

STATE OF MINNESOTA)

COUNTY OF MARTIN) SS

CITY OF FAIRMONT)

ORDINANCE NO. 2009-05

**AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED PROPERTY
ABUTTING AND OWNED BY FOUR FIFTHS, LLC, CONSISTING OF
APPROXIMATELY 6.425ACRES, MORE OR LESS**

Whereas, the City of Fairmont (the "City") has studied its municipal borders and the City's growth patterns; and

Whereas, 100% of the property owners of land described in Exhibit A have petitioned the City to annex by ordinance property in Rutland Township which abuts the City; and

Whereas, the owners wish to have City services in the future and in order to the City to provide services the property must be annexed into the City; and

Whereas, the City desires to proceed with the annexation of said property by ordinance pursuant to Minn. § 414.033 subd 2(3); and

Whereas, after a public hearing duly noticed pursuant to statute and held on July 27, 2009 the Fairmont City Council finds that (i) the property proposed for annexation is, or is about to become, urban or suburban in character, (ii) annexation of said property and municipal government is required to protect the public health, safety, and welfare, (iii) annexation would be in the best interest of the property proposed for annexation, and (iv) municipal government will most efficiently provide services to the property.

Now, Therefore, be it Ordained by the City Council of the City of Fairmont as follows:

Section 1. Property to be Annexed. The corporate limits of the City are hereby amended to include the property described in Exhibit A and attached, constituting approximately 6.425 acres, and said property is hereby annexed to and included within the corporate limits of the City pursuant to Minn. Stat. § 414.033 as if such property had originally been a part of the City.

Section 2. Population of Annexed Property. This property contains a total of 0 households with an estimated population of 0.

Section 3. Zoning. Pursuant to the City Zoning Ordinance, the City designates the property to be annexed in zoning classification B-3.

Section 4. Appropriation of Filing Fee; Authorization to File Ordinance. The amount necessary to pay the filing fee required by the Minnesota Municipal Boundary Adjustments for this annexation ordinance is hereby appropriated for such purpose, and the City Administrator is directed to make the necessary filings and provide required information to the Minnesota Municipal Boundary Adjustments, the Township of Rutland, the Auditor of Martin County, and the Minnesota Secretary of State.

Section 5. Effective Date. This Ordinance is effective upon publication pursuant to the City Charter and approval by the Minnesota Municipal Boundary Adjustment.

Adopted by the City Council of the City of Fairmont this 27th day of July, 2009.

Approved by:

Randy J. Quiring
Mayor

Attest:

Susan K. Olson
City Clerk

Readings: June 22, 2009

Adoption: July 27, 2009

Published: July 7, 2009

Exhibit: A

Four-Fifths, LLC
F32.02499

Bolton & Menk, Inc.
June 19, 2009

ANNEXATION DESCRIPTION

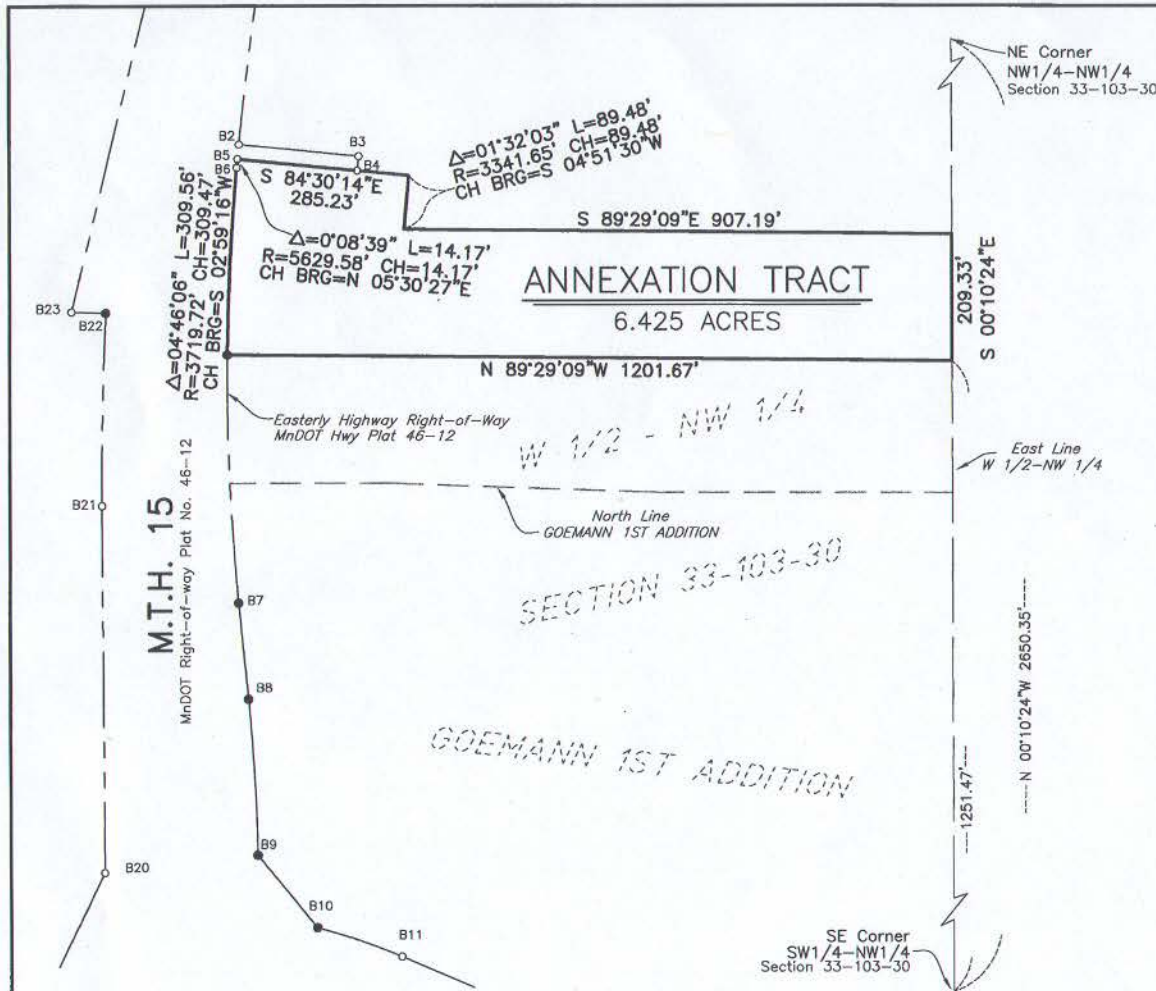
A tract of land in the West Half of the Northwest Quarter of Section 33, Township 103 North, Range 30 West, in Martin County, Minnesota, described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter of said Section 33; thence North 00 degrees 10 minutes 24 seconds West, (County Coordinate System) along the east line of the West Half of the Northwest Quarter of said Section 33, a distance of 1251.47 feet to the point of beginning; thence North 89 degrees 29 minutes 09 seconds West, a distance of 1201.67 feet to a point on the easterly right-of-way line of Minnesota Trunk Highway No. 15 according to the Minnesota Department of Transportation Right-of-way Plat No. 46-12, on file and of record in the office of the County Recorder, said point being a non-tangential circular curve, concave easterly, having a radius of 3719.72 feet and a center of radius which bears South 89 degrees 24 minutes 01 seconds East; thence northerly, along said curve and said easterly highway right-of-way line through a central angle of 04 degrees 46 minutes 06 seconds and an arc distance of 309.56 feet to right-of-way corner B6 as shown on said Right-of-Way Plat and a circular curve, concave easterly, having a radius of 5629.58 feet and a center of radius which bears South 84 degrees 38 minutes 53 seconds East; thence northerly, along said curve and said easterly highway right-of-way line through a central angle of 00 degrees 08 minutes 39 seconds and an arc distance of 14.17 feet to right-of-way corner B5; thence South 84 degrees 30 minutes 14 seconds East, along said easterly highway right-of-way line, a distance of 200.00 feet to right-of-way corner B4; thence continuing South 84 degrees 30 minutes 14 seconds East, a distance of 85.23 feet to a point on a non-tangential circular curve, concave easterly, having a radius of 3341.65 feet and a center of radius which bears South 84 degrees 22 minutes 29 seconds East; thence southerly, along said curve through a central angle of 01 degrees 32 minutes 03 seconds and an arc distance of 89.48 feet; thence South 89 degrees 29 minutes 09 seconds East, not tangent to said curve, a distance of 907.19 feet to the east line of the West Half of the Northwest Quarter of said Section 33; thence South 00 degrees 10 minutes 24 seconds East, along said east line, a distance of 209.33 feet to the point of beginning.

