

REC'D BY
MBA AUG 12 2009

**CITY OF GLENWOOD
ORDINANCE NO. 105, SECOND SERIES
ANNEXATION OF ARM DEVELOPMENT PROPERTY**

RECITALS

WHEREAS, the City of Glenwood has received a Petition for Annexation from Arm Development Corporation for the annexation of two unplatted parcels containing 12.75 acres into the City of Glenwood.

WHEREAS, the property is legally described in the Exhibit A attached hereto and incorporated herein.

WHEREAS, the City Administrator gave notice by certified mail to the affected Townships and all property owners within and contiguous to the area to be annexed.

WHEREAS, all appropriate notices have been given pursuant to statute.

WHEREAS, the matter came on before the Glenwood City Commission by public hearing at 7:00 p.m. on April 14, 2009.

FINDINGS OF FACT

Based upon the information contained in the Petition and presented at the public hearing, the Glenwood City Commission makes the following FINDINGS OF FACT:

1. Petitioner, Arm Development Corporation, is the owner of two parcels of land situated in Pope County, containing a total of 12.75 +/- acres.
2. The two parcels of property are contiguous to one-another and abut the city limits of the City of Glenwood. The two parcels are depicted in yellow on the Exhibit B attached hereto and incorporated herein. The abutting parcels depicted in pink are within the City limits.
3. The area to be annexed is less than 120 acres in size and is not presently served by public sewer facilities, or public sewer facilities are not otherwise available.

4. Arm Development Corporation submitted a Petition to the City of Glenwood on or about June 4, 2008 seeking the property's annexation to the City of Glenwood. See Exhibit C (Petition for Annexation). Arm Development Corporation has not previously petitioned the City of Glenwood for annexation of any contiguous parcels.

5. The Property's annexation will not create a burden on the City of Glenwood.

6. Proper notice of the public hearing was given in accordance with Minn. Stat. § 414.033, Subd. 2b. See Exhibit D (notice of hearing); Exhibit E (Affidavit of certified mailing to Township, affected property owners, and property owners who are contiguous to the area to be annexed).

7. In accordance with Minn. Stat. § 414.033, Subd. 2(3), the Property is deemed about to become urban or suburban in character.

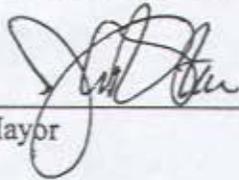
NOW, THEREFORE, the City Commission of the City of Glenwood hereby ORDAINS:

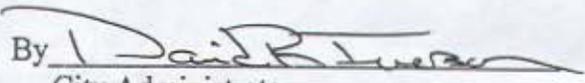
1. That the real property, legally described in the Exhibit A attached hereto is annexed to the City of Glenwood pursuant to Minn. Stat. § 414.033, Subd. 2(3).

2. Upon annexation, the property shall be zoned Industrial.

Adopted unanimously by the Glenwood City Commission on 5/12/09.

CITY OF GLENWOOD

By 
Mayor

By 
City Administrator

P:\CITY\ANNEXATION OF ARM DEVELOPMENT PROPERTY.029
08-32NN

This Instrument drafted by:
Obenland & Roth Law Office
605 S Lakeshore Dr.
Glenwood, MN 56334

REC'D BY
MBA AUG 12 2009

09-0234-008
02-0221-102

EXHIBIT A

Legal Description:

That part of the Southwest Quarter of the Southeast Quarter and also that part of the Southeast Quarter of the Southwest Quarter, all in Section 31, Township 126 North, Range 37 West of the Fifth Principal Meridian, Leven Township, Pope County, Minnesota described as follows:

Commencing at the southeast corner of the Southwest Quarter of said Section 31; thence on an assumed bearing of North 89 degrees 51 minutes 01 seconds West, along the south line of said Section 31, a distance of 45.84 feet to the point of beginning of the land to be described; thence continuing on a bearing of North 89 degrees 51 minutes 01 seconds West, along the south line of said Section 31, a distance of 304.31 feet; thence on a bearing of North 11 degrees 17 minutes 20 seconds East a distance of 463.00 feet; thence on a bearing of South 78 degrees 42 minutes 40 seconds East a distance of 249.50 feet; thence on a bearing of North 11 degrees 17 minutes 20 seconds East a distance of 927.33 feet to the north line of the Southwest Quarter of the Southeast Quarter of said Section 31; thence on a bearing of South 89 degrees 48 minutes 50 seconds East, along the north line of the Southwest Quarter of the Southeast Quarter of said Section 31, a distance of 268.74 feet; thence on a bearing of South 06 degrees 51 minutes 16 seconds West a distance of 919.84 feet; thence on a bearing of North 78 degrees 42 minutes 40 seconds West a distance of 285.75 feet; thence on a bearing of South 11 degrees 17 minutes 20 seconds West a distance of 466.20 feet to the point of beginning, containing 9.19 acres, more or less.

