

JOINT RESOLUTION

**CITY OF MONTGOMERY
RESOLUTION NO. 84-2003**

**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 THE MONTGOMERY 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 as shown 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 above have waived the provisions of Minnesota Statutes Section 414.0325(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 (hereinafter "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 Department of Administration (hereinafter "Department").

4. That the property does 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 Department.
6. No consideration by the Department is necessary, the Department 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 and 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 Minnesota Statutes Section 414.0325(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.
12. That the Property annexed will be, and hereby is, appropriately zoned for the Owners to use as a Business/Commercial development site.

AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY THIS 18th DAY OF August, 2003.

CITY OF MONTGOMERY

BY 
Its Mayor

BY 
Its City Administrator

AGREED TO AND APPROVED BY THE TOWN BOARD OF THE TOWNSHIP OF
MONTGOMERY THIS 7 DAY OF AUGUST, 2003.

TOWNSHIP OF MONTGOMERY

BY Homer Krauthamer
Its Chairman

BY Don J. Berlin
Its Clerk

PETITION FOR ANNEXATION

IN THE MATTER OF THE PETITION FOR ANNEXATION PURSUANT TO MINNESOTA STATUTE 414.033(2)(3) (2003)

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

PETITIONER STATES: This is a Petition for annexation pursuant to Minnesota Statutes Section 414.033, Subdivision 2(3). The land to be annexed is privately owned by Robert Barnett and Mavor Barnett, husband and wife; and D.J. Barnett aka Donald J. Barnett and Darlene M. Barnett, husband and wife.

- a) The Petitioners, Robert Barnett and Mavor Barnett, and D.J. Barnett aka Donald J. Barnett and Darlene M. Barnett are the sole owners of the property described in Exhibit A attached to this Petition.
- b) The area of land to be annexed is approximately 1.46 acres and is not platted.
- c) The reason for the annexation is that the site will be used for Business/Commercial Development 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.
- d) All of the described property is or is about to become urban or suburban in character.
- e) 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 (2003).
- f) Petitioners have no objection to this property being annexed into the city pursuant to Minnesota Statutes Section 414.0325 (2003). If the township is willing to sign a joint resolution for annexation of the subject parcel, and the annexation can be more quickly accomplished under this method, then the city has our permission to accomplish the annexation through this route.

PETITIONERS' REQUEST: That pursuant to Minnesota Statutes Section 414.033(2)(3) (2003), the property described herein be annexed to and included within the City of Montgomery.

X Robert Barnett 8-7-03
Robert Barnett Date

X Donald J. Barnett 8-7-03
Donald J. Barnett Date

REC'D BY
M.M.B

AUG 21 2003

Mavor Barnett 8/7/03
Mavor Barnett Date

Darlene M. Barnett 8/7/03
Darlene M. Barnett Date

EXHIBIT A

1.46 acres in the Northeast corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, lying Northeast of County Ditch No. 22, more specifically described as follows: Commencing at the Northeast corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9-111-23, Le Sueur County, Minnesota, and thence running South to County Ditch No. 22, thence Northwesterly on the centerline of said County Ditch No. 22 to the North boundary line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence East on said North boundary line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ to the place of beginning, said tract lying and being in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9-111-23, Le Sueur County, Minnesota.

EXHIBIT B

1.46 acres in the Northeast corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, lying Northeast of County Ditch No. 22, more specifically described as follows: Commencing at the Northeast corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9-111-23, Le Sueur County, Minnesota, and thence running South to County Ditch No. 22, thence Northwesterly on the centerline of said County Ditch No. 22 to the North boundary line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence East on said North boundary line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ to the place of beginning, said tract lying and being in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9-111-23, Le Sueur County, Minnesota.

