

JOINT RESOLUTION

**CITY OF OLIVIA RESOLUTION NO. 08-43
TOWNSHIP OF BIRD ISLAND**

A JOINT RESOLUTION OF THE CITY OF OLIVIA AND THE TOWNSHIP OF BIRD ISLAND DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER THE AREA TO THE MINNESOTA MUNICIPAL BOARD, PURSUANT TO MINNESOTA STATUTES SECTION 414.0325

WHEREAS, the City of Olivia and the Township of Bird Island have, conferred, considered and reached agreement relating to the annexation of an area located in the Township of Bird Island; and

WHEREAS, the area proposed for annexation is entirely owned by Richard and Teri Sigurdson, Mike and Laurie Abrahamson, and Todd and Carren Frank; and

WHEREAS, the City of Olivia and the Township of Bird Island 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

WHEREAS, the Owner of the property described in Paragraph Two, have waived the provisions of MSA 414.0325 subd. 1a regarding Electric Utility Service.

NOW THEREFORE BE IT RESOLVED AND AGREED between the City of Olivia and the Township of Bird Island as follows:

1. That the City of Olivia (hereinafter "City") is a city pursuant to the laws of the State of Minnesota and that the Township of Bird Island (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 Bird Island Township, Renville County, Minnesota and is described as follows:

See attached Exhibit One

3. That jurisdiction over annexation within the Property and over the various provisions contained in this Resolution is hereby conferred upon the Minnesota Director of Municipal Boundary Adjustments (hereinafter "Director").

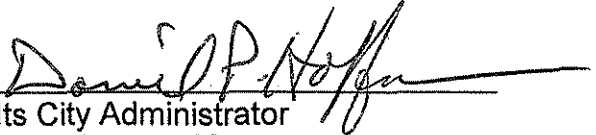
4. That the Property abuts the City and is, or is about to become, urban or suburban in character. Further, the City is able upon annexation to take action to provide sewer service, water, power or other essential municipal services needed for the development and use of the Property, however, the area being annexed is so small that it requires no such services, and such services are already available to, and being utilized by the lots with which the annexed area will joined.
5. That the Property will be immediately annexed to the City upon the adoption of this Resolution and the Order of the Director.
6. That no consideration by the Director of the annexation is necessary and the City and the Township request that the Director 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 2008 will be paid and delivered to the Township. That the real estate taxes due and payable in 2009 and for all years thereafter will be paid and delivered to the City of Olivia.
8. That there will be no reimbursement by the City to the Township for tax revenues lost in accordance with Minnesota Statutes Section 414.036.
9. That connection to the sewer system, if any, will be the responsibility of the City and will be conducted in accordance with the ordinances of the City as well as any State or Federal agency laws, rules or regulations.
10. That no abandoned wells are on the Property and no individuals reside on the Property.
11. That the Owner of the Property has waived the provisions of Minn. Stat. section 414.0325 subd. 1a relative to notice of the costs of electric utility service.
12. 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.

AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OLIVIA this
18th day of August, 2008.

CITY OF OLIVIA

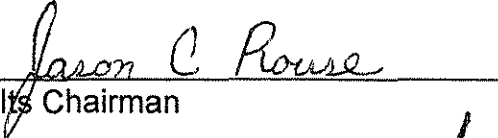
By Bill R. Miller
Bill R. Miller, Mayor

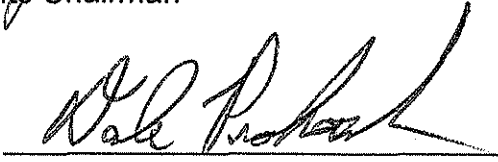
Its Mayor

By 
Its City Administrator
Daniel P. Hoffman

AGREED TO AND APPROVED BY THE TOWN BOARD OF THE TOWNSHIP OF
BIRD ISLAND this 11 day of August, 2008.

