

JOINT RESOLUTION

CITY OF MONTGOMERY
RESOLUTION NO. 23-2003

TOWNSHIP OF MONTGOMERY
RESOLUTION

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 MINNESOTA PLANNING, 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"; and,

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 have waived the provisions of M.S.A. 414.0325, Subdivision 1a 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 Minnesota Planning.

4. That the property 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 Minnesota Planning.
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 2003 will be paid and delivered to the Township. That the real estate taxes due and payable in 2004 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 2004, 60% in 2005, 40% in 2006, 20% in 2007 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.
10. 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.
11. 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.

AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY THIS 10th DAY OF February, 2003.

CITY OF MONTGOMERY

BY 
Its Mayor

BY 
Its City Administrator

REC'D BY
MMB

FEB 18 2003

AGREED TO AND APPROVED BY THE TOWN BOARD OF THE TOWNSHIP OF
MONTGOMERY THIS 6 DAY OF Feb, 2003.

TOWNSHIP OF MONTGOMERY

DATED: 2-6-03

BY Hene Krauthamer
Its Chairman

DATED: 2-6-03

BY Don J. Budin
Its Clerk

REC'D BY
MMB

FEB 18 2003

PETITION FOR ORDERLY ANNEXATION

IN THE MATTER OF THE PETITION FOR ANNEXATION PURSUANT TO
MINNESOTA STATUE 414.0325 (2001)

TO: COUNCIL OF THE CITY OF MONTGOMERY, LE SUEUR COUNTY,
MINNESOTA

PETITIONER,(S) STATES: This is a Petition for annexation pursuant to Minnesota
Statutes Section 414.0325 (2001). The land to be annexed is privately owned by Wallace
H. and Brenda M. Rosier and Gerald J. Malecha and Sandra L. Martinson-Malecha.

The area proposed for annexation is legally described in Exhibit A which consists of 2-3
pages attached hereto and incorporated herein, said property being located in Le Sueur
County, Minnesota.

- a) The Petitioners are the sole owner's of the described property and have signed this petition.
- b) The described property is unincorporated and is located north and east of the northwest corner of the City of Montgomery and is not included within the boundaries of any other municipality.
- c) The area of land to be annexed consists of +/- 42 ~~20~~ acres and is not platted.
- d) The reason for the annexation is that the site will be used for Residential Use within the City of Montgomery, which requires that the City of Montgomery annex the subject property. Annexation of the subject property by the City of Montgomery is also required so that the City of Montgomery may properly govern the ongoing use of the property.
- e) All of the described property is or is about to become urban or suburban in character.
- f) The area proposed for annexation is not included in an area that has already been designated for Orderly Annexation pursuant to Minnesota Statutes Section 414.0325 (2001).

PETITIONER'S REQUEST: That pursuant to Minnesota Statues Section 414.0325
(2001), the property described herein be annexed to and included within the City of
Montgomery.

