

JOINT RESOLUTION

REC'D BY  
MMB

MAR 05 2002

CITY OF MONTGOMERY  
RESOLUTION NO. 9-2002

TOWNSHIP OF MONTGOMERY  
RESOLUTION NO. 2

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

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

WHEREAS, the area proposed for annexation is owned by those individuals named in the Petition for Annexation (Attached as Exhibit A), hereinafter, "Owners";

WHEREAS, the City of Montgomery and the Township of Montgomery 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, the owners of the property described in Paragraph Two has waived the provisions of M. S.A. 414.0325, Subdivision I a regarding Electrical Utility Service.

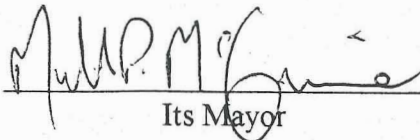
NOW, THEREFORE, BE IT RESOLVED AND AGREED between the City of Montgomery and the Township of Montgomery as follows:


1. That the City of Montgomery (hereinafter "City") is a city pursuant to the laws of the State of Minnesota and that the Township of Montgomery (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 Montgomery Township, Le Sueur County, Minnesota, and is described as follows: see Exhibit B attached hereto and incorporated herein ("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 Boundary Adjustment Board (hereinafter "Board").
4. That the property does not abut the City and is, or is about to become, urban or suburban in character.
5. That the Property will be immediately annexed to the City upon the adoption of this Resolution and the Order of the Board.
6. No consideration by the Board is necessary, the Board may review and comment, but shall within 30 days 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 2002 will be paid and delivered to the Township. That the real estate taxes due and payable in 2003 and for all years thereafter will be paid and delivered to the City.
8. That there will be reimbursement by the City to the Township for tax revenues lost of 80% in 2003, 60% in 2004, 40% in 2005, 20% in 2006 in accordance with Minnesota Statutes Section 414.036.
9. That connection to the sewer system will be the responsibility of the Owners and will be conducted in accordance with the ordinances of the City as well as any State or Federal agency laws, rules or regulations.
11. That the Owners of the Property have waived the provisions of M. S.A. Section 414.0325, Subdivision 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, appropriately zoned for the Owners to use as a multi-family housing development site

AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
MONTGOMERY THIS 12<sup>th</sup> DAY February OF 2002.

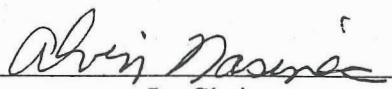
CITY OF MONTGOMERY

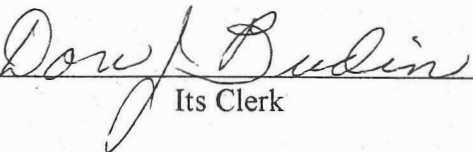
BY:   
Its Mayor

BY:   
Its City Administrator

AGREED TO AND APPROVED BY THE TOWN BOARD OF THE TOWNSHIP OF  
MONTGOMERY THIS 9<sup>th</sup> DAY OF February 2002.

TOWNSHIP OF MONTGOMERY

BY:   
Its Chairman

BY:   
Its Clerk



MAR 05 2002

09.016.2700

266636

The East Half ( $E\frac{1}{2}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section 16-111-23, AND ALSO the North 20 acres of the East Half ( $E\frac{1}{2}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ), Section 16-111-23, also that part of Government Lot 1 which is in the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section 16-111-23, Le Sueur County, Minnesota, EXCEPTING THEREFROM the following:

Beginning at a point on the North line of Section 16-111-23, said point being 275.00 feet West of the Northeast Corner of said Section 16, thence South 00 degrees 49 minutes West 233.00 feet, thence West 1035.00 feet, thence North 00 degrees 49 minutes East 233.00 feet to the North line of said Section 16, thence East 1035.00 feet to place of beginning, being part of the Northeast one quarter ( $NE\frac{1}{4}$ ) of the Northeast one quarter ( $NE\frac{1}{4}$ ) of said Section 16. (MAPLE HEIGHTS)  
ALSO EXCEPTING:

Beginning at the SE corner of Lot 1 of Plat of Maple Heights Subdivision of part of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section 16-111-23, Le Sueur County, Minnesota, thence West on the South line of said subdivision 208.71 feet, thence South 00 degrees 49 minutes West 208.71 feet, thence East 208.71 feet, thence North 00 degrees 49 minutes East 208.71 feet to place of beginning, being part of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of said Section 16, and reserving the South 33.00 feet thereof for roadway easement.  
ALSO EXCEPTING:

