

JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN THE TOWN OF OAK AND THE CITY OF NEW MUNICH

RECITALS

A. The Town of Oak ("Town") and the City of New Munich ("City"), both of Stearns County, Minnesota, are in agreement as to the orderly annexation of certain property described in this resolution for orderly and planned services to the community.

B. The property proposed to be annexed is not already part of another city, and it adjoins and is contiguous to the City of New Munich.

C. All owners of the property proposed to be annexed have petitioned the City for annexation.

D. An orderly annexation of the proposed property is in the best interest of the area proposed for annexation.

RESOLUTION

In consideration of this Resolution's mutual terms and conditions, the Town and City jointly resolve and enter into this Joint Resolution for Orderly Annexation ("Joint Resolution") as follows:

1. **Designation of Orderly Annexation Area.** The Town and City designate the area set forth on the map attached as Exhibit 1 and the legal descriptions of the properties attached as Exhibit 2 ("Designated Property") as subject to orderly annexation pursuant to Minnesota Statutes § 414.0325.

2. **Minnesota Municipal Board Jurisdiction.** Upon approval by the Town Board and City Council, this Joint Resolution shall confer jurisdiction upon the Minnesota Municipal

Board ("Municipal Board") to approve the Designated Property's annexation to the City pursuant to Minnesota Statutes § 414.0325.

3. **No Boundary Alteration.** The Town and City agree that no alterations by the Municipal Board of the Designated Property's stated boundaries is appropriate.

4. **Municipal Board Review and Comment.** The Town and City agree that this Joint Resolution sets forth all the conditions for annexation of the Designated Property, and no consideration by the Municipal Board is necessary. The Municipal Board may review and comment, but shall order the annexation of the designated property according to this Joint Resolution's terms within thirty (30) days.

5. **Planning and Land Use Control Authority.** Following annexation, the City's zoning regulations and land use controls shall govern the Designated Property.

6. **Authorization.** The Town and City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.

7. **Modification.** The Town and City may modify, amend or terminate this Joint Resolution by mutual, written agreement.

8. **Severability.** A determination by any court of competent jurisdiction that any provision of this Joint Resolution is invalid, illegal or unenforceable shall not affect the validity of this Joint Resolution's other provisions. If any of this Joint Resolution's provisions is inapplicable to any person or circumstance, it shall still remain applicable to all other persons or circumstances.

9. **Effective Date.** This Joint Resolution shall be effective from the date of the Municipal Board's order calling for annexation of the Designated Property to the City.

REC'D. BY MAR 18 1999
MAB

The Town of Oak Board of Supervisors adopts this Joint Resolution on ^{March} February 2,

1999.

TOWN OF OAK

By Giles Rieland
Board of Supervisors Chairperson

ATTEST:

[Signature]
Town Clerk

The New Munich City Council adopts this Joint Resolution on March 2-1999,

1999.

CITY OF NEW MUNICH

By Harold Klappache
Mayor

ATTEST:

[Signature]
City Clerk/Coordinator

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EXHIBIT 1

REC'D. BY MAR 18 1999
MMB

MAP

REC'D. BY
MMB MAR 18 1999

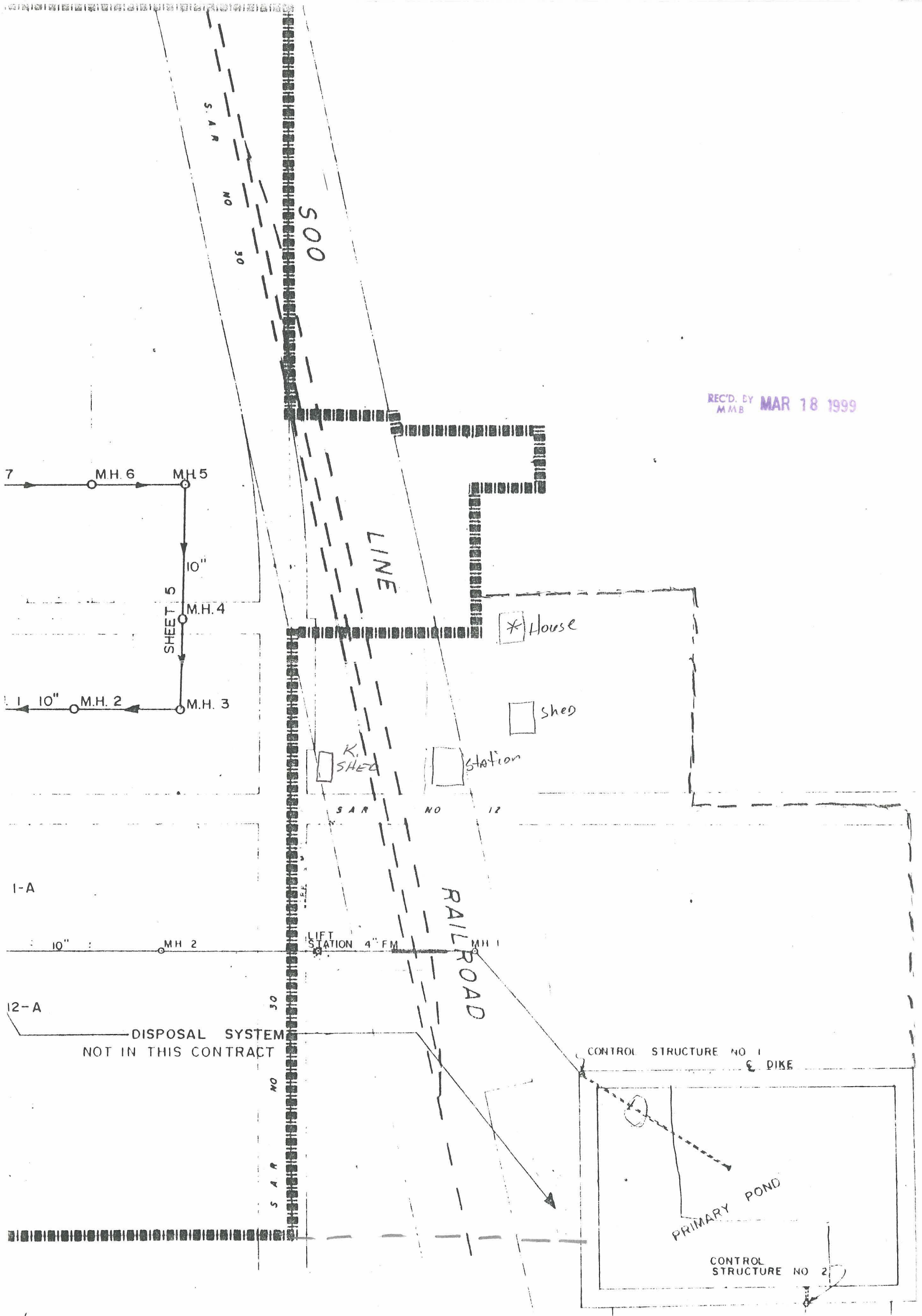


EXHIBIT 2
DESIGNATED PROPERTY

Alice Uphoff Property

That part of the Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 19, Township 125, Range 32, Stearns County, Minnesota, described as follows: Commencing at the West Quarter corner of said Section 19, thence South 88 degrees 48 minutes 43 seconds East (assumed bearing) along the east-west quarter line of said Section 19, 3051.85 to the point of beginning of the land to be described, said point being 420.00 feet westerly of (as measured at right angles) and parallel with the centerline of County Road 12; thence North 00 degrees 29 minutes 14 seconds East parallel with the centerline of said County Road 12, 824.22 feet to the southerly right of way line of the discontinued SOO LINE RAILROAD; thence North 80 degrees 31 minutes 46 seconds East along said right of way line, 426.42 feet to the centerline of said County Road 12; thence South 00 degrees 29 minutes 14 seconds West along said centerline, 903.10 feet to the east-west quarter line of said Section 19; thence North 88 degrees 48 minutes 43 seconds west along said east-west quarter line, 420.03 feet to the point of beginning. Subject to an easement for ingress/egress purposes over the northerly 33.00 feet of the above-described property. Containing 8.33 acres more or less. Subject to County Road easements and right of way on record.

Kluempke Property

That part of the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Nineteen (19), Township One Hundred Twenty-five (125), Range Thirty-two (32), Stearns County, Minnesota, described as follows: Beginning at the Southeast corner of Ecker Addition, according to the recorded plat thereof on file and of record in the office of the County Recorder, Stearns County, Minnesota; thence South 89 degrees 50 minutes 20 seconds East (assumed bearing) along the North line of said S $\frac{1}{2}$ NE $\frac{1}{4}$, 681.47 feet to the Northerly 100.00 foot right of way of the Soo Line Railroad; thence South 79 degrees 39 minutes 44 seconds West, along said right of way line, 695.69 feet to the centerline of County Road 12; thence North 01 degrees 19 minutes 24 seconds East, along said centerline, 126.79 feet to the point of beginning. Containing 0.99 acres. Subject to County Road easements and right of way on record.

New Munich Oil Company

Part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 19, Township 125 North, Range 32 West, bounded and described as follows: Beginning at the intersection of the Grantor's southerly right of way line and the easterly line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence westerly along said right of way line a distance of 430 feet; thence northerly along a line running parallel with the easterly line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 110 feet; thence easterly to a point on the easterly line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$, said point being 56 feet northerly of the point of beginning; thence southerly along the easterly line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the point of beginning.

Steve and Judy Uphoff Homestead

Beginning in the intersection of the centerline of County Road 12 with the South line of the South Half of the Northeast Quarter (S½ NE¼); thence North along the centerline of the road 640 feet to the point of beginning of the tract to be described; thence Easterly on a line parallel with the South line of the S½ NE¼ a distance of 560 feet; thence Northerly on a line parallel with the centerline of County Road #12 a distance of approximately 394 feet to the centerline of a New Munich City street (which street lies southerly of the Soo Line Railroad); thence along the centerline of the New Munich City Street approximately 560 feet to the centerline of County Road #12; thence Southerly along the centerline of County Road #12 to the point of beginning, said tract being part of the S½ NE¼ of Section 19, Township 125, Range 32. Less and except: Railroad right of way property (including that parcel leased by New Munich Oil Co.); and less and except road right of ways.

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