

**Resolution 2008-06-0001  
Joint Resolution**

**IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN THE CITY  
OF BREWSTER AND THE TOWN OF HERSEY PURSUANT TO MINNESOTA  
STATUTES 414.0325**

**WHEREAS**, the City of Brewster and the Town of Hersey designate for orderly annexation, the following described lands located within the Town of Hersey, County of Nobles, Minnesota:

PART OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 26, TOWNSHIP 103 NORTH, RANGE 39 WEST IN HERSEY TOWNSHIP, NOBLES COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON MONUMENT AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 26; THENCE NORTH 88 DEGREES 36 MINUTES 41 SECONDS WEST, BEARING BASED ON MINNESOTA STATE POANE COORDINATE SYSTEM, SOUTH ZONE, 1927 DATUM, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 520.18 FEET, TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE SOUTH 40 DEGREES 47 MINUTES 56 SECONDS WEST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 3214.08 FEET; THENCE SOUTH 40 DEGREES 47 MINUTES 56 SECONDS EAST A DISTANCE OF 36.00 FEET; THENCE NORTH 49 DEGREES 12 MINUTES 04 SECONDS EAST, PARALLEL WITH AND 36 FEET SOUTHEAST OF SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1264.18 FEET; THENCE SOUTH 88 DEGREES 32 MINUTES 38 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26, A DISTANCE OF 1950.81 FEET, TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 59 MINUTES 10 SECONDS EAST, ALONG SAID EAST LINE AND ALONG THE CENTERLINE OF THE TOWNSHIP ROAD, AS EXISTS, A DISTANCE OF 1338.48 FEET, TO THE POINT OF BEGINNING. THE TRACT CONTAINS 39.81 ACRES AND IS SUBJECT TO EXISTING TOWNSHIP ROAD EASEMENT AND OTHER EASEMENT OF RECORD, IF ANY.

and,

**WHEREAS**, the City of Brewster (the "City") and the Town of Hersey (the "Town") are in agreement as to the orderly annexation of the unincorporated land described; that both believe it will be to their mutual benefit and to that of their respective residents; and

**WHEREAS**, Minnesota Statutes 414.0325 provides a procedure whereby the City of Brewster and the Town of Hersey may agree on a process or orderly annexation of a designated area; and

**WHEREAS**, on June 17, 2008 the City and the Town conducted a public hearing pursuant to the requirements of Minnesota Statutes 414.0333, preceded by a Notice of Intent to Designate an Area duly published pursuant to the requirements of Minnesota Statutes 414.0325 Subd. 1b; and

**WHEREAS**, the City of Brewster and the Town of Hersey have agreed to all the terms and conditions for the annexation of the above-described lands within this document and the signatories hereto agree that no consideration by the Office of Administrative Hearings – Municipal Boundary Adjustments is necessary; that the Office may review and comment, but shall within 30 days, order the annexation in accordance with the terms of the resolution.

**NOW, THEREFORE, BE IT RESOLVED**, jointly by the City Council of the City of Brewster and the Town Board of the Town of Hersey as follows:

1. **Property.** That the following described lands in the Town of Hersey are subject to orderly annexation pursuant to Minnesota Statutes 414.0325, and that the parties hereto designate those areas for orderly annexation, to with:

PART OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 26, TOWNSHIP 103 NORTH, RANGE 39 WEST IN HERSEY TOWNSHIP, NOBLES COUNTY, MINN4ESOTA, DESCRIBED AS FOLLOWS:

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POINT OF BEGINNING. THE TRACT CONTAINS 39.81 ACRES AND IS SUBJECT TO EXISTING TOWNSHIP ROAD EASEMENT AND OTHER EASEMENT OF RECORD, IF ANY.

It is therefore agreed that the following property be immediately annexed to the City of Brewster, to wit:

PART OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 26, TOWNSHIP 103 NORTH, RANGE 39 WEST IN HERSEY TOWNSHIP, NOBLES COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

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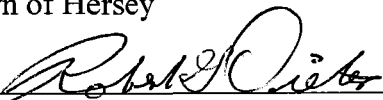
2. **Acreage/Population/Usage.** That the designated area consists of approximately 39.81 acres, the population in the subject area is zero, and the land type is farming Ag. Land now and will be zoned Industrial.
3. **Jurisdiction.** That the Township of Hersey does, upon passage of this resolution, and the City of Brewster, does upon adoption by the City Council, upon acceptance by the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confer jurisdiction upon the Office of Administrative Hearings – Municipal Boundary Adjustments so as to accomplish said orderly annexation in accordance with the terms of this resolution.
4. **Need.** That the above-described property is urban or suburban or about to become so, and since the City of Brewster is capable of providing services to

this area within a reasonable time, the annexation would be in the best interest of the area.

