

MAY 19 2003

STATE OF MINNESOTA
OFFICE OF STRATEGIC AND LONG-RANGE PLANNING

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND) **JOINT RESOLUTION**
TO THE CITY OF DETROIT LAKES PURSUANT) **AND AGREEMENT**
TO MINNESOTA STATUTES, SECTION 414.031)

JOINT RESOLUTION FOR ORDERLY ANNEXATION
BY AND BETWEEN LAKE VIEW TOWNSHIP AND
THE CITY OF DETROIT LAKES IN SETTLEMENT OF MINNESOTA
PLANNING FILE NO. A-6600 DETROIT LAKES

WHEREAS, the City of Detroit Lakes filed an annexation petition, dated November 5, 2001 (File No. A-6600 Detroit Lakes), with the Minnesota Office of Strategic and Long-range Planning, Municipal Boundary Adjustments (hereinafter "Minnesota Planning"), seeking annexation of certain areas located within Detroit Township and Lake View Township pursuant to Minnesota Statutes, Section 414.031; and

WHEREAS, the City of Detroit Lakes and Detroit Township have entered into a Joint Resolution and Agreement for Orderly Annexation of property within Detroit Township;

WHEREAS, Lake View Township and the City of Detroit Lakes have been working toward settlement of their boundary dispute and have reached a settlement agreement believed to be in the mutual best interests of both parties; and

WHEREAS, Lake View Township and the City of Detroit Lakes agree that orderly annexation and extension of municipal services is in the best interests of both communities in order to meet the current and future needs of commercial, residential and recreational properties located in the areas legally described in this Joint Resolution; and

WHEREAS, Lake View Township and the City of Detroit Lakes agree that orderly annexation and extension of municipal services will promote the public health, safety, and welfare of the community; and

WHEREAS, Lake View Township and the City of Detroit Lakes desire to accomplish the orderly annexation of, and the extension of municipal sanitary sewer and water services into

the areas within Lake View Township legally described in this Joint Resolution in a mutually acceptable manner without the need for a contested hearing.

NOW, THEREFORE, BE IT AGREED UPON AND RESOLVED by the City of Detroit Lakes (City) in Becker County, Minnesota and Lake View Township (Township) in Becker County, Minnesota as follows;

1. Annexation Proceeding A-6600.
 - a. Annexation Proceeding A-6600 relates to property lying within Lake View Township and in Detroit Township (the Townships) in the County of Becker, State of Minnesota.
 - b. For Orderly Annexation purposes, the City and The Townships have agreed to designate certain areas within The Townships as Orderly Annexation Areas I, II, III and IV.
 - c. Orderly Annexation Areas I, III, IV and part of Area II are subject to a Joint Resolution for Orderly Annexation agreed to and adopted by and between City of Detroit Lakes and Detroit Township.
 - d. This Joint Resolution and Agreement governs that part of Area II that lies within Lake View Township.
 - e. Certain planning documents and exhibits were previously submitted to Minnesota Planning with the Joint Resolution and Agreement in this proceeding between the City and Detroit Township. For reference purposes, the exhibit numbering sequence begun in the Detroit Township and City of Detroit Lakes Joint Resolution and Agreement continues in this Joint Resolution and Agreement.
2. Designation of Orderly Annexation Area II within Lake View Township. The City and Lake View Township hereby designate that part of Lake View Township lying and being within Area II described below as being in need of orderly annexation pursuant to Minnesota Statutes, Section 414.0325, and in accordance with the terms and conditions of this Joint Resolution:
 - a. All of Orderly Annexation Area II (hereinafter referred to as "Area II") is described in Exhibit 2 attached hereto and incorporated herein by reference.
 - b. For ease of reference, all of Area II is graphically shown on the map attached hereto as Exhibit 5.
 - c. Area II is partly developed as primarily residential and recreational character and is partly undeveloped.