That part of the East Half ( $E\frac{1}{2}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) and of the North 20 acres of the East Half ( $E\frac{1}{2}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section 16-111-23, that lies East of Minnesota Highway Number 13, subject to Highway easements.  
ALSO EXCEPTING:

Commencing at the Southeast Corner of Lot 1 of Plat of Maple Heights Subdivision of part of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section 16-111-23, Le Sueur County, Minnesota, thence South 00 degrees 49 minutes West 208.71 feet to place of beginning, thence South 00 degrees 49 minutes West 208.71 feet, thence West 208.71 feet, thence North 00 degrees 49 minutes East 208.71 feet, thence East 208.71 feet to the place of beginning, being part of the Northeast Quarter of the Northeast Quarter ( $NE\frac{1}{4}$  of  $NE\frac{1}{4}$ ) of said Section 16, and reserving the North 33.00 feet thereof for driveway easement.  
ALSO EXCEPTING:

Beginning at the Southwest corner of Lot 8 of Plat of Maple Heights Subdivision of part of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section 16-111-23, Le Sueur County, Minnesota, thence South 00 degrees 49 minutes West 269.00 feet, thence East 162.00 feet, thence North 00 degrees 49 minutes East 269.00 feet to the South line of said Maple Heights Subdivision, thence West on said South line 162.00 feet to place of beginning, being part of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of said Section 16, and reserving the East 33.00 feet thereof for a driveway easement.  
ALSO EXCEPTING:

Commencing at the Southeast corner of Lot 1 of the Plat of Maple Heights Subdivision of part of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section 16-111-23, Le Sueur County, Minnesota, thence South 00 degrees 49 minutes West 208.71 feet to place of beginning; thence South

266636

00 degrees 49 minutes West 208.71 feet, thence East 275.00 feet to the East line of said Section 16 and the center of Trunk Highway Number 13, thence North on said East line and said center line 208.71 feet, thence West 275.00 feet to place of beginning, being part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 16, and reserving the North 33.00 feet thereof for a driveway easement.  
ALSO EXCEPTING

Beginning at the Southwest corner of Lot 7 of Plat of Maple Heights Subdivision of part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 16-111-23, Le Sueur County, Minnesota, thence West 33.00 feet, thence South 00 degrees 49 minutes West 208.71 feet, thence East 208.71 feet, thence North 00 degrees 49 minutes East 208.71 feet to the South line of said Maple Heights Subdivision, thence West on said South line 175.71 feet to place of beginning, being part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 16 and reserving the West 33.00 feet and the South 33.00 feet thereof for a driveway easement.  
ALSO EXCEPTING:

Commencing at the East Quarter corner of Section 16-111-23, Le Sueur County, Minnesota, thence North on the East line of said Section 16, 67.10 feet, thence deflecting to the left at an angle of 90 degrees 349.45 feet to the center line of Minnesota Trunk Highway No. 13 which is the point of beginning of the parcel herein described: thence continuing West on an extension of the last described line a distance of 462.00 feet, thence deflecting to the left at an angle of 90 degrees and parallel to the East line of said Section 16, 232.00 feet, thence deflecting to the left at an angle of 90 degrees 279.15 feet to the center line of said Trunk Highway No. 13, thence northeasterly along said highway center line to place of beginning.  
ALSO EXCEPTING:

Commencing at the Southeast corner of Lot 1 of Maple Heights Subdivision of part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 16-111-23, Le Sueur County, Minnesota, thence South 00 degrees 49 minutes West 208.71 feet, thence West parallel with the South line of said Subdivision 208.71 feet to place of beginning; thence South 00 degrees 49 minutes West 208.71 feet, thence West 225.00 feet, thence North 00 degrees 49 minutes East 208.71 feet, thence East 225.00 feet to place of beginning, being part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 16 and reserving the North 33.00 feet thereof for a driveway easement.  
ALSO EXCEPTING:

Commencing at the Southeast corner of Lot 1 of Maple Heights Subdivision of part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 16-111-23, Le Sueur County, Minnesota, thence West on the South line of said Subdivision 433.71 feet to place of beginning; thence South 00 degrees 49 minutes West 208.71 feet, thence bearing West 230.58 feet, thence North 00 degrees 49 minutes East 208.71 feet to the South line of said Subdivision, thence bearing East on said South line 230.58 feet to place of beginning, being part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 16 and reserving the South 33.00 feet thereof for a driveway easement.  
ALSO EXCEPTING:

Commencing at the Southeast corner of Lot 1 of Maple Heights Subdivision of part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 16-111-23, Le Sueur County, Minnesota, thence West on the South line of said Subdivision 433.71 feet, thence South 00 degrees 49 minutes West 208.71 feet to place of beginning; thence bearing West parallel to the South line of said Subdivision 230.58 feet, thence South 00 degrees 49 minutes West 208.70 feet, thence bearing East parallel to the south line of said Subdivision 230.58 feet, thence North 00 degrees 49 minutes East 208.70 feet to place of beginning, being part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 16 and reserving the North 33.00 feet thereof for a driveway easement.