NAME Brenda M. Rosier
Applicant

Dated 10-9-02

NAME Wallace H. Rosier
Applicant

Dated 10-9-02

REC'D BY
MMB

FEB 18 2003

NAME
Applicant

Humberto Malicho

Dated 10-9-02

NAME
Applicant

Sandra Y. Martinsen-Malicho

Dated 10-9-02

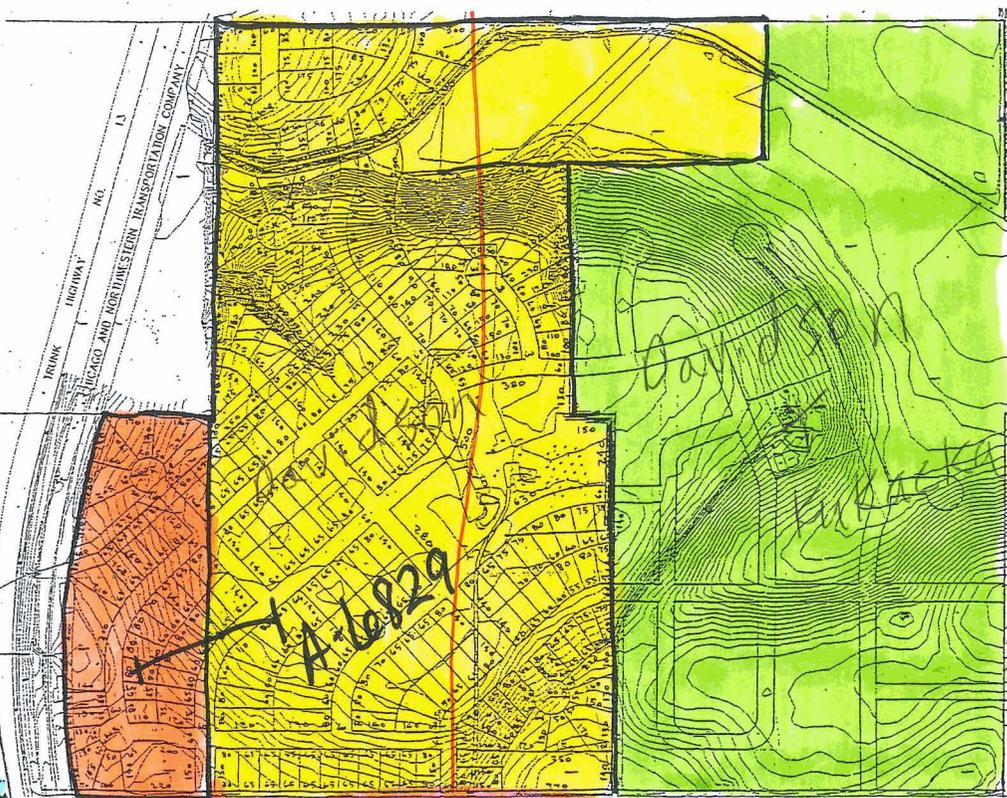
Lanesburgh

LIFT STATION

CR 142

Montgomery

Red from
PUS 104



→ kukacka 7 acres

SCALE: 1" = 300'

- Rosier Annexation ^{by ordinance}
- Davidson Annexation
- Potential Annexation
- Rosier Montgomery Twp.
- City Jurisdiction
- Marauck

NEW CONCEPT #2
1/8/03

Lanesburgh Twnshp

CR 142

Montgomery Twnshp

NW 1/4 - NW 1/4
Rosier
OA-912
09.003.0200

NE 1/4 - NW 1/4
09.003.20100
OA-913

09.003.2700
24.72 ACRES
+ 1.50
26.22

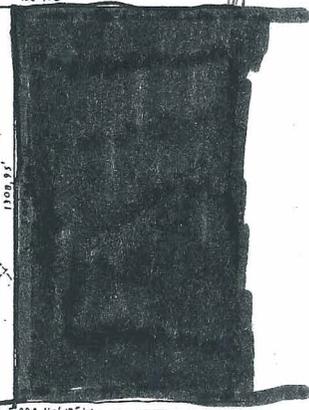
TRACT 4
14.74 ACRES
09.003.2750

GOLF COURSE

TRACT 1
3.47 ACRES
SW 1/4 - NW 1/4
20' UTILITY EASEMENT
P.R. R/W
W. 1/4 COR. OF SEC. 3

SE 1/4 - NW 1/4
17-003.0100
964K

TRACT 3
15.03 ACRES
Playtime
SW 1/4



REC'D BY M.M.B. FEB 18 2003

DESCRIPTIONS OF RECORD:

Northwest Quarter (NW 1/4) of Northwest Quarter (NW 1/4) of Section 3, Township 111, Range 23 and all that part of the following described tract that lies East of the M. & St. L. R.R. right-of-way, viz.: The Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4), Section 33, Township 112, Range 23 West, Le Sueur County, Minnesota.

All that part of the Northwest one quarter of the Northwest one quarter of Section No. 3, T. 111 N., R. 23 W., Le Sueur County, Minnesota, described as follows: Commencing at the Northwest corner of said Section No. 3, thence East on the North line of said Section 394.00 feet to place of beginning of the tract to be described; thence South 284.00 feet, thence East 489.17 feet, thence North 284.00 feet to the north line of said Section No. 3, thence West on said North line 489.17 feet to place of beginning. Containing 3.19 acres and being subject to all easements of record.