Said tract contains 6.425 acres of land.

REC'D BY
MBA

AUG 05 2009



PROPERTY DESCRIPTION 2009 TRACT

A tract of land in the West Half of the Northwest Quarter of Section 33, Township 103 North, Range 30 West, in Martin County, Minnesota, described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter of said Section 33; thence North 00 degrees 10 minutes 24 seconds West, (County Coordinate System) along the east line of the West Half of the Northwest Quarter of said Section 33, a distance of 1251.47 feet to the point of beginning; thence North 89 degrees 29 minutes 09 seconds West, a distance of 1201.67 feet to a point on the easterly right-of-way line of Minnesota Trunk Highway No. 15 according to the Minnesota Department of Transportation Right-of-way Plat No. 46-12, on file and of record in the office of the County Recorder, said point being a non-tangential circular curve, concave easterly, having a radius of 3719.72 feet and a center of radius which bears South 89 degrees 24 minutes 01 seconds East; thence northerly, along said curve and said easterly highway right-of-way line through a central angle of 04 degrees 46 minutes 06 seconds and an arc distance of 309.56 feet to right-of-way corner B6 as shown on said Right-of-Way Plat and a circular curve, concave easterly, having a radius of 5629.58 feet and a center of radius which bears South 84 degrees 38 minutes 53 seconds East; thence northerly, along said curve and said easterly highway right-of-way line through a central angle of 00 degrees 08 minutes 39 seconds and an arc distance of 14.17 feet to right-of-way corner B5; thence South 84 degrees 30 minutes 14 seconds East, along said easterly highway right-of-way line, a distance of 200.00 feet to right-of-way corner B4; thence continuing South 84 degrees 30 minutes 14 seconds East, a distance of 85.23 feet to a point on a non-tangential circular curve, concave easterly, having a radius of 3341.65 feet and a center of radius which bears South 84 degrees 22 minutes 29 seconds East; thence southerly, along said curve through a central angle of 01 degrees 32 minutes 03 seconds and an arc distance of 89.48 feet; thence South 89 degrees 29 minutes 09 seconds East, not tangent to said curve, a distance of 907.19 feet to the east line of the West Half of the Northwest Quarter of said Section 33; thence South 00 degrees 10 minutes 24 seconds East, along said east line, a distance of 209.33 feet to the point of beginning.

Said tract contains 6.425 acres of land.

LEGEND

- MONUMENT
- ⊙ CAST IRON MONUMENT
- STONE MONUMENT
- B5 ○ MnDOT "B" CORNER

SURVEYOR'S CERTIFICATION

I hereby certify that this survey 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.

Joseph A. Haefner
Joseph A. Haefner
License Number 43909

6-19-09
Date

SKETCH OF DESCRIPTION MARTIN COUNTY, MINNESOTA



BOLTON & MENK, INC.
Consulting Engineers & Surveyors
219 NORTH MAIN, FAIRMONT, MN 56031 (507) 238-4738
MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
WILLMAR, MN CHASKA, MN RAMSEY, MN AMES, IA

TRACTS IN W 1/2-NW 1/4
SECTION 33-103-30
MARTIN COUNTY, MINNESOTA

FOR: FOUR-FIFTHS, LLC

REC'D BY
MBA

AUG 05 2009

Annexation tract

