

JOINT RESOLUTION

CITY OF LUVERNE RESOLUTION NO. 62 -93
TOWN OF LUVERNE RESOLUTION

A JOINT RESOLUTION OF THE CITY OF LUVERNE AND TOWN OF LUVERNE
DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY
ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE
MINNESOTA MUNICIPAL BOARD, PURSUANT TO
MINNESOTA STATUTES 414.0325

WHEREAS,, There was filed with the Minnesota Municipal Board (File A-5147 Luverne) a Petition of Certain Persons for Annexation of Unincorporated Property to the City of Luverne, Minnesota, Pursuant to Minnesota Statutes 414.031 on June 24, 1993, and,

WHEREAS, The area proposed for annexation in the Petition was wholly within the Town of Luverne, and,

WHEREAS, The City of Luverne and the Town of Luverne and a majority of the property owners within the area proposed for annexation have met, conferred, considered and reached agreement as relates to the annexation of a portion of the area proposed for annexation, and,

WHEREAS, The City of Luverne and the Town of Luverne desire to designate certain unincorporated areas as in need of orderly annexation pursuant to Minnesota Statutes 414.0325 and have agreed upon certain terms and conditions relating to he annexation of said property;

NOW THEREFORE, BE IT RESOLVED AND AGREED by and between the City of Luverne and Town of Luverne as follows:

1. That the City of Luverne (hereinafter "City") is a home rule City under and pursuant to the laws of Minnesota and that the Town of Luverne (hereinafter "Town") is a Township and political subdivision under 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 lies wholly within the Town of Luverne, Rock County, State of Minnesota and is described as follows, to wit:

Dispanet, ELJIM, RIBOB, Viking Inn, and I-90 right of way property:

A tract of land in Section Fifteen (15), Township One Hundred Two (102) North of Range Forty-Five (45) West, of the 5th P. M., described as follows: Beginning at the East Quarter corner (E 1/4) cor) of Section Fifteen (15), Township 102

North, Range 45 West, of the 5th P. M., thence South 0°00'01" West (along the center line of U.S. Highway 75), Eight Hundred Sixty Eight and Forty/hundredths feet (868.40'); thence South 89°44'33" West, One Thousand Two Hundred Ninety Four and Forty-two/hundredths feet (1,294.42'); thence North 0°44'30" West, One Thousand Sixty Four and Seventy/hundredths feet (1,064.70') to the South right-of-way of Interstate Highway No. 90; thence Southerly and Easterly along the South right-of-way of Interstate No. 90 to the East line of said Section Fifteen (15); thence South 0°07'59" East, One and Zero/hundredths feet (1.00') to the point of beginning, consisting of 30.05 acres, more or less,

and

Including that part of the northerly adjacent Interstate Highway No. 90 located in said Section 15 and lying East of the West line of the above-described tract extended northerly to the north right-of-way line of said Interstate Highway No. 90, consisting of approximately 17 acres, more or less,

Olhausen property:

The East Fifty (E. 50) feet of the following described tract:

Commencing at the East One-Quarter (E 1/4) corner of Section Fifteen (15) Township One Hundred Two (102) North of Range Forty-five (45) West of the 5th Principal Meridian, Rock County, Minnesota; thence South 0°00'01" West along the East line of said Section 15 for a distance of Eight hundred sixty-eight and forty-hundredths (868.40) feet to the point of beginning; thence South 0°00'01" West along the East line of said Section 15 for a distance of Five hundred eighty and seventy-nine hundredths (580.79) feet; thence South 89°44'33" West for a distance of Seven hundred fifty and one-hundredths (750.01) feet; thence North 0°00'01" East for a distance of Five hundred eighty and seventy-nine hundredths (580.79) feet; thence North 89°44'33" East for a distance of Seven hundred fifty and one-hundredths (750.01) feet to the point of beginning, containing 10.00 acres,

Schoon property:

The East 750.0 feet of the Southeast Quarter (SE 1/4) of Section Fifteen (15), in Township One hundred two (102) North, of Range Forty-five (45) West, of the 5th P. M., lying South of a line described as beginning on the East line of said Section 15, South 0°00'01" West, 868.40 feet from the East quarter corner of said Section 15, thence South 89°44'33" West, except the South 294.82 feet thereof and the North 580.79 feet thereof,

Renken property:

That part of the Southwest Quarter (SW 1/4) of Section Fourteen (14) in Township One hundred two (102) North, of Range Forty-five (45) West of the 5th P. M., described as follows:

Beginning at the Southwest (SW) corner of said Section Fourteen (14), thence North along the West line of said Section for a distance of 904.7 feet to the point of beginning; thence North on said West line of said Section 150 feet, thence East parallel with the North line of that certain tract deeded by these Grantors to Kenneth C. Sargent and Maude C. Sargent (which deed is filed in the office of the Register of Deeds for Rock County in Book "38" of Deeds on page 508 thereof) to the West line of the Chicago, St. Paul, Minneapolis & Omaha Railroad right-of-way, thence Southeasterly along the West line of said Railroad right-of-way to the North line of said tract deeded to said Sargents, thence West on the North line of said tract deeded to said Sargents, to the place of beginning,

and

A strip of land 100 feet wide being part of the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) of Section Fourteen (14), Township One hundred two (102) North, of Range Forty-five (45) West, said strip of land being 50 feet in width on each side of the centerline of the main track (now removed) of the Chicago, Saint Paul, Minneapolis and Omaha Railway Company, formerly the Worthington and Sioux Falls Railroad Company, as said centerline of said main track was located and established over and across said Section 14, said 100 foot strip of land bounded on the North by a line drawn at an angle of 90°52' measured clockwise from the West line of said Section 14 at a point distant 1054.70 feet Northerly measuredly along said West line of Section 14 from the south line of said Section 14 and on the South by a line drawn at an angle of 90°52' measured clockwise from the West line of said Section 14 at a point distant 904.70 feet Northerly measured along said West line of Section 14 from the South line of said Section 14,

Limesand and I-90 right-of-way property:

A tract of land located in the Southwest Quarter (SW 1/4) of Section Fourteen (14), Township One hundred two (102) North, of Range Forty-five (45) West of the 5th P. M., described as follows:

Commencing at the Northwest (NW) corner of said quarter in said section; thence going in a Southerly direction 370 feet along the centerline of U. S. Highway 75 being the West line of said quarter; thence going in an Easterly direction 50 feet

parallel with the North line of said quarter; thence going in a Northeasterly direction 110 feet to a point 360 feet South of the North line of said Southwest Quarter and 159.68 feet East to the West line of said Southwest Quarter to a permanent iron stake there affixed; thence going in a Northeasterly direction 108.4 feet to a point 271 feet South of the North line of said Southwest Quarter and 221.18 feet East to the West line of said Southwest Quarter to a permanent iron stake there affixed; thence going in a Northeasterly direction to the East line of the right of way of the Chicago, St. Paul, Minneapolis and Omaha Railroad; thence Northerly along the East line of said right of way to the North line of said Southwest Quarter; thence Westerly along the North line of said Southwest Quarter to the point of beginning,

and

That part of the Northwest Quarter (NW 1/4) of Section Fourteen (14), Township One hundred two (102) North, of Range Forty-four (44) West of the 5th P. M., lying and being South of Interstate No. 90 and West of the East right of way line of the Chicago, St. Paul, Minneapolis and Omaha Railroad,

and

Including that part of the Northerly adjacent Interstate Highway No. 90 located in Section Fifteen (15) lying West of the East line of the Chicago, St. Paul, Minneapolis and Omaha Railroad extended Northerly to the North right of way line of said Interstate 90.

3. That jurisdiction over annexation within said area and over the various provisions contained in this agreement is hereby conferred upon the Minnesota Municipal Board (hereinafter "Board").

4. That the area described herein abuts the City of Luverne and is or is about to become urban or suburban in nature. Further, the City presently provides water, electrical and fire protection services to said property and will upon annexation take immediate action to provide sewer service and other essential City services needed for the development and use of the property.

5. That the property described herein shall be immediately annexed to the City upon the adoption of this agreement.

6. That all parcels in the tract to be annexed will be capable of being served by sanitary sewer on or before June 1, 1994 subject to assessments for such improvements. Municipal water and power and other municipal services shall be provided upon annexation.

7. That no consideration of annexation within the area designated herein for orderly annexation, including the initial annexation, is necessary, and the Board may review and comment, but

shall within thirty (30) days, order the annexation.

8. That there shall be no differential taxation rates between the annexed property described herein and that of the prior existing property contained within the City.

9. That the real estate taxes collected from the property due and payable in 1993 shall be paid and delivered to the Township. That the real estate taxes due and payable in 1994 and for all years thereafter shall be paid and delivered to the City of Luverne.

10. That there shall be no reimbursement by the City to the Town for tax revenues lost in accordance with Minnesota Statutes 414.036.

11. That assessments for sanitary sewer for the areas immediately annexed pursuant to this agreement shall not exceed the following:

Residential homes and small homestead acreages \$3,500.00.

Commercial/business properties will pay a residential equivalency assessment based on the \$3,500.00 for each five units/33,750 gallons average water/sewer use per month (i.e. \$700.00 for each 750 gallons of average usage).

Undeveloped properties would be assessed at the residential rate \$3,500.00 (for each one acre developable land).

No assessment will exceed \$10,000.00 for commercial/business properties. The minimum assessment for commercial/business properties would be \$3,500.00.

Special assessments would be payable over a ten (10) year period with interest at 6%.

12. Connection to the sewer system would be the responsibility of individual property owners and would be conducted in accordance with the ordinances of the City of Luverne and the Rules and Regulations relating thereto as well as any State or Federal agency laws, rules or regulations.

13. Abandonment of wells within the area shall be performed in accordance with appropriate Minnesota laws, rules and regulations.

14. That upon annexation the areas annexed shall be zoned as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

15. Every provision of this agreement shall be and hereby is declared severable, and if any part or portion shall be held

invalid, it shall not affect or invalidate the remaining parts or portions.

AGREED TO AND APPROVED BY THE TOWN BOARD OF THE TOWN OF LUVERNE this 17 day of SEPT., 1993.

