

RESOLUTION NUMBER 3480, SECOND SERIES

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

REC'D BY  
MBA

DEC 09 2010

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

AMENDMENT TO THE  
JOINT RESOLUTION FOR  
ORDERLY ANNEXATION

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

WHEREAS, the Town of Fairview and the City of Marshall hereby jointly agree that the Joint Resolution Between the Town of Fairview and the City of Marshall designating an area for Orderly Annexation OA-142, via Resolution No. 516, Second Series, in January 1982 be amended to include the area legally described as Tract 1 in Exhibit A; and

WHEREAS, individual property owners with property located within the Township and legally described as Tract 2 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 as Tract 2 in Exhibit A; and

WHEREAS, the above-mentioned property is proposed to be developed, abuts the City, and is in need of orderly annexation 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 as Tract 2 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 as Tract 2 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 as Tract 2 in Exhibit A without the need for a hearing; and

WHEREAS, the City of Marshall has complied with Minnesota Statutes §414.0325, Subd. 1b., "Notice of intent to designate an area", and has published a notice of the intent to include property in an orderly annexation in a newspaper of general circulation in both the township and municipality at least ten days before the municipality or township adopted an orderly annexation agreement.

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

1. The City and Township agree that the area legally described as Tract 1 in Exhibit A and designated as in need of orderly annexation is approximately 120.35 acres; and, the City and Township agree that the area legally described as Tract 2 in Exhibit A for immediate annexation is approximately 146.70 acres.
2. A boundary map showing the area legally described Tract 2 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 as Tract 2 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 areas legally described as Tract 2 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 as Tract 2 in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
5. The City of Marshall and the Town of Fairview have agreed, pursuant to Minnesota Statutes, Section 414.036, that with respect to property taxes payable on the area legally described as Tract 2 in Exhibit A, hereby annexed, the City of Marshall shall make a cash payment to the Town of Fairview in the first year following the year the City of Marshall could first levy on the annexed area, an amount equal to \$510.00.
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 as Tract 2 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 areas legally described in Exhibit A.

Passed, adopted, and approved by the Township Board of Supervisors of the Township of Fairview, Lyon County, Minnesota, this 6 day of December, 2010.

TOWNSHIP OF FAIRVIEW

By: Dean Louwagie  
Dean Louwagie, Chair

ATTEST:

Bruce DeVos  
Bruce DeVos, Township Clerk/Treasurer

Passed, adopted, and approved by the City Council of the City of Marshall, Lyon County, Minnesota, this 14th day of September, 2010.

CITY OF MARSHALL

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

ATTEST:

Thomas M. Meulebroeck  
Thomas M. Meulebroeck, City Clerk

EXHIBIT A

REC'D BY  
MBA

DEC 09 2010

TRACT 1

A tract or parcel of land lying in Lyon County, Minnesota being more particularly described as follows:

The Southeast Quarter (SE $\frac{1}{4}$ ) of Section Twenty-Nine (29), Township One Hundred Twelve North (112N) Range Forty-One West (41W), Lyon County, Minnesota.

EXCEPT:

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of said Section Twenty-Nine (29)

AND FURTHER EXCEPT:

The South 33 feet of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section Twenty-Nine (29), Township One Hundred Twelve North (112N) Range Forty-One West (41W), Lyon County, Minnesota.

Said parcel contains 120.35 acres more or less.

TRACT 2

A tract or parcel of land lying in Lyon County, Minnesota being more particularly described as follows:

The Southeast Quarter (SE  $\frac{1}{4}$ ) of Section Twenty-Nine (29), Township One Hundred Twelve North (112N), Range Forty One West (41W).

EXCEPT:

The North Half of the Southeast Quarter of the Southeast Quarter (N  $\frac{1}{2}$  SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ) of Section Twenty-Nine (29), Township One Hundred Twelve North (112N), Range Forty One West (41W).

EXCEPT THEREFROM:

The West 562.00 feet thereof.

AND FURTHER EXCEPT:

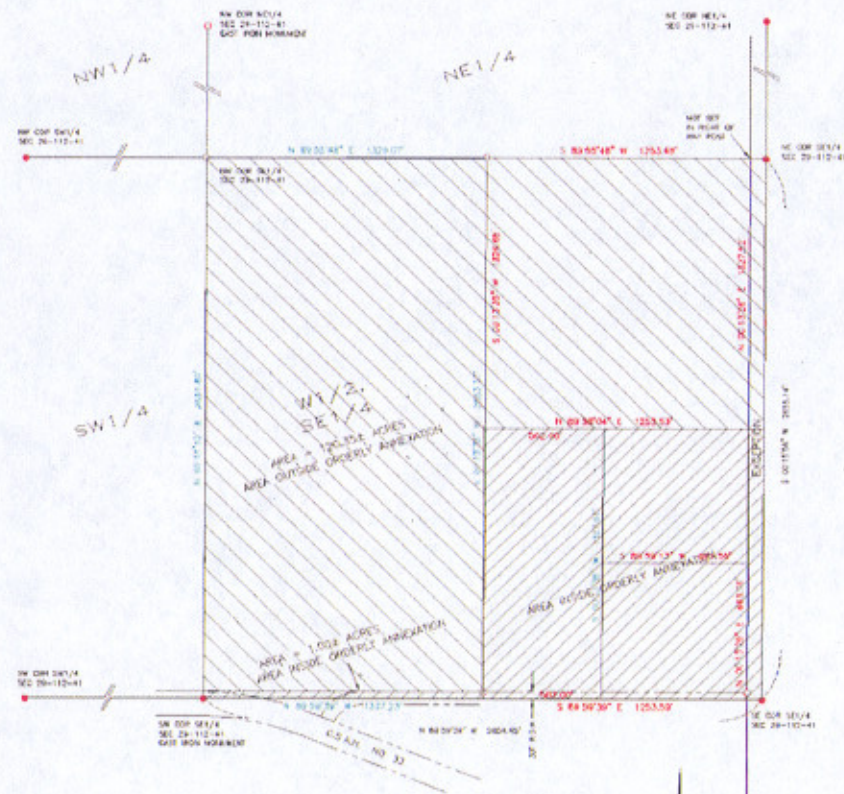
All that part of the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ ) of Section Twenty-Nine (29), Township One Hundred Twelve North (112N), Range Forty One West (41W), Lyon County, Minnesota, which lies within a distance of 75 feet on the West side of the following described line: Beginning at a point on the North line of Section Twenty-One (21), Township One Hundred Twelve North (112N), Range Forty One West (41W), Lyon County, Minnesota, a distance of 1.8 feet East of the northwest corner thereof; thence run southerly through a point on the South line of said Section 21, a distance of 1 foot East of the southwest corner thereof, for 5303.9 feet; thence deflect 0°47'20" for 5310.5 feet; thence deflect to the left at an angle of 0°16'40" for 500 feet and there terminating.

Said parcel contains 146.70 acres more or less.



## TRACT 1

ADD 120.35 +/- ACRES TO THE ORDERLY ANNEXATION AREA



## LAND DESCRIPTION

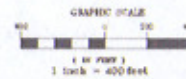
The Southeast Quarter (SE 1/4) of Section 29, Twp. 112 North, Range 41 West.

## EXCEPT:

The Southeast Quarter of the Southeast Quarter (SE 1/4) of said Section 29.

## AND FURTHER EXCEPT:

The South 1/2 of the Southwest Quarter of the Southeast Quarter (SW 1/4) of said Section 29, Twp. 112 North, Range 41 West.



## LEGEND

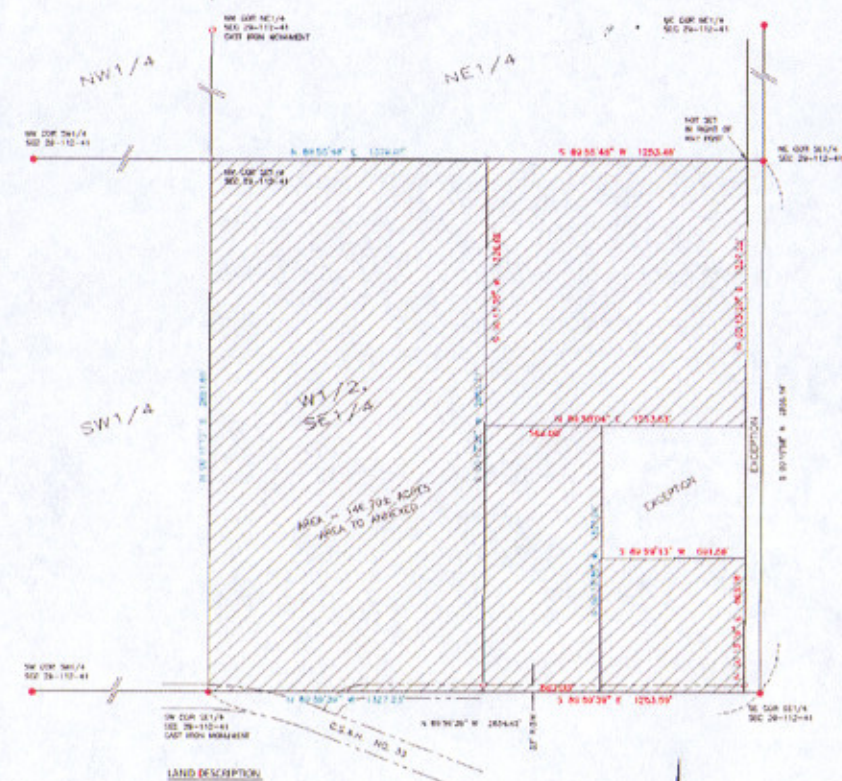
- These shaded symbols will be found in the drawing.
- MONUMENTS FOUND
- MONUMENTS SET - 5/8\"/>

AREA WITHIN ORDERLY ANNEXATION

BEARINGS BASED ON MINNESOTA  
STATE PLANE COORDINATE  
SYSTEM (TOWNSHIP COUNTY DEGREE)

## TRACT 2

ANNEX 146.70 +/- ACRES TO THE CITY OF MARSHALL



## LAND DESCRIPTION

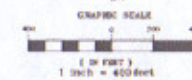
The Southeast Quarter (SE 1/4) of Section 29, Twp. 112 North, Range 41 West.

## EXCEPT:

The North Half of the Southeast Quarter of the Southeast Quarter (SE 1/4) of said Section 29, Twp. 112 North, Range 41 West, EXCEPT THEREFROM THE WEST 502.00 Feet thereof.

## AND FURTHER EXCEPT:

All that part of the E 1/2 of Section 29, Twp. 112 North, Range 41 West, which is within a distance of 150' on the West side of the following described line: Beginning at a point on the North line of Section 29, Twp. 112 North, Range 41 West, distant 1.8 feet East of the NW corner thereof, thence run Southerly through a point on the South line of said Section 29, distant 1 foot East of the SW corner thereof, for 5300.0 feet, thence deflect to the right at an angle of 0°47'20\"/>



## LEGEND

- These shaded symbols will be found in the drawing.
- MONUMENTS FOUND
- MONUMENTS SET - 5/8\"/>

AREA TO BE ANNEXED

BEARINGS BASED ON MINNESOTA  
STATE PLANE COORDINATE  
SYSTEM (TOWNSHIP COUNTY DEGREE)