

A-2492(OA)  
REC'D. BY MMB SEP 26 1978  
JOINT RESOLUTION AS TO ORDERLY ANNEXATION

LANESBURGH TOWNSHIP - CITY OF NEW PRAGUE

AMENDED-  
TAKE PLACE

WHEREAS, The Township of Lanesburgh and The City of New Prague are both interested in achieving an Orderly Annexation Agreement, and

WHEREAS, There is a basis for agreement between the parties and the parties hereto desire to set forth such terms of settlement by means of this Resolution.

NOW THEREFORE, BE IT RESOLVED That the Township of Lanesburgh and The City of New Prague agree as follows:

- 1) That the following described area in Lanesburgh Township is properly subject to orderly annexation under and pursuant to Minnesota Statutes 414.032, and the parties hereto do hereby designate this area as in need of orderly annexation as provided by statute:

Section 1, 2, 3, 4, and 10, all in Lanesburgh Township, Le Sueur County, Minnesota.

That the Township of Lanesburgh does upon the passage of this resolution and its adoption by The Council of The City of New Prague confer jurisdiction upon The Minnesota Municipal Board so as to accomplish said orderly annexation in accordance with the terms and conditions of the attached orderly annexation and joint planning agreement, hereby made a part of this resolution.

TOWNSHIP OF LANESBURGH

Passed and adopted by the Township of Lanesburgh this 19 day of

June, 1978.

Attest: Coralie LaSall  
Township Clerk

Don Eilen  
Township Chairman

City of New Prague

Passed and adopted by The City of New Prague this 19 day of

June, 1978.

Attest: Jerome Bohnsack  
Jerome Bohnsack  
City Administrator

Clarence J. Welter  
Clarence J. Welter  
Mayor

CITY OF NEW PRAGUE LANESBURGH TOWNSHIP

JOINT PLANNING AND ANNEXATION AGREEMENT

1. The following territory in Lanesburgh Township of Le Sueur County is properly subject to orderly annexation under and pursuant to Minnesota Statutes 414.032 and the parties hereto do hereby designate this area in need of orderly annexation as provided by Statute:

Section 1, 2, 3, 4, and 10, all in Lanesburgh Township. That the Townships of Helena and Lanesburgh do upon passage of this resolution and its adoption by The Council of The City of New Prague confer jurisdiction upon The Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

2. Certain properties abutting The City of New Prague are presently urban or suburban in nature or are about to become so. Further, The City of New Prague is capable of providing services to this area. Therefore, these properties should be immediately annexed to The City of New Prague.

A. Le Sueur Co. Lanesburgh Township.

- 1) The SW $\frac{1}{4}$  of Section 3, Township 112, Range 23W, Le Sueur County, Minnesota, excepting therefrom the following described parcel: Beginning at the NE corner of said SE $\frac{1}{4}$  of Section 3, thence running south along the

section line a distance of 1758.2 feet; running thence west a distance of 1544.5 feet; running thence north a distance of 1190 feet; running thence west a distance of 351 feet; running thence north a distance of 570.1 feet; and thence east a distance of 1936.5 feet to the point of beginning; and also excepting therefrom that part of the southeast quarter of Section 3, beginning at a point 1758.2 feet south of the NE corner of said SE $\frac{1}{4}$ , thence running west parallel to the south line of said section to the west line of the SE $\frac{1}{4}$  of said Section 3, thence east along the South line of said SE $\frac{1}{4}$  of Section 3, to the SE corner thereof; thence north along the east line of said SE $\frac{1}{4}$  to the place of beginning, and also excepting the following described parcel.

"All that part of the North two-thirds of the Southeast Quarter of Section 3, Township 112 North, Range 23 West, described as:

Commencing at the center of Section 3; thence North 89 degrees, 39 minutes, 30 seconds East (assumed bearing)

along the North line of the Southeast Quarter of Section 3, a distance of 495.00 feet to the point beginning 1936.50 feet West of the East quarter corner of Section 3; thence South 0 degrees, 06 minutes, 38 seconds West, 570.00 feet; thence South 89 degrees, 39 minutes, 30 seconds West and parallel with the North line of the Southeast quarter of Section 3, a distance of 55.00 feet; thence South 0 degrees, 00 minutes, 00 seconds West and parallel with and 704.00 feet East of the West line of the Southeast quarter of Section 3, a distance of 490.00 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the Southeast quarter of Section 3, a distance of 196.00 feet; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3, a distance of 180.00 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the Southeast quarter

of Section 3, a distance of 210.31 feet;  
thence South 0 degrees, 03 minutes, 30  
seconds East, 872.21 feet to a point on  
the South line of the North two-thirds  
of the Southeast quarter of Section 3,  
said point being 1544.5 feet West of  
the East line of Section 3; thence South  
89 degrees, 53 minutes, 36 seconds West  
along the South line of the North two-  
thirds of the Southeast quarter of  
Section 3, a distance of 352.18 feet  
to a point 759.00 feet East of the  
West line of the Southeast quarter of  
Section 3; thence North 0 degrees, 00  
minutes, 00 seconds East and parallel  
with the West line of the Southeast  
quarter of Section 3; a distance of  
373.00 feet; thence South 89 degrees,  
53 minutes, 36 seconds West and par-  
allel with the South line of the North  
two-thirds of the Southeast quarter  
of Section 3; a distance of 759.00  
feet; to a point on the West line of  
the Southeast quarter of Section 3;  
thence North 0 degrees, 00 minutes,  
00 seconds East along the West line  
SE $\frac{1}{4}$  of Section 3, a distance of  
1138.73 feet; thence North 89 degrees,

39 minutes, 30 seconds East and parallel with the North line of the southeast quarter of Section 3, a distance of 183.00 feet; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3, a distance of 60.00 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the Southeast quarter of Section 3, a distance of 312.00 feet; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3, a distance of 176.00 feet to the point of beginning.

Said tract contains 27.57 acres of land and is subject to any and all easements of record, and also, the following described land commencing at The City Limits (the center of Section 3, Township 112, Range 23) thence Westerly along the North line of the Southwest quarter of Section 3, 33 feet; thence Southerly parallel to the East line of the Southwest quarter of Section 3, 1374.73 feet, thence Easterly 66 feet, thence Northerly parallel to the West line of the Southeast

quarter of Section 3, 1374.73 feet to the City Limits, thence Westerly 33 feet along the North line of the Southeast quarter of Section 3 to the point of beginning.

2) The North 1758.2 feet of the SW $\frac{1}{4}$  of Section 3, Township 112, Range 23 West Le Sueur County, Minnesota.

3. Other properties within the orderly annexation area are not presently urban or suburban in nature. These properties shall be subject to annexation under the following circumstances.

- A. A petition of a majority of the property owners requesting annexation into The City of New Prague, and
- B. A petition by a property owner(s) and agreed to by The Council of New Prague requesting the extensions of water or sewer lines. The City of New Prague agrees that it will not extend either water or sewer lines to any property owner outside the corporate boundary until a petition for such extension of services is received and a petition for annexation is received and accepted by The City and filed with the State of Minnesota, and
- C. A request by a property owner for a building permit for the purposes of constructing a non-farm homestead, multiple dwellings, any



uses permitted under the B-1A or R-1A zones, or other uses determined by the joint city/townships/county planning commission as being urban or suburban in nature using the criteria established by The Minnesota Municipal Board (M.S.A. 414.031).

D. Land abutting the corporate boundary of New Prague that is developed in an urban or suburban nature; urban or suburban in nature shall be determined by applying the criteria established by The Minnesota Municipal Board (M.S.A. 414.031).

E. Land required by practical nature to successfully extend water or sewer lines to property not abutting the City boundary, but necessary to the petitioners requesting the extensions of water or sewer services and petitioning for annexation.

4. The zoning requirements included as Appendix A and titled "New Prague Annexation and Zoning Requirements", passed and adopted this date, are made a part of this document and shall regulate the land use and zoning requirements within The Orderly Annexation Area.

A. The following area described below shall be considered the Transition Zone, and is about to become urban or suburban in nature. All requirements set forth herein shall apply upon passage of this resolution.

1) The North one-half of Section 10, Township 112, Range 23 West, Le Sueur County, Minnesota, and also the S½ of Section 3, Township 112, Range 23W, Le Sueur County, Minnesota, excepting therefrom the North 1758.2 feet.

B. The following area described below shall follow the requirements established in Appendix A and titled the "Agriculture Preservation Zone".

1) All that area described in Paragraph 1 excluding the area described in Paragraph 4 (A).

5. That any property annexed to The City pursuant to this agreement shall receive the following:

A. That on the effective date of any annexation The City of New Prague shall receive the tax revenue.

B. That property that remains unplatted or undeveloped shall be taxed at the mill rate established by The Township.

C. That agricultural land will continue to be taxed at the Townships mill rate.

D. That in the case of annexation of developed property, The City mill rate shall be applied in three (3) equal mill rate adjustments over a period of three (3) years.

E. That until sewer or water are provided, all existing property shall be taxed at the town mill rate.

6. That the existing and approved plats within the orderly annexation area shall be allowed to continue receiving building permits within the same land use regulations, received on the date of their approval. But in no case shall they be allowed to expand or alter lot sizes without conforming to the zoning requirements set forth herein.
7. The orderly annexation area herein described shall be zoned and administered in the following manner. The town agrees to exclude the area designated as in need of orderly annexation from its zoning and subdivision ordinances if the county will agree to adopt all of Appendix A and make it a part of their zoning and subdivision regulations for the orderly annexation area herein described. The parties to this agreement will establish a joint planning commission for purposes of advising the county. The joint planning commission shall be two residents of the town appointed by the town board, two residents of the City appointed by the City Council, and a neutral member appointed by The County Board of Commissioners.
8. Per Capita Aids.

The Municipal Commission will determine the ratio of the population annexed to the total population of the town on the date of its order. This ratio will be further modified by the proportion of the year remaining in which the annexation takes place. The County Auditor will apply this modified ratio to all quarterly or other subsequent payments of State per capita to the Town and divide the payment accordingly. Per capita aids received by the Town in the

*no decision  
to be made  
agreement*

year of annexation prior to the date of annexation would be shared by the same modified ratio as explained above. Unless and until the entitlement of the Town to Federal Revenue. Sharing Aids is adjusted pursuant to Federal regulations relating to boundary changes (31 CFR Sec. 51.23); the Town agrees to apply the above determined modified population ratio to any Federal Revenue Sharing Checks, received and to forward The City portion within thirty (30) days of receipt of the funds.

9. Dedicated Road or Park Funds.

If any annexation involve locations which entail Dedicated Road Funds, these funds and their administration will be turned over to the City within thirty (30) days after the date of the annexation order. If any annexations involve locations which entail accounts receivable to be collected in the future as special road assessments, such funds will be forwarded by the City to the Town.

## APPENDIX A

### NEW PRAGUE ANNEXATION AND ZONING REQUIREMENTS

#### I. Zoning within the Utility Limit Area, Transition Zone

##### A. PERMITTED USES

1. Single family residence
2. Horticulture
3. Wildlife
4. Forest and wetlands management
5. Limited livestock raising on parcels of ten (10) acres or larger

##### B. CONDITIONAL USES

1. Commercial nurseries and greenhouses
2. Cemeteries
3. Churches and church related facilities
4. Educational and cultural institutions
5. Nursery Schools
6. Public utility buildings
7. Limited livestock raising if less than ten (10) acres and greater than five (5) acres and a lot-of-record filed with the County Recorder before the adoption of these amendments with the following conditions:
  - a) Must receive a P.C.A. permit within ninety (90) days for the confinement of animals
  - b) Must maintain one hundred fifty (150) foot setback with all non-residential structures
  - c) Cannot exceed five-tenths (.5) animal unit

density per productive acre

C. LOT SIZE REQUIREMENT

1. Five (5) acres and three hundred (300) feet width if not platted
2. Any parcel of less than five (5) acres created after the effective date of these amendments and requesting a building permit for a residence must create a plat officially recorded with the Office of The County Recorder. This plat shall show a minimum lot size of twelve thousand (12,000) square feet and eighty (80) feet in width with a density of one home per minimum two and one-half (2½) acre tract. No additional home permits would be granted within each tract until municipal sewer and water is available. A minimum of fifty (50) per cent of the tract must be buildable.
3. Plats with lot sized less than five (5) acres cannot be approved unless:
  - a) The sanitary sewer is reasonable expected to be available for service in less than ten (10) years and the City of New Prague has given written approval.
  - b) The on site sewage disposal systems for the various homes are so designed that the service can easily be extended to proposed sewer laterals (to be determined by The Joint Planning Commission).

D. BUILDING SETBACK AND YARD REQUIREMENTS FOR UNPLATTED LOTS

1. Front Yard Setback one hundred fifty (150) feet from the center line of a public road or one hundred (100) feet from right-of-way, whichever is greater.
2. Side Yard Setback thirty (30) feet or one hundred fifty (150) feet from the center line of a public road if a corner lot or one hundred (100) feet from a road right-of-way, whichever is greater.
3. Rear Yard Setback thirty (30) feet.

## HIGHWAY BUSINESS DISTRICT B-1A

### I. Permitted Uses

- A. Uses permitted in the B-1 District, New Prague Zoning Ordinance.

### II. Permitted Accessory Uses

- A. Uses permitted as accessory in the B-1 District, New Prague Zoning Ordinance.

### III. Conditional Uses

- A. Uses permitted conditional in the B-1 District, New Prague Zoning Ordinance.

### IV. Lot Size Requirement

- A. Twenty acres (20) and three hundred (300) feet width if not platted.
- B. Any parcel of less than twenty (20) acres created after the effective date of these amendments and requesting a building permit for a B-1A use must create a plat, officially recorded with the office of the County Recorder, this plat shall show a minimum lot size of one (1) acre and two hundred (200) feet in width.
- C. Plats with lot sizes less than twenty (20) acres cannot be approved unless the entire site is incorporated into The City of New Prague.

### V. Building Setbacks and Yard Requirements for Platted Lots

- A. As required in the B-1 District, New Prague Zoning Ordinance.

### VI. Building Setbacks and Yard Requirements for Unplatted Lots

- A. As required in the Transition Area.



## II. Agriculture Preservation Zone

### A. PURPOSE STATEMENT

This district is intended to contain those areas within the orderly annexation area of New Prague, but beyond the ten (10) year annexation boundary where agriculture is a current, logical and proper use, but which in the future will gradually be required for non-agricultural purposes.

### B. PERMITTED USES

1. Single family residence
2. General farming and related buildings
3. Horticulture
4. Field crops
5. Dairying
6. Livestock raising
7. Wildlife
8. Forest and wetland management
9. Intensive poultry farming
10. Livestock feedlots
11. Township halls

### C. CONDITIONAL USES

1. Private, public and semi-public clubs
2. Tourist camps and campgrounds
3. Second farm home
4. Processing and packaging of agricultural products including livestock products for retail sale
5. Cold storage plants
6. Fertilizer plants

7. Cemeteries
8. Churches, church related facilities
9. Manufacturing and processing of natural resources indigenous to the County
10. Reduction and salvage yards
11. Personal service shops
12. Artificial lakes if they are to encroach on a neighboring property
13. Dams and reservoirs
14. Sanitary landfills
15. Portable asphalt mixing plants
16. Landing strips
17. Nursery Schools
18. Electrical substation not to exceed one hundred fifteen (115) KV

D. CONDITIONAL USES (IF THEY ARE TO BE COMMERCIAL ACTIVITIES)

1. Livestock experimentation
2. Kennels and animal hospitals
3. Nurseries and greenhouses
4. Bulk liquid storage
5. Forest industries
6. Pits and quarries
7. Recreational facilities
8. Stand for the sale of agricultural products
9. Agriculturally related machine shops
10. Storage garages

E. LOT SIZE REQUIREMENTS

1. Minimum of forty (40) acres or one quarter of a quarter section ( $\frac{1}{4}$ ) ( $\frac{1}{4}$ ) and six hundred sixty (660) feet in width.

F. BUILDING SETBACK AND YARD REQUIREMENTS

1. Front Yard Setback one hundred fifty (150) feet from center line of a public road, or one hundred (100) feet from the road right-of-way, whichever is greater.
2. Side Yard Setback thirty (30) feet or one hundred fifty (150) feet from the center line of a public road if a corner lot, or one hundred (100) feet from a road right-of-way, whichever is greater.
3. Rear Yard Setback sixty (60) feet
4. Windbreak Setback twenty-five (25) feet from right-of-way

G. PERMITTED ACCESSORY USES

1. Private garages, carports
2. Fallout or blast shelters
3. Residential recreation equipment
4. Off-street parking
5. Nameplate

H. OTHER CONDITIONS

A second house may be located on a farm having a minimum of forty (40) acres, provided the occupant is to be employed on the farm. For the purposes of acquiring a building permit, land split-off is not required. The home can be located anywhere on the

forty (40) acre parcel providing a suitable building site can be found, a proper sewage disposal system can be installed and no encroachment of setbacks if the parcel is to be split. A letter stating that the occupant of the dwelling will be working on the farm, shall accompany the application and shall be a condition of approval. No further split-offs for the purpose of constructing a home will be approved unless the parcel is located on a forty (40) acre tract not including the forty (40) acres used above.

A temporary home (mobile home) will be allowed in the A-1 District as a Conditional Use providing the farm has minimum of forty (40) acres and the existing farm home and temporary home are to be occupied by individuals who will be working on the farm and a letter stating such shall accompany the application and become a condition of the Conditional Use. Every Conditional Use approved shall be reviewed every two (2) years for compliance or at anytime the Planning Commission feels compliance is not being met.

### III. Zoning Within the Orderly Annexation Area - Beyond the Transition Zone

#### PURPOSE STATEMENT

This district is intended to contain those areas within the orderly annexation area of New Prague where agriculture is not a proper use and when utilities extensions are not feasible. These are districts where the land has not been used for agricultural production for five years

or more. The intent of this area is to allow non-farm developments in wooded areas.

A. PERMITTED USES

1. Single family residence
2. Forest and wetlands management
3. Horticulture

B. CONDITIONAL USES

1. Tourist camps and campgrounds
2. Cemeteries
3. Churches and related facilities
4. Manufacturing and processing of natural resources indigenous to the County

C. LOT SIZE REQUIREMENTS

1. Minimum of two and one-half (2½) acres

D. REQUIRED APPROVALS NECESSARY

1. That no portion of the building lots have been in agriculture use for five (5) years or more.
2. That an analysis of soils, septic systems, drainage and wells show that each building site is safe, healthful, and sanitary.
3. That the towns in writing, submit their findings and decisions to the Planning Commission of New Prague.

IV. Every section provision or part of this agreement is declared separable from every other section provision or parts and if any section, provision or part hereof shall be held invalid it shall not effect any other section, provision or part.

V. Ammendments to this agreement shall be made by joint resolution passed and adopted by The New Prague City Council, Lanesburgh Town Board, and Le Sueur County.

TOWNSHIP OF LANESBURGH

Passed and adopted by The Township of Lanesburgh this 19 day of June, 1978.

Attest: Coralie LaSelle  
Township Clerk

Don Eilers  
Township Chairman

City of New Prague

Passed and adopted by The City of New Prague this 19 day of June, 1978.

Attest: Jerome Bohnsack  
Jerome Bohnsack  
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Clarence J. Welter  
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