

RESOLUTION NO. 0785**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 Township have complied with the notice requirements set forth in Minnesota Statute 414.0325 Subd. 1b and held a joint informational meeting on April 2, 2008; and

WHEREAS, Goodview and 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, 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 Joint Resolution for Orderly Annexation ("Joint Resolution");

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

1. That upon approval by the respective governing bodies of Goodview and 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 114 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 Joint Resolution, the property tax rate for said property will be as set forth below beginning with taxes payable in 2009, and taxes collected from the orderly annexation area for the year 2009 shall be paid to Goodview. All taxes collected from the orderly annexation area for the year 2008 and all prior years shall be paid to Township.

Goodview agrees to tax the property annexed pursuant to this Joint Resolution at the following tax rates for the tax years stated below:

<u>Tax Year</u>	<u>Rate</u>
2009	15.694%
2010	15.694%
2011	23.037%
2012	Goodview actual tax rate for 2012

Goodview also agrees that it shall pay Township the following sums from the tax revenues that Goodview will receive from the property annexed pursuant to this Joint Resolution:

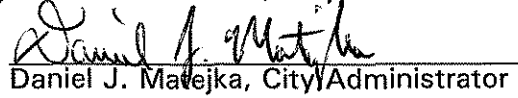
<u>Payable</u>	<u>Amount</u>
2009	\$28,250.00
2010	\$22,600.00
2011	\$16,950.00
2012	\$11,300.00
2013	\$ 5,650.00

6. Township and Goodview agree that all debt of Township, whether bonded indebtedness, certificates of indebtedness or contractual debt shall remain with the remainder of Township, and that Goodview assumes no liabilities whatsoever of Township. 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. 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 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. 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 2nd DAY OF APRIL, 2008.


Jack Weimerskirch, Mayor


Daniel J. Matejka, City Administrator

ADOPTED BY THE ROLLINGSTONE TOWNSHIP BOARD THIS 2nd DAY OF APRIL, 2008.


Greg Kuehnopp, Chairman



Judith J. Fritz, Clerk

EXHIBIT A

That part of the Southeast Quarter of the Northeast Quarter of Section 11, Township 107, Range 8, Winona County, Minnesota, described as follows:

Commencing at the Southeast corner of said SE 1/4 of the NE 1/4; thence on an assumed bearing of South 89 degrees 41 minutes 17 seconds West along the South line of the said SE 1/4 of the NE 1/4, 650.00 feet; thence North 37 degrees 48 minutes 43 seconds West, 290.00 feet; thence North 48 degrees 18 minutes 43 seconds West, 745.00 feet; thence North 21 degrees 02 minutes 41 seconds East, 137.83 feet to the Westerly right of way line of trunk Highway No. 61; thence South 68 degrees 57 minutes 19 seconds East along said right of way Line, 662.19 feet to a Minnesota Highway Department monument marking the point of beginning of the land to be described; thence Southeasterly 193.79 feet along said right of way line and along a curve not tangent to the last described line, said curve is concave to the Northeast, has a radius of 2,764.79 feet, a central angle of 4 degrees 00 minutes 58 seconds and the chord of said curve is 193.76 feet in length and bears South 52 degrees 57 minutes 41 seconds East; thence Southwesterly a distance of 127.77 feet along a non-tangential curve concave to the Southeast, having a radius of 140.15 feet, a central angle of 52 degrees 14 minutes 02 seconds, and the chord of said curve is 123.39 feet in length and bears south 72 degrees 09 minutes 08 seconds West; thence South 46 degrees 02 minutes 07 seconds West, 55.80 feet; thence North 43 degrees 57 minutes 53 seconds West, 135.50 feet; thence North 45 degrees 23 minutes 02 seconds East, 136.30 feet to the point of beginning.

Also, that part of said Southeast Quarter of the Northeast Quarter of Section 11, bounded as follows:

On the northeast by the southwesterly line of State Right of Way Plat No. 85-3, according to the recorded plat thereof, Winona County, Minnesota.

On the south by the south line of said Southeast Quarter of the Northeast Quarter

On the southwest by the northeasterly line of the former Chicago and Great Western Railway Company property

On the northwest by the following described line:

Commencing at the east quarter post of said Section 11; thence North along the section line 108 feet to the former south limit of U.S. Highway No. 61; thence North 43 degrees 15 minutes West along the former south limit of U.S. Highway No. 61 a distance of 302 feet; thence at right angles South 45 degrees West 42 feet; thence North 48 degrees 35 minutes West 28.5 feet to a

monument; thence North 48 degrees 35 minutes West 200 feet to the point of beginning of the line to be herein described; thence South 45 degrees West 213 feet to the former north right of way line of the Chicago and Great Western Railway Company, and said herein described line there terminating.

Also, that part of the Northeast Quarter of the Southeast Quarter of said Section 11, lying southwesterly of said southwesterly line of State Highway Right of Way Plat No. 85-3 and lying northeasterly of the southwesterly line of said former Chicago and Great Western Railway Company property. Excepting therefrom all that part of said former Chicago and Great Western Railway Company property lying northwesterly of the southwesterly extension of the property described in Document No. 198991 (Bk. 255 of Deeds, Pg. 421), of record and on file in the office of the County Recorder in and for said Winona County.

