in Exhibits A and B (collectively referred to hereinafter as the "Subject Areas") are shown on the map, Exhibit C, which is also attached hereto and incorporated herein by reference; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the Subject Areas legally described in Exhibits A and B; and

WHEREAS, the City and Township agree that orderly annexation of the Subject Areas 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 Subject Areas legally described in Exhibits A and B are in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the Subject Areas without the need for any further hearing before the Office of Administrative Hearings.

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

1. Designation of Orderly Annexation Area – City of Willmar and Willmar Township. The Township and the City hereby designate the Subject Areas legally described in Exhibits A and B, which are 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 9.91 acres, and the above-mentioned Subject Area legally described in Exhibit B and designated as in need of immediate orderly annexation is approximately 74.4 acres, for a total acreage in the Subject Areas described in Exhibits A and B of 84.31 acres.
3. Population. The Township and City agree that the population of the Subject Areas legally described in Exhibits A and B and designated as in need of immediate orderly annexation herein is 0.
4. Map of Area. A boundary map showing the Subject Areas legally described in Exhibits A and B is attached hereto as Exhibit C 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 Areas legally described in Exhibits A and B 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 Areas legally described in Exhibits A and B 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 Areas legally described in Exhibit A and B, the City shall reimburse the Township for the loss of taxes from the property so annexed in annual payments of \$581.34, which sum represents 100 percent of the property taxes distributed to the Township in regard to the annexed areas in the last year that property taxes from the annexed areas were payable to the Township (2018), for a period of five years beginning in 2019. After making the fifth and final annual reimbursement payment to the Township in 2023, the City will no longer reimburse the Township.
7. Notice of Intent Not Applicable. This Joint Resolution is not subject to the notice and publication requirements of Minn. Stat. § 414.0325, subd. 1b since this Joint Resolution designates the Subject Areas for immediate annexation and all of the property owners of the Subject Areas have petitioned the City to be annexed.
8. Termination. This Joint Resolution shall remain in full force and effect until completion of tax reimbursement to the Township in accordance with paragraph 6 of this Joint Resolution.
9. 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.

10. 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.
11. Entire Agreement. 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. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the Township and City.
12. Legal Description and Mapping. The Township and City agree that in the event there are errors, omissions or any other problems with the legal descriptions provided in Exhibits A or B or mapping provided in Exhibit C, 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, Exhibit B or Exhibit C making the corrections requested or required by the Office of Administrative Hearings as necessary to make effective the annexation of said Subject Areas in accordance with the terms of this Joint Resolution.
13. Notice. Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by U.S. mail, postage prepaid, as follows:

If to the City:

Isaac Holland
City Administrator
Willmar City Hall
333 6th St SW
Willmar, MN 56201

If to the Township:

Ron Klein
Township Clerk
Willmar Township
4350 15th Street SW
Willmar, MN 56201

14. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.
15. 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 fee.

[Signature page to follow]

Passed, adopted, and approved by the Town Board of Supervisors of Willmar Township, Kandiyohi County, Minnesota, this 12 day of November, 2018.

WILLMAR TOWNSHIP

By: Donavon C. Monson
Donavon C. Monson, Chairman

ATTEST:

Ron Klein
Ron Klein, Town Clerk

Passed, adopted, and approved by the City Council of the City of Willmar, Kandiyohi County, Minnesota, this 19th day of November, 2018.

CITY OF WILLMAR

By: Marvin Calvin
Marvin Calvin, Mayor

ATTEST:

By: Isaac Holland
Isaac Holland, City Administrator

EXHIBIT A
Legal Description of Subject Area A

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

The East 929.2 feet of the North 464.71 feet of the South 1234.71 feet of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 8, Township 119, Range 35, Kandiyohi County, Minnesota.

Subject to the rights of the public in C.S.A.H. No. 5.

Subject to easements of record.