TOWNSHIP OF BIRD ISLAND

By 
Its Chairman

By 
Its Clerk

BAUMGARTNER FARM PARTNERSHIPPROPOSED TRACT 1 DESCRIPTION

Part of the Southeast Quarter of the Northeast Quarter of Section 18, Township 115, Range 34, Renville County, Minnesota, described as follows: Beginning at the southeast corner of said Northeast Quarter of Section 18; thence on an assumed bearing of North 89 degrees 00 minutes 49 seconds West along the South line of said Northeast Quarter 861.40 feet to the easterly line of the Plat of BAUMGARTNER FIRST ADDITION, said plat being of record and on file at the Renville County Recorder's Office; thence North 00 degrees 12 minutes 21 seconds West along said East line 140.80 feet; thence South 89 degrees 00 minutes 45 seconds East along said East line 14.00 feet; thence North 00 degrees 12 minutes 21 seconds West along said East line 212.01 feet; thence South 89 degrees 00 minutes 45 seconds East along the southerly line of said plat 530.00 feet; thence North 25 degrees 16 minutes 51 seconds West along the East line of said plat 283.09 feet; thence North 89 degrees 00 minutes 45 seconds West along the North line of said plat 160.00 feet; thence South 00 degrees 12 minutes 21 seconds East along the westerly line of said plat 120.00 feet; thence North 89 degrees 00 minutes 45 seconds West along the northerly line of said plat 130.00 feet; thence North 00 degrees 12 minutes 21 seconds West along the Easterly line of said plat 152.00 feet; thence North 89 degrees 00 minutes 45 seconds West along the northerly line of said plat 200.00 feet to the intersection with a line that is 20.00 feet easterly of and parallel with the East line of the plat of GOLF VIEW ESTATES, said plat being of record and on file at the Renville County Recorder's Office; thence North 00 degrees 12 minutes 21 seconds West along said line 309.59 feet to the south line of the plat of PRIMROSE LANE ADDITION, said plat being of record and on file at the Renville County Recorder's Office; thence South 89 degrees 01 minutes 50 seconds East along said south line and also the south line of the plat of WANNIGMAN'S ADDITION, said plat being of record and on file at the Renville County Recorder's Office, 927.43 feet to the East line of said Northeast Quarter; thence South 00 degrees 12 minutes 12 seconds East along said East line 948.59 feet to the point of beginning. This tract contains 16.590 acres of land and is subject to any and all easements of record.

PROPOSED TRACT 2 DESCRIPTION

Part of the Southeast Quarter of the Northeast Quarter of Section 18, Township 115, Range 34, Renville County, Minnesota, described as follows: Beginning at the northeast corner of Lot 1 of Block Two of the plat of GOLF VIEW ESTATES, said plat being of record and on file at the Renville County Recorder's Office; thence on an assumed bearing of South 00 degrees 12 minutes 21 seconds East along the East line of said plat 150.00 feet; thence South 89 degrees 01 minutes 50 seconds East 20.00 feet; thence North 00 degrees 12 minutes 21 seconds West 150.00 feet to the South line of the plat of PRIMROSE LANE ADDITION, said plat being of record and on file at the Renville County Recorder's Office; thence North 89 degrees 01 minutes 50 seconds West along said South line 20.00 feet to the point of beginning. This tract contains 0.070 acres of land and is subject to any and all easements of record.

