

RECEIVED

By: OAH on September 20, 2022

Resolution No. 22- 067

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARING

IN THE MATTER OF 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.

JOINT RESOLUTION
FOR
ORDERLY ANNEXATION

WHEREAS, the property owner with property located within the Township of Fairview (“Township”) and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, has petitioned the City of Marshall (“City”) regarding annexation of that property and extension of City services to that property; and

WHEREAS, for ease of reference, the area of the Township proposed for annexation in accordance with this Joint Resolution and legally described in Exhibit A is shown on Exhibit B; 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 agricultural property, 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 has been designated and is 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 hearing.

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 hereby agree that the area legally described in Exhibit A has been designated for 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 is in need of immediate orderly annexation and is approximately 80.52 acres.
3. A boundary map showing the area legally described in Exhibit A is attached hereto as Exhibit B and is hereby incorporated by reference.
4. The City and Township agree that the population of the area legally described in Exhibit A is zero (0).
5. Pursuant to Minnesota Statutes, Section 414.0325, the City and Township agree that no alteration of 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 the State of Minnesota Office of Administrative Hearings; Municipal Boundary Adjustments Office is necessary. Upon the execution and filing of this Joint Resolution, the State of Minnesota Office of Administrative Hearings/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 area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Pursuant to Minnesota Statutes, Section 414.036, the City and Township agree that upon annexation of the area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed for the period and in accordance with the following schedule:
 - a. In the first year following the year the City of Marshall could first levy on the annexed area, an amount equal to \$275.25 and
 - b. In the second year an amount equal to \$275.25,
 - c. In the third year an amount equal to \$275.25,
 - d. In the fourth year an amount equal to \$275.25,
 - e. In the fifth year an amount equal to \$275.25,
 - f. In the sixth year an amount equal to \$275.25,
 - g. In the seventh year an amount equal to \$275.25,
 - h. In the eighth and final year, an amount equal to \$275.25.
7. Following annexation of the area legally described in Exhibit A, the tax rate of the City applied to the area of the Township hereby annexed shall be increased in substantially equal proportions over two (2) years to equality with the City's tax rate applicable to other property already within the City.
8. 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 Office of Administrative Hearings/Municipal Boundary Adjustments Office.
9. In the event there are errors, omissions or any other problems with the legal descriptions provided in Exhibit A in the judgment of the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Office, 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 State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Office as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution.

10. With respond only to the area legally described in Exhibit A, which is attached hereto and incorporated herein by reference, to 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 Fairview, Lyon County, Minnesota this 9 day of September, 2022.

ATTEST:

By: Sean Carmody
Sean Carmody, Township Clerk

TOWNSHIP OF FAIRVIEW

By: Sean Louwagie
Sean Louwagie, Chair

Passed, adopted, and approved by the City Council in and for the City of Marshall, Lyon County, Minnesota this 13th day of September, 2022.

ATTEST:

By: Steven Anderson
Steven Anderson, City Clerk

CITY OF MARSHALL

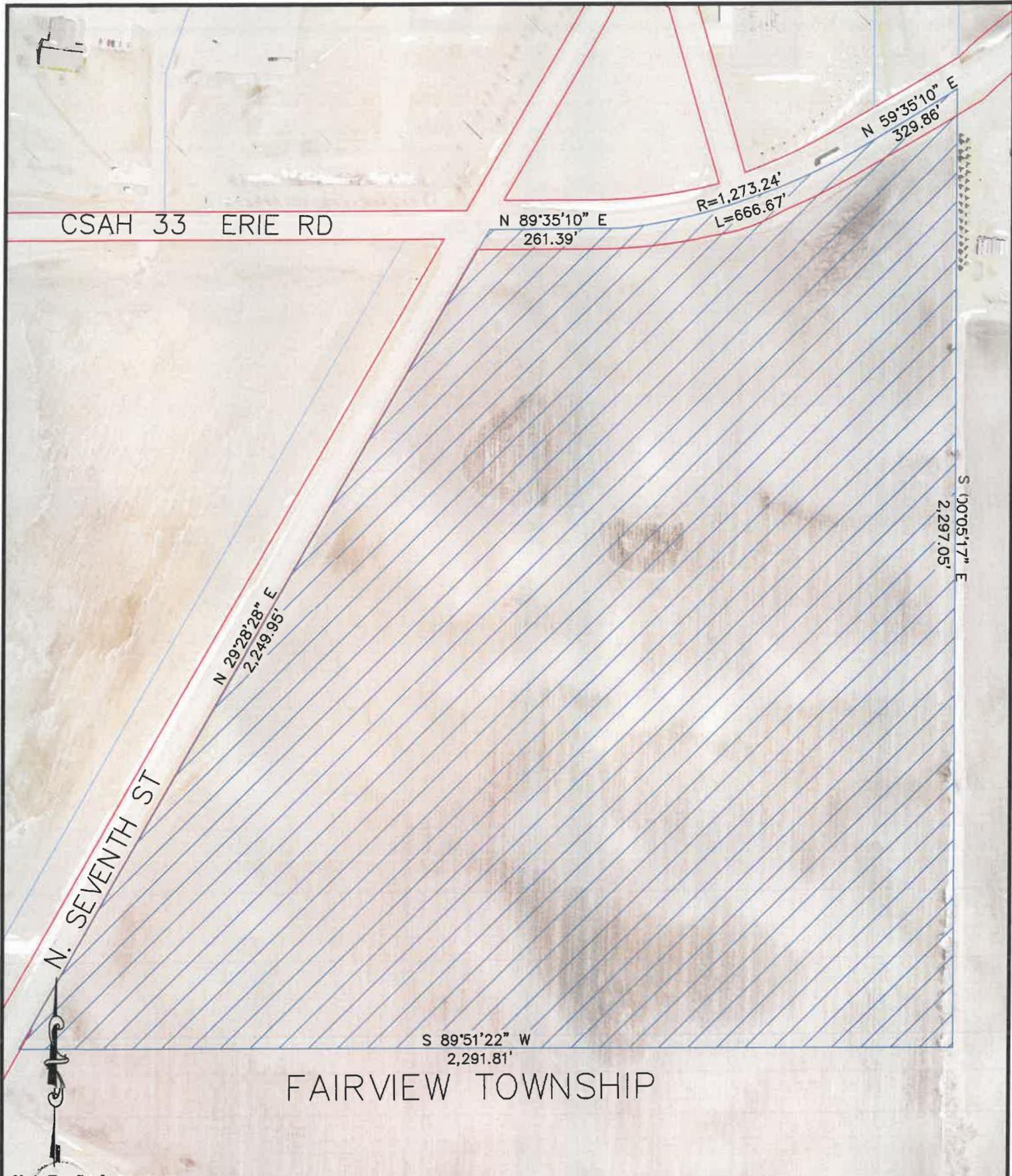
By: Robert Byones
Robert Byones, Mayor

EXHIBIT A

That part of the Northeast Quarter (NE¼) of Section Thirty-three (33), Township 112 North, Range 41 West of the 5th P.M., Lyon County, Minnesota, lying South of the centerline of County State Aid Highway No. 33 (Erie Road) and lying East of the centerline of North 7th Street, more particularly described as follows:

Beginning at the East Quarter Corner of said Section 33; thence South 89°51'22" West on the south line of said NE¼ for a distance of 2,291.81 feet to the centerline of said North 7th Street; thence North 29°28'28" East on said centerline for a distance of 2,249.95 feet to the centerline of said County State Aid Highway No. 33 (Erie Road); thence North 89°35'10" East on said centerline for a distance of 261.39 feet to the beginning of a curve, concave North, having a radius of 1,273.24 feet; thence Easterly on the arc of said curve to the left and on said centerline for an arc distance of 666.67 feet (said curve subtended by a chord which bears North 74°35'10" East with a chord distance of 659.08 feet); thence North 59°35'10" East on said centerline for a distance of 329.86 feet to the east line of said NE¼; thence South 00°05'17" East on said east line for a distance of 2,297.05 feet to the Point of Beginning, containing 80.52 acres, inclusive of 3.41 acres of public road right-of-way on the north and west sides thereof.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: covenants, conditions, restrictions, declarations, easements, reservations of minerals or mineral rights of record and building, zoning and subdivision laws and regulations.