5. **Conditions.** No conditions are presented.
6. **Planning.** Minnesota Statutes 414.0325 Subd. 5: Joint Powers Board pursuant to Minnesota Statutes 471.59. This will be classified as Industrial Zoning.
7. **Tax Rate Step Up.** Minnesota Statutes 414.035 shall be one year.
8. **Municipal Reimbursement.**
  - a. **Reimbursement to Towns for lost taxes on annexed property.**  
Parties agree to no reimbursement.
  - b. **Assessments and Debt.**  
That pursuant to Minnesota Statutes 414.036 with respect to any special assessment assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described there are no special assessments or debt.
9. **Review and Comment.** The City of Brewster and the Town of Hersey agree that upon receipt of this resolution, passed and adopted by each party, the Office of Administrative Hearings/Municipal Boundary Adjustments, or its successor, may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this resolution.
10. **Restrictions.** None.
11. **Terms of Resolution.** None

Adopted by affirmative vote of all members of the Hersey Town Board of Supervisors this 17<sup>th</sup> day of June, 2008.

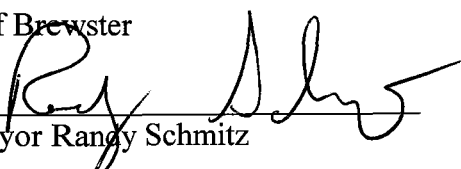
Town of Hersey

By:   
Chairperson

By:   
Township Clerk

Adopted by affirmative vote of the City Council of Brewster, this 17<sup>th</sup> day of June, 2008.

City of Brewster

By:   
Mayor Randy Schmitz

ATTESTS:

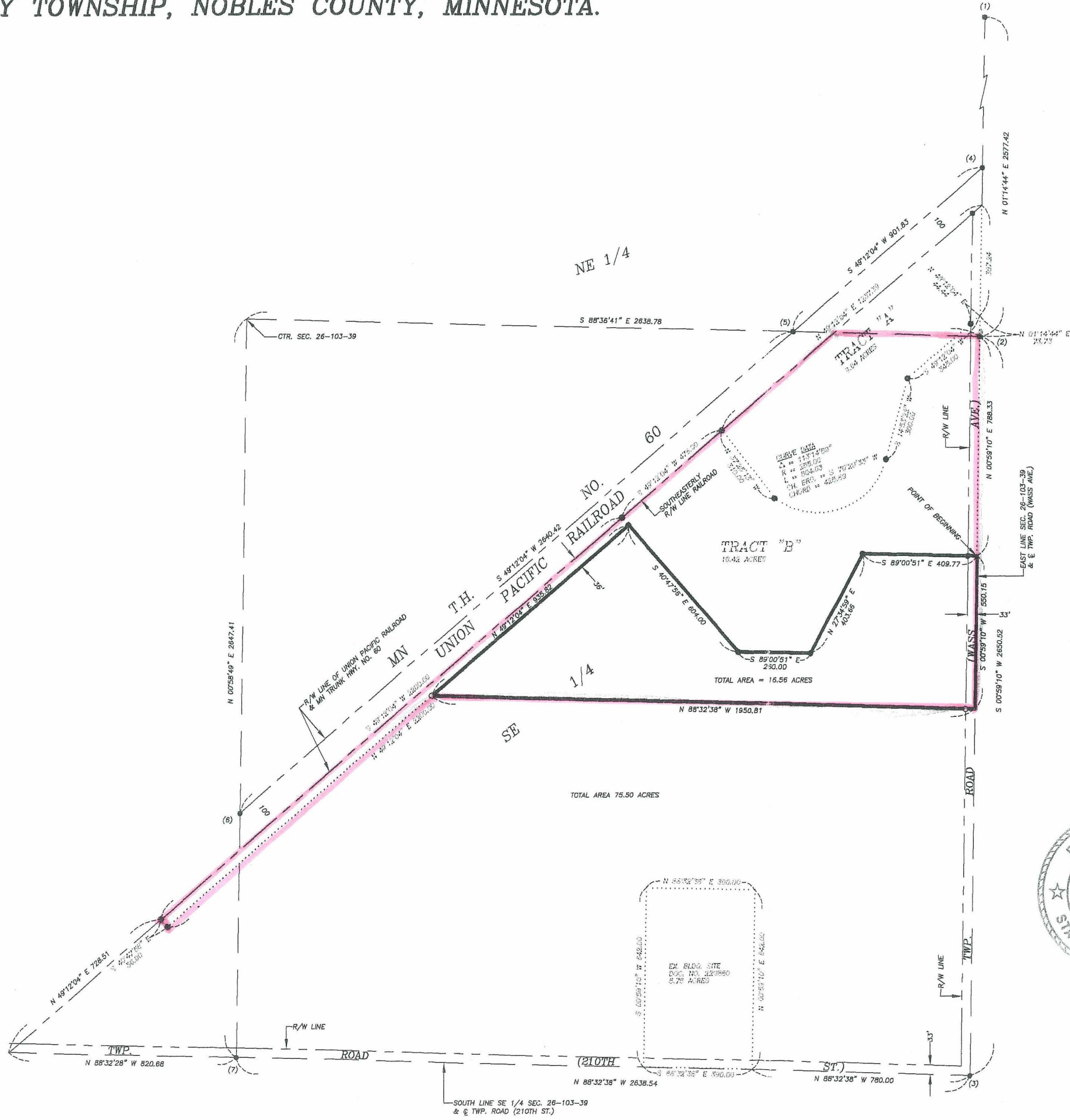
By:   
City Administrator James E. Naumann