Not
annex
area

SEP 26 2008

PROPOSED TRACT 3 DESCRIPTION

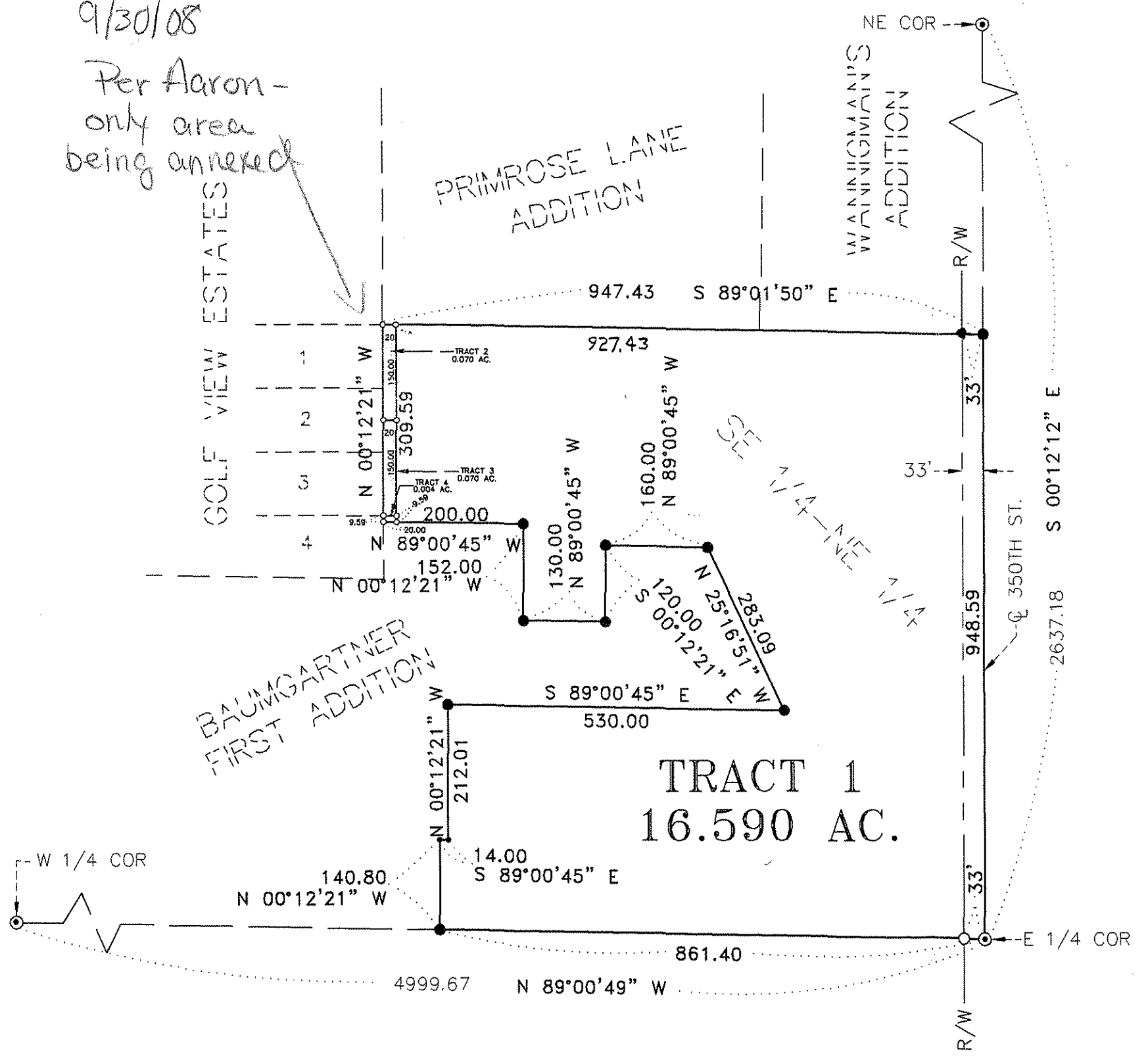
Part of the Southeast Quarter of the Northeast Quarter of Section 18, Township 115, Range 34, Renville County, Minnesota, described as follows: Commencing at the northeast corner of Lot 1 of Block Two of the plat of GOLF VIEW ESTATES, said plat being of record and on file at the Renville County Recorder's Office; thence on an assumed bearing of South 00 degrees 12 minutes 21 seconds East along the East line of said plat 150.00 feet to the point of beginning of the tract to be described; thence South 89 degrees 01 minutes 50 seconds East 20.00 feet; thence South 00 degrees 12 minutes 21 seconds East 150.00 feet; thence North 89 degrees 01 minutes 50 seconds West 20.00 feet to the East line of said plat of GOLF VIEW ESTATES; thence North 00 degrees 12 minutes 21 seconds West along said East line 150.00 feet to the point of beginning. This tract contains 0.070 acres of land and is subject to any and all easements of record.

PROPOSED TRACT 4 DESCRIPTION

Part of the Southeast Quarter of the Northeast Quarter of Section 18, Township 115, Range 34, Renville County, Minnesota, described as follows: Commencing at the northeast corner of Lot 1 of Block Two of the plat of GOLF VIEW ESTATES, said plat being of record and on file at the Renville County Recorder's Office; thence on an assumed bearing of South 00 degrees 12 minutes 21 seconds East along the East line of said plat 300.00 feet to the point of beginning of the tract to be described; thence South 89 degrees 01 minutes 50 seconds East 20.00 feet; thence South 00 degrees 12 minutes 21 seconds East 9.59 feet to the North line of the plat of BAUMGARTNER FIRST ADDITION, said plat being of record and on file at the Renville County Recorder's Office; thence North 89 degrees 00 minutes 45 seconds West along said North line 20.00 feet to the East line of said plat of GOLF VIEW ESTATES; thence North 00 degrees 12 minutes 21 seconds West along said East line 9.59 feet to the point of beginning. This tract contains 0.004 acres of land and is subject to any and all easements of record.

CERTIFICATE OF SURVEY

9/30/08
 Per Aaron -
 only area
 being annexed



LAND SURVEY FOR
BAUMGARTNER FARM PARTNERSHIP
 PART OF SE 1/4-NE 1/4
 SEC. 18, T115, R34 BIRD ISLAND TOWNSHIP
 RENVILLE COUNTY, MINNESOTA

- ⊙ DENOTES RENVILLE CO. MONUMENT
 - DENOTES IRON PIPE FOUND
 - DENOTES IRON PIPE SET BY RLS NO. 15475
- SCALE: 1 INCH = 200 FEET

Feb., 2008

FILE NO. 2847

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

Gregory D. Avery

AVERY GROCHOW, LS
 DATE 2/23/08 REGISTRATION NO. 15475