- d. Area II is not now, nor is it about to become urban or suburban in character, but it is anticipated to become so in the future, and to be in need of municipal sanitary sewer and water services at such time.
3. Orderly Annexation of Area II. Area II within Lake View Township is designated by the City and by the Township as being in need of orderly annexation pursuant to Minnesota Statutes, Section 414.0325.
- a. Acreage of Area II. Area II contains approximately 403 acres, of which approximately 28 acres lie within Lake View Township
 - b. Population of Area II. The residential population of Area II is 151 people, of which 10 people reside in Lake View Township.
 - c. Timing of orderly annexation of Area II within Lake View Township.
 - i. Area II within Lake View Township shall be annexed by the City on July 15, 2008.
 - ii. However, property within Area II of Lake View Township that is presently owned by Richard and Lynn Pettit, and which is described as shown on Exhibit 6, as well as that portion of Long Lake Road running to said property through Area II, may be annexed sooner than the remainder of Area II. Said property may be annexed as soon as the City determines that it is prepared to construct and extend municipal sewer and water services into and through said property or, as soon as is necessary for obtaining the financing for said project.
 - iii. The remainder of Area II in the Township, not including that property described in Exhibit 6, shall remain in the Township until the scheduled date for annexation of July 15, 2008.
 - iv. Annexation of any part of said Area II may occur earlier than July 15, 2008 upon the order of an appropriate state agency or authority, or upon further agreement of the parties.

- d. No Hearing Required. Upon the occurrence of any event triggering annexation, as provided in Paragraph 3.c. above, the City may execute a resolution for annexation of the property meeting the triggering event and file the same with Minnesota Planning or its successor. Upon receipt of such a resolution from the City providing for annexation of a designated area and a copy of this Joint Resolution, Minnesota Planning, pursuant to Minnesota Statutes, Section 414.0325, may review and comment, but shall, within thirty (30) days of receipt of said resolution, order the annexation of the area designated therein in accordance with the terms and conditions of this Joint Resolution. The City and Township agree that no alteration of the boundaries as described in the filed resolution is appropriate, that no consideration by Minnesota Planning is necessary, and that all terms and conditions for annexation of the area designated in the filed resolution are provided for in this Joint Resolution.

The Township shall not object to an annexation of Area II or any portion thereof initiated by the City in accordance with the triggering events provided in Paragraph 3.c. As of the effective date of this Joint Resolution, there is no election requirement in the law to accomplish an annexation. No such election shall be required or apply to any annexation provided herein either now or during any period during which this Joint Resolution is in effect.

- e. Provision of Services. The City and Township agree that after annexation of Area II, or any portion thereof, pursuant to the terms of this Joint Resolution, the City shall provide municipal governmental services to such area. When installing municipal sewer and water services into and through Area II, the City shall endeavor to include and install all "stubs" necessary for the future connection to individual properties along said lines, and shall repair and restore the roads and ditches, after consultation with property owners adjoining said roads, to the same or better condition after the completion of such project.

If the City installs municipal sewer and water services into and through that part of Area II to serve the property described in Exhibit 6 prior to annexation of the remainder of Area II on July 15, 2008, then the owner(s) of said properties described in Exhibit 6 shall then be assessed for their share of the costs of such project. However, the owners of the other properties in Area II which are not then annexed shall not be assessed for their share of the costs of such project, nor shall interest accrue on such costs, until said properties are later annexed into the City.

Any owner of property included in Area II, but not included in the property described in Exhibit 6, may elect to connect to and obtain municipal sewer and water services prior to the annexation of the remainder of Area II. However, any property owner electing to do so, shall contract directly with the City for said services, and pay to the City a Connection Fee (to be paid according to the amortization schedule agreed upon between the City and the party) equivalent to the amount of said property owner's future assessment for the project, as well as on-going usage fees. The property owner's payment of such Connection Fee shall

be credited against the future assessment against said property for such project, and any portion of said Connection Fee which remains unpaid at the time of annexation of the remainder of Area II shall be converted to a City assessment and, as such, shall constitute a lien upon said property.

Any owner of property included in Area II, but not included in the property described in Exhibit 6, who has not connected to or obtained municipal sewer and water services by the time of the annexation of said property, shall not be required to connect to and obtain said services until the occurrence of the earlier of the following: (a) fifteen years after the installation of the private sewer system in operation on said property on the date of annexation; (b) ten years following the date of annexation; or (c) failure (as defined by the appropriate governmental authority) of the private sewer system in operation on said property on the date of annexation.