AND

That part of the Northwest Quarter of the Northeast Quarter and also that part of the Northeast Quarter of the Northwest Quarter, all in Section 6, Township 125 North, Range 37 West of the Fifth Principal Meridian, Glenwood Township, Pope County, Minnesota described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 6; thence on an assumed bearing of North 89 degrees 51 minutes 01 seconds West, along the North line of said Section 6, a distance of 45.84 feet to the point of beginning of the land to be described; thence continuing on a bearing of North 89 degrees 51 minutes 01 seconds West, along the North line of said Section 6, a distance of 47.72 feet; thence on a bearing of South 14 degrees 41 minutes 57 seconds West a distance of 470.10 feet; thence on a bearing of South 89 degrees 51 minutes 01 seconds East a distance of 2.86 feet; thence on a bearing of South 16 degrees 41 minutes 54 seconds West a distance of 4.84 feet; thence on a bearing of South 89 degrees 45 minutes 33 seconds East a distance of 433.36 feet; thence on a bearing of North 06 degrees 51 minutes 16 seconds East a distance of 346.92 feet; thence on a bearing of North 78 degrees 42 minutes 40 seconds West a distance of 326.08 feet; thence on a bearing of North 11 degrees 17 minutes 20 seconds East a distance of 53.80 feet to the point of beginning, containing 3.63 acres, more or less.

CERTIFICATE OF SURVEY



NE1/4-SW1/4

NW1/4-SE1/4

TOTAL LAND

That part of the Southeast Quarter of the Southwest Quarter and that part of the Southwest Quarter of the Southeast Quarter, Section 31, Township 126 North, Range 37 West, and that part of the Northwest Quarter of the Northwest Quarter and that part of the Southwest Quarter of the Northwest Quarter, Section 6, Township 126 North, Range 37 West, all of Pope County, Minnesota, as shown as follows:

Beginning at the north west corner of said Section 31

thence on an assumed bearing of North 88 degrees 51 minutes 01 seconds West along the north line of said Section 31 a distance of 330.00 feet to the point of beginning of the land to be described.

thence South 11 degrees 17 minutes 20 seconds West 483.74 feet;

thence South 88 degrees 21 minutes 21 seconds East 230.00 feet;

thence South 10 degrees 41 minutes 34 seconds West 168.00 feet;

thence southeasterly along a non-tangential curve, convex to the northeast, radius 2127.00 feet, central angle 88 degrees 48 minutes 40 seconds 41 feet, the chord of said curve bears South 17 degrees 23 minutes 42 seconds East 357.00 feet;

thence southeasterly along a compound curve, radius 1025.00 feet, central angle 15 degrees 50 seconds 00 seconds 200.00 feet to the northerly right-of-way line of the abandoned Burlington Northern Railroad;

thence North 53 degrees 40 minutes 24 seconds East, not tangent, along said northerly right-of-way line 241.70 feet to the north line of said Southeast Quarter of the Northwest Quarter;

thence South 18 degrees 37 minutes 37 seconds West along the north line of said Southwest Quarter of the Northwest Quarter a distance of 332.37 feet to the northerly right-of-way line of the Canadian Pacific Railroad;

thence North 88 degrees 51 minutes 18 seconds East along said easterly right-of-way line 204.31 feet to the north line of said Southwest Quarter of the Southwest Quarter;

thence North 89 degrees 48 minutes 30 seconds West 450.00 feet to the northeast corner of said Southwest Quarter of the Southwest Quarter;

thence North 88 degrees 47 minutes 20 seconds West along the north line of said Southwest Quarter of the Southwest Quarter a distance of 72.00 feet;

thence South 17 degrees 17 minutes 20 seconds West 483.00 feet to the point of beginning.

Containing 28.26 acres more or less.

