

JOINT RESOLUTION

**CITY OF OLIVIA RESOLUTION NO. 98-23
TOWNSHIP OF BIRD ISLAND RESOLUTION NO. 1**

A JOINT RESOLUTION OF THE CITY OF OLIVIA AND THE TOWNSHIP OF BIRD ISLAND DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER THE AREA TO THE MINNESOTA MUNICIPAL BOARD, PURSUANT TO MINNESOTA STATUTES SECTION 414.0325

WHEREAS, the City of Olivia and the Township of Bird Island have met, conferred, considered and reached agreement relating to the annexation of an area located in the Township of Bird Island; and

WHEREAS, the area proposed for annexation is entirely owned by Precision Soya, Inc.

WHEREAS, the City of Olivia and the Township of Bird Island desire to designate a certain unincorporated area as in need of orderly annexation pursuant to Minnesota Statutes Section 414.0325 and have agreed upon certain terms and conditions relating to the annexation of said property; and

WHEREAS, Precision Soya, Inc. the owner of the property described in Paragraph Two, has waived the provisions of MSA 414.0325 subd. 1a regarding Electric Utility Service.

NOW THEREFORE BE IT RESOLVED AND AGREED between the City of Olivia and the Township of Bird Island as follows:

1. That the City of Olivia (hereinafter "City") is a city pursuant to the laws of the State of Minnesota and that the Township of Bird Island (hereinafter "Township") is a township pursuant to 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 is in need of orderly annexation, lies wholly within Bird Island Township, Renville County, Minnesota and is described as follows:

That part of the South One-Half of the Southwest Quarter of Section 8, Township 115, Range 34, which lies North of the Northerly line of the Twin Cities & Western Railroad Company right-of-way as laid out and established described as follows:

commencing at the Northwest corner of the said South One-Half of the Southwest Quarter, thence East 1,000 feet along the North line of said South One-Half of Southwest Quarter, thence South along a line parallel to the West line of said South One-Half of Southwest Quarter to the North line of the said railroad right-of-way, thence Northwesterly along said right-of-way line to the West line of said South One-Half of Southwest Quarter, thence North along the said West line to the point of beginning;

Except the strips of land conveyed to the Chicago, Milwaukee & St. Paul Railway Co., by Deed recorded in Book 62 of Deeds, Page 36;

Renville County, Minnesota

(the "Property") and no alteration of its stated boundaries is appropriate.

3. That jurisdiction over annexation within the Property and over the various provisions contained in this Resolution is hereby conferred upon the Minnesota Municipal Board (hereinafter "Board").
4. That the Property abuts the City and is, or is about to become, urban or suburban in character. Further, the City will upon annexation take action to provide sewer service, water, power and other essential municipal services needed for the development and use of the Property.
5. That the Property will be immediately annexed to the City upon the adoption of this Resolution and the Order of the Board.
6. That no consideration by the Board of the annexation is necessary and the City and the Township request that the Board order the annexation in accordance with the terms of this Resolution.
7. That the real estate taxes collected from the Property due and payable in 1998 will be paid and delivered to the Township. That the real estate taxes due and payable in 1999 and for all years thereafter will be paid and delivered to the City of Olivia.
8. That there will be no reimbursement by the City to the Township for tax revenues lost in accordance with Minnesota Statutes Section 414.036.
9. That connection to the sewer system will be the responsibility of the City and will be conducted in accordance with the ordinances of the City as well as any State or Federal agency laws, rules or regulations.

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10. That no abandoned wells are on the Property and no individuals reside on the Property.
11. That the owner of the Property has waived the provisions of MSA Sec. 414.0325 subd. 1a relative to notice of the costs of electric utility service.
12. That every provision of this Resolution will be and hereby is declared severable, and if any part or portion is held invalid, it will not affect or invalidate the remaining parts or portions of the Resolution.
13. That the Property annexed will be, and hereby is, zoned Heavy Industry District (I-2).

AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OLIVIA this 20th day of April, 1998.

CITY OF OLIVIA

By William R. Miller
Its Mayor, William R. Miller

By Donald W. Frederick
Its City Administrator, Donald W. Frederick

AGREED TO AND APPROVED BY THE TOWN BOARD OF THE TOWNSHIP OF BIRD ISLAND this 6th day of April, 1998.

TOWNSHIP OF BIRD ISLAND

By Charles P. DeBary
Its Chairman

By Joe P. Pung
Its Clerk

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MAP OF

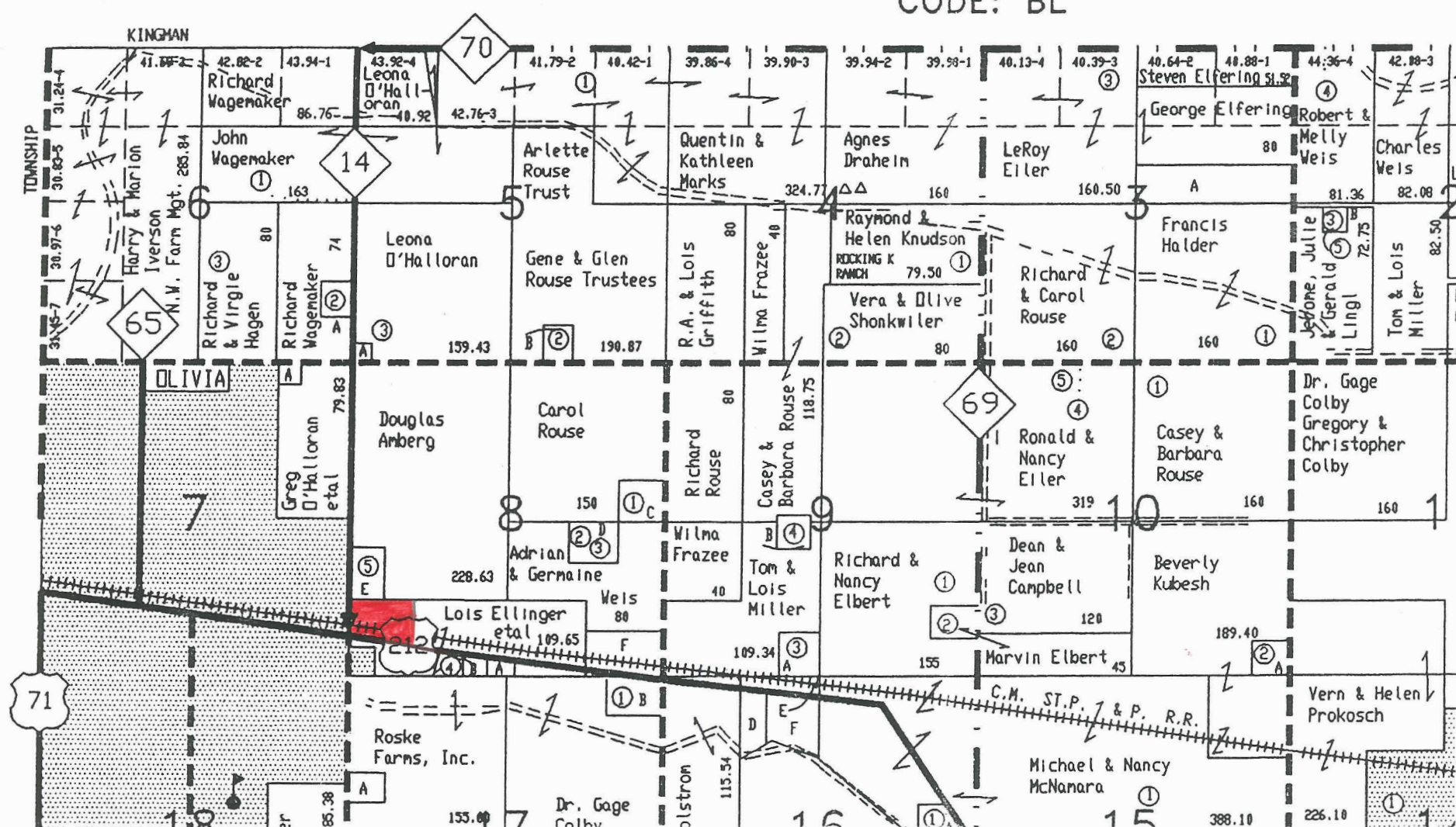
BIRD ISLAND

TOWNSHIP: 115 N

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RAN

CODE: BL



Olivia, Minnesota

..... DENOTES City Limits

REC'D. BY
MMB APR 24 1998