ALSO EXCEPTING:

Commencing at the Southeast corner of Lot 1 of the Plat of Maple Heights Subdivision of part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 16-111-23, Le Sueur County, Minnesota, thence South 00 degrees 49 minutes West 417.42 feet to the place of beginning of the tract herein described; thence West 208.71 feet, thence South 00 degrees 49 minutes West 208.71 feet, thence East 208.71 feet, thence North 00 degrees 49 minutes East 208.71 feet to place of beginning, being part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 16 and reserving the South 33.00 feet thereof for a driveway easement.

ALSO EXCEPTING:

Commencing at the Southwest Corner of Lot 8 of the Plat of Maple Heights Subdivision of part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 16-111-23, Le Sueur County, Minnesota, thence South 00 degrees 49 minutes West 269.00 feet to the place of beginning of the tract herein described; thence East 162.00 feet, thence South 00 degrees 49 minutes West 148.42 feet, thence West 162.00 feet, thence North 00 degrees 49 minutes East 148.42 feet to place of beginning, being part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 16 and reserving the East 33.00 feet thereof for a driveway easement.

ALSO EXCEPTING:

Commencing at the Southeast corner of Lot 1 of the Plat of Maple Heights Subdivision of part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 16-111-23, Le Sueur County, Minnesota, thence South 00 degrees 49 minutes West 417.42 feet to place of beginning; thence East 275.00 feet to the East line of said Section 16 and the centerline of Trunk Highway Number 13; thence South 00 degrees 49 minutes West on said East line and said centerline 208.71 feet; thence West 275.00 feet; thence North 00 degrees 49 minutes East 208.71 feet to place of beginning, being part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 16.

ALSO EXCEPTING:

Part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 16, Township 111, Range 23, Le Sueur County, Minnesota, described as follows: Commencing at the Northeast corner of said Section 16; thence on an assumed bearing of South 00 degrees 49 minutes 00 seconds West along the East line of said Northeast Quarter (NE $\frac{1}{4}$ ) 1067.84 feet; thence South 90 degrees 00 minutes 00 seconds West 275.00 feet to the point of beginning of the tract to be described; thence South 00 degrees 49 minutes 00 seconds West 208.71 feet; thence South 90 degrees 00 minutes 00 seconds West 433.71 feet; thence North 00 degrees 49 minutes 00 seconds East 208.71 feet; thence North 90 degrees 00 minutes 00 seconds East 433.71 feet to the point of beginning. This tract contains 2.08 acres of land.

ALSO EXCEPTING:

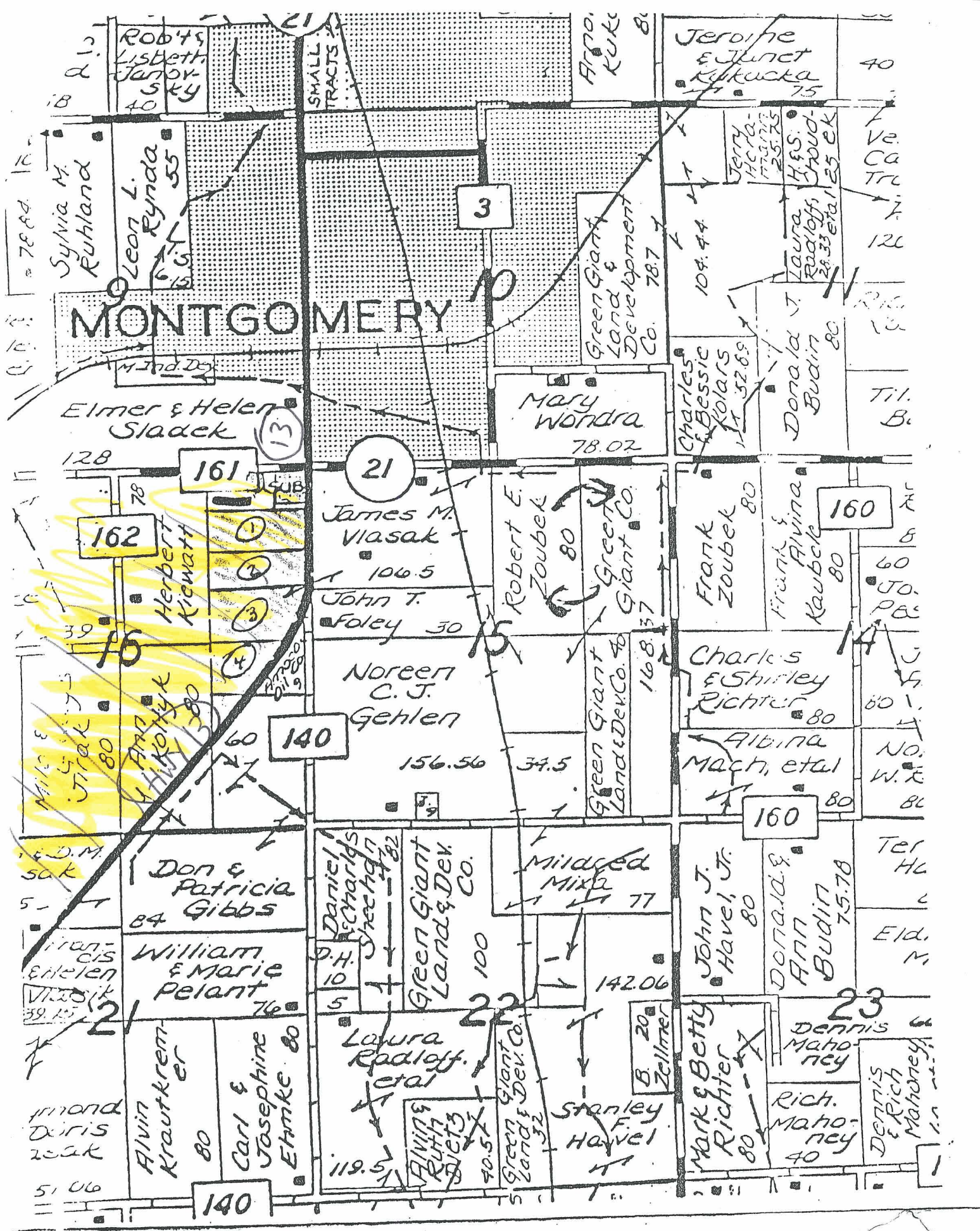
Part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 16, Township 111 North, Range 23 West, Le Sueur County, Minnesota, described as: Commencing at the Southwest corner of Lot 8, Maple Heights; thence South 00 degrees 49 minutes 00 seconds West (the North line of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 16 is assumed to bear North 90 degrees 00 minutes 00 seconds West), 417.42 feet to the point of beginning; thence North 90 degrees 00 minutes 00 seconds East, 162 feet; thence North 00 degrees 49 minutes 00 seconds East, 208.71 feet, thence North 90 degrees 00 minutes 00 seconds East, 208.71 feet; thence South 00 degrees 49 minutes 00 seconds West, 758.71 feet; thence North 90 degrees 00 minutes 00 seconds West, 370.71 feet, thence North 00 degrees 49 minutes 00 seconds East, 550.00 feet to the point of beginning. Contains 5.68 acres of land subject to and together with any and all easements of record. Also subject to an easement for driveway purposes over and across the North 33.00 feet and the West 33.00 feet of the North 208.71 feet of the previously described tract.



**ALSO EXCEPTING: Description of area between Deed and Occupation lines.**

That part of the Northeast Quarter of the Northeast Quarter and Government Lot 1, Section 16, Township 111 North, Range 23 West, Le Sueur County, Minnesota described as follows: Beginning at the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 16; thence North 89 degrees 32 minutes 08 seconds East (assumed bearing) on the North line of said Northeast Quarter of the Northeast Quarter, 30.73 feet to the Northwest corner of Maple Heights Subdivision according to the recorded plat thereof; thence South 00 degrees 26 minutes 18 seconds West on the West line of said Maple Heights Subdivision and its southerly extension, 1198.45 feet; thence South 00 degrees 33 minutes 15 seconds West, 1448.80 feet to the South line of the Northeast Quarter of said Section 16; thence South 89 degrees 54 minutes 07 seconds West on said South Line, 18.00 feet to the Southeast corner of the West Half of the Northeast Quarter of said Section 16; thence North 00 degrees 13 minutes 34 seconds East on the East line of said West Half of the Northeast Quarter, 2646.95 feet to the point of beginning. Contains 1.52 acres of land and is subject to an togetherwith any and all easements of record.





PROPOSED FOR R3 ZONING  
 TRNKA/VLASAK ATTACHMENT TO PETITION FOR ANNEXATION

Part of colored area  
 (See legal desc.)

TIM 4/14/03 25

REC'D BY  
 MMB

MAR 05 2002