SE1/4-SW1/4

SECTION 31

LAND PURCHASED FROM CANADIAN PACIFIC RAILROAD

That part of the Southeast Quarter of the Southwest Quarter and that part of the Southwest Quarter of the Southeast Quarter, Section 31, Township 126 North, Range 37 West, and that part of the Northwest Quarter of the Northwest Quarter and that part of the Southwest Quarter of the Northwest Quarter, Section 6, Township 126 North, Range 37 West, Pope County, Minnesota, as described as follows:

Commencing at the north quarter corner of said Section 6:

thence on an assumed bearing of North 88 degrees 51 minutes 01 seconds West the north line of said Section 6 a distance of 330.00 feet to the beginning of the land to be described, said point being the northwest corner of that land as described in Tract I of Document No. 213894 and of record Office of the Pope County Recorder;

thence South 88 degrees 21 minutes 21 seconds East 230.00 feet to the northeast corner of said land as described in Tract I;

thence South 14 degrees 41 minutes 37 seconds West 470.10 feet to the southwest corner of said land as described in Tract I;

thence South 20 degrees 01 minutes 01 seconds East 2.00 feet;

thence South 10 degrees 41 minutes 34 seconds West 700.00 feet;

thence southeasterly along a non-tangential curve, convex to the northeast, radius 2127.00 feet, central angle 88 degrees 48 minutes 40 seconds 41 feet, the chord of said curve bears South 17 degrees 23 minutes 42 seconds East 357.00 feet;

thence southeasterly along a compound curve, radius 1025.00 feet, central angle 15 degrees 50 seconds 00 seconds 200.00 feet to the northerly right-of-way line of the abandoned Burlington Northern Railroad;

thence North 53 degrees 40 minutes 24 seconds East, not tangent, along said northerly right-of-way line 241.70 feet to the north line of said Southwest Quarter of the Northwest Quarter;

thence South 88 degrees 57 minutes 22 seconds West along the north line of the Southwest Quarter of the Northwest Quarter a distance of 332.37 feet easterly right-of-way line of the Canadian Pacific Railroad;

thence North 88 degrees 51 minutes 18 seconds East along said easterly right-of-way line 203.92 feet to the southeast corner of that land as described in Tract I of Document No. 213894;

thence North 78 degrees 48 minutes 40 seconds West 326.00 feet to the southwest corner of said land as described in Tract I;

thence North 11 degrees 17 minutes 20 seconds East 520.00 feet to the northeast corner of said land as described in Tract I;

thence South 78 degrees 48 minutes 40 seconds East 205.70 feet to the southwest corner of said land as described in Tract I;

thence North 88 degrees 51 minutes 18 seconds East 318.00 feet to the north line of the Southwest Quarter of the Southwest Quarter;

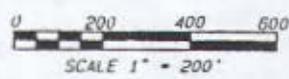
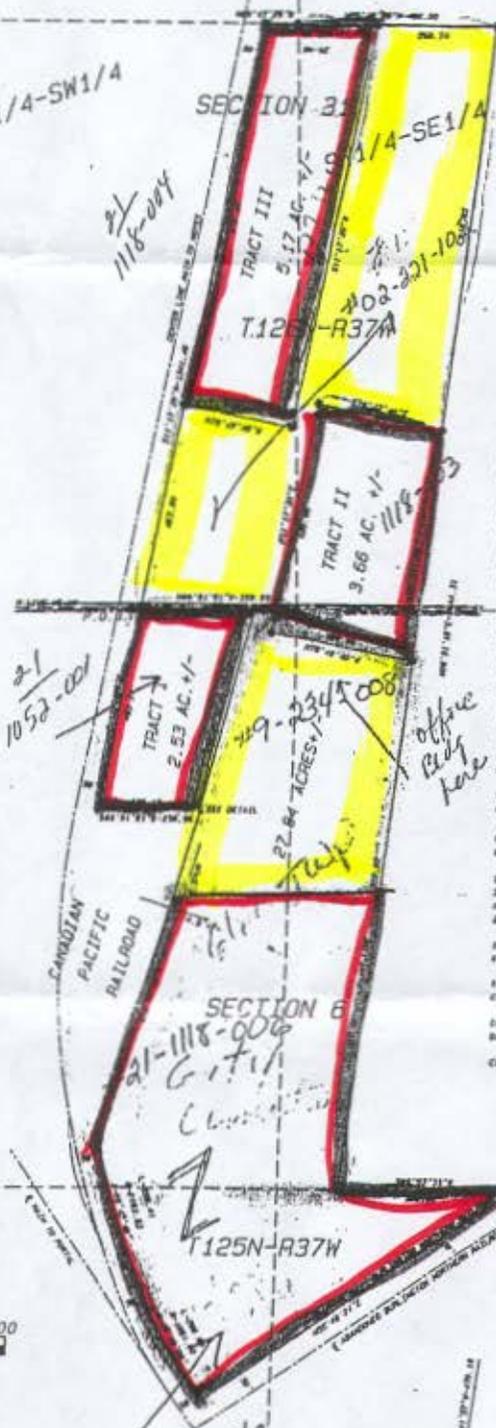
thence South 88 degrees 48 minutes 30 seconds West along the north line of the Southwest Quarter of the Southwest Quarter a distance of 203.74 feet northerly right-of-way line of that land as described in Tract I of said Document 213894;

thence South 11 degrees 17 minutes 20 seconds West 927.30 feet to the southwest corner of said land as described in Tract I;

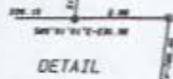
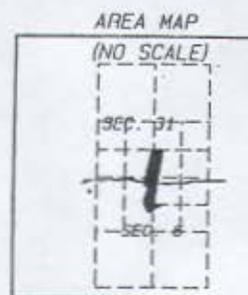
thence North 78 degrees 48 minutes 40 seconds West 248.50 feet to the southwest corner of said land as described in Tract I;

thence South 11 degrees 17 minutes 20 seconds West 483.00 feet to the beginning.

Containing 27.84 acres more or less.



SYMBOLS:
 * - IRON MONUMENT SET ON FOUND IN APRIL 2001
 O - I.P. PILE SET THIS SURVEY NAMED PLS 1307F



City of Glenwood
 - brown township
 - yellow township

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

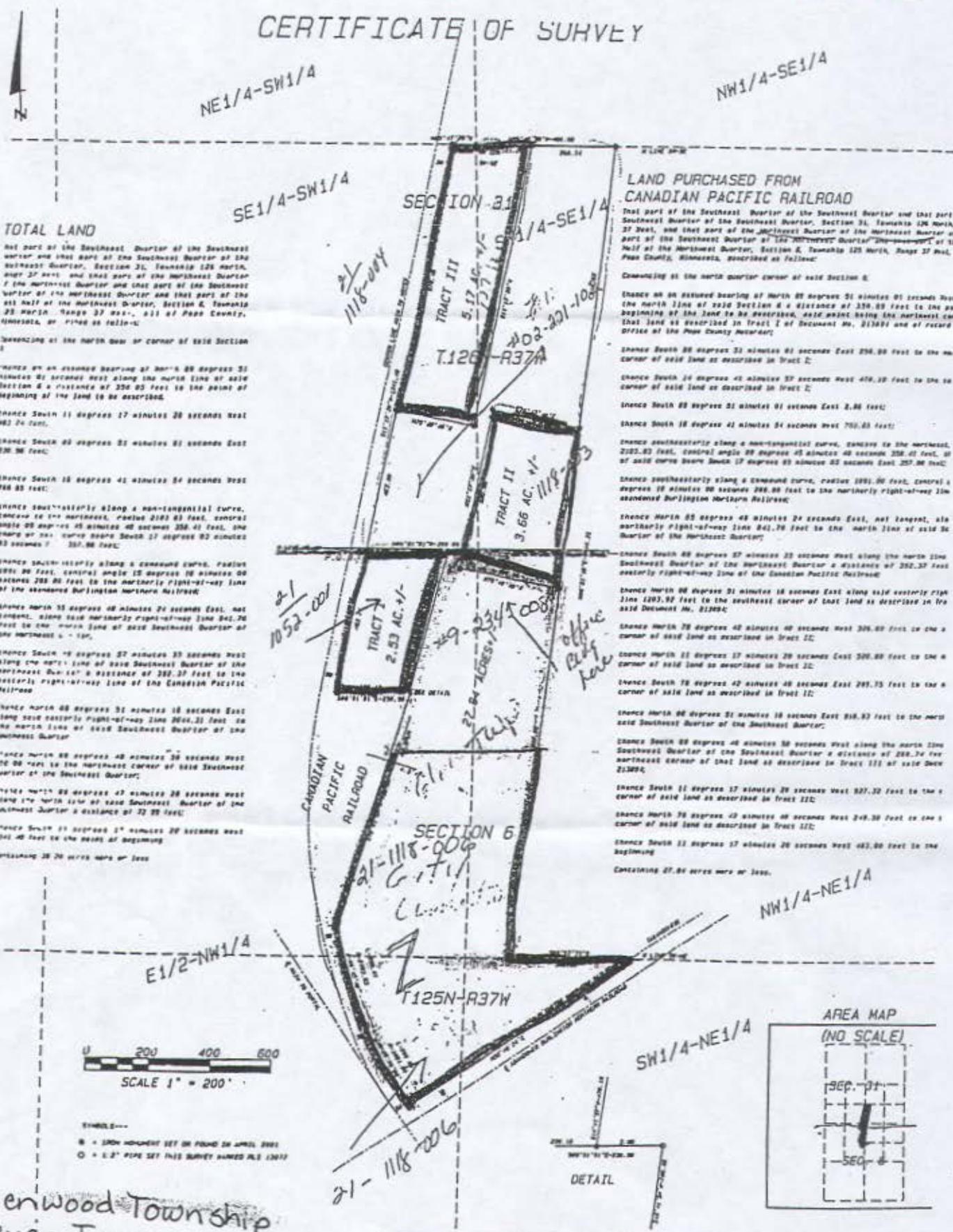
Prepared For:
A.R.K. BEDDING, INC.
CURTIS J. STOECKEL
 Minnesota Registered Land Surveyor