Part of the Southwest Quarter of the Northwest Quarter of Section No. 3, T 111 N, R 23 W, Le Sueur County, Minnesota, described as follows:

Commencing at the West one quarter corner of said Section No. 3; thence on an assumed bearing of North 00 degrees 15 minutes 04 seconds West along the West line of said Northwest Quarter 952.11 feet to a point on the Easterly line of the M. & St. L. R.R. right-of-way, said point being the point of beginning of the tract to be described; thence continuing North 00 degrees 15 minutes 04 seconds West along said West line of the Northwest Quarter 358.94 feet to the Northwest corner of said Southwest Quarter of the Northwest Quarter; thence North 89 degrees 42 minutes 18 seconds East along the North line of said Southwest Quarter of the Northwest Quarter 666.12 feet; thence South 68 degrees 13 minutes 35 seconds West 235.00 feet; thence South 42 degrees 38 minutes 08 seconds West 593.18 feet to said easterly right-of-way line of the M. & St. L. R.R.; thence North 15 degrees 26 minutes 28 seconds West along said right-of-way 167.22 feet to the point of beginning. This tract contains 3.47 acres of land and is subject to any and all easements of record and is together with a 20.00 feet wide easement for utility purposes over, under and across part of said Southwest Quarter of the Northwest 1/4 of Section No. 3, said easement being described as follows: Commencing at the West one quarter corner of said Section No. 3; thence on an assumed bearing of North 00 degrees 15 minutes 04 seconds West along the West line of said Northwest Quarter 952.11 feet to a point on the Easterly line of the M. & St. L. R.R. right-of-way; thence South 15 degrees 26 minutes 28 seconds East along said right-of-way 167.22 feet to the point of beginning of said easement to be described; thence continuing South 15 degrees 26 minutes 28 seconds East along said right-of-way 818.92 feet to the South line of said Northwest Quarter; thence North 89 degrees 40 minutes 17 seconds East along said South line 20.71 feet; thence North 15 degrees 26 minutes 28 seconds West 836.83 feet; thence South 42 degrees 38 minutes 08 seconds West 23.54 feet to the point of beginning.

Part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section No. 3, Township No. 111 North, Range No. 23 West, Le Sueur County, Minnesota, described as follows:

Beginning at the Northwest corner of said Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4); thence on an assumed bearing of North 89 degrees 51 minutes 36 seconds East along the North line of said Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) 23.00 feet; thence South 00 degrees 22 minutes 17 seconds East 1044.30 feet; thence South 68 degrees 13 minutes 35 seconds West 29.57 feet to the West line of said Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4); thence North 00 degrees 07 minutes 32 seconds West along said West line 1055.19 feet to the point of beginning. This tract contains 0.61 acres of land and is subject to any and all easements of record.

Part of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section No. Three (3), Township One Hundred Eleven (111) North, Range Twenty Three (23) West, Le Sueur County, Minnesota, described as follows:

Commencing at the West One Quarter corner of said Section No. 3; thence on an assumed bearing of North 00 degrees 15 minutes 04 seconds West along the West line of said Northwest Quarter (NW 1/4) 1,311.05 feet to the Southwest corner of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4); thence North 89 degrees 42 minutes 18 seconds East along the South line of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) 666.12 feet to the point of beginning of the tract to be described; thence continuing North 89 degrees 42 minutes 18 seconds East along said South line 660.00 feet to the Southeast corner of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4); thence North 00 degrees 07 minutes 32 seconds West along the East line of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) 260.00 feet; thence South 68 degrees 13 minutes 35 seconds West 710.08 feet to the point of beginning. This tract contains 1.97 acres of land and is subject to any and all easements of record.

WALLACE ROSIER PROPOSED DESCRIPTION:

Part of the Southwest Quarter of the Northwest Quarter of Section No. 3, T 111 N, R 23 W, Le Sueur County, Minnesota, described as follows:

Commencing at the West one quarter corner of said Section No. 3; thence on an assumed bearing of North 00 degrees 15 minutes 04 seconds West along the West line of said Northwest Quarter 952.11 feet to a point on the Easterly line of the M. & St. L. R.R. right-of-way, said point being the point of beginning of the tract to be described; thence continuing North 00 degrees 15 minutes 04 seconds West along said West line of the Northwest Quarter 358.94 feet to the Northwest corner of said Southwest Quarter of the Northwest Quarter; thence North 89 degrees 42 minutes 18 seconds East along the North line of said Southwest Quarter of the Northwest Quarter 666.12 feet; thence South 68 degrees 13 minutes 35 seconds West 235.00 feet; thence South 42 degrees 38 minutes 08 seconds West 593.18 feet to said easterly right-of-way line of the M. & St. L. R.R.; thence North 15 degrees 26 minutes 28 seconds West along said right-of-way 167.22 feet to the point of beginning. This tract contains 3.47 acres of land and is subject to any and all easements of record and is together with a 20.00 feet wide easement for utility purposes over, under and across part of said Southwest Quarter of the Northwest 1/4 of Section No. 3, said easement being described as follows: Commencing at the West one quarter corner of said Section No. 3; thence on an assumed bearing of North 00 degrees 15 minutes 04 seconds West along the West line of said Northwest Quarter 952.11 feet to a point on the Easterly line of the M. & St. L. R.R. right-of-way; thence South 15 degrees 26 minutes 28 seconds East along said right-of-way 167.22 feet to the point of beginning of said easement to be described; thence continuing South 15 degrees 26 minutes 28 seconds East along said right-of-way 818.92 feet to the South line of said Northwest Quarter; thence North 89 degrees 40 minutes 17 seconds East along said South line 20.71 feet; thence North 15 degrees 26 minutes 28 seconds West 836.83 feet; thence South 42 degrees 38 minutes 08 seconds West 23.54 feet to the point of beginning.