Approved this 17<sup>th</sup> day of June, 2008.

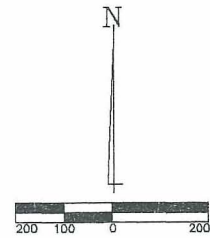
PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 103 NORTH, RANGE 39 WEST IN HERSEY TOWNSHIP, NOBLES COUNTY, MINNESOTA.

RECORDED BY  
MAMB JUN 26 2008

DESCRIPTION  
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THE TRACT CONTAINS 16.56 ACRES AND IS SUBJECT TO EXISTING TOWNSHIP ROAD EASEMENT AND OTHER EASEMENTS OF RECORD, IF ANY.



- REFERENCE
- (1) NE COR. SEC. 26-103-39
  - (2) EAST 1/4 COR. SEC. 26-103-39
  - (3) SE COR. SEC. 26-103-39
  - (4)-(6) MONUMENTS B21, B22 & B713
  - (7) SOUTH 1/4 COR. SEC. 26-103-39



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signature: *Perry L. Zieske*  
Date: 5-2-08 Certificate # 23008

**ZIESKE LAND SURVEYING, INC.**  
Perry L. Zieske P.L.S.  
Dennis Ray Esplan P.L.S.  
225 Ninth Street, Box 94  
Winona, MN 56101  
Phone: (507) 831-0100