EXHIBIT A

EXHIBIT "B"

REC'D BY MSA AUG 12 2009

CERTIFICATE OF SURVEY



TOTAL LAND

That part of the Southeast Quarter of the Southwest Quarter and that part of the Southwest Quarter of the Southwest Quarter, Section 31, Township 125 North, Range 27 West, and that part of the Northwest Quarter of the Northwest Quarter and that part of the Southwest Quarter of the Northwest Quarter, Section 6, Township 25 North, Range 27 West, all of Pease County, Minnesota, as shown as follows:

Beginning at the north-west corner of said Section 31

thence by an assumed bearing of North 88 degrees 31 minutes 01 seconds West along the north line of said Section 31 a distance of 350.00 feet to the point of beginning of the land to be described.

thence South 11 degrees 17 minutes 28 seconds West 482.24 feet.

thence South 88 degrees 31 minutes 01 seconds East 250.00 feet.

thence South 18 degrees 41 minutes 54 seconds West 700.00 feet.

thence southeasterly along a non-tangential curve, convex to the northwest, radius 2182.83 feet, central angle 88 degrees 31 minutes 01 seconds 200.00 feet to the northerly right-of-way line of the abandoned Burlington Northern Railroad.

thence North 33 degrees 08 minutes 24 seconds East, not tangent, along said northerly right-of-way line 842.70 feet to the north line of said Southwest Quarter of the Southwest Quarter.

thence South 18 degrees 41 minutes 54 seconds West along the north line of said Southwest Quarter of the Southwest Quarter a distance of 250.00 feet to the easterly right-of-way line of the Canadian Pacific Railroad.

thence North 88 degrees 31 minutes 01 seconds East along said easterly right-of-way line 250.00 feet to the north line of said Southwest Quarter of the Southwest Quarter.

thence North 88 degrees 31 minutes 01 seconds West along the north line of said Southwest Quarter of the Southwest Quarter a distance of 250.00 feet to the north line of said Southwest Quarter of the Southwest Quarter.

thence North 88 degrees 31 minutes 01 seconds West along the north line of said Southwest Quarter of the Southwest Quarter a distance of 250.00 feet to the north line of said Southwest Quarter of the Southwest Quarter.

thence South 11 degrees 17 minutes 28 seconds West 482.24 feet to the point of beginning.

Containing 28.26 acres more or less.

LAND PURCHASED FROM CANADIAN PACIFIC RAILROAD

That part of the Southeast Quarter of the Southwest Quarter and that part of the Southwest Quarter of the Southwest Quarter, Section 31, Township 125 North, Range 27 West, and that part of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter, Section 6, Township 25 North, Range 27 West, all of Pease County, Minnesota, as shown as follows:

Beginning at the north quarter corner of said Section 6

thence by an assumed bearing of North 88 degrees 31 minutes 01 seconds West along the north line of said Section 6 a distance of 350.00 feet to the beginning of the land to be described, said point being the northwest corner of said land as described in Tract I of Document No. 213894 and of record office of the Pease County Registrar.

thence South 88 degrees 31 minutes 01 seconds East 250.00 feet to the north corner of said land as described in Tract I.

thence South 14 degrees 41 minutes 57 seconds West 476.10 feet to the southwest corner of said land as described in Tract I.

thence South 88 degrees 31 minutes 01 seconds East 2.00 feet.

thence South 18 degrees 41 minutes 54 seconds West 700.00 feet.

thence southeasterly along a non-tangential curve, convex to the northwest, radius 2182.83 feet, central angle 88 degrees 31 minutes 01 seconds 200.00 feet to the northerly right-of-way line of the abandoned Burlington Northern Railroad.

thence southeasterly along a compound curve, convex to the northwest, radius 1891.00 feet, central angle 88 degrees 31 minutes 01 seconds 200.00 feet to the northerly right-of-way line of the abandoned Burlington Northern Railroad.

thence North 88 degrees 31 minutes 01 seconds East, not tangent, along said northerly right-of-way line 842.70 feet to the north line of said Southwest Quarter of the Northwest Quarter.

thence South 88 degrees 31 minutes 01 seconds West along the north line of said Southwest Quarter of the Northwest Quarter a distance of 250.00 feet to the easterly right-of-way line of the Canadian Pacific Railroad.

thence North 88 degrees 31 minutes 01 seconds East along said easterly right-of-way line 250.00 feet to the southwest corner of that land as described in Tract I of Document No. 213894.

thence North 78 degrees 42 minutes 40 seconds West 306.00 feet to the southwest corner of said land as described in Tract II.

thence North 11 degrees 17 minutes 28 seconds East 200.00 feet to the north corner of said land as described in Tract II.

thence South 78 degrees 42 minutes 40 seconds East 295.75 feet to the north corner of said land as described in Tract II.

thence North 88 degrees 31 minutes 01 seconds East 818.83 feet to the north corner of said Southwest Quarter of the Southwest Quarter.

thence South 88 degrees 31 minutes 01 seconds West along the north line of said Southwest Quarter of the Southwest Quarter a distance of 250.00 feet to the north corner of that land as described in Tract III of said Doc. 213894.

thence South 11 degrees 17 minutes 28 seconds West 482.24 feet to the southwest corner of said land as described in Tract III.

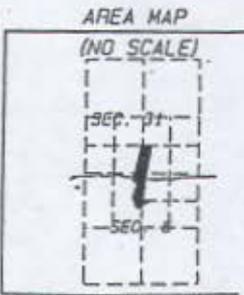
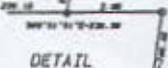
thence North 78 degrees 42 minutes 40 seconds West 248.30 feet to the southwest corner of said land as described in Tract III.

thence South 11 degrees 17 minutes 28 seconds West 482.24 feet to the beginning.

Containing 27.84 acres more or less.



SYMBOLS---
 B = 1/2" IRON NAIL SET OR FOUND IN APRIL 2001
 O = 1/2" PIPE SET THIS SURVEY DATED JULY 1987



Glenwood Township
 Leven Township

I HAVE CAREFULLY REVISITED THIS SURVEY, AND MY RECORDS REFLECTED BY ME OR UNDER MY SUPERVISION.
 Prepared For:

PETITION FOR ANNEXATION

ARM DEVELOPMENT CORPORATION

IN THE MATTER OF THE PETITION BY CERTAIN PARTIES FOR ANNEXATION
PURSUANT TO MINNESOTA STATUTES 414.0325

TO: City of Glenwood
137 Minnesota Avenue East
Glenwood, MN 56334

PETITIONER STATES:

1. **Petitioner intent.** Arm Development Corporation, P.O. Box 7006, St. Cloud, MN 56302-7006 (the "Petitioner") is commencing a proceeding under Minn. Stat. Section 414.0325.
2. **Annexation request.** It is hereby requested by the Petitioner to annex certain property described herein lying in Leven Township and Glenwood Township to the City of Glenwood, County of Pope, Minnesota.
3. **Property described.** The area proposed for annexation (the "Property") is as illustrated in yellow on the *Certificate of Survey* attached hereto and made a part hereof as Exhibit A, and legally described in the Exhibit B attached hereto and made a part hereof.
4. **Authority to petition.** All of the property owners having an interest in the Property have signed this Petition.
5. **Status of Property.** The Property is unincorporated, is not included within any other municipality, and abuts the boundary of the City of Glenwood depicted in pink in Exhibit A.
6. **Area.** The area of land to be annexed is two parcels of unplatted property totaling 12.75 +/- acres in size.
7. **Purpose.** Annexation would be in the best interests of the area proposed for annexation.
8. **Not previously petitioned.** The area proposed for annexation is not included in any area that has already been designated for orderly annexation pursuant to Minn. Stat. Section 414.0325.

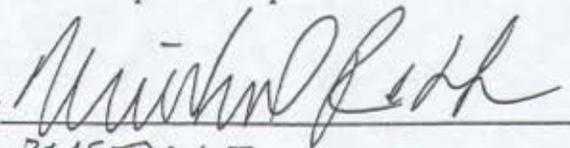
PETITIONER'S REQUEST:

That pursuant to Minn. Stat. Section 414.0325, the property described herein be annexed to and included within the City of Glenwood, Minnesota.

ARM Development Corporation

By

Its


PRESIDENT

Dated:

JUNE 2, 2008

EXHIBIT "D"

OFFICE OF THE GLENWOOD CITY ATTORNEY

605 SOUTH LAKESHORE DRIVE - SUITE 1000

GLENWOOD, MINNESOTA 56334

(320) 634-4581

Fax (320) 634-4583

Bruce D. Obenland
Todd G. Roth
Neil T. Nelson

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Glenwood will conduct a public hearing pursuant to Minnesota Statute 414.033, Subdivision 2, for consideration of an ordinance for the annexation of Arm Development Corporation on April 14, 2009, at 7:00 o'clock P. M. or shortly thereafter at the Glenwood City Hall. The City of Glenwood has received a Petition for Annexation from Arm Development Corporation. At the hearing all those present wishing to speak with respect to the proposed ordinance will be heard. Written comments may be submitted to 137 East Minnesota Avenue, Glenwood, Minnesota 56334. This notice is sent to all property owners within or contiguous to the area proposed for annexation. The legal description of the area proposed for annexation is attached.

GLENWOOD CITY ATTORNEY

By: _____
Neil T. Nelson, Assistant

J:\MISC\PUBLICHEARING.029
08-32NN

REC'D BY
MBA

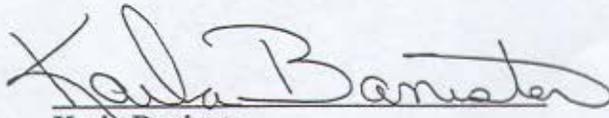
AUG 12 2009

Roger C. Reents
16320 - 210th Avenue
Glenwood, MN 56334

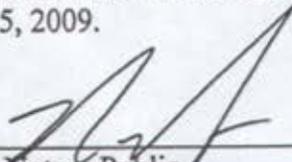
Sondrol Excavating, Inc.
21784 State Highway 55
Glenwood, MN 56334

Albert J. Bly Family Trust
c/o David Weidler
37 Mazie Drive
Pleasant Hill, CA 94523-3309

Glenwood Bridge
23948 North Lakeshore Drive
Glenwood, MN 56334


Karla Banister

Subscribed and sworn to before me
March 5, 2009.



Notary Public

J:\misc\city.039
08-32NN



RECORDED BY
MGA

AUG 12 2009

AFFIDAVIT OF SERVICE BY MAIL

STATE OF MINNESOTA)
 :
COUNTY OF POPE)

Karla Banister, being first duly sworn on oath, deposes and says: That she is a Legal Administrative Assistant in the law offices of Obenland & Roth, 605 South Lakeshore Drive, Suite 1000, Glenwood, Minnesota 56334; that on March 5, 2009, she served copy of Notice of Public Hearing upon the following named person by then and there placing a true and correct thereof in the U.S. Mails at Glenwood, Minnesota:

Kathy Tauber
Leven Township Clerk
11775 - 176th Avenue
Villard, MN 56385

Kaye Nelson
Minnewaska Township Clerk
25615 Nordic Point Drive
Glenwood, MN 56334

Richard Moen
Reno Township Clerk
22501 - 150th Street
Glenwood, MN 56334

David Fiala
20664 - 150th Street
Glenwood, MN 5634

David Cooley
21388 - 150th Street
Glenwood, MN 56334