TOWN OF LUVERNE

By Lowell Fick
Its Chairman

By Melvin P. Fick
Its Clerk

AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LUVERNE this 13th day of September, 1993.

CITY OF LUVERNE

By Wm. V. Murphy
Its Mayor

By Dan J. B.
Its City Administrator

KOEHN

AVENUE

REC'D. BY
M M R

OCT 07 1993

Dept. of
Transportation

Hardee's

505

INTERSTATE 90

MAGNOLIA
STEAKHOUSE

VIKING INN

B-2

LINESAND

R-A

VEGHER

BLANFORD

DE JESU

1735.27

JARCHOW

2639.97

R-2 RENKEN
TRAILER COURT

50

DEUTSCH

904.7

DEUTSCH

SCHMIDT

EL JIM
RI BDB

ELHAUSEN

B-2

SCHUTIN

B-2

VET CLINIC

544.42

1771.57

1622.90

AREA TO BE
ANNEXED

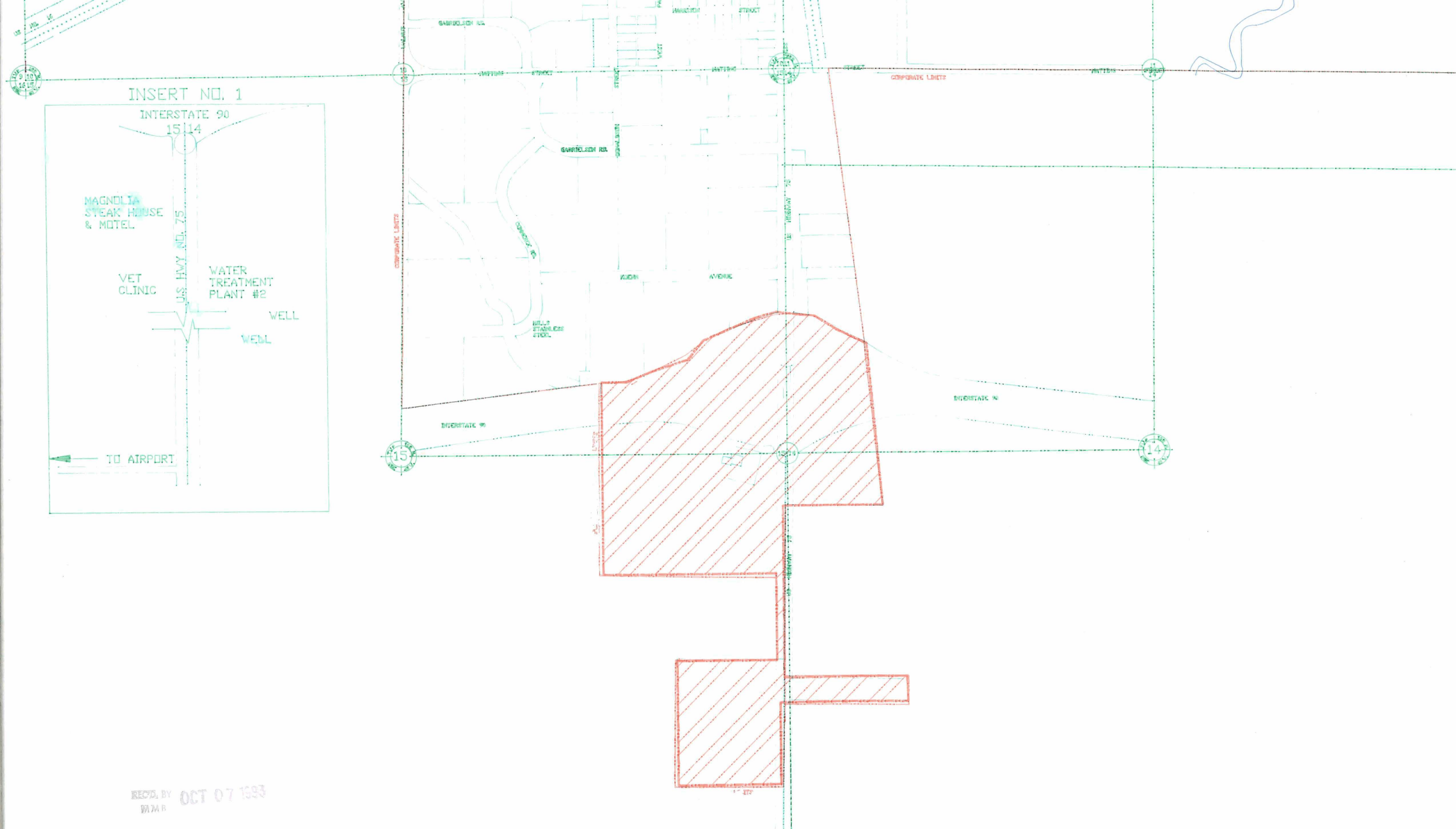
ZONING

R-A Residential
Agriculture

R-2 Multiple Family
Residences

B-2 Highway Service

Exhibit "A"



REC'D. BY OCT 07 1993
JMR