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RESOLUTION NO. 0773

**JOINT RESOLUTION OF THE CITY OF GOODVIEW  
AND THE TOWNSHIP OF ROLLINGSTONE AS TO THE  
ORDERLY ANNEXATION OF PROPERTY**

**WHEREAS**, the Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments has jurisdiction over certain annexation and orderly annexation issues; and

**WHEREAS**, the City of Goodview, Winona County, State of Minnesota ("Goodview") and the Township of Rollingstone, Winona County, State of Minnesota ("Township") desire to enter into an agreement allowing for the orderly annexation of certain property, pursuant to Minnesota Statute 414.0325; and

**WHEREAS**, Goodview and the Township are in agreement as to the orderly annexation of certain lands described herein for the purpose of orderly, planned growth; and

**WHEREAS**, Goodview makes potable water and wastewater treatment services available to its residents and Goodview is able and willing to provide the necessary governmental services to that portion of the Township to be annexed; and

**WHEREAS**, Goodview seeks to avoid future environmental problems by developing comprehensive land use planning and controls for that area of the Township to be annexed, so that a long-term environmentally sound solution can be implemented for providing municipal sanitary sewer services and other needed services to that area of the Township to be annexed in a cost effective manner; and

**WHEREAS**, the area to be annexed is now or is about to become urban or suburban in character; and

**WHEREAS**, it is in the best interest of Goodview, the Township, and their respective residents to agree to an orderly annexation in furtherance of orderly growth and for the protection of the public health, safety, and welfare; and

**WHEREAS**, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this resolution;

**NOW, THEREFORE, BE IT RESOLVED** by Goodview and Township as follows:

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1. That upon approval by the respective governing bodies of Goodview and the Township, this joint resolution and agreement shall confer jurisdiction upon the Office of Administrative Hearings/Municipal Boundary Adjustments so as to accomplish the orderly annexation of the lands described in the attached Exhibit "A" in accordance with the terms of this joint resolution and agreement.
2. The following described lands will hereinafter be described as the annexation area and said property is properly subject to orderly annexation pursuant to Minnesota Statute Section 414.0325. The parties hereto do hereby designate this area as in need of orderly annexation as provided by statute; this area consists of approximately 2.22 ± acres and is legally described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

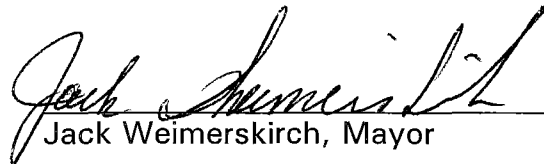
3. Goodview and Township mutually state that no alteration by the Office of Administrative Hearings/Municipal Boundary Adjustments to the area boundaries as described in Exhibit "A" (the "orderly annexation area") is appropriate or permitted.
4. The parties acknowledge that Goodview is capable of providing municipal services, such as sanitary sewer and water to said orderly annexation area.
5. For all property annexed to Goodview pursuant to this resolution, the property tax rate for said property will be as determined by Goodview's tax rate beginning with taxes payable in 2008, and taxes collected from the orderly annexation area for the year 2008 and all future years shall be paid to Goodview. All taxes collected from the orderly annexation area for the year 2007 and all prior years shall be paid to Township.
6. The Township and Goodview agree that all debt of the Township, whether bonded indebtedness, certificates of indebtedness or contractual debt shall remain with the remainder of the Township, and that Goodview assumes no liabilities whatsoever of the Township. The Township, its successors and assigns, agree to hold Goodview harmless from any claims any third parties may have against Goodview relating to said debt.
7. The Township, its successors and assigns also agree to indemnify Goodview for any claims which may be made against Goodview which arise as a result of Township action or inaction within the orderly

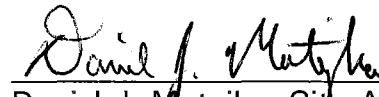
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annexation area prior to the finalization of the annexation of the orderly annexation area.

8. Each party shall be responsible for the expenses and costs they have incurred for preparation and submission of this Joint Resolution.
9. The parties agree that Goodview shall not be obligated to pay the Township any type of reimbursement as provided in Minnesota Statute Section 414.036.
10. Having designated the area described in Exhibit "A" as in need of orderly annexation, and having provided for all of the conditions of its annexation within this document, the parties to this agreement agree that no consideration by the Office of Administrative Hearings/Municipal Boundary Adjustments is necessary. As such, the Office of Administrative Hearings/Municipal Boundary Adjustments may review and comment, but shall, within thirty (30) days of the date of receipt of this Joint Resolution for Orderly Annexation, order the annexation of lands described in Exhibit "A" in accordance with the terms of this Joint Resolution.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF GOODVIEW THIS 12<sup>th</sup> DAY OF DECEMBER, 2007.

  
Jack Weimerskirch, Mayor

  
Daniel J. Matejka, City Administrator

ADOPTED BY THE ROLLINGSTONE TOWNSHIP BOARD THIS 10<sup>th</sup> DAY OF DECEMBER, 2007.

  
Greg Kuehntopp, Chairman

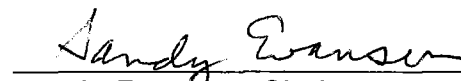
  
Sandy Evanson, Clerk

EXHIBIT "A"

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Parcel 1

That part of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section Twelve (12), Township One Hundred Seven (107) North, of Range Eight (8), West of the Fifth Principal Meridian, Winona County, Minnesota, more particularly described as follows:

Commencing at the southwest corner of the N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of said Section 12; thence in an easterly direction and along the south line of the N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of said Section 12 for a distance of 878.17 feet; thence deflect to the left 90° for a distance of 33.50 feet to the point of beginning; thence continue northerly along the last described course for a distance of 60 feet; thence deflect to the left 39° 51' for a distance of 101.54 feet; thence deflect to the right 90° for a distance of 117.52 feet; thence deflect to the right 90° for a distance of 19.62 feet; thence deflect to the right 1° 47' for a distance of 150.21 feet; thence deflect to the right 1° 52' for a distance of 90.47 feet; thence deflect to the right 2° 06' for a distance of 8.36 feet; thence deflect to the right 124° 06' and in a westerly direction along a line that is 33.50 feet northerly of and parallel to the south line of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 12 for a distance of 188.47 feet, more or less, to the point of beginning.

Parcel 2

That part of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section Twelve (12), Township One Hundred Seven (107) North, of Range Eight (8), West of the Fifth Principal Meridian, Winona County, Minnesota, bounded as follows:

On the South by the South line of said NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ ; on the West by the following described line and its extensions; Commencing at the Southwest corner of said NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ ; thence in an Easterly direction and along the South line of said NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ , a distance of 688.17 feet; thence deflect to the left 90°, a distance of 208.22 feet; thence deflect to the right 90°, a distance of 51.94 feet; thence deflect to the right 50° 09', a distance of 75.00 feet to the point of beginning of the line to be herein described; thence deflect to the right 39° 51', a distance of 150.64 feet to said South line of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ , and said herein described line there terminating. On the Northwest by the following described "Line A" and its extensions: Commencing at said Southwest corner of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ ; thence on an assumed bearing of East, along the South line of said NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ , 1149.70 feet; thence North 34° 06' West, 83.60 feet; thence North 36° 12' West, 92.20 feet; thence North 38° 04' West, 151.80 feet; thence North 39° 51' West, 20.40 feet to the point of beginning of said "Line A";

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thence South 50° 09' West, 200.00 feet and said herein described "Line A" there terminating. On the East and Northeast by the following described line and its extensions: Commencing at said Southwest corner of the NW¼ of the SW¼; thence on an assumed bearing of East, along the South line of said NW¼ of the SW¼, 888.17 feet; thence on a bearing of North, 156.00 feet; thence North 58° 28' 22" West, 63.28 feet to a point on said "Line A", and said herein described line there terminating.

### Parcel 3

That part of the Southwest Quarter of the Southwest Quarter (SW¼ of SW¼) of Section Twelve (12), Township One Hundred Seven (107) North, of Range Eight (8), West of the Fifth Principal Meridian, Winona County, Minnesota, described as follows:

Commencing at the intersection of the north line of the Southwest Quarter of the Southwest Quarter of said Section 12 and the westerly right-of-way line of Trunk Highway No. 61; thence westerly along the north line of said Southwest Quarter of the Southwest Quarter of Section 12, a distance of 160 feet, more or less, to a point which is 993.00 feet easterly from the northwest corner of said Southwest Quarter of the Southwest Quarter of Section 12 for the point of beginning of the land to be herein described; thence southerly deflecting to the left 89° 45', a distance of 227.90 feet; thence easterly deflecting to the left 90° 00', a distance of 114.43 feet to the westerly right-of-way line of Trunk Highway No. 61; thence northwesterly deflecting to the left 96° 10' 52" along said westerly right-of-way line, a distance of 175.34 feet; thence northwesterly a distance of 55.23 feet along said westerly right-of-way line and along a tangential curve concave to the southwest having a radius of 268.56 feet and a central angle of 11° 46' 56" to the north line of said Southwest Quarter of the Southwest Quarter of Section 12; thence westerly along the north line of said Southwest Quarter of the Southwest Quarter of Section 12 not tangent to said curve, a distance of 84.01 feet to the point of beginning.

### Parcel 4

That part of the South Half of the Southwest Quarter (S½ of SW¼) of Section Twelve (12) Township One Hundred Seven (107) North, of Range Eight (8), West of the Fifth Principal Meridian, Winona County, Minnesota, described as follows: Commencing at the intersection of the south line of Section 12, Twp. 107 N, of Rg. 8, with the westerly right of way of the New U.S. Highway 61; thence northwesterly along said westerly right of way line of said New U.S. Highway 61 on a right curve having a degree of curvature of zero degrees 44 minutes 33.75 seconds and a radius of 7714.44 feet, a distance of 222 feet, more or less, to a Minnesota State Highway Department monument marking a point of tangency; thence northwesterly along the tangent marking said westerly right of way line of

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said New U.S. Highway 61 a distance of 379 feet; thence on a line deflecting 89 degrees 14 minutes 10 seconds left a distance of 185 feet; thence on a line deflecting 89 degrees 14 minutes 10 seconds right a distance of 168 feet to a point designated as Point "A"; thence on a line deflecting 90 degrees 45 minutes 50 seconds right a distance of 149.53 feet to said westerly right of way line of said New U.S. Highway 61; which is the point of beginning for the land herein described; thence returning to point "A" on described line; thence on a line deflecting 89 degrees 14 minutes 10 seconds right a distance of 140 feet; thence on a line deflecting 90 degrees 45 minutes 50 seconds right a distance of 145.29 feet, more or less, to said westerly right of way line of said New U.S. Highway 61; thence southeasterly along said westerly right of way line of said New U.S. Highway 61 to the point of beginning.



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