SURVEY FOR: NEW VISION  
PROJECT NUMBER: N 0804 SA  
DATE: APRIL 30, 2008

DESCRIPTION

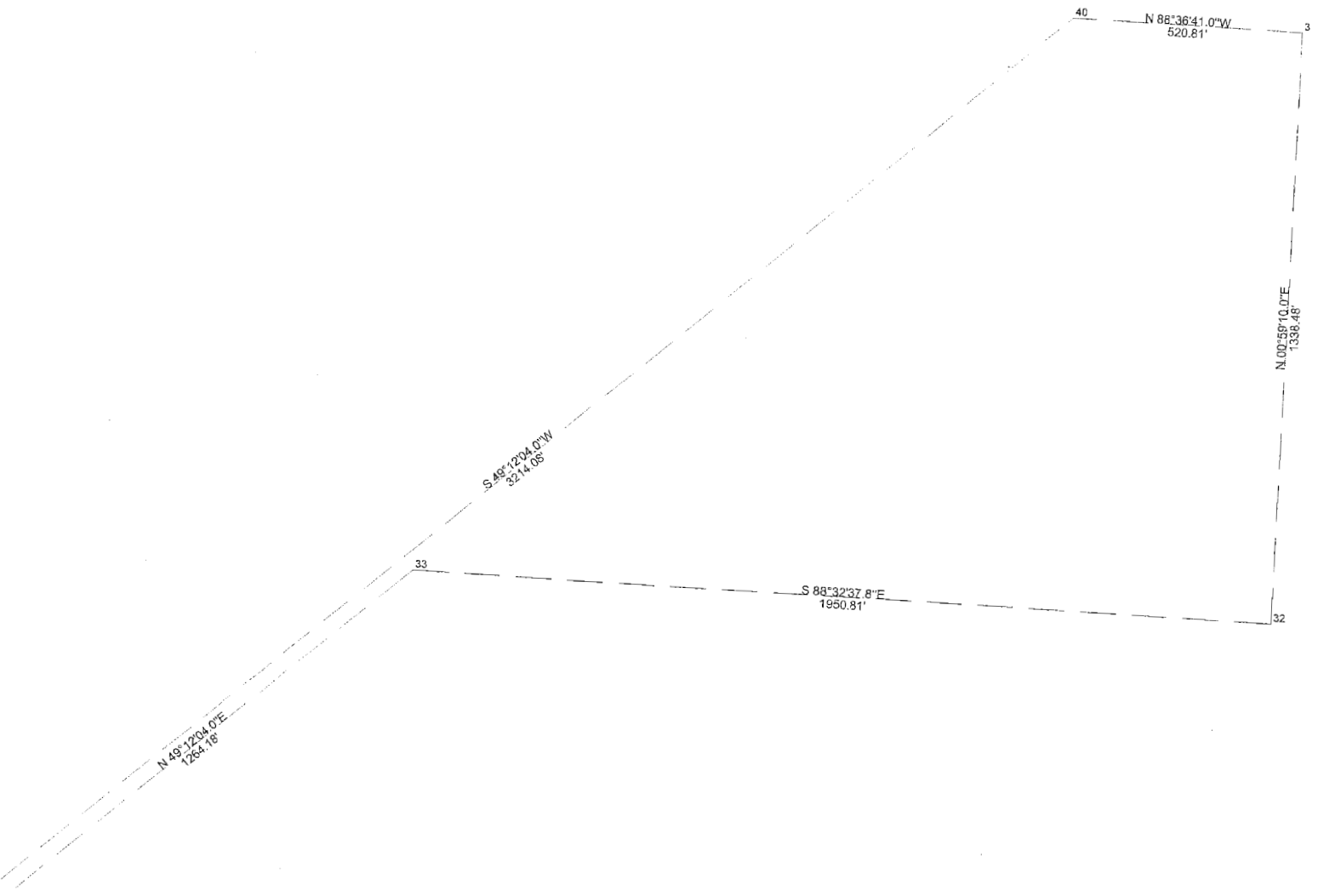
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RECT BY  
M M R

JUN 26 2008



Database opened: Wednesday, May 07, 2008 10:29 am.

Go to

	18	255065.54987	1607553.11700	0.00
BB	N 49°12'04" E	3214.08		
	40	257165.64605	1609986.19723	0.00
BB	S 88°36'41" E	520.81	1485.55	
	3	1/2in iron	257153.02500	1610506.85500
				1485.55

Point to Point Area

Boundary: 3,40,18,19,33,32,3

Start

	3	1/2in iron	257153.02500	1610506.85500	1485.55
IN	N 88°36'41" W	520.81	-1485.55		
	40	257165.64605	1609986.19723	0.00	
IN	S 49°12'04" W	3214.08			
	18	255065.54987	1607553.11700	0.00	
IN	S 40°47'56" E	36.00			
	19	255038.29760	1607576.63962	0.00	
IN	N 49°12'04" E	1264.18			
	33	255864.32210	1608533.63574	0.00	
IN	S 88°32'38" E	1950.81			
	32	255814.74769	1610483.81993	0.00	
IN	N 0°59'10" E	1338.48	1485.55		
	3	1/2in iron	257153.02500	1610506.85500	1485.55

Area = 1734061.8945 Sq. Feet or 39.8086 Acres