

RESOLUTION NO. 06-019

**CITY OF NEW ULM
BROWN COUNTY, MINNESOTA**

**RESOLUTION REGARDING ANNEXATION OF PROPERTY TO BE PLATTED AS
WESTRIDGE FIRST ADDITION**

Councilor Tuttle offered the following resolution and moved its adoption:

WHEREAS, the City of New Ulm and Milford Township of Brown County, Minnesota entered into a Joint Resolution for Orderly Annexation approved by the City of New Ulm on June 7, 2005 and by Milford Township on June 9, 2005 (the "Joint resolution") pursuant to which areas designated in such Joint Resolution would be annexed to the City of New Ulm by resolution of the City's City Council upon the occurrence of specific events as designated therein;

WHEREAS, the City of New Ulm has received a petition for annexation of property to be platted as Westridge First Addition (exclusive of Outlot B thereof which is already within the city limits of the City of New Ulm):

1. Which property is referred to herein as the "Westridge Annexation Area" as identified in the attached Exhibit A;

2. Which petition was executed by Duane and Angie Wendler, Delmar and Roger Schultz, Jerold Sunderman on behalf of Lafayette Ready Mix, Inc., n/k/a EBJ, Inc. and Steven Rentz, on behalf of Superior Concrete Block Company, the same being all of the owners of the Westridge Annexation Area; and

3. Which petition conforms to the requirements of Section 3. b. 4. of the Joint Resolution;

WHEREAS, the Westridge Annexation Area abuts the city limits of the City of New Ulm and the City of New Ulm has approved a Development Agreement for the development of the Westridge Annexation Area for retail commercial purposes;

WHEREAS, any and all other requirements of the Joint Resolution to effectuate the annexation of the Westridge Annexation Area have been fulfilled and the City of New Ulm deems it in the best interest of the City and its residents that such area be annexed and incorporated into the limits of the City of New Ulm;

WHEREAS, on September 6, 2005, upon recommendation of the City Planning Commission, the City Council of the City of New Ulm approved a zoning classification of B-3 (General Business District) for the Westridge Annexation Area.

NOW, THEREFORE, be it resolved by the City Council of the City of New Ulm as follows:

MAY 11 2006

1. That the Westridge Annexation Area is hereby annexed and incorporated into the limits of the City of New Ulm.
2. Pursuant to New Ulm City Code Section 9.04, the Westridge Annexation Area shall be zoned B-3 (General Business District) for purposes of uses pertinent to zoning.
3. That this resolution shall become effective upon the execution of a development agreement (the "Development Agreement") by and between the City of New Ulm and Wal-Mart Real Estate Business Trust and Wal-Mart Stores, Inc.
4. That upon the execution of the Development Agreement, a certified copy of this Resolution shall be filed, along with a copy of the Joint Resolution, with the State of Minnesota, Department of Administration.

Councilor Webster seconded the foregoing resolution, and the role having been called, the following vote was recorded:

Voting Aye: Councilors Fleischmann, Tuttle, Webster, Weinkauff and President Beranek.

Voting Nay: None.

Not Voting: None.

WHEREUPON, the President of the City Council declared such resolution to have been duly adopted.

WHEREUPON, the foregoing resolution was declared to have been adopted this 7th day of February, 2006.


President of the City Council

Attest:


City Clerk

The above resolution approved February 7, 2006.


Mayor

MAY 11 2006

EXHIBIT A

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 1, BLOCK 1, SCHULTZ'S SECOND SUBDIVISION; LOT 'A' OF THE SE4 OF THE SW4, EXCEPT THE WEST 120 FEET THEREOF; THE WEST 120 FEET OF LOT 'A' OF THE SE4 OF THE SW4; AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL LOCATED IN SECTION 13, TOWNSHIP 110 NORTH, RANGE 31 WEST OF THE 5TH P.M., BROWN COUNTY, STATE OF MINNESOTA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE, WEST, ALONG THE SOUTH LINE OF THE SE4 OF SAID SW4, NORTH 89 DEGREES 46 MINUTES 08 SECONDS WEST, (MINNESOTA COUNTY COORDINATE SYSTEM OF 1983, BROWN COUNTY ZONE), A DISTANCE OF 1,225.23 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, SCHULTZ'S SECOND SUBDIVISION; THENCE NORTH 20 DEGREES 51 MINUTES 27 SECONDS WEST, ALONG THE SOUTHWEST LINE OF LOT 1, BLOCK 1, SCHULTZ'S SECOND ADDITION, A DISTANCE OF 281.09 FEET TO A WEST CORNER OF SAID LOT 1, BLOCK 1, SCHULTZ'S SECOND ADDITION, SAID POINT BEING LOCATED ON THE WEST LINE OF THE SE4 OF SAID SW4; THENCE NORTH 00 DEGREES 03 MINUTES 07 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 1, BLOCK 1, SCHULTZ'S SECOND ADDITION AND ALONG THE WEST LINE OF THE SE4 OF SAID SW4, A DISTANCE OF 922.74 FEET TO A POINT; THENCE SOUTH 89 DEGREES 46 MINUTES 08 SECONDS EAST, ALONG A LINE THAT IS LOCATED 1,185.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SE4 OF SAID SW4, A DISTANCE OF 1,326.07 FEET TO THE EAST LINE OF THE SE4 OF SAID SW4; THENCE SOUTH 00 DEGREES 04 MINUTES 38 SECONDS WEST, ALONG THE EAST LINE OF THE SE4 OF SAID SW4 AND ALONG THE EAST LINE OF LOT 'A' OF THE SE4 OF THE SW4, EXCEPT THE WEST 120 FEET THEREOF, A DISTANCE OF 1,185.00 FEET TO THE POINT OF BEGINNING.

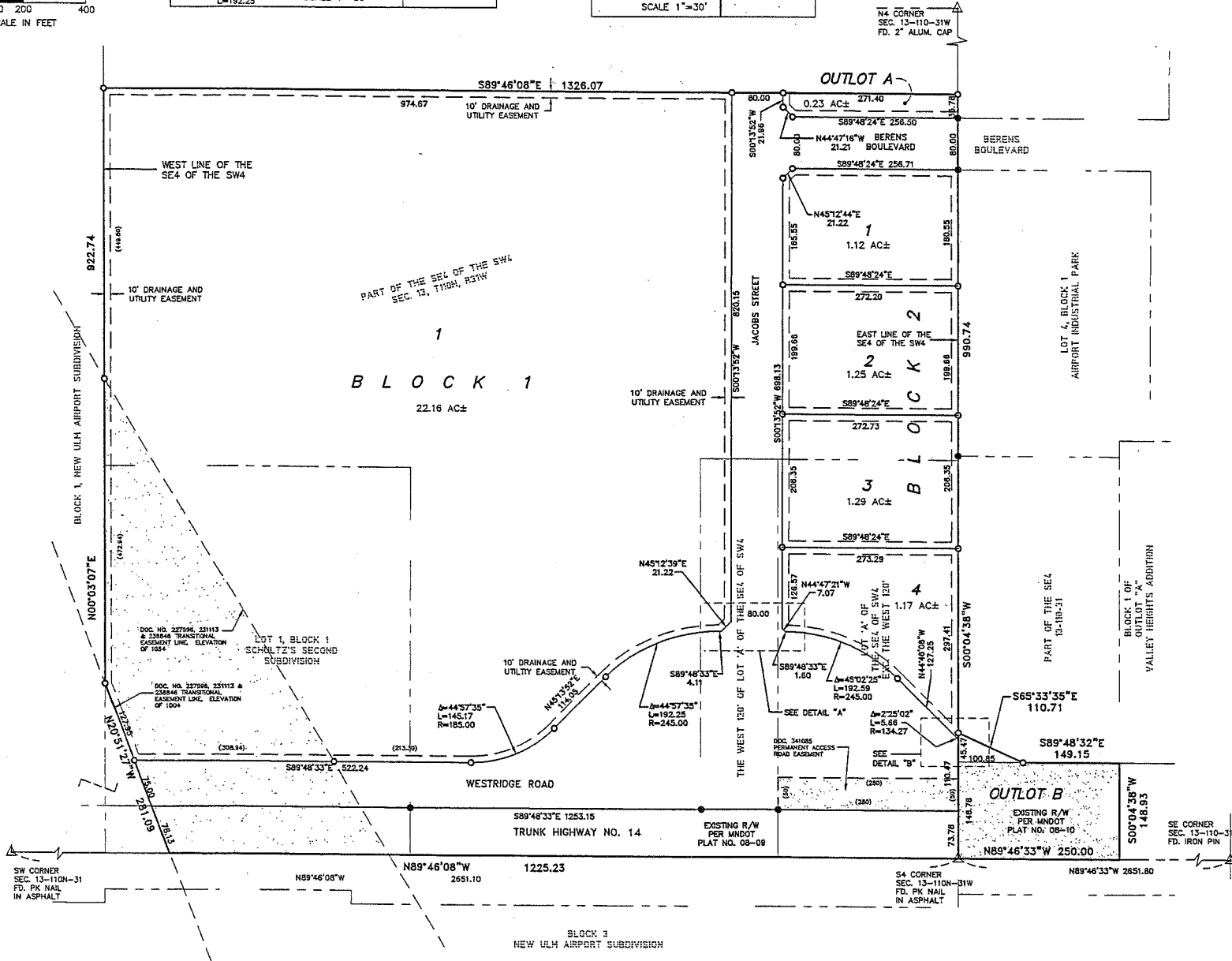
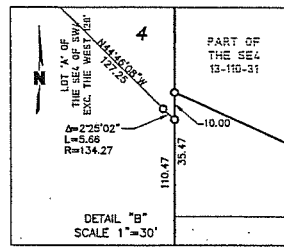
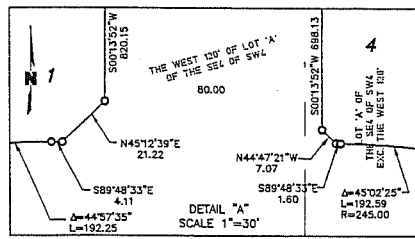
SAID TRACT CONTAINS A CALCULATED AREA OF 35.77 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF TRUNK HIGHWAY NO. 14, AS DEPICTED ON MNDOT RIGHT OF WAY PLAT NO. 08-9, SAID RIGHT OF WAY CONTAINING A CALCULATED AREA OF 2.09 ACRES, MORE OR LESS.

WESTRIDGE FIRST ADDITION

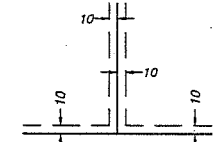
IN

CITY OF NEW ULM, BROWN COUNTY, MINNESOTA

SCALE 1"=100'
0 100 200 300
SCALE IN FEET



DRAINAGE AND UTILITY EASEMENTS
ARE SHOWN THUS:

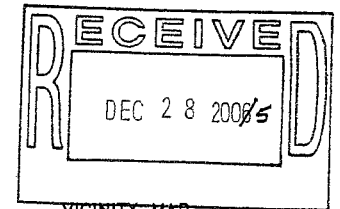


BEING 10 FEET IN WIDTH AND ADJOINING SIDE LOT LINES,
UNLESS OTHERWISE INDICATED AND 10 FEET IN WIDTH AND
ADJOINING STREET LINES AND REAR LOT LINES, UNLESS
OTHERWISE INDICATED ON THE PLAT.

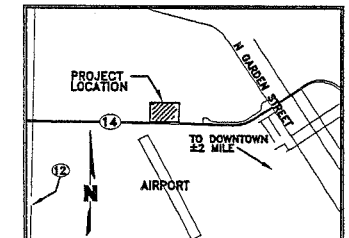
- △ DENOTES SECTION CORNER MONUMENT FOUND.
- DENOTES IRON PIPE MONUMENT FOUND.
- DENOTES 1/2 INCH x 24 INCH IRON MONUMENT SET MARKED BY LS 43504.

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE
SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION
13, SAID LINE HAVING A BEARING OF NORTH 89 DEGREES
46 MINUTES 08 SECONDS WEST, (MINNESOTA COUNTY
COORDINATE SYSTEM OF 1983, BROWN COUNTY ZONE)

NO MONUMENT SYMBOL SHOWN ON THE PLAT INDICATES
MONUMENTS TO BE SET 1/2 INCH x 24 INCH IRON
MONUMENT MARKED BY LS 43504, ACCORDING TO
MINNESOTA STATUTES, AND WHICH SHALL BE IN PLACE
WITHIN 1 YEAR OF THE FILING OF THIS PLAT.



VICINITY MAP



OLLSSON ASSOCIATES
ENGINEERS - PLANNERS - SURVEYORS - CIVIL ENGINEERS