

TO THE MINNESOTA MUNICIPAL BOARD

---

**In the Matter of**

**The Description of an Unincorporated Area in New Market Township as in need of Orderly Annexation to the City of New Market**

**JOINT RESOLUTION OF THE CITY OF NEW MARKET AND THE TOWNSHIP OF NEW MARKET FOR ORDERLY ANNEXATION**

---

**WHEREAS**, Warren P. Kelly, Patricia P. Kelly, Jessie L. Kelly, Trustee, and Lyman Development Co., the owners and contract purchasers of certain real property situated in the Township of New Market, Scott County, Minnesota have filed a Petition seeking the annexation to the City of New Market of said real property, described on attached Exhibit A; and

**WHEREAS**, the City of New Market and the Township of New Market, for the purpose of avoiding dispute over the annexation of the property described in said Petition, desire to enter into a joint resolution approving the annexation of the said property to the City of New Market.

**NOW, THEREFORE**, be it resolved by the City of New Market and be it resolved by the Township of New Market, as follows:

**1. Orderly Annexation Area.** The property situated in the Township of New Market, County of Scott, State of Minnesota, legally described on attached Exhibit A is designated as unincorporated and in need of orderly annexation pursuant to Minn. Stat. §414, as the same may hereafter be amended or supplemented from time to time. Said property legally described on Exhibit A is herein referred to as the "Orderly Annexation Area." The Orderly Annexation Area needs City utilities and services so that it can be developed.

**2. Jurisdiction.** The parties to this Agreement hereby confer jurisdiction upon the Minnesota Municipal Board over the annexation in the Orderly Annexation Area, and over the

various provisions of this Agreement between the parties hereto as set forth in this Joint Resolution. The parties to this instrument acknowledge legislative changes dissolving the Minnesota Municipal Board and transferring its responsibilities to the Office of Strategic & Long-Range Planning and that despite such action the provisions of Minn. Stat. §414 have not been modified to reflect such changes. For the purposes of this instrument, therefore, references to Minnesota Municipal Board and to Minn. Stat. § 414 shall mean and refer to the Municipal Boundary Adjustment Division of the Office of Strategic & Long-Range Planning as the successor to the Minnesota Municipal Board in administration of state law regarding orderly annexation agreements and to subsequent amendments to state law. Notwithstanding the foregoing, the parties specifically state that no alteration of the stated boundaries of the Orderly Annexation Area is appropriate and that no consideration by the Minnesota Municipal Board is necessary. Upon receipt of this joint resolution, the Board may review and comment but shall, within thirty (30) days, order the annexation in accordance with the terms of this joint resolution.

**3. Immediate Annexation.** The City and Township agree that the Orderly Annexation Area will be annexed to the City immediately upon confirmation by the Minnesota Municipal Board. The parties to this Agreement hereby consent to said annexation as of the date of this request, and grant to the Minnesota Municipal Board their approval to accomplish the annexation in accordance with this Agreement. The City and Township agree they will not oppose said annexation. The Minnesota Municipal Board is authorized and requested to take such actions as may be appropriate to accomplish the intent of the parties as set forth herein.

**4. Real Estate Taxes.** It is agreed that in the year the Orderly Annexation Area is annexed to the City, that portion of the real estate taxes normally allocated to the Township shall be paid to the City. To reimburse the Township for this lost revenue, the property owners of the

Orderly Annexation Area will pay New Market Township an amount equal to three times the amount of tax revenue New Market Township received from the subject property in 2001. New Market Township's portion of the 2001 real estate taxes from the subject property was \$1,374.00. Therefore, the total amount due from the property owners to New Market Township will be three times that amount or \$4,122.00. This shall be paid to New Market Township by the property owners within thirty days after the annexation is ordered by the Minnesota Municipal Board. Thereafter, New Market Township shall not be entitled to any real estate tax revenue from the property in the Orderly Annexation Area described in this Joint Resolution.

5. **Tax Capacity Rate.** Pursuant to Minn. Stat. §414.035, the Minnesota Municipal Board is requested to provide in its Order that in the calendar year following annexation, the tax capacity rate of the Orderly Annexation Area be increased to equality with the tax capacity rate on property already situate within the City of New Market.

6. **Detachment of Property.** In the event the Orderly Annexation Area is not subject to preliminary plat approval by the City of New Market for a residential subdivision thereof on or prior to December 31, 2001 then, upon the submission of a Petition by the property owners of the Orderly Annexation Area in accordance with the provisions of Minn. Stat. §414.06, the City of New Market agrees to approve and submit to the Minnesota Municipal Board a resolution of the City of New Market for detachment of the Orderly Annexation Area from the municipality, and in connection with any such hearing thereon, agrees that the Orderly Annexation Area is not needed for reasonably anticipated future development and that the detachment of the Orderly Annexation Area would not unreasonably affect the symmetry of the City of New Market nor cause any hardship in the City of New Market's ability to carry on the functions of government.