4. Real Estate Tax Allocation. Real Estate Taxes payable to Becker County for transfer to the City and/or Township for annexed Area II property within the Township shall be allocated between these parties as follows:
 - a. In the year that annexation occurs, the Township shall receive 100% of the real estate taxes paid for such property in that year;
 - b. In the year following annexation of such property, the City will pay the Township an amount equal to 75% of Township taxes paid for such property in the year that annexation occurred.
 - c. In the second year following annexation, the City will pay the Township an amount equal to 50% of the Township taxes paid for such property in the year that annexation occurred.
 - d. In the third year following annexation, the City will pay the Township an amount equal to 25% of the Township taxes paid for such property in the year that annexation occurred.
5. Grant Funding. For purposes of financing and defraying the costs for the provision of sewer and water services into the annexed areas, the City agrees to make its best efforts to seek grant funding from the United States Department of Agriculture (USDA) or other sources deemed appropriate by the City. To the extent necessary, the Township shall cooperate in securing such grant funding.
6. Withdrawal of City Annexation Petition. The City agrees to withdraw its annexation petition, dated November 5, 2001, as soon as practicable after execution and filing of this Joint Resolution with Minnesota Planning, and agrees not to seek annexation of any

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portion of Areas II prior to the occurrence of an event triggering annexation as provided for in this Joint Resolution.

7. Zoning and Land Use Restrictions.

- a. The City agrees to adopt for the platting and development of new lots and parcels within the annexed areas as follows:

A (2) Lot area and width standards for Long Lake

(1) Un-sewered Area
a) Long Lake

	<u>Riparian Lots</u>		<u>Non-riparian Lots</u>	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490

(2) Sewered Area
a) Long Lake

	<u>Riparian Lots</u>		<u>Non-riparian Lots</u>	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	24,000	120	20,000	100
Duplex	39,000	180	31,000	160
Triplex	54,000	240	43,000	215
Quad	69,000	300	54,000	270

- b. unless otherwise provided herein, lots in the annexed areas that are created or subdivided after annexation shall be governed by City zoning and subdivision ordinances;
- c. regardless of the foregoing, after annexation there shall be no dedication or grant of easement or appurtenant rights to use riparian lots within the orderly annexation area for the purpose of providing lake access as an appurtenance to non-riparian lots that are located in the orderly annexation area;
- d. all properties within the orderly annexation area shall initially be zoned as Residential - 2 (R-2), within the meaning of the Detroit Lakes zoning ordinance; and

- e. no municipal storm sewer drainage system shall use, or purposefully discharge storm water into Long Lake.
8. Adopt and Enforce Regulations. The City and Township agree to enact, adopt, and strictly enforce all such resolutions, ordinances, or regulations, as may be or shall be necessary to give full effect to the stipulations contained in this Joint Resolution.
9. Acquisition of Property. The Township agrees to cooperate with the City in the acquisition of any property or easement rights necessary for the installation of any municipal services contemplated herein, provided that all costs of such acquisitions are borne by the City.
10. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
11. Modification/Amendment. This Joint Resolution shall not be modified, amended, or altered except upon the written joint resolution of the City and the Township duly executed and adopted by the City Council and the Township Board of Supervisors and filed with Minnesota Planning or its successor.
12. Term. This Joint Resolution shall be in full force and effect for a term of sixteen (16) years from the date of execution, unless otherwise terminated earlier or extended by mutual written joint resolution of the City and Township. This Joint Resolution shall be filed by the City with the Minnesota Planning Municipal Boundary Adjustments Office after adoption by the parties.
13. Severability. In the event that any provision of this Joint Resolution is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect, and the parties hereto shall negotiate in good faith and agree to such amendments or modifications of or to this Joint Resolution or other appropriate actions as shall, to the maximum extent practicable in light of such determination, implement and give effect to the intentions of the parties hereto.
14. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.

15. Entire Agreement. The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future exhibits and attachments, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.
16. Disputes and Remedies. The City and Township agree as follows:
- a. Negotiation. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the City and the Township will direct staff members as they deem appropriate to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.
 - b. Arbitration. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to binding arbitration.
 - c. Adjudication. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to binding arbitration, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.
17. Notice. Any notices required under the provisions of this Joint Resolution shall be in writing, and deemed sufficiently given if delivered in person or sent by certified or registered mail, return receipt requested, postage prepaid, to the following:

If to the City:

City Administrator
City of Detroit Lakes
Detroit Lakes, MN 56502

If to the Township:

Town Clerk
Lake View Township
Detroit Lakes, MN 56502

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Passed, adopted and approved by the Township Board of Supervisors of Lake View Township,
Becker County, Minnesota this 12 day of May, 2003.

Lake View Township

By: John C. Olson
Lake View, Chair

ATTEST:

Karen Larson
Lake View, Town Clerk

Passed, adopted and approved by the City Council of the City of Detroit Lakes, Becker County,
Minnesota this 3rd day of December, 2002

City of Detroit Lakes

By: Larry G. Buboltz
Larry G. Buboltz, Mayor

ATTEST:

Richard Grabow
Richard Grabow, City Administrator

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The following description is meant to follow existing property and boundary lines. Distances and bearing are approximate for description purposes, not for legal land description purposes.

That portion of Sections 28, 29, 32 and 33 Township 139 North, Range 41 West of the fifth principal meridian described as follows:

Beginning at the intersection of the east line of section 29 and the southerly right of way line of U.S. Highway 10, also being the northwest corner of the current corporate limits line; thence northwesterly along said Highway 10 right of way 2878.5 feet to the northwest corner of the airport property; thence South along the west airport property line 1374.52 feet; thence northwesterly along the northerly airport property line and the southerly line of the Plat of Mardon's Estates 1262.27 feet, more or less, to the water's edge of Long Lake; thence southeasterly along the water's edge 2169.3 feet, more or less, to the northerly line of Lot 3, Block Three, of Flickertail Beach First Addition, said plat is on file and of record at the Office of the Becker County Recorder; thence East along the north line of said Lot 3, and its extension, 446 feet, more or less, to the easterly right of way of Longview Drive; thence southerly along said right of way line 226.5 feet, more or less, to the northwest corner of Lot 11, Block One, of Flickertail Beach Second Addition, said plat is on file and of record at the office of the Becker County Recorder. Thence northeasterly along the north line of said Lot 11 to the northeast corner of said Lot 11; thence southerly along the easterly line of said Flickertail Beach Second Addition to the southeast corner of said Lot 1, Block One; thence westerly along the south line of said Lot 1 to the southwest corner said Lot 1; thence southerly along the easterly right of way of Longview Drive 503.5 feet; thence southerly crossing the east - west portion of Longview Drive 69.5 feet; thence continuing south 908.00 feet along the east right of way line of Longview Drive; thence northeasterly along Longview Drive 90.75 feet; thence southeasterly along Longview Drive 66.00 feet; thence southwesterly along Longview Drive 84.35 feet to the most northerly corner of Lot One, Block One of Brainerd Beach Second Addition, said plat is on file and of record at the Office of the Becker County Recorder; thence southeasterly along the east line of said Lot One 195.00 feet to the southeast corner of said Lot One; thence westerly along the southerly line of said Lot One 283 feet, more or less, to the water's edge of Long Lake; thence southerly along the water's edge 525 feet, more or less, to the northwest corner of Lot Four, Block One of Brainerd Beach Third Addition; thence southeast along the north line of said Lot Four 139.00 feet; thence easterly continuing along said north line 76.09 feet, more or less, to the westerly right of way line of Brainerd Boulevard; thence easterly and then southerly along the northerly and easterly right of way line of Brainerd Boulevard 628 feet, more or less, to the northerly right of way line of Long Lake Road; thence easterly along the northerly right of way of said Long Lake Road and its extension 1761 feet, more or less, to the East right of way line of Airport Road, this point also is the current corporate limits line; thence northerly, easterly, northerly, northwesterly, and northerly along the current corporate limits line to the point of beginning. Said tract contains 436 acres.

The following description is meant to follow existing property and boundary lines. Distances and bearing are approximate for description purposes, not for legal land description purposes.

That portion of Sections 29, 31, and 32 of Township 139 North of Range 41 West and Sections 5 and 6 of Township 138 North of Range 41 West of the 5th Principal Meridian, described as follows:

All of the plats of Flickertail Beach, Flickertail Beach First Addition, Flickertail Beach Second Addition, Brainard Beach, Brainard Beach First Addition, and Brainard Beach Second Addition, said plats are on file and of record at the Office of the Becker County Recorder.

And

Beginning at the east quarter corner of said Section 32; thence southerly along the east line of said Section 32 and the current corporate limits line to the south line of said Section 32; thence west along said south line of Section 32 to the easterly right of way line of Long Lake Road; thence southerly and westerly along the southerly right of way line of Long Lake Road to the northeast corner of Lot One, Block One of the plat of Ridgeview on file and of record in the office of the Becker County Recorder; thence South 77 degrees 53 minutes 37 seconds West on an assumed bearing along the north line of said Lot One 158.21 feet; thence southwesterly on a curve with a central angle of 81 degrees 05 minutes 39 seconds, a radius of 117.00 feet, a chord of 152.12 feet, (a chord bearing of North 37 degrees 20 minutes 47 seconds East), a distance of 165.60 feet on the southeasterly line of the existing public road; thence South 86 degrees 47 minutes 58 seconds West to the west right of way line of the public road; thence north on and along the westerly right of way line of the public road to the point of intersection with the southwesterly line of a public road; thence northwest along the southwesterly right of way line of said public road 721 feet; thence westerly 512.92 feet; thence northerly 43.00 feet to the south line of Section 31; thence westerly along the said south line 1,771.30 feet, more or less, to the south quarter corner of said Section 31; thence north along the north-south quarter line of said Section 31, 2632.11 feet, more or less, to the center of said Section 31; thence east along the east-west quarter line of said Section 31 1954 feet, more or less, to the water's edge of Long Lake; thence southerly, easterly and northerly along said water's edge to the most northerly corner of Lot Four, Block One, Brainard Beach Third Addition; thence southeast, along the north line of said Lot Four 139.00 feet; thence easterly continuing along said north line 76.09 feet, more or less, to the westerly right of way line of Brainard Boulevard; thence easterly and then southerly along the northerly and easterly right of way line of Brainard Boulevard 628 feet, more or less, to the northerly right of way line of Long Lake Road; thence easterly along the northerly right of way of said Long Lake Road and its extension 1761 feet, more or less, to the east right of way line of Airport road, this point also is the current corporate limits line; thence along the corporate limit line to the point of beginning. Said tract contains 403 acres.

The following description is meant to follow existing property and boundary lines. Distances and bearing are approximate for description purposes, not for legal land description purposes.

That portion of Sections 19, 29 and 30 of Township 134 North, Range 41 West of the Fifth Principal Meridian described as follows:

All that portion of the east half of said Section 19 lying southerly of the U.S. Highway 10 right of way line;

And

All that portion of Government Lots Three and Four of said section 30 lying southerly of the U.S. Highway 10 right of way line;

And

All that portion of the Northwest Quarter of said Section 29 lying southerly of the U.S. Highway 10 right of way line not already included in Long Lake legal description number one.
Said tract contains 129 acres.

Long Lake Legal Description No. 4

The following description is meant to follow existing property and boundary lines. Distances and bearing are approximate for description purposes, not for legal land description purposes.

That portion of Sections 29, 30, 31 and 32 of Township 139 North, Range 41 West of the Fifth Principal Meridian, described as follows:

Beginning at that point in Government Lot 7 of Section 31 which is the point of intersection of the westerly extension of the north line of Government Lot 9 of Section 32 with the shore of Long Lake; thence East on the extension of the north line of said Government Lot 9 to the west line of Section 32; thence North on the west line of Section 32 to the Southwest corner of Section 29; thence North on the west line of Section 29 to the south line of Cherry Hill Drive according to the plat of Cherry Hill Beach on file at the office of the Becker County Recorder; thence westerly on the south line of Cherry Hill Drive to the intersection with the west line of Government Lot 1 of Section 30; thence North on the west line of said Government Lot 1 to the point of intersection with the following described line:

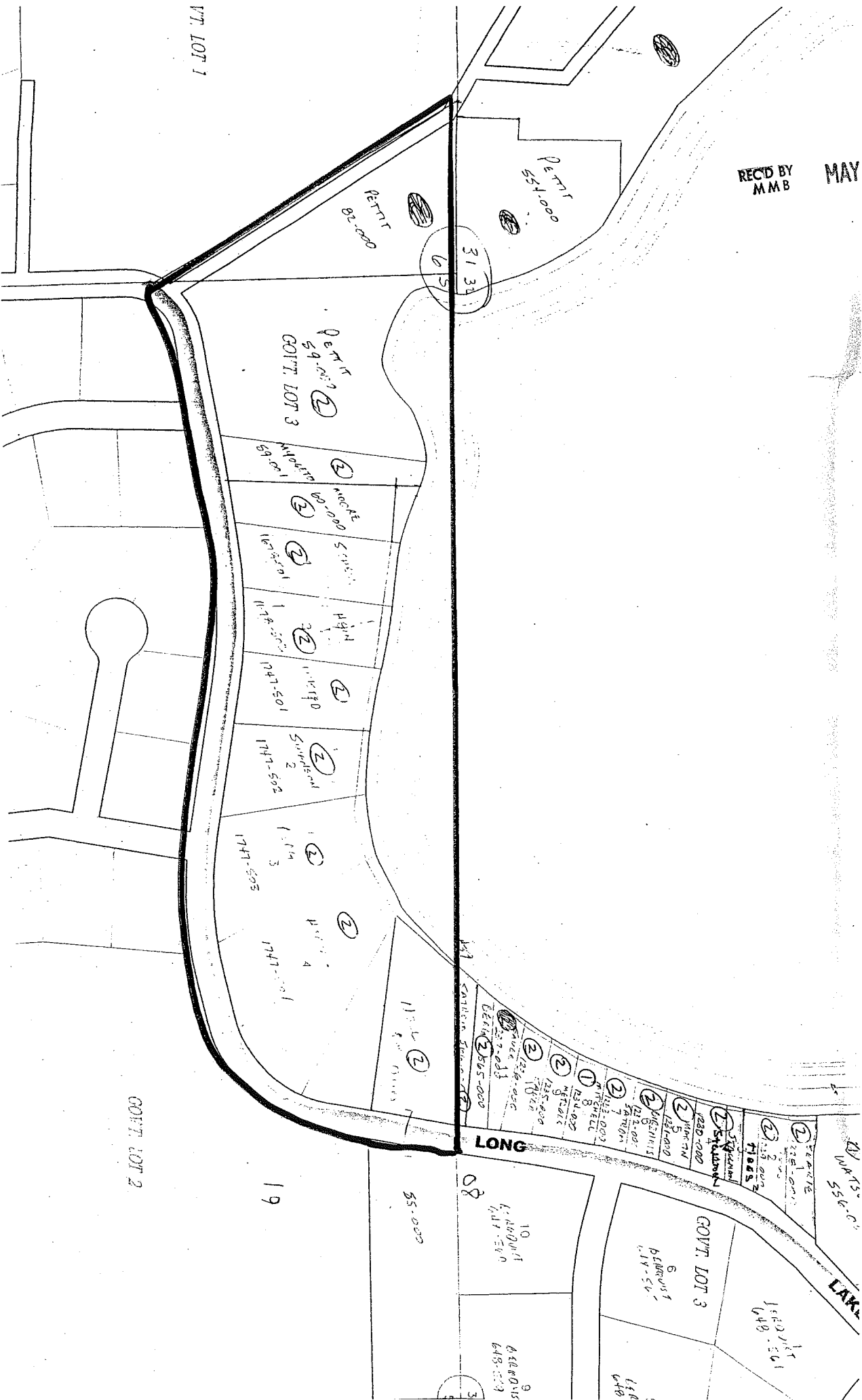
Commencing at the North Quarter corner of Section 30, Township 139 North, Range 41 West; thence South 01 degree 16 minutes West on an assumed bearing along the north - south quarter line of said Section 30 1915.93 feet to the point of beginning of the line described herein; thence South 73 degrees 26 minutes East to the point of intersection with the west line of Government Lot 1 and there terminating.

Thence North 73 degrees 26 minutes West along the above described line to the north - south quarter line of Section 30; thence North on the north - south quarter line of Section 30 to the South line of Government Lot 4 of Section 30; thence East on the south line of said Government Lot 4 to the shore of Long Lake; thence southerly along the shoreline of Long Lake to the point of beginning and there terminating.

REC'D BY
MMB

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VT. LOT 1



GOVT. LOT 2

19

55.000

08

10

9

GOVT. LOT 3

LAKE

148.501

Dick Pettit Property

REC'D BY
MMB

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Tract I

All that part of Government Lot Numbered Three (3) Section 5, Township 138 North of Range 41 West of the Fifth Principal Meridian described as follows:

Commencing at the Northwest corner (M.C. #85) of said Government Lot 3; thence South 01° 26' East a distance of 545.4 feet to an iron stake; thence North 78° 03' East in the North line of public road a distance of 482.4 feet to an iron stake; thence North 00° 12' East a distance of 394.2 feet to an iron stake on the shore line of Long Lake; thence along the shore line of Long Lake in a Westerly and Northwesterly direction to the point of beginning. Together with all riparian rights appurtenant thereto.

EXCEPTING AND RESERVING therefrom a parcel of land abutting the easterly side of the above described premises and being described as follows:

Commencing at the Northwest Corner (MC#85) of said Government Lot Three (3); thence South 01° 26' East a distance of 545.4 feet to an iron stake; thence North 78° 03' East in the North line of a public road a distance of 482.4 feet to an iron stake, which said iron stake shall be the point of beginning; thence North 00° 12' East a distance of 394.2 feet to an iron stake on the shoreline of Long Lake; thence along the shoreline of Long Lake in a westerly and northwesterly direction to a point 100 feet measured at right angles from the last bearing of the last course; thence South 00° 12' West a distance of 263 feet; thence easterly at right angles from the last course a distance of 60'; thence South 00° 12' West to the North line of the public road; thence Easterly along the North line of the public road to the point of beginning. Also reserving the riparian rights appurtenant to said tract.

TRACT II.

The Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) and the Lots Numbered Five (5) and Six (6) of Section Thirty one (31) in Township One Hundred Thirty-nine (139) North, of Range Forty-one (41) West of the Fifth Principal Meridian in Minnesota.

TRACT III.

All that part of Government Lot One (1) Section 6, Township 138 North of Range 41 West of the Fifth Principal Meridian described as follows:

Beginning at a point where the Northerly boundary of said Government Lot 1 intersects the meander line of Long Lake on the Westerly shore thereof; thence Westerly on and along said boundary a distance of 415 feet; thence Southeasterly a distance of 815 feet, more or less, to a point on the Easterly boundary line of said Lot 1 which is 733 feet Southerly of the point of beginning; thence Northerly 733 feet to the point of beginning.

TRACT IV.

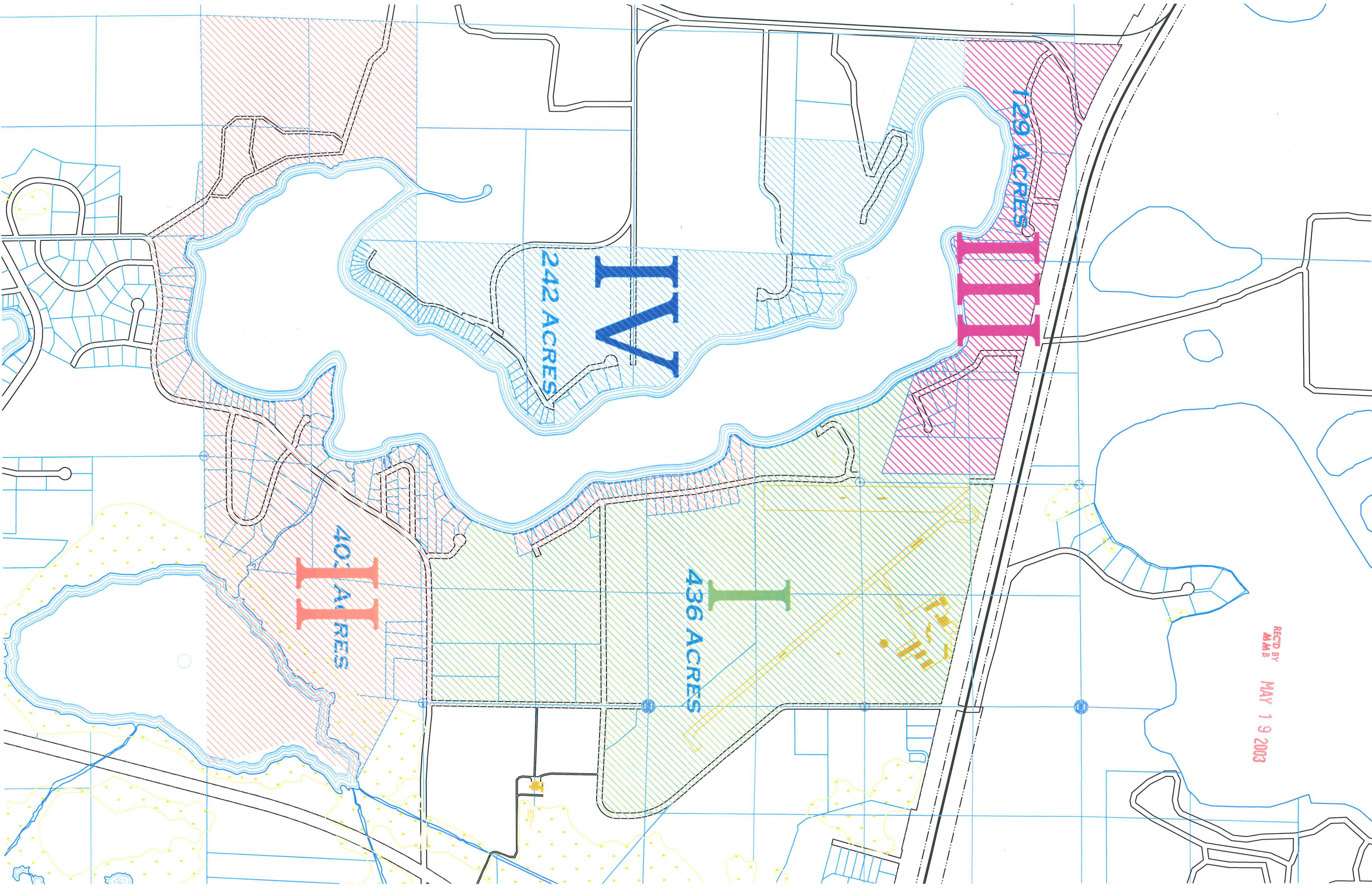
The North 85 feet of the following described premises: That part of Government Lot One (1) Section 6, Township 138 North of Range 41 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows, to-wit: Beginning at a point (iron stake) on the North line of said Government Lot 1, which point is located as follows: Commencing at Government Meander Corner #86 (iron stake) on the Westerly shore of Long Lake, thence proceeding Westerly 420.2 feet in the North line of said Section 6 to the said point of beginning; thence

running by the following courses and distances, viz; South 32°56' East 439.58 feet in the Southwesterly line of a Public Road to an iron stake; South 88° 52' West 1014.8 feet parallel with the North line of said Section 6 to an iron stake; North 00° 52' East 373.8 feet to the North line of said Section 6; and North 88° 52' East 770.2 feet in the North line of said Section 6 to the point of beginning and there terminating; contains 7.67 acres.

Subject to the rights of the Midwestern Gas Transmission Line to operate and maintain pipeline across the said premises and further subject to all other easements of record, which rights affect Tracts I, II, III and IV.

REGARDING TRACT III.

A more accurate description is to be made as a result of a survey to be made at the expense of parties of the first part who agree, at buyer's option, either to execute amended contract for deed with the revised description and to secure whatever, if any, other conveyances or documents may be necessary to perfect title or to include the said revised accurate description in the Warranty Deed to be made pursuant to this contract.



REC'D BY
M.M.B
MAY 19 2003