

RESOLUTION NUMBER 3466, SECOND SERIES

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

REC'D BY  
MBA

DEC 09 2010

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, the City of Marshall ("City") and the Township of Lake Marshall ("Township") have designated an orderly annexation area, OA-142, via Resolution No. 516, Second Series, in January 1982; and

WHEREAS, individual property owners with property located within the Township and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, have approached the City regarding annexation of that property and extension of City services to that property; 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 is proposed to be developed for residential and commercial purposes, abuts the City, and is 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 orderly annexation; and

WHEREAS, the City and Township desire to accomplish the 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 agree that the area legally described in Exhibit A and designated as in need of orderly annexation is approximately 10.69 acres.
2. A boundary map showing the area legally described in Exhibit A is attached hereto as Exhibit B and is hereby incorporated by reference.
3. The City and Township agree that the population of the area legally described in Exhibit A and designated as in need of orderly annexation is 0.
4. 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 area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by Office of Administrative Hearings-Municipal Boundary Adjustments is necessary. Upon the execution and filing of this Joint Resolution, Office of Administrative Hearings-Municipal Boundary Adjustments may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.

5. The City of Marshall and the Town of Lake Marshall have agreed, pursuant to Minnesota Statutes, Section 414.036, that with respect to property taxes payable on the area legally described in Exhibit A, hereby annexed, the City of Marshall shall make a cash payment to the Town of Lake Marshall for the period and in accordance with the following section:
  - a. \$0.00 – 10.15 acres of the 10.69 acres legally described in Exhibit A is tax-exempt.
  - b. \$0.00 – 0.54 acres of the 10.69 acres legally described in Exhibit A is a small agricultural parcel without a county tax ID number that is not currently taxed (omitted property).
6. That pursuant to Minnesota Statutes, Section 414.036 with respect to any special assessments assigned by the Township to the annexed property for the area legally described in Exhibit A, there are no special assessments or debt incurred by the Township on the subject area for which reimbursement is required.
7. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Office of Administrative Hearings-Municipal Boundary Adjustments.
8. In the event there are errors, omissions or any other problems with the legal descriptions provided in Exhibit A in the judgment of the Office of Administrative Hearings-Municipal Boundary Adjustments, the City and Township agree to make such corrections and file any additional documentation, including a new Exhibit A making the corrections requested or required by the Office of Administrative Hearings-Municipal Boundary Adjustments as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution.
9. 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 11<sup>th</sup> day of August, 2010.

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 24<sup>th</sup> day of August, 2010.

CITY OF MARSHALL

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

ATTEST:

Thomas M. Meulebroeck  
Thomas M. Meulebroeck, City Clerk

EXHIBIT A

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That part of the Northwest Quarter of the Northeast Quarter (NW1/4-NE1/4) of Section Seventeen (Sec. 17), Township 111 North, Range 41 West of the 5th P.M., Lyon County, Minnesota, described as follows:

Commencing at the North Quarter Corner (N.1/4 Cor.) of said Sec. 17; thence South  $00^{\circ}31'34''$  East (assumed bearing) on the west line of the NE1/4 of said Sec. 17 for a distance of 783.00 feet to the Point of Beginning; thence North  $89^{\circ}55'00''$  East, parallel to the north line of the NE1/4 of said Sec. 17, for a distance of 811.60 feet; thence South  $00^{\circ}31'34''$  East for a distance of 544.73 feet to the south line of said NW1/4-NE1/4; thence South  $89^{\circ}56'39''$  West along said south line for a distance of 811.60 feet to the Southwest Corner of said NW1/4-NE1/4; thence North  $00^{\circ}31'34''$  West along the west line of the NE1/4 of said Sec. 17 for a distance of 544.40 feet to the Point of Beginning, containing 10.15 acres, more or less.

AND

A tract of land south of TH Hwy 23 right-of-away and north of the south line of the southwest quarter of Section 8, Township 111 North, Range 41 West and west of the current city limits line in Lake Marshall Township to the City of Marshall. Said tract contains 0.54 acres, more or less.

# EXHIBIT B

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