REC'D BY  
MMB NOV 16 2001

7. **Entire Agreement.** The foregoing, with the exhibit referenced above and attached hereto, constitutes the entire agreement of the parties regarding the order annexation of the Order Annexation Area described in attached Exhibit A.

This Joint Resolution was duly passed and approved by the Township of New Market on the 6th day of NOVEMBER, 2001.

**TOWNSHIP OF NEW MARKET**

By: Albert Zureby  
Clerk

By: [Signature]  
Town Board Chair

This Joint Resolution was duly passed and approved at a duly called meeting of the City Council of the City of New Market on the 19th day of September, 2001.

**CITY OF NEW MARKET**

By: [Signature]  
Mayor

Attest:  
[Signature]  
City Clerk

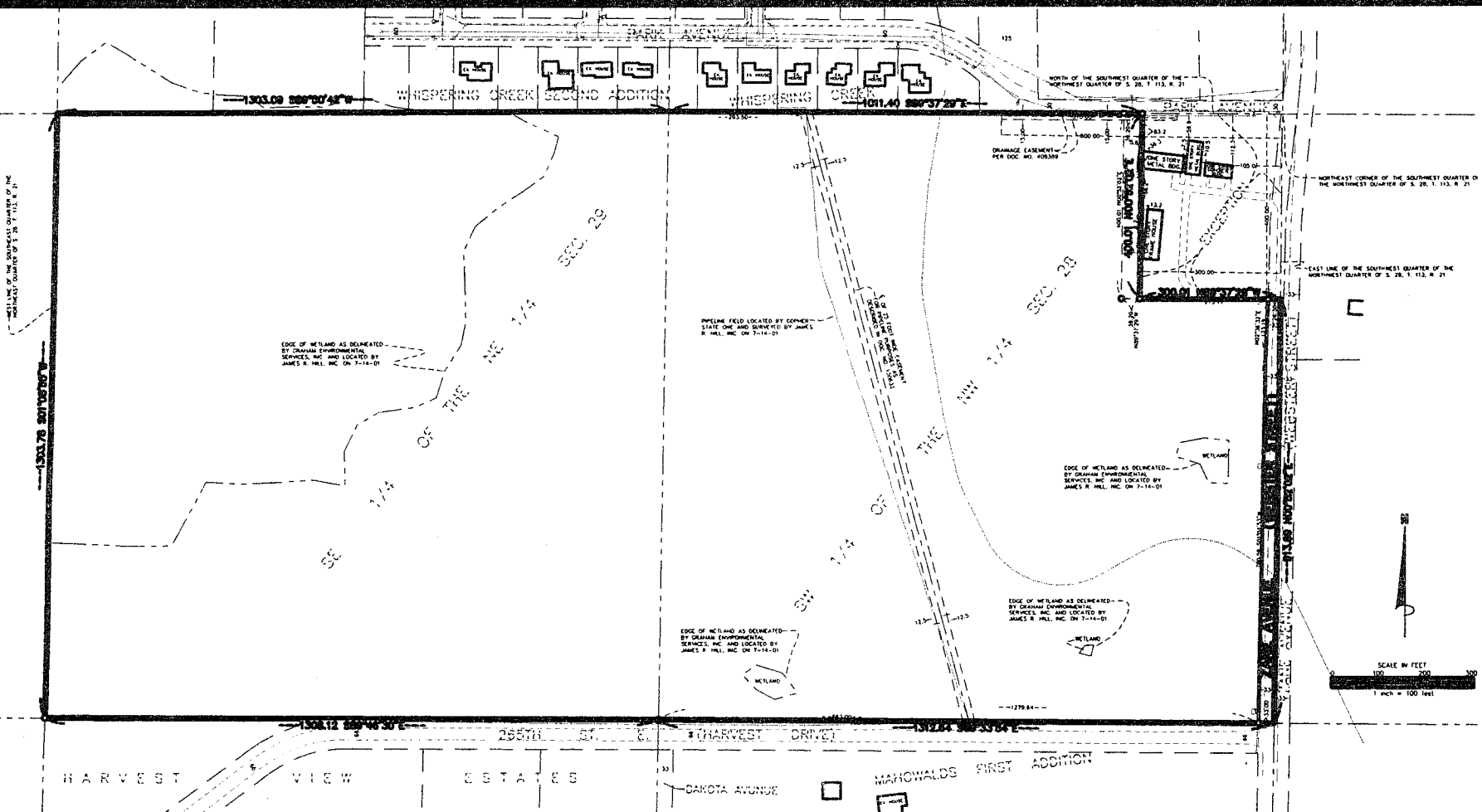


**EXHIBIT A****LEGAL DESCRIPTION**

The Southwest Quarter of the Northwest Quarter of Section 28 and the Southeast Quarter of the Northeast Quarter of Section 29, all in Township 113, Range 21, Scott County, Minnesota, except those parts thereof described as follows:

That part of the Southwest Quarter of the Northwest Quarter of Section 28, Township 113, Range 21, lying easterly of a line drawn parallel to and 300.00 feet west of the east line of said Southwest Quarter of the Northwest Quarter, and lying northerly of a line drawn parallel to and 400.00 feet south of the north line of said Southwest Quarter of the Northwest Quarter, Section 28, Township 113, Range 21, Scott County, Minnesota

RECID BY OCT 10 2001



Property Description

The Southwest Quarter of the Northwest Quarter of Section 28 and the Southwest Quarter of the Northeast Quarter of Section 29, all in Township 113, Range 21, Scott County Minnesota, except those parts thereof described as follows:

That part of the Southwest Quarter of the Northwest Quarter of Section 28, Township 113, Range 21, lying easterly of a line drawn parallel to and 300.00 feet west of the east line of said Southwest Quarter of the Northwest Quarter, and lying northerly of a line drawn parallel to and 400.00 feet south of the north line of said Southwest Quarter of the Northwest Quarter, Section 28, Township 113, Range 21, Scott County, Minnesota.

I hereby certify to Lyman Development Co. and to Universal Title Insurance Company that this survey has been prepared from field measurements and is (i) in accordance with Minimum standard detail requirements for ALTA/ACSM Land Title Surveys jointly established and adopted by ALTA, ACSM and NSPS in 1999 and includes items 1, 2, 4, 10, and 11a of table A thereof, and (ii) pursuant to the accuracy standards (as adopted by ALTA/ACSM and in effect on the date of this certification) of an urban survey. I further certify that the data shown herein to the best of my knowledge is true and correct.

Signed this 7th day of August, 2001. For: James R Hill, Inc

By: Harold C. Peterson, Land Surveyor, License No. 12294

NOTES

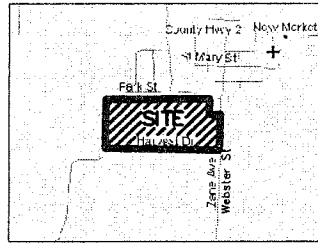
ORIENTATION OF THIS BEARING SYSTEM ASSUMES THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER SECTION 28 TO BEAR S 00°52'02" W

THIS SURVEY HAS BEEN PREPARED BASED ON A TITLE COMMITMENT PREPARED BY UNIVERSAL TITLE COMPANY, COMMITMENT NO. 88-04748, DATED EFFECTIVE JUNE 26TH 2001, AT 7:00 A.M. ONLY EASEMENTS WHICH APPEAR IN SCHEDULE B, SECTION II OF THIS TITLE COMMITMENT HAVE BEEN SHOWN AS A PART OF THIS SURVEY.

THE LOCATION AND INFORMATION SHOWN REGARDING UTILITIES, SERVING THIS PROPERTY OR EXISTING ON THIS PROPERTY AS SHOWN AS A PART OF THIS SURVEY, HAVE BEEN LOCATED BY ON-SITE OBSERVATION OR TAKEN FROM PLANS PROVIDED BY OTHERS. FOR FURTHER INFORMATION CONCERNING THESE UTILITIES PLEASE CONTACT THE CITY OF NEW MARKET ENGINEERING DEPARTMENT AND/OR GOPHER STATE ONE CALL.