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AND

Northwest Quarter (NW 1/4) of Northwest Quarter (NW 1/4) of Section 3, Township 111, Range 23, Le Sueur County, Minnesota, being subject to all easements of record.

EXCEPT

All that part of the Northwest one quarter of the Northwest one quarter of Section No. 3, T. 111 N., R. 23 W., Le Sueur County, Minnesota, described as follows: Commencing at the Northwest corner of said Section No. 3, thence East on the North line of said Section 394.00 feet to place of beginning of the tract to be described; thence South 284.00 feet, thence East 489.17 feet, thence North 284.00 feet to the north line of said Section No. 3, thence West on said North line 489.17 feet to place of beginning. Containing 3.19 acres and being subject to all easements of record.

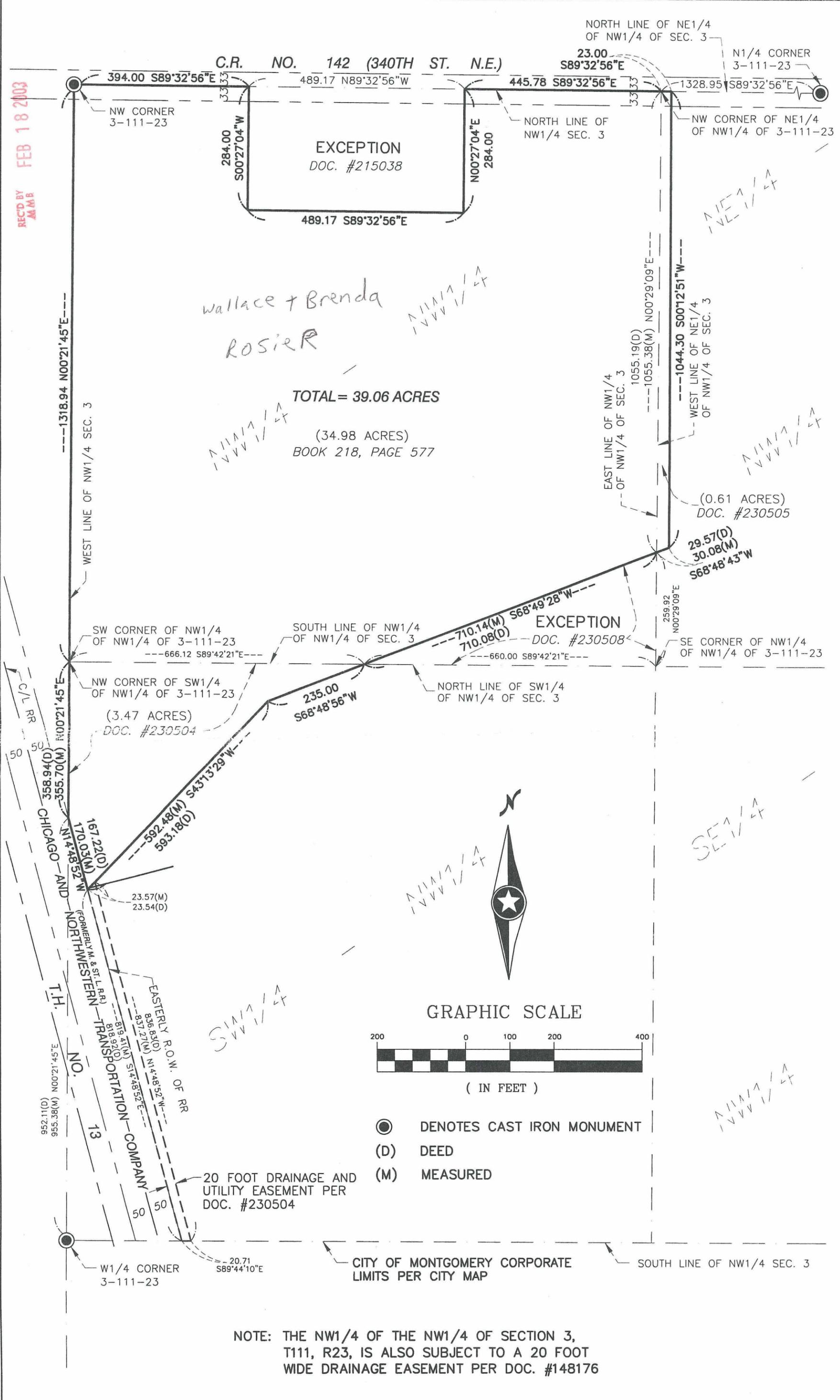
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REC'D BY
M.A.M.B.
FEB 18 2003

