

RESOLUTION NUMBER 2563, SECOND SERIES

REC'D BY
AA-MB

JUL 30 2003

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION-MUNICIPAL BOUNDARY ADJUSTMENTS OFFICE

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF MARSHALL AND THE TOWNSHIP
OF LAKE MARSHALL DESIGNATING CERTAIN
AREAS AS IN NEED OF ORDERLY ANNEXATION
PURSUANT TO MINNESOTA STATUTES,
SECTION 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, individual property owners with property located within the Township of Lake Marshall ("Township"), legally described in Exhibit A, which is attached hereto and incorporated herein by reference, have approached the City of Marshall ("City") regarding annexation of that property and extension of City services to that property. For ease of reference, the areas of the Township proposed for annexation in accordance with this Joint Resolution and legally described in Exhibit A are listed as Tract No. 1, Tract No. 2, and Tract No. 3; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the areas legally described in Exhibit A; and

WHEREAS, the above-mentioned property legally described in Exhibit A and referenced therein as Tract No. 1 is proposed to be developed for a new high school facility and commercial purposes; and

WHEREAS, the above-mentioned property legally described in Exhibit A and referenced therein as Tract No. 2 is proposed to be developed for commercial purposes; and

WHEREAS, the above-mentioned property legally described in Exhibit A and referenced therein as Tract No. 3 is proposed to be developed for park land, highway right-of-way, and commercial purposes; and,

WHEREAS, all of the tracts legally described in Exhibit A, abut the City, and are in need of orderly annexation and extension of services from the City since the property is urban or suburban or about to become so; and

WHEREAS, the City has available capacity to provide needed services to the above-mentioned property; and

WHEREAS, the City and Township agree that orderly annexation of the property legally described in Exhibit A is in the best interest of the property owners and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the City and Township agree that the property legally described in Exhibit A is designated as in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the property legally described in Exhibit A without the need for a hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall and the Board of Supervisors of the Township of Lake Marshall as follows:

1. The City and Township hereby designate the areas legally described in Exhibit A as in need of immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325;
2. The City and Township agree that the area legally described in Exhibit A and designated as in need of immediate orderly annexation is approximately 230.66 acres.
3. A boundary map showing the areas legally described in Exhibit A is attached hereto as Exhibit B and is incorporated herein by reference. For ease of reference, the areas proposed for annexation shown in Exhibit B are listed as Tract No. 1, Tract No.2, and Tract No. 3 and correspond to the tract references contained in Exhibit A.

4. The City and Township agree that the population of the area legally described in Exhibit A and designated as in need of immediate orderly annexation is 0.
5. Pursuant to Minnesota Statutes, section 414.0325, the City and Township agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the areas legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the State of Minnesota Department of Administration-Municipal Boundary Adjustments Office is necessary. Upon the execution and filing of this Joint Resolution, the State of Minnesota Department of Administration-Municipal Boundary Adjustments Office may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the areas legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the State of Minnesota Department of Administration-Municipal Boundary Adjustments Office.
7. In the event there are errors, omissions or any other problems with the legal descriptions provided in Exhibit A or the mapping provided in Exhibit B in the judgment of the State of Minnesota Department of Administration-Municipal Boundary Adjustments Office, the City and Township agree to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the State of Minnesota Department of Administration-Municipal Boundary Adjustments Office as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution.
8. With respect only to the area legally described in Exhibit A, which is attached hereto and incorporated herein by reference, the terms and conditions of this Joint Resolution, shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties hereto, but only with respect to the area legally described in Exhibit A.

Passed, adopted, and approved by the Township Board of Supervisors of the Township of Lake Marshall, Lyon County, Minnesota, this 15 day of July, 2003.

TOWNSHIP OF LAKE MARSHALL

By: Joe Verkinderen
Joe Verkinderen, Chair

ATTEST:

James Doty
James Doty, Township Clerk

Passed, adopted, and approved by the City Council of the City of Marshall, Lyon County, Minnesota, this 15 day of July, 2003.

CITY OF MARSHALL

By: Robert J. Byrnes
Robert J. Byrnes, Mayor

ATTEST:

Thomas M. Meulebroeck
Thomas M. Meulebroeck, City Clerk

EXHIBIT A**TRACT NO. 1**

All of the Northwest Quarter (NW¼) of Section Two (2), Township One Hundred Eleven (111), Range Forty-one (41) West, Lyon County, Minnesota, except areas previously annexed. Said tract is located east of and immediately adjacent to the corporate city limits of Marshall, Minnesota.

Said Tract No. 1 contains 113.10 acres more or less.