EXHIBIT B
Legal Description of Subject Area B

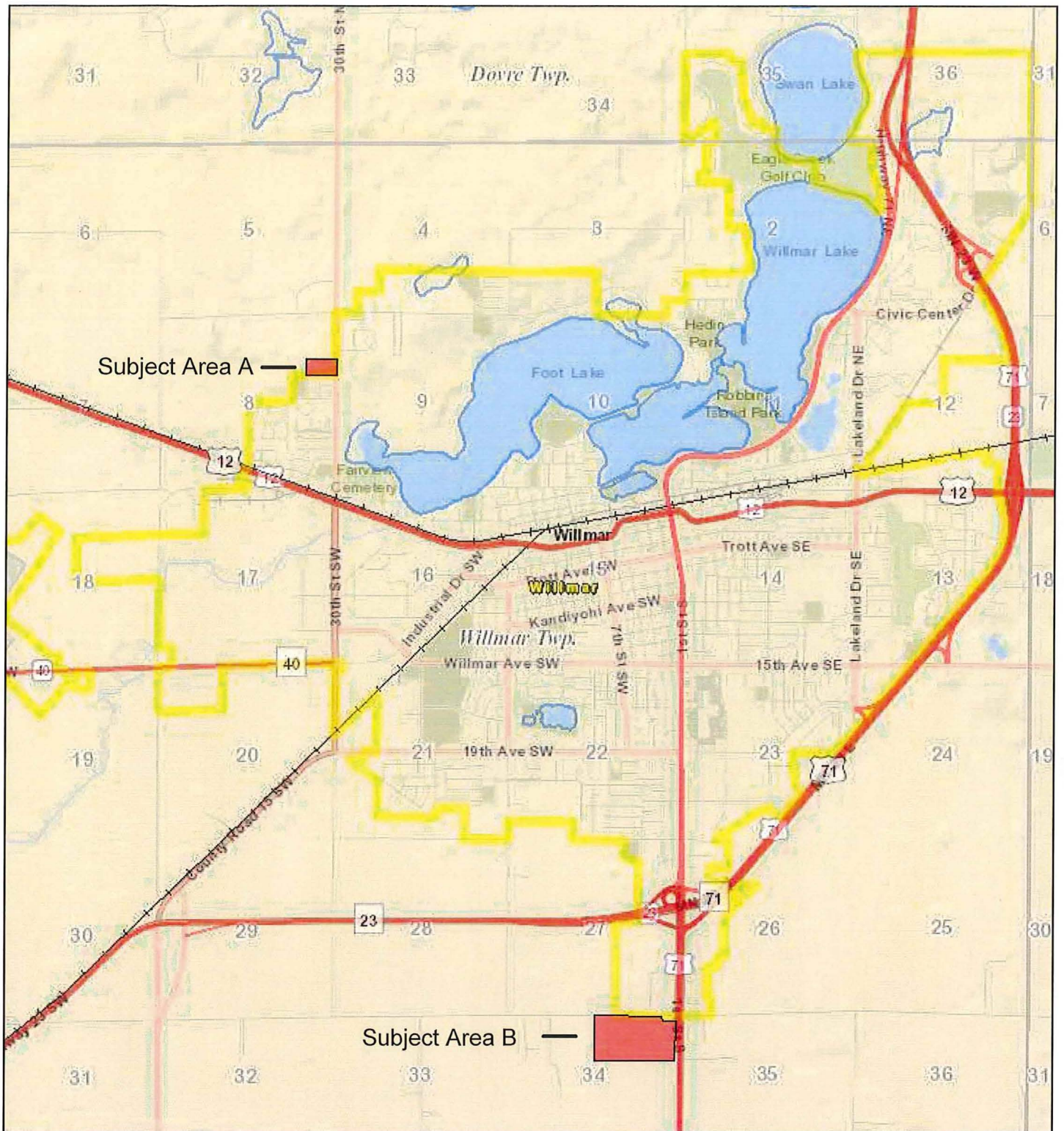
The Subject Area B to be annexed in the attached Joint Resolution is legally described as follows:

The North Half of the Northeast Quarter ($N\frac{1}{2} NE\frac{1}{4}$), Section Thirty-four (34), Township One Hundred Nineteen (119) North, Range Thirty-five (35) West, Kandiyohi County, Minnesota; LESS AND EXCEPT U.S. Trunk Highway #71 Right-of-Way; AND LESS EXCEPT that part of the North 125 feet of the Northeast Quarter of said Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$) which lies between two lines running parallel with and distant 190 feet and 600 feet Westerly of a described line in Document filed in Book 245 of Deeds, page 116.