FILE NO. MONT0003.03	DATE 10/28/02
ROSIER SITE SURVEY PART OF THE NW1/4 OF SECTION 3, T111, R23, LE SUEUR COUNTY, MINNESOTA	
CITY OF MONTGOMERY, MINNESOTA	
 PH 800.836.8666 310 MAIN AVE. WEST GAYLORD, MN 55334	
I hereby certify that this survey, sketch, description, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota. Signature: <i>Thomas J. Stevens</i> Lic. No. 18379 Date: 10/28/02 Printed Name: Thomas J. Stevens	
© SHORT ELLIOTT HENDRICKSON INC. 2001. ANY USE OR REUSE OF THIS PLAN/DRAWING AND THE CORRESPONDING COMPUTER AIDED DESIGN/DRAFTING FILES WITHOUT THE EXPRESS WRITTEN CONSENT OF SEH, IS PROHIBITED. SEH SHALL NOT BE RESPONSIBLE FOR ANY UNAUTHORIZED USE OR REUSE OF THE MATERIALS, OR DAMAGES RESULTING THEREFROM.	REVISIONS NO. BY DATE
DRAWN BY: J.T. CHECKED BY: J.S. SURVEYOR: XXX	NO. BY DATE XXX XXX



REC'D BY
MMB FEB 18 2003

DESCRIPTIONS OF RECORD:

Northwest Quarter (NW 1/4) of Northwest Quarter (NW 1/4) of Section 3, Township 111, Range 23 and all that part of the following described tract that lies East of the M. & St. L. R.R. right-of-way, viz.: The Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4), Section 33, Township 112, Range 23 West, Le Sueur County, Minnesota.

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DRAWN BY:	JJT			
CHECKED BY:	JJS			
SURVEYOR:	XXX			
	XXX			
	NO.	BY	DATE	REVISIONS

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I hereby certify that this survey, sketch, description, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.
Signature: *Thomas J. Stearns* Lic. No. 18379
Printed Name: Thomas J. Stearns Date: 10/28/02



