

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE JOINT RESOLUTION  
OF THE CITY OF LUVERNE AND LUVERNE  
TOWNSHIP DESIGNATING CERTAIN AREAS  
AS IN NEED OF ORDERLY ANNEXATION  
PURSUANT TO MINNESOTA STATUTES § 414.0325

**RESOLUTION NO. 66-06**

**JOINT RESOLUTION FOR  
ORDERLY ANNEXATION**

WHEREAS, property owners, Rock County Development Corporation, with property located within Luverne Township (the "Township") and legally described herein, (hereinafter referred to as the "Subject Area") have approached and petitioned the City of Luverne (the "City") requesting annexation to the City; and

WHEREAS, the above-mentioned property owners seek to develop this property for urban or suburban purposes; and

WHEREAS, the Subject Area abuts the City and no part thereof is located in an incorporated area; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the area legally described herein; and

WHEREAS, the City has available capacity to provide services to the above-mentioned property following annexation; and

WHEREAS, the City and Township agree that the property legally described herein is urban or suburban or about to become so and that orderly annexation of the described property would be in the best interest of the property owner and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the City and Township agree that the Subject Area legally described herein is designated as in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the Subject Area legally described herein without the need for a hearing.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Supervisors of Luverne Township and the City Council of the City of Luverne, as follows:

1. Designation of Orderly Annexation Area – City of Luverne and Luverne Township. The Township and the City hereby designate the Subject Area legally described in Exhibit A, which is attached hereto and incorporated herein by reference, for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325.

2. Acreage. The Township and City agree that the above-mentioned Subject Area legally described in Exhibit A and designated as in need of immediate orderly annexation is approximately 91.11 acres.
3. Population. The Township and City agree that the population of the Subject Area legally described in Exhibit A and designated as in need of immediate orderly annexation is 0.
4. Map of Area. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B and is incorporated herein by reference.
5. No Hearing Required. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the Office of Administrative Hearings is necessary. Upon the execution and filing of this Joint Resolution, the Office of Administrative Hearings may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Tax Reimbursement. The City and Township agree that upon annexation of the Subject Area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed for the period and in accordance with the following schedule: 1) In the first year following the year the City could first levy on the annexed area, an amount equal to ninety (90) percent of the property taxes distributed to the Township in regard to the annexed area in the last year that property taxes from the annexed area were payable to the Township; 2) In the second year, an amount equal to seventy (70) percent; 3) In the third year, an amount equal to fifty (50) percent; 4) In the fourth year, an amount equal to thirty (30) percent; and 5) In the fifth and final year, an amount equal to ten (10) percent. Thereafter, the City will no longer reimburse the Township.
7. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Office of Administrative Hearings Municipal Boundary Adjustments Office and pay the required filing fees.
8. Governing Law. The Township and City agree that this Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
9. Headings and Captions. The Township and City agree that the headings and captions contained in this Joint Resolution are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
10. Entire Agreement. With respect to the Subject Area legally described in Exhibit A and shown on Exhibit B, which are attached hereto and incorporated herein by reference, the terms, covenants, conditions, and provisions of this Joint Resolution shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties.

11. Legal Description and Mapping. The Township and City agree that in the event there are errors, omissions or any other problems with the legal description provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the Office of Administrative Hearings, the City and Township agree to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the Office of Administrative Hearings as necessary to make effective the annexation of said Subject Area in accordance with the terms of this Joint Resolution.

Passed, adopted, and approved by the Town Board of Supervisors of Luverne Township, Rock County, Minnesota, this 13<sup>th</sup> day of December, 2006.

LUVERNE TOWNSHIP

By: Lowell Fick

Lowell Fick, Chairman

ATTEST:

George H. Bonnema  
George Bonnema, Town Clerk

Passed, adopted, and approved by the City Council of the City of Luverne, Rock County, Minnesota, this 27<sup>th</sup> day of December, 2006.

CITY OF LUVERNE

By: Andrew Steensma  
Andrew Steensma, Mayor

By: John M. Call  
John Call, City Manager

ATTEST:

Marianne Perkins  
Marianne Perkins, City Clerk

**EXHIBIT A**  
**Legal Description**

The Subject Area to be annexed in the attached Joint Resolution is legally described as follows:

The Northwest Quarter (NW 1/4), Section Fifteen (15), Township One Hundred Two (102) North, Range Forty Five (45) West of the 5th P.M.

**except** Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4)  
**and except** North Half (N 1/2) of Northeast Quarter (NE 1/4) thereof;

**also except** the following description for I-90 being part of the S1/2 of the NW1/4, Section 15, Township 102 North, Range 45 West of the 5th P.M. lying 100.00 feet northwesterly and 184.00 feet southeasterly of the following line:

Beginning 550.00 feet north of the East Quarter Corner on the East Line of Section 15, thence 5277.95 feet southwesterly at an angle of 82 degrees 15 minutes 32 seconds with said Section Line and there terminating.

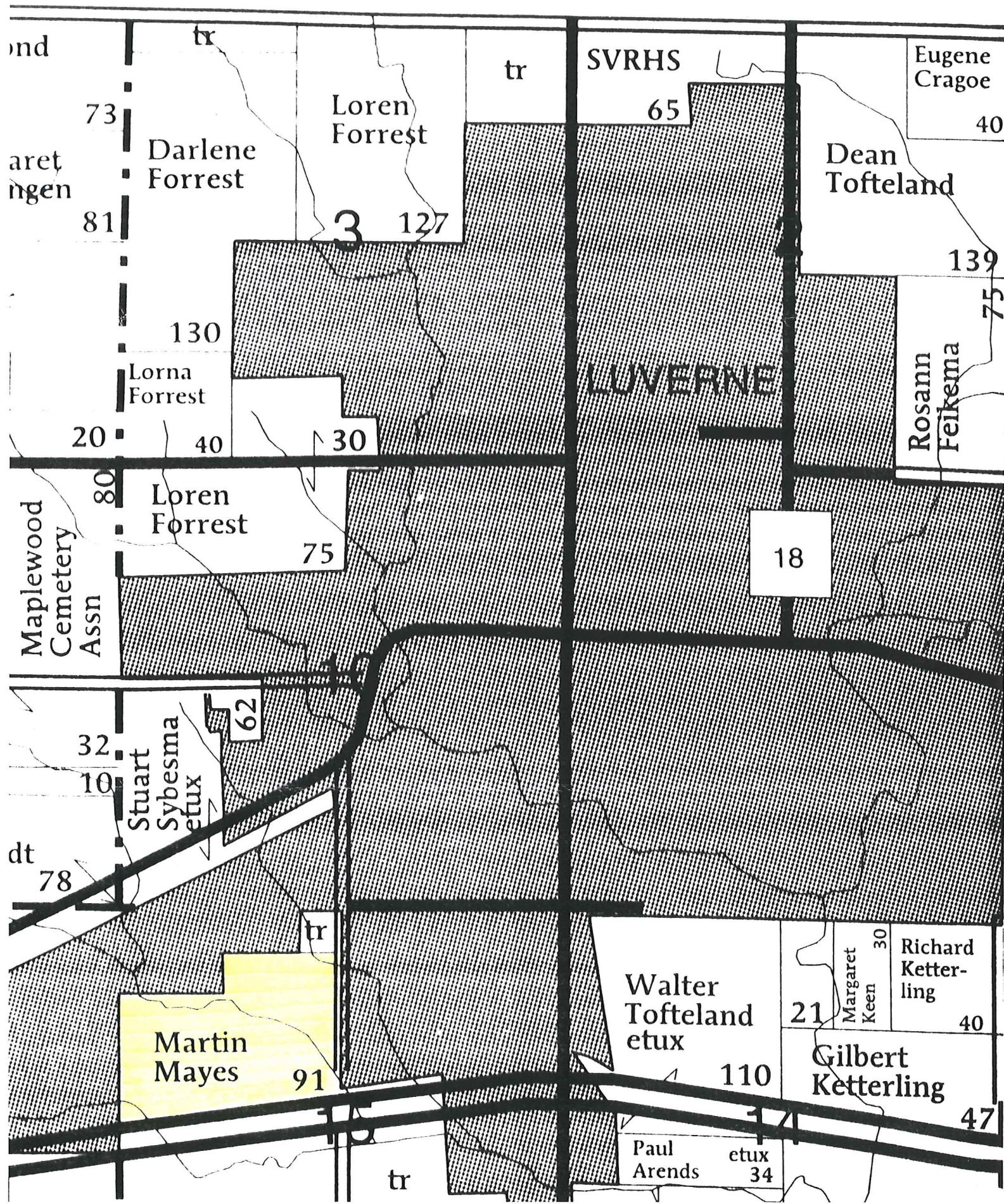
**Together with all right of access being the right of ingress to and egress from** all that portion of the above-described tract not acquired herein to Trunk Highway 90.

**Also except the fee simple in the lands hereinafter described to be taken for channel change** purposes, the owner to retain the right to use said lands for any purpose not inconsistent with the purpose for which this land is acquired, said lands being described as follows:

A 60.00 foot strip of adjoining and northwesterly of the above-described strip, the center line of said strip beginning at a point on the above-described line 455.00 feet northeasterly of its point of termination,

thence 478.00 feet northwesterly at a 56 degree 00 minute angle, when measured from westerly to northerly, and there terminating.







## Boundary Map

The municipal boundary map referenced in the attached Joint Resolution, showing the current City of Luverne and its relation to the Subject Area to be annexed, legally described in Exhibit A, is attached hereto.