EXHIBIT C
Boundary Map

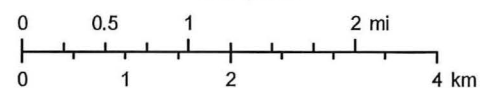
The following is a municipal boundary map as referenced in the attached Joint Resolution, showing the current City of Willmar and its relation to the Subject Areas to be annexed, which are legally described in Exhibits A and B:

2018 Willmar Orderly Annexation



October 31, 2018

1:72,224



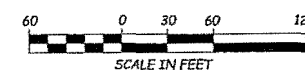
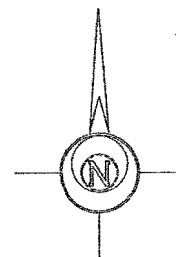
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

LEGAL DESCRIPTION

The East 929.2 feet of the North 464.71 feet of the South 1234.71 feet of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 8, Township 119, Range 35, Kandiyohi County, Minnesota.

Subject to the rights of the public in C.S.A.H. No. 5.

Subject to easements of record.



Legend

- INDICATES IRON MONUMENT PLACED
- INDICATES IRON MONUMENT FOUND
- ⊙ INDICATES KANDIYOHI COUNTY CAST IRON MONUMENT
- ST— INDICATES STORM SEWER LINE
- SN— INDICATES SANITARY SEWER LINE
- I— INDICATES UNDERGROUND WATER
- E— INDICATES UNDERGROUND ELECTRIC
- T— INDICATES UNDERGROUND TELEPHONE
- C— INDICATES UNDERGROUND CABLE
- OHP— INDICATES OVERHEAD POWER
- ⊕ INDICATES SANITARY MANHOLE
- ⊕ INDICATES WATER VALVE
- ⊕ INDICATES HYDRANT
- ⊕ INDICATES POWER POLE
- ⊕ INDICATES LIGHT POLE
- ⊕ INDICATES ELECTRIC PEDESTAL
- ⊕ INDICATES TELEPHONE PEDESTAL
- ⊕ INDICATES CABLE PEDESTAL
- ⊕ INDICATES TILE INTAKE
- INDICATES TREE LINE
- ▨ INDICATES BITUMINOUS SURFACE
- ▨ INDICATES CONCRETE SURFACE
- ▨ INDICATES GRAVEL SURFACE

NOTE: THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

340 CHAPEL HILL RD.
COLD SPRING, MN 56320
PH. 320-685-5905
FAX 320-685-3056

CERTIFICATE OF SURVEY PREPARED BY:
O'MALLEY & KRON
LAND SURVEYORS, INC.

1004 2nd ST. SE
WILLMAR, MN 56201
PH. 320-235-4012
FAX 320-685-3056

I HEREBY CERTIFY THAT THIS SURVEY, PLAN 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.

BENJAMIN C. O'MALLEY
MINNESOTA REGISTRATION NO. 42300

DATE: 9-27-2018

SHEET 1 OF 1

CERTIFICATE OF SURVEY PREPARED FOR:

UNIQUE OPPORTUNITIES LLC

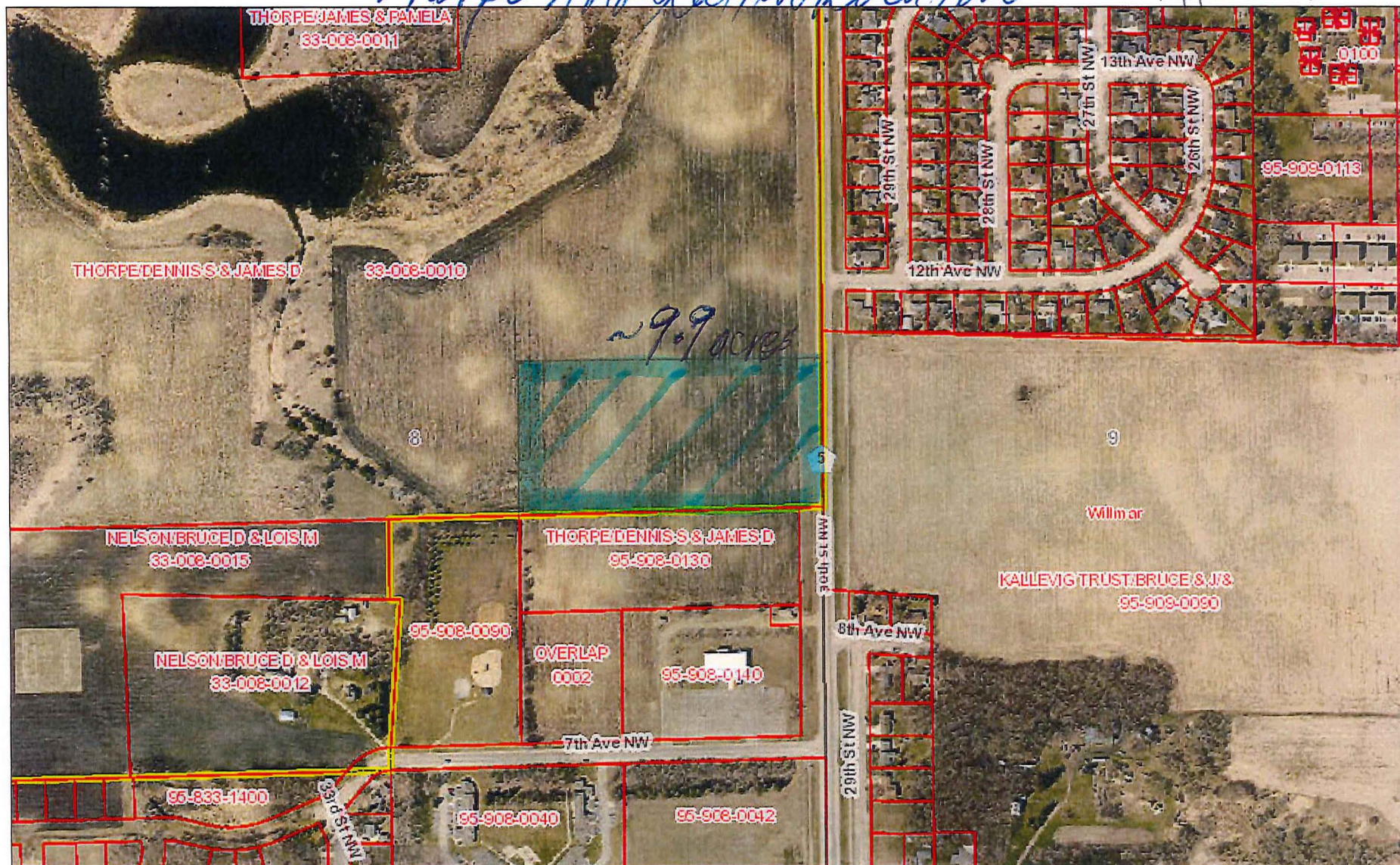
JOB NO: 2018-501

FILE NAME: 2018-501.dwg

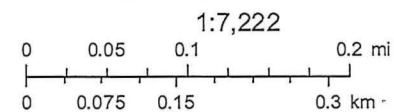
LOCATION: 8-119-35

Thorpe Annexation Location

Appendix B



October 24, 2018

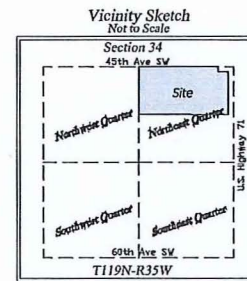


This is an ALTA / NSPS Land Title Survey of:

part of:
N $\frac{1}{2}$ of the NE $\frac{1}{4}$

Located in:

**Section 34, T119N-R35W, Willmar Township,
Kandiyohi County, Minnesota**



This is a survey of the Land Description as found on Schedule A of
Commitment No: 54765
issued by Old Republic National Title Insurance Company
issued by its Agent Commercial Partners Title, LLC.
dated August 1, 2018

The Land is described as follows:

The North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$), Section Thirty-four (34), Township One Hundred Nineteen (119), Range Thirty-five (35), Kandiyohi County, Minnesota;

LESS AND EXCEPT U.S. Trunk Highway #71 Right-of-Way

AND LESS AND EXCEPT that part of the North 125 feet of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) which lies between two lines running parallel with and distant 190 feet and 600 feet Westerly of a described line in Document filed in Book 245 of Deeds, Page 116.

Kandiyohi County, Minnesota
Abstract Property



This drawing prepared by:

Bonnema Runke Stern Inc.

Professional Land Surveyors

1809 22nd St SW - Suite 104

Willmar, MN 56201

Office (320) 231-2844 Fax (320) 231-2827

Requested by: Tary Draper, Ziegler Inc.
807 West 84th Street
Bloomington, MN



LEGEND

- Found Iron Monument from former survey
- Bonnema Runke Stern Inc. Placed Capped Iron Monument
- ⊙ Cast Iron Monument
- Sign
- Fire Hydrant
- Water Gate Valve
- ⊙ Manhole
- ⊙ Drain Tile Inlet
- ⊙ Manhole
- ⊙ Power Pole
- ⊙ Telephone Pedestal
- Culvert
- Sewer Line
- Underground Telephone
- Underground Electric
- Water Line
- Overhead Power Line
- Restricted Access
- Precision Instrument Approach Zone
- * See Schedule B, Part 2 Exceptions, Item 14
- Gravel
- Bituminous
- Low Area *See Table A, Item 18*

The distances shown from improvements to the property lines are shown for reference purposes only and are NOT intended for determining the property line location. Property corner monuments shall always be used when establishing the property line.

To Washington Realty, Inc., a Minnesota corporation, or its assigns; Wallace V. Janssen Living Trust; Commercial Partners Title, LLC; 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 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 6b, 7a, 8, 9, 11, 13, 14, 16, 17, 18, and 19 of Table A thereof. The fieldwork was completed on July 31, 2018.

