

**JOINT RESOLUTION ESTABLISHING AN  
ORDERLY ANNEXATION AGREEMENT BETWEEN  
THE CITY OF AUSTIN AND LANSING TOWNSHIP**

**CITY OF AUSTIN RESOLUTION NO. 13541  
LANSING TOWNSHIP RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, the City of Austin ("City") and Lansing Township ("Town"), both located entirely within Mower County, in the State of Minnesota, desire to accommodate growth in a cooperative, planned, and orderly fashion;

**WHEREAS**, the orderly annexation agreement contained in this joint resolution grew out of efforts to determine how best to provide wastewater services to an area within the Town north of the City;

**WHEREAS**, property owners within the area of the Town that became known as the Immediate Service Area petitioned the Town to establish an environmental subordinate service district under Minnesota Statutes, Chapter 365A for the purpose of identifying the wastewater needs and providing the planning, construction, hook ups, and on-going maintenance of such a wastewater system ("District");

**WHEREAS**, the Town Board established the District and undertook a process to identify wastewater needs within the area, including hