

ORDINANCE NO. 178

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF PRESTON, MINNESOTA TO INCLUDE CERTAIN UNINCORPORATED, UNPLATTED LAND ABUTTING UPON THE CITY LIMITS

WHEREAS, a certain petition dated January 30, 1986 requesting annexation of the territory hereinafter described was duly presented to the City Council on the 20th day of March, 1986; and

WHEREAS, the petition was signed by all owners of said territory, and

WHEREAS, no objections to the annexation have been received from the town board for the township of Fountain or from the County board for the County of Fillmore; and

WHEREAS, the land described in the petition abuts upon the city limits at the south boundary line of the premises being annexed.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PRESTON, MINNESOTA ORDAINS:

## SECTION 1.

ABUTTING PROPERTY

The City Council hereby determines that:

- (1) The territory described herein abuts upon the city limits and is urban in character, and
- (2) None of the territory is now included within the limits of any city.

## SECTION II.

TERRITORY ANNEXED

The corporate limits of the City of Preston shall be and hereby are extended to include the unplatted land described on Exhibit "A" annexed hereto and made a part hereof by reference, and the same shall be and hereby is annexed to and included within the City the same as if it had originally been a part thereof.

**SECTION III.**

**FILING**

The City Clerk shall be and hereby is directed to file certified copies of this ordinance with the Minnesota Municipal Board, the Secretary of State for the State of Minnesota, the Town Clerk for the Township of Fountain, Minnesota, and the County Auditor for the County of Fillmore, Minnesota.

**SECTION IV.**

**EFFECTIVE DATE**

This ordinance takes effect upon its passage and publication and the filing of the certified copies as directed in Section III., and approval of the ordinance by the Minnesota Municipal Board.

Adopted by the City Council of the City of Preston, Minnesota this 11th day of August, 1986.

**/s/ Richard G. Nelson**

Richard G. Nelson, Mayor

ATTEST:

**/s/ Barbara Hampel**

Barbara Hampel, City Clerk

EXHIBIT "A"

PARCEL I:

A tract of land in the Northeast Quarter of Section 36, Township 103 North, Range 11 West, Fillmore County, Minnesota, being described as follows: Commencing at the Northeast Corner of the Northeast Quarter of said Section 36; thence due South, assumed bearing, along the East line of said Northeast Quarter, 1,302.00 feet for a point of beginning; thence continue due South along said East line, 395.60 feet; thence South 59 degrees 08 minutes 13 seconds West, along the centerline of a township road, 539.13 feet to the centerline of T. H. NO. 52, as it now exists; thence Northwesterly, 705.42 feet along said centerline, along a nontangential curve, concave to the West, central angle of 35 degrees 16 minutes 15 seconds, radius of 1, 145.92 feet, and chord of said curve bears North 29 degrees 02 minutes 22 seconds West, 694.33 feet; thence North 46 degrees 40 minutes 30 seconds West, along said centerline, 94.91 feet; thence due East, 868.87 feet to the point of beginning. Being subject to a 33.00 foot easement for the township road right of ways across the East and Southerly boundary thereof. Being also subject to a 75.00 foot easement for the T.H. No. 52 right-of-way over the Westerly boundary thereof. Containing 8.00 acres.

Reserving unto Oswald C. Larson and Thelma Larson, their heirs, <sup>personal</sup> representatives and assigns, an easement for driveway purposes over and across the following described property:

A strip of land 30 feet wide running North to South with its Westerly boundary being the Easterly line of the right-of-way for T.H. No. 52 and its Southerly boundary being the Northerly line of the access to T. H. No. 52 for the property being herein conveyed and its Northerly boundary being the Northerly line of the property being herein conveyed. In the event Oswald C. Larson and Thelma Larson, their successors and assigns, decide to use the easement granted herein, the current owners of the property described above must remove all physical improvements located in the right-of-way within 45 days of receiving written notice.

PARCEL II:

That part of the Southeast Quarter of the Northeast Quarter of Section 36, Township 103 North of Range 11 West of the Fifth Principal Meridian, Fillmore County, Minnesota, which lies Easterly of T.H. Nos. 16 and 52 and South of a Fountain Township road in a Northeasterly direction from said Trunk Highway, said property containing 9 acres, more or less, including right-of-way of said Trunk Highway and Township road.