Also, the northerly 475.00 feet of the easterly 300.00 feet of the Southeast Quarter of the Southeast Quarter of said Section 11.

Also, all that part of the Northwest Quarter of the Southwest Quarter of Section 12, Township 107, Range 8, said Winona County, lying southwesterly of the southwesterly line of State Highway Right of Way Plat No. 85-4, according to the recorded plat thereof, said Winona County. Excepting therefrom all that part thereof lying within the present City of Goodview corporate limits.

Also, all that part of the South Half of the Southwest Quarter of said Section 12, lying westerly of the westerly line of said State Highway Right of Way Plat No. 85-4. Excepting therefrom all that part thereof lying within the present City of Goodview corporate limits.

Also, all that part of the Southeast Quarter of the Southwest Quarter of said Section 12, lying easterly of the easterly line of said State Highway Right of Way Plat No. 85-4, and lying southwesterly of the northeasterly line of the Canadian Pacific Railroad. Excepting therefrom all that part thereof lying within the present City of Goodview corporate limits.

Also, that part of the Northeast Quarter of the Northwest Quarter of Section 13, Township 107, Range 8, said Winona County, described as follows:

Beginning at the northeast corner of said Northeast Quarter of the Northwest Quarter; thence South 88 degrees 15 minutes 51 seconds West, along the north line of said Northeast Quarter of the Northwest Quarter, 183.00 feet to the northeasterly corner of Lot 2, Block 1, Ellefson-Foltz Subdivision, according to the recorded plat thereof, said Winona County; thence South 01 degrees 20 minutes 13 seconds East, along the easterly line of said Lot 2, a distance of 150.00 feet to the southeasterly corner of said Lot 2; thence North 88 degrees 15 minutes 51 seconds East, along the northerly line of said Ellefson-Foltz Subdivision, a distance of 183.00 feet to a boundary corner of said Ellefson-Foltz Subdivision, also being a point on the east line of said

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Northeast Quarter of the Northwest Quarter; thence North 01 degrees 20 minutes 13 seconds West, along said east line of the Northeast Quarter of the Northwest Quarter, 150.00 feet to the point of beginning.

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All of Connaughty Subdivision, according to the recorded plat thereof, Winona County Minnesota. Excepting therefrom all that part thereof contained within the plat of Gunderson Subdivision No. 1, according to the recorded plat thereof, said Winona County.

Also, all of said Gunderson Subdivision No. 1.

Also, that part of the Southeast Quarter of the Northwest Quarter of Section 11, Township 107, Range 8, said Winona County, lying northwesterly of the southeasterly line of Winona County State Aid Highway No. 23.

Also, that part of the Northwest Quarter of the Northwest Quarter of said Section 11, lying southerly and easterly of the easterly line of said Gunderson Subdivision No. 1.

Also, that part of the Southwest Quarter of the Northwest Quarter of said Section 11 bounded as follows:

On the east by the east line of said Southwest Quarter of the Northwest Quarter.

On the southeast by a line distant 50.00 feet southeasterly of, as measured at right angles to, and parallel with the center line of said Winona County State Aid Highway No. 23.

On the south by the south line of said Southwest Quarter of the Northwest Quarter.

On the northwest by the easterly line of said Gunderson Subdivision No. 1 and by the easterly line of said Connaughty Subdivision.

Also, that part of the Northwest Quarter of the Southwest Quarter of said Section 11 and that part of the Northeast Quarter of the Southeast Quarter of Section 10, all in Township 107, Range 8, said Winona County, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 11; thence in an easterly direction along the north line of said Southwest Quarter, 365.2 feet to the center of the road and the point of beginning of the land to be described; thence deflect $127^{\circ} 48' 1/2''$ right, along the center line of said road, 155.9 feet; thence deflect $70^{\circ} 36' 1/2''$ right a distance of 286.1 feet to a point; thence deflect $8^{\circ} 03' 1/2''$ left a distance of 71.3 feet to a point; thence deflect $105^{\circ} 23'$ left a distance of 82.9 feet to a point; thence deflect $46^{\circ} 15'$ left a distance of 147.1 feet to a point; thence deflect 11° right to the southeasterly line of said Winona County State Aid Highway No. 23; thence northeasterly along said southeasterly line to said

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north line of the Southwest Quarter; thence westerly along said north line of the Southwest Quarter to the point of beginning.

Also that part of said Northwest Quarter of the Southwest Quarter of Section 11, lying northerly of the following described line and its extensions:

Commencing at said northwest corner of the Southwest Quarter of Section 11; thence in an easterly direction along said north line of the Southwest Quarter, 365.2 feet to the center of the road and the point of beginning of the line to be herein described; thence deflect $127^{\circ} 48' 1/2''$ right along said center line of the road, 155.9 feet; thence deflect $70^{\circ} 36' 1/2''$ right a distance of 286.1 feet to a point; thence deflect $8^{\circ} 03' 1/2''$ left a distance of 71.3 feet and said herein described line there terminating.

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PROPERTY LAYOUT FOR
THE CITY OF GOODVIEW
IN THE SW 1/4, SEC. 12, T107, R8
AND THE SE 1/4 & NE 1/4, SEC. 11, T107, R8

SCALE: 1"=200' DATE: MARCH 14, 2008
BK. PG. FILE NO. 08039