Joshua M. Stern

Date August 17, 2018 License No. 46169

TABLE A ITEMS

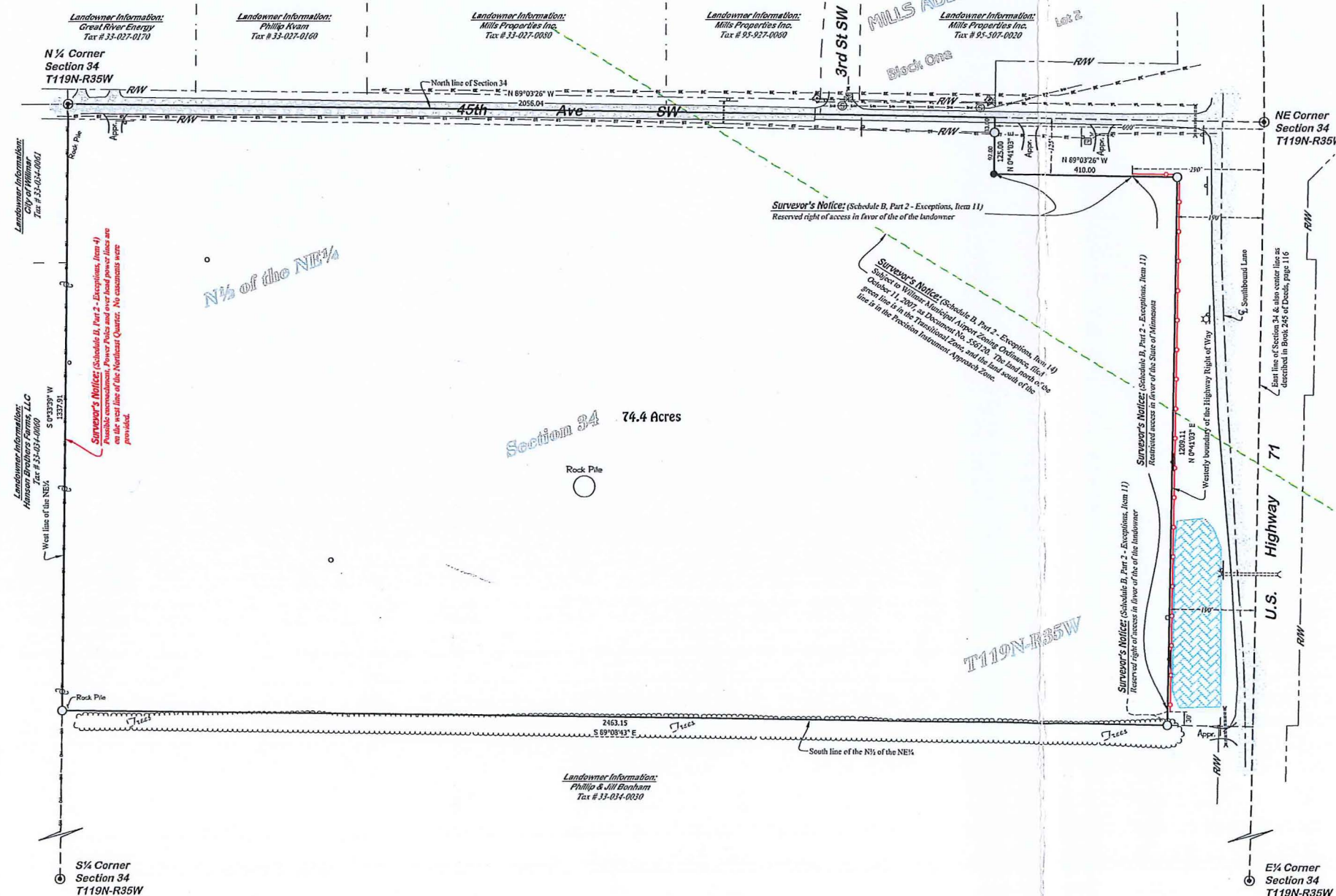
- Item 1: Measurements placed or found at all major property boundary corners. As shown on this survey.
- Item 2: Address of the surveyed property: Unknown
- Item 3: This property is in Zone X of Flood Insurance Rate Map, Community Panel Number 27067C042SD, which has an effective date of 09-30-2015 and is NOT in a special Flood Hazard Zone.
- Item 4: Gross land area, as shown on this survey.
- Item 6a: No zoning report or letter was provided.
- Item 6b: No zoning report or letter was provided.
- Item 7a: No buildings were observed on the surveyed property.
- Item 8: Substantial features observed in the process of conducting our field work, as shown on this survey.
- Item 9: No areas of parking were observed on the surveyed property.
- Item 11: The Gopher State One Call Utility location system was notified for this survey (Ticket # 182012651). The following utility companies were notified and are required by Minnesota Statute 760.0250 to respond:
- Charter Communications - CLEAR / NO CONFLICT 800-378-9140
 - CenturyLink - HAZARD 800-283-4237
 - Kandiyohi Power Coop - HAZARD 763-682-3514
 - Arvig - CLEAR / NO CONFLICT 320-256-7471
 - Center Point Energy - CLEAR / NO CONFLICT 608-223-2014
 - Great River Energy - CLEAR / NO CONFLICT 763-241-2340
 - Willmar Utilities - HAZARD / MAPS RECEIVED 320-235-4422

Some of the utility companies may not have responded to the locate request. There are also various private facilities that do not participate in the Gopher State One Call utility location system and may have utilities located on this property that we are not aware of. Before any excavating is done in this area, the utilities in this area should be re-located. The utilities shown on this survey are based on information provided by the utility companies and field observations.