AND

TRACT NO. 2

Beginning at a point, said point being located at the southeast corner of the Southwest Quarter, Section 10, Township 111 North, Range 41 West, Lyon County, Minnesota; thence westerly along the south line of said Southwest Quarter, a distance of 626.99 feet; thence North 38 degrees 57 minutes 36 seconds West, a distance of 192.54 feet; thence North 00 degrees 56 minutes 49 seconds West, a distance of 266.50 feet; thence South 89 degrees 03 minutes 11 seconds West, a distance of 8.63 feet; thence North 00 degrees 56 minutes 49 seconds West, a distance of 784.61 feet; thence South 89 degrees 03 minutes 11 seconds West, a distance of 229.55 feet, more or less to a point on the current city limits line of Marshall, Minnesota; thence northerly following said current city limits line to a point on the north line of the South half of the South half of the Northwest Quarter of said Section 10; thence easterly along said north line to the east line of the Northwest Quarter of said Section 10; thence south along said east line to the point of beginning.

Said Tract No. 2 contains 58.95 acres more or less.

AND

TRACT NO. 3

All that part of Minnesota Trunk Highway Number 23 right of way located in the Southwest Quarter of Section 7, Township 111 North, Range 41 West, Lyon County Minnesota, being more particularly described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence South 88 degrees 40 minutes 25 seconds East, assumed bearing, along the south line of said Southwest Quarter, a distance of 625.19 feet, to the northerly right of way of Minnesota Trunk Highway Number 23; thence northeasterly, along said northerly right of way, along a curve not tangent to the last described line, concave to the southeast, having a central angle of 04 degrees 14 minutes 50 seconds, a radius of 3324.05 feet, an arc length of 226.40 feet, and a chord that bears North 82 degrees 19 minutes 03 seconds East, to the west line of Minnesota Trunk Highway Number 23 Wayside Rest; thence North 01 degrees 19 minutes 35 seconds East, not tangent to said curve, along the said west line, a distance of 50.53 feet, to the point of beginning; thence continuing North 01 degrees 19 minutes 35 seconds East, along said west line, a distance of 407.00 feet to the current city limits; thence South 88 degrees 43 minutes 30 seconds East, along the current city limits line, which is the north line of said Wayside Rest, a distance of 1149.31 feet; thence South 01 degrees 16 minutes 30 seconds West, along current city limits line, which is the east line of said Wayside Rest, a distance of 407.00 feet to the northerly right of way line of said Trunk Highway Number 23; thence North 88 degrees 43 minutes 30 seconds West, a distance of 1149.68 feet, to the point of beginning. Said tract of land being 10.74 acres more or less.

AND

All that part of Minnesota Trunk Highway Number 23 right of way located in the South half of Section 7, the SW¼ of Section 8, the North half of Section 18, and the NW¼ of Section 17, Township 111N, Range 41W, being more particularly described as follows:

Commencing at the southwest corner of the SW¼ of said Section 7; thence South 88 degrees 40 minutes 25 seconds East, assumed bearing, along the south line of said Southwest Quarter, a distance of 625.19 feet, to the northerly right of way of Minnesota Trunk Highway Number 23; thence northeasterly, along said northerly right of way, along a curve not tangent to the last described line, concave to the southeast, having a central angle of 04 degrees 14 minutes 50 seconds, a radius of 3324.05 feet, an arc length of 226.40 feet, and a chord that bears North 82 degrees 19 minutes 03 seconds East, to the west line of Minnesota Trunk Highway Number 23 Wayside Rest; thence North 01 degrees 19 minutes 35 seconds East, not tangent to said curve, along the said west line, a distance of 50.53 feet, to the point of beginning.

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Thence continuing in an easterly direction along the north right of way line of Minnesota Trunk Highway Number 23 to the intersection of said north right of way line and the east line of the SW $\frac{1}{4}$ of said Section 8, said east line being the current city limits line; thence south along said east line to the intersection of the east line of the SW $\frac{1}{4}$ of Section 8 and the south right of way line of Minnesota Trunk Highway Number 23; thence westerly along the south right of way line to a point, said point being the intersection of the west line of the Minnesota Trunk Highway Number 23 Wayside Rest extended and the south right of way line of Trunk Highway Number 23; thence northerly along said extended west line of Wayside Rest to the point of beginning. Said tract of land being 43.44 acres more or less.

AND

All that portion of land lying south of Minnesota Trunk Highway Number 23 in the Southeast Quarter of the Southwest Quarter of Section 8, Township 111 North, Range 41 West, Lyon County, Minnesota, and the Northeast Quarter of the Northwest Quarter of Section 17, Township 111 North, Range 41 West, Lyon County, Minnesota, bounded by a line 340 feet south of the north line of said Section 17, and 450 west of the east line of said Southwest Quarter of Section 8 and said Northwest Quarter of Section 17. Said tract of land being 4.43 acres more or less.

Said Tract No. 3 contains 58.61 acres more or less.

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CITY OF MARSHALL

TRACT NO. 1

TRACT NO. 2

TRACT NO. 3

EXHIBIT B

CITY OF MARSHALL
LYON COUNTY
MINNESOTA

LEGEND

CURRENT CITY LIMITS

1982 ORDERLY ANNEXATION BOUNDARY (O.A.B.)

PROPOSED 2003 ORDERLY ANNEXATION
AREA INCLUDED IN THE 1982 O.A.B.

PROPOSED 2003 ANNEXATION
AREA IN THE AMENDED 1982 O.A.B.

N
NOT TO SCALE