Not To Scale



MARSHALL

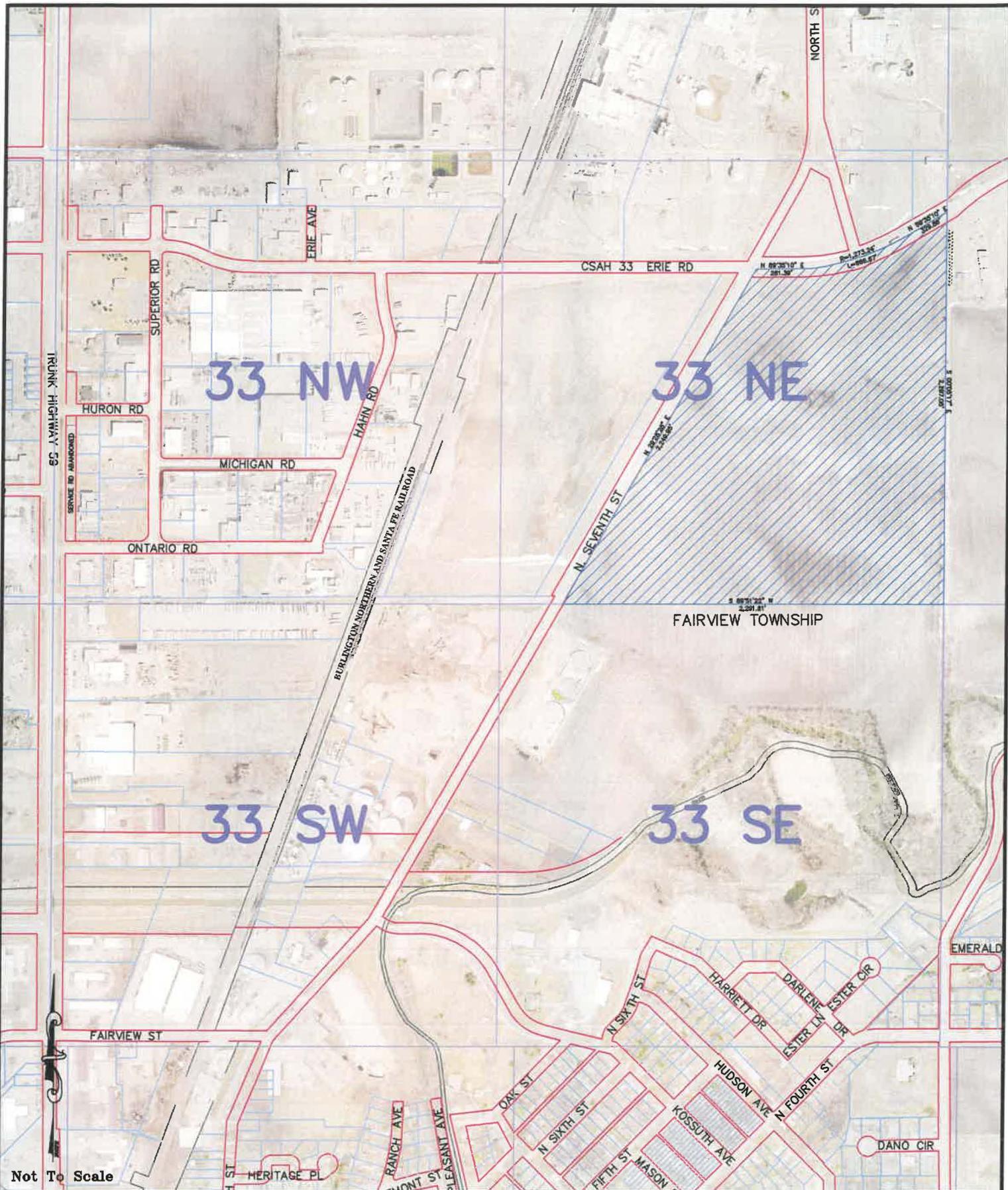
ENGINEERING DEPARTMENT
 344 WEST MAIN STREET
 MARSHALL, MINNESOTA
 56258

NE ¼ SEC 33 T 112 N R 41 W

DATE
09/16/2022

80.52 ACRE ANNEXATION SITE
 CITY OF MARSHALL, MN

SHEET NO.
1 OF 3



Not To Scale



MARSHALL

ENGINEERING DEPARTMENT
 344 WEST MAIN STREET
 MARSHALL, MINNESOTA
 56258

NE ¼ SEC 33 T 112 N R 41 W

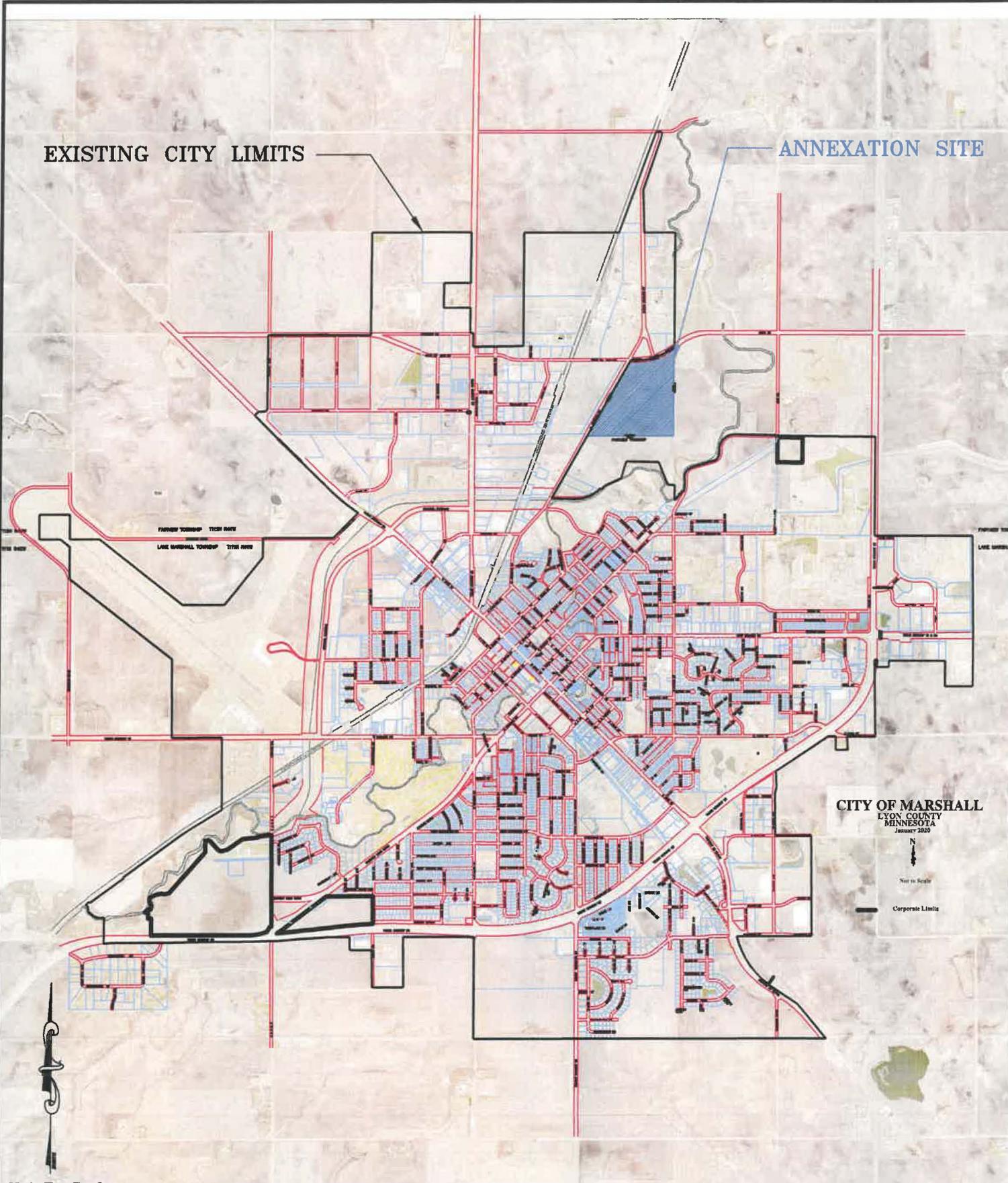
DATE
 09/16/2022

80.52 ACRE ANNEXATION
 SECTION CITY OF MARSHALL, MN

SHEET NO.
 2 OF 3

EXISTING CITY LIMITS

ANNEXATION SITE



CITY OF MARSHALL
LYON COUNTY
MINNESOTA
January 2020



Not to Scale

Corporate Limits

Not To Scale



MARSHALL

ENGINEERING DEPARTMENT
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258

NE ¼ SEC 33 T 112 N R 41 W	DATE 09/16/2022
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80.52 ACRE ANNEXATION SITE CITY OF MARSHALL, MN	SHEET NO. 3 OF 3
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