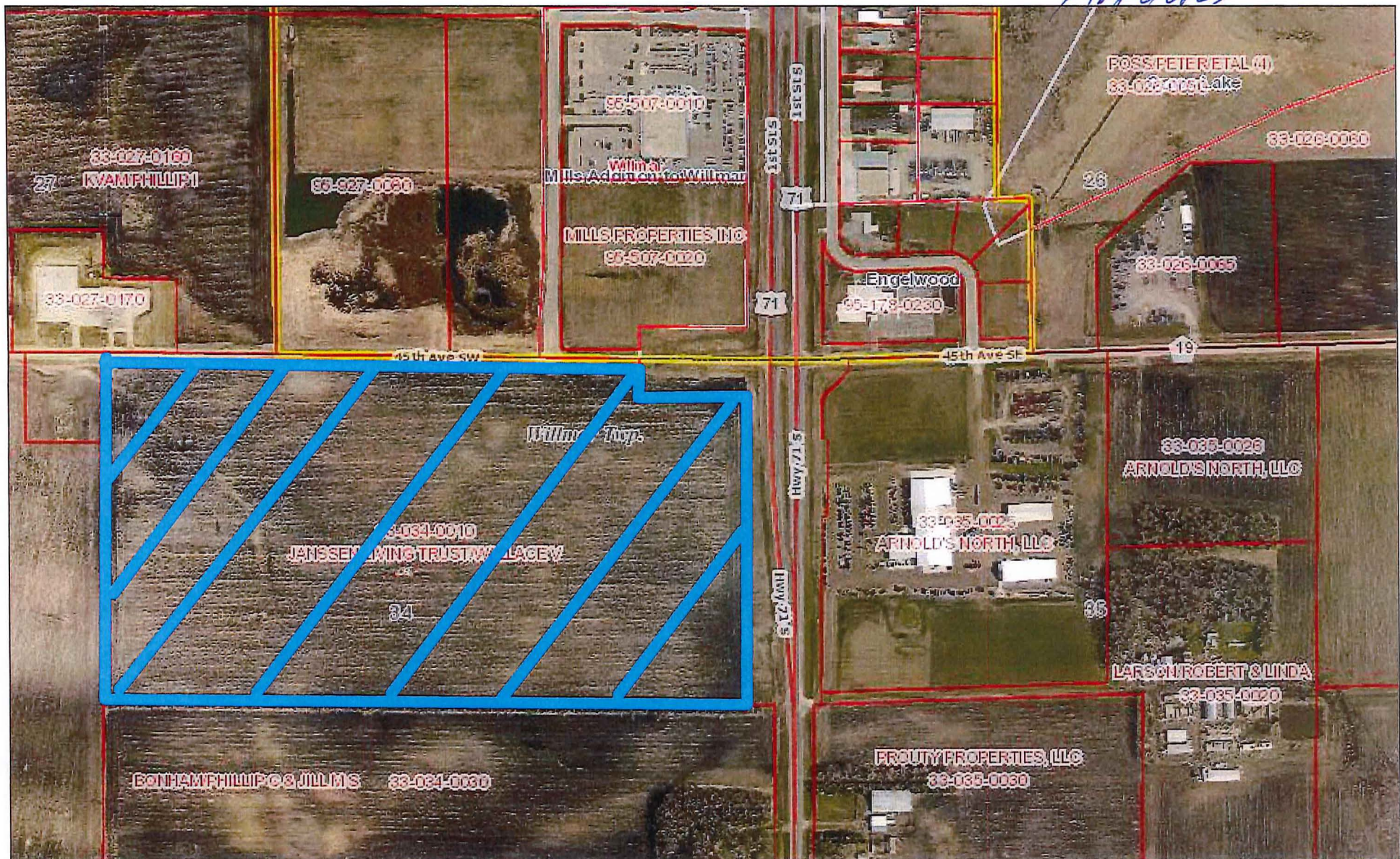
- Item 13: Adjoining land owner information was obtained from the publicly available Kandiyohi County GIS website, and current tax records.
- Item 14: The northeast corner of the surveyed property is 600' West of the intersection of U.S. Highway 71 and 45th Ave SW.
- Item 16: No evidence of recent earth moving work, building construction, or building additions were observed on the surveyed property during our field work.
- Item 17: No proposed changes in street right of way lines were provided, and no evidence of recent street or sidewalk construction or repairs were observed during our field work.
- Item 18: No markers of delineated wetlands were observed on the surveyed property. Low areas as shown on this survey are derived from the National Wetlands Inventory and are shown by scaled map location and graphic plotting only.
- Item 19: No offsite plottable easements or servitudes were provided or obtained as a part of our survey.

SCHEDULE B, PART 2 - EXCEPTIONS

- Item 1: This item is not a survey issue and was not addressed as a part of this survey.
- Item 2: This item is not a survey issue and was not addressed as a part of this survey.
- Item 3: Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
VISIBLE EVIDENCE AT THE TIME OF OUR FIELDWORK, AS SHOWN ON THIS SURVEY
- Item 4: Easements or claims of easements not shown by the public records.
VISIBLE EVIDENCE AT THE TIME OF OUR FIELDWORK, AS SHOWN ON THIS SURVEY
- Item 5-B: These items are not survey issues and were not addressed as a part of this survey.
- Item 9: Easement for the purpose of constructing, reconstructing, improving and maintaining a public highway and right to construct and maintain temporary snow fences, in favor of the State of Minnesota, contained in Final Certificate dated January 25, 1930, filed January 28, 1930, in Book 5 of Misc., Page 577.
IT IS NOT ON OR DOES NOT TOUCH THE SURVEYED PROPERTY.
- Item 10: Easement for the purpose of constructing, reconstructing, improving and maintaining a public highway, in favor of the State of Minnesota, contained in Final Certificate dated March 30, 1949, filed April 28, 1949, in Book 26 of Misc., Page 1.
IT IS NOT ON OR DOES NOT TOUCH THE SURVEYED PROPERTY.
- Item 11: Rights of ingress and egress, in favor of the State of Minnesota, except retained right of access as described in Warranty Deed dated October 15, 1975, filed January 7, 1976, in Book 245 of Deeds, Page 116, as Document No. 249673.
AS SHOWN ON THIS SURVEY.
- Item 12: Subject to possible utility easements, in favor of Kandiyohi Cooperative Electric Power Association, as evidenced in Quit Claim Deed dated May 21, 1976, filed June 16, 1976, in Book 249 of Deeds, Page 174, as Document No. 252005.
THE LOCATION CANNOT BE DETERMINED FROM THE REQUIRED DOCUMENTS, BUT STATES "LAND LYING WITHIN THE TRUNK HIGHWAY RIGHT OF WAY". WE WERE NOT PROVIDED WITH THE COMMISSIONER'S CENTERLINE ORDER FROM 1927 OR 1973 THAT IS QUOTED IN SAID DOCUMENT.
- Item 13: This item is not a survey issue and was not addressed as a part of this survey.
- Item 14: Subject to Willmar Municipal Airport Zoning Ordinance, passed and adopted July 11, 2007, filed October 11, 2007, as Document No. 556120.
AS SHOWN ON THIS SURVEY. THE GREEN LINE HIGHLIGHTS THE BORDER BETWEEN THE PRECISION INSTRUMENT APPROACH ZONE AND THE TRANSITIONAL ZONE.
- Item 15: This item is not a survey issue and was not addressed as a part of this survey.



74. Acres



October 10, 2018