CITY OF MONTGOMERY,
MINNESOTA

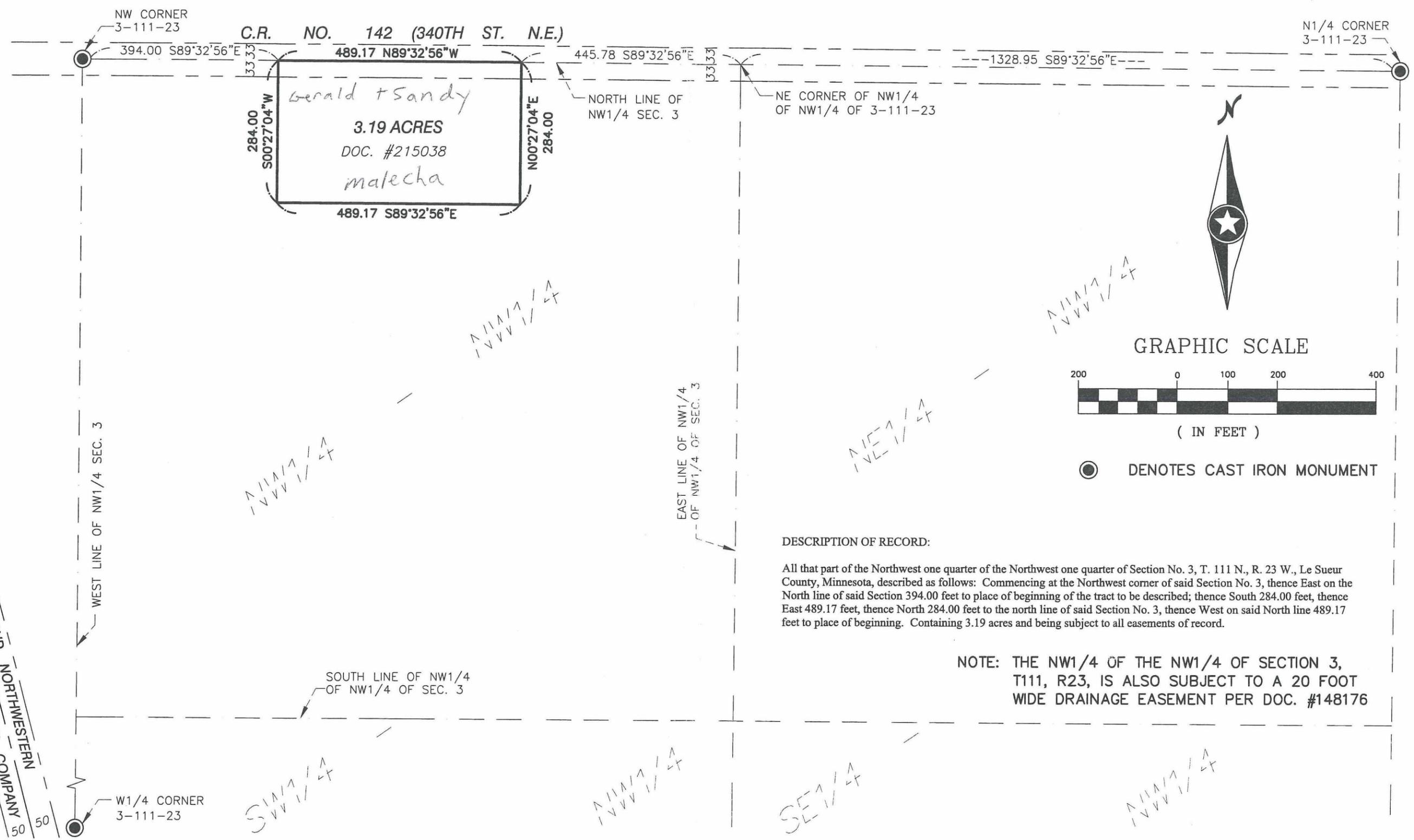
ROSIER SITE SURVEY
PART OF THE NW1/4 OF
SECTION 3, T111, R23,
LE SUEUR COUNTY, MINNESOTA

FILE NO.	1
DATE	10/28/02

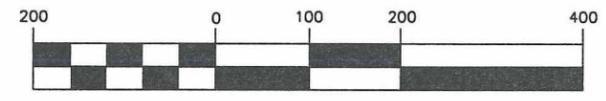
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REC'D BY
MMB FEB 18 2003



GRAPHIC SCALE



(IN FEET)

● DENOTES CAST IRON MONUMENT

DESCRIPTION OF RECORD:

All that part of the Northwest one quarter of the Northwest one quarter of Section No. 3, T. 111 N., R. 23 W., Le Sueur County, Minnesota, described as follows: Commencing at the Northwest corner of said Section No. 3, thence East on the North line of said Section 394.00 feet to place of beginning of the tract to be described; thence South 284.00 feet, thence East 489.17 feet, thence North 284.00 feet to the north line of said Section No. 3, thence West on said North line 489.17 feet to place of beginning. Containing 3.19 acres and being subject to all easements of record.

NOTE: THE NW1/4 OF THE NW1/4 OF SECTION 3, T111, R23, IS ALSO SUBJECT TO A 20 FOOT WIDE DRAINAGE EASEMENT PER DOC. #148176

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DRAWN BY:	IJT			
CHECKED BY:	IJS			
SURVEYOR:	XXX			
	XXX			
	NO.	BY	DATE	REVISIONS

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I hereby certify that this survey, sketch, description, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.
 Signature: *Thomas J. Stearns* Lic. No. 18379
 Printed Name: Thomas J. Stearns Date: 10/28/02

SEH
 PH 800.838.8666
 310 MAIN AVE. WEST
 PO BOX 776
 GAYLORD, MN 55334

CITY OF MONTGOMERY,
 MINNESOTA

MALECHA SITE SURVEY
 PART OF THE NW1/4 OF
 NW1/4 SECTION 3, T111, R23,
 LE SUEUR COUNTY, MINNESOTA

FILE NO.
 MONTC0003.03
 DATE
 10/28/02

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