GROSS AREA = 3,310,200 SQUARE FEET OR 75.99 ACRES  
NET AREA = 3,281,800 SQUARE FEET OR 75.34 ACRES

- IRON SET
- IRON FOUND
- CAST IRON MONUMENT FOUND
- FENCE LINE
- UNDERGROUND GAS LINE

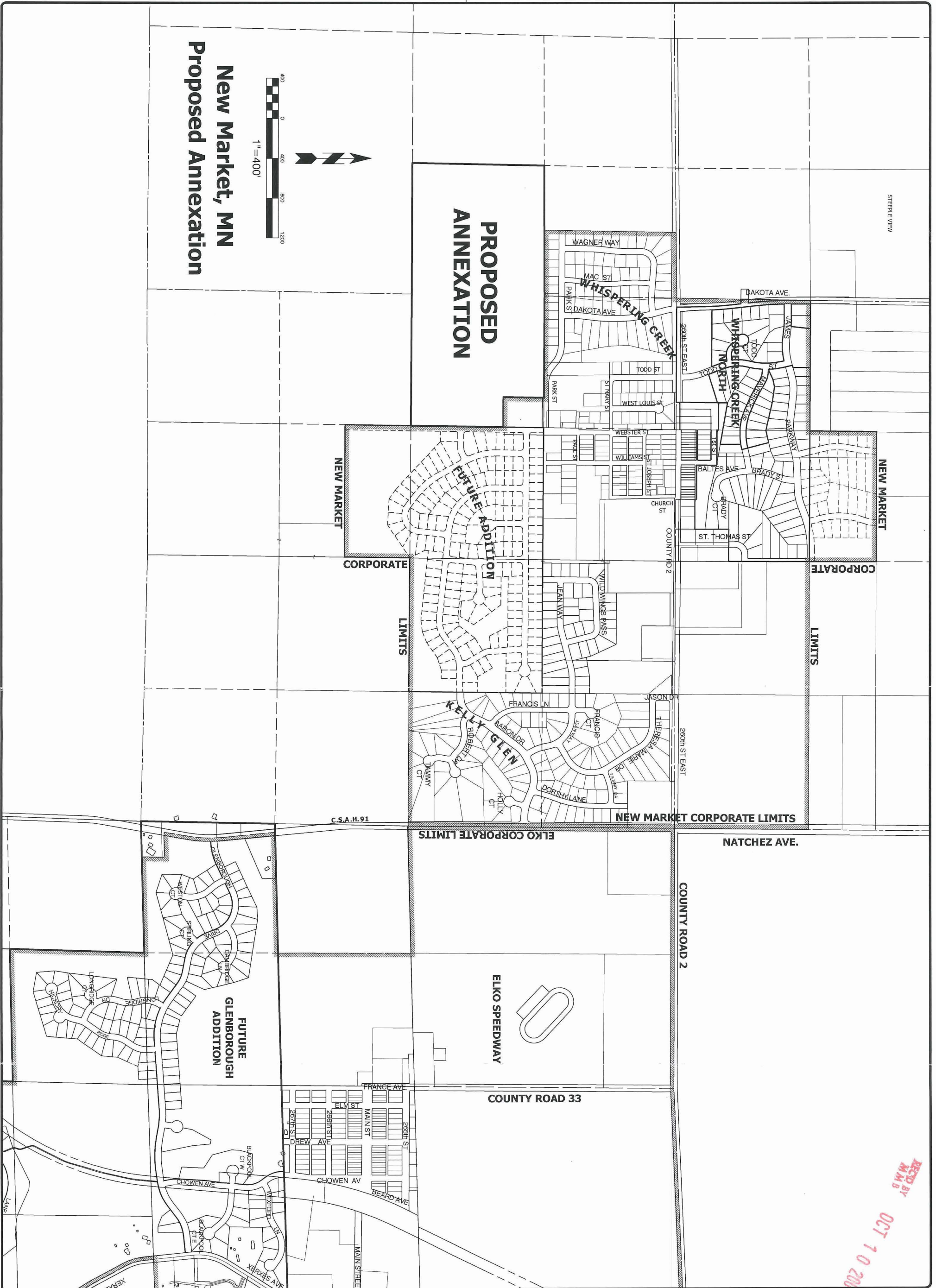


LOCALITY MAP

**James R. Hill, Inc**  
 PLANNERS / ENGINEERS / SURVEYORS  
 500 N. US HWY. 52, SUITE 101  
 NEW MARKET, MN 56071  
 TEL: (507) 635-1317  
 FAX: (507) 635-1317  
 EMAIL: JRHILL@JRHILL.COM

**Bayona Pond**  
 ALTA/ACSM Land Title Survey  
 for  
 Lyman Development Company  
 300 Market Street, P.O. Box 40, Excelsior, MN 55121

DRAWN BY	PLM
DATE	8/7/01
REVISIONS	7/27/01 Aras
BOOK/PAGE	NONE
CONTROL NO.	20434
QAD FILE	20434-7-01.dwg
PROJECT NO.	20434
FILE NO.	1-01-198
SHEET 1 OF 1	



RECORDED BY  
M.M.B.  
OCT 7 0 2001

REVISIONS						
NO.	DATE	DRWN	CHKD	APPVD	COMMENTS	
1	9/22/01	EMS				
2						
3						
4						
5						

AUTHORITY: **New Market, MN**  
 PROJECT TITLE:  
 DRAWING TITLE: **Proposed Annexation**

I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 DATE: \_\_\_\_\_ REG. NO.: \_\_\_\_\_  
 I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 DATE: \_\_\_\_\_ REG. NO.: \_\_\_\_\_



DRAWINGS \_\_\_\_\_ OF \_\_\_\_\_  
 SHEET SCALE: 1" = 400'  
 PROJECT NO: 9/22/01