

JOINT RESOLUTION

REC'D BY
MMB

APR 20 2006

**CITY OF MONTGOMERY
RESOLUTION NO. 37-2006**

**TOWNSHIP OF MONTGOMERY
RESOLUTION**

A JOINT RESOLUTION OF THE CITY OF MONTGOMERY AND THE TOWNSHIP OF MONTGOMERY DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER THE AREA TO THE CITY OF MONTGOMERY, LE SUEUR COUNTY, MINNESOTA, PURSUANT TO MINNESOTA STATUTES SECTION 414.0325.

WHEREAS, the City of Montgomery and the Township of Montgomery have met, conferred, considered and reached agreement relating to the annexation of an area located in the Township of Montgomery, Le Sueur County, Minnesota; and,

WHEREAS, the area proposed for annexation is owned by DRP Associates, a Minnesota corporation, hereinafter "Owner"; and,

WHEREAS, the City of Montgomery and the Township of Montgomery desire to designate a certain unincorporated area as in need of orderly annexation pursuant to Minnesota Statutes Section 414.0325 and have agreed upon certain terms and conditions relating to the annexation of said property; and,

NOW, THEREFORE, BE IT RESOLVED AND AGREED between the City of Montgomery and the Township of Montgomery as follows:

1. That the City of Montgomery (hereinafter "City") is a city pursuant to the laws of the State of Minnesota and that the Township of Montgomery (hereinafter "Township") is a township pursuant to the laws of the State of Minnesota, and that both parties are fully authorized and empowered to enter into this resolution.
2. That the following unincorporated area is in need of orderly annexation, lies wholly within Montgomery Township, Le Sueur County, Minnesota, and is described as follows: see Exhibit A attached hereto and incorporated herein (hereinafter "the Property") and no alteration of its stated boundaries is appropriate.
3. That jurisdiction over annexation within the Property and over the various provisions contained in this Resolution is hereby conferred upon the Minnesota Department of Administration (hereinafter "Department").
4. That the property does abut the City and is, or is about to become, urban or suburban in character.

5. That the Property will be immediately annexed to the City upon the adoption of this Resolution and the Order of the Department.
6. No consideration by the Department is necessary, the Department may review and comment, but shall within 30 days order the annexation in accordance with the terms of this Resolution.
7. That the real estate taxes collected from the Property due and payable in 2006 will be paid and delivered to the Township. That the real estate taxes due and payable in 2007 and for all years thereafter will be paid and delivered to the City. The City shall pay the Township taxes which would be due under Minnesota Statutes Section 414.033(12) (2006).
8. That connection to the sewer system will be the responsibility of the Owner and will be conducted in accordance with the ordinances of the City as well as any State or Federal agency laws, rules or regulations.
9. That the Owner of the Property has waived the provisions of Minnesota Statutes Section 414.0325(1a), relative to notice of the costs of electric utility service.
10. That every provision of this Resolution will be and hereby is declared severable, and if any part or portion is held invalid, it will not affect or invalidate the remaining parts or portions of the Resolution.
11. That the Property annexed will be, and hereby is, zoned R-1.

AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY THIS 17th DAY OF April, 2006.

CITY OF MONTGOMERY

BY


Its Mayor

BY


Its City Administrator

AGREED TO AND APPROVED BY THE TOWN BOARD OF THE TOWNSHIP OF
MONTGOMERY THIS 6 DAY OF April, 2006.

TOWNSHIP OF MONTGOMERY

BY *Chris Nasimiec*
Its Chairman

BY *Susan Pichal*
Its Clerk

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MMB

APR 20 2006

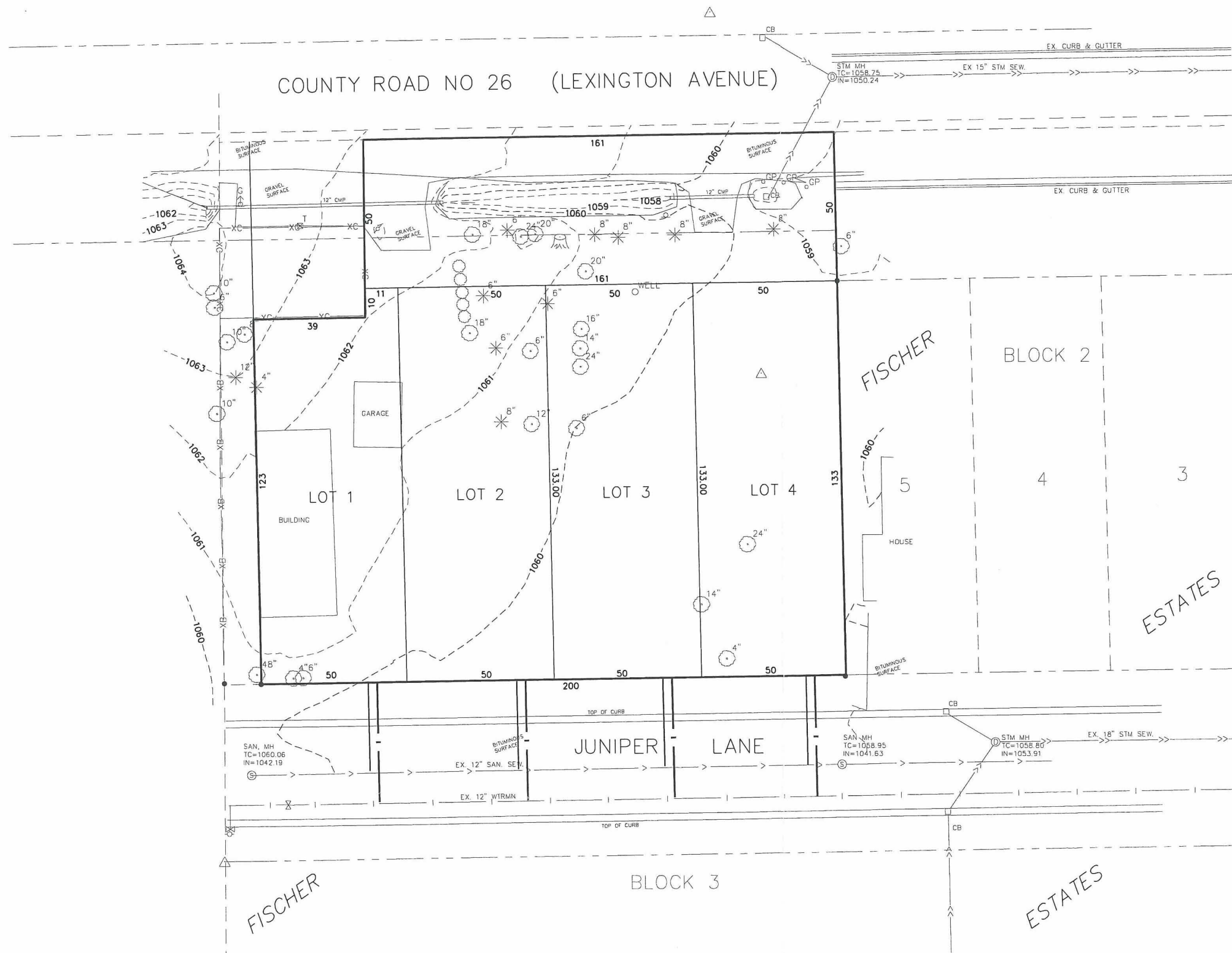
EXHIBIT A

Commencing 1677 feet West of the Northeast corner of Section 9, in Township 111 North, of Range 23 West, in LeSueur County, Minnesota, thence running South 63 feet, thence West 50 feet, thence South 120 feet, thence East 125 feet, thence North 183 feet, thence West 75 feet to the place, being in the Northeast Quarter of Sec. 9-111-23, West, in LeSueur County, Minnesota. Said Tract being a part of Lot 6 of Auditor's Subdivision of a part of the Northeast Quarter of said Section 9.

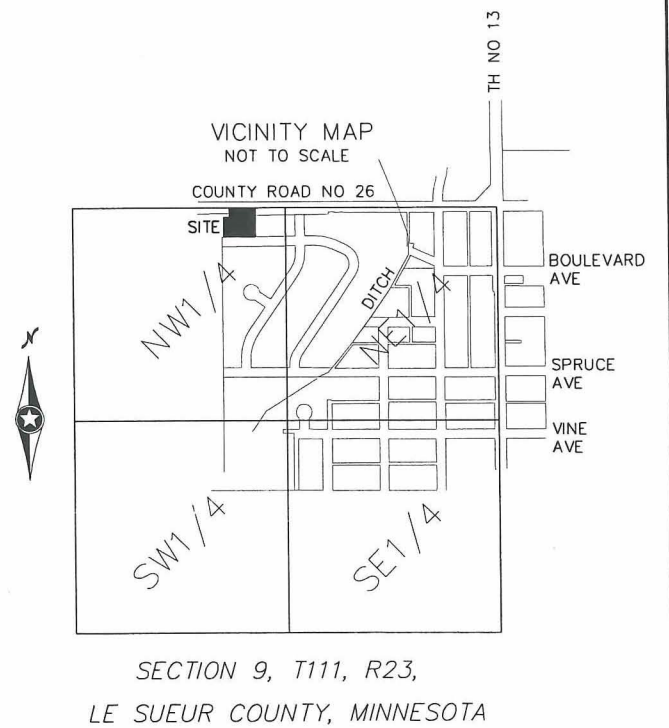
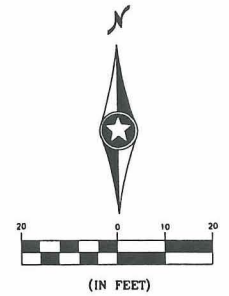
And Also

A tract of land in the Northeast Quarter of Section 9, Township 111, Range 23, described as follows; Commencing at a point 1602 feet West of the Northeast corner of Section 9, Township 111 North, of Range 23 West, thence South 183 feet thence East 75 feet, thence North 183 feet, thence West 75 feet to point of beginning.

DRAWING NAME: U:\AE\Drp\060100\Design\Cadd\Ep\DR601BA.DWG LAYOUT TAB: SKETCH PLAN PLOTTED: Mar 14, 2006 - 3:47pm



REC'D BY
MMD
APR 20 2006



DRAWN BY: T.J.SJP				
DESIGNER: CMC				
CHECKED BY: CMC				
DESIGN TEAM	NO.	BY	DATE	REVISIONS

SHORT ELLIOTT HENDRICKSON INC (SEH®) 2006. ANY USE OR REUSE OF THIS PLAN/DRAWING AND THE CORRESPONDING COMPUTER-AIDED DESIGN/DRAFTING FILES WITHOUT THE EXPRESS WRITTEN CONSENT OF SEH, IS PROHIBITED. SEH SHALL NOT BE RESPONSIBLE FOR ANY UNAUTHORIZED USE OR REUSE OF THE MATERIALS, OR DAMAGES RESULTING THEREFROM.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.
Signature: _____ Lic. No. 24719
Printed Name: CHRISTOPHER M. CAVETT Date: _____



310 MAIN AVE. WEST
P.O. BOX 776
GAYLORD, MN 55334
PH. 800.838.8666

SKETCH PLAN
DEVELOPER: DOUG PINT

FISCHER ESTATES
2ND ADDITION

FILE NO.
DRPON0601.00
DATE
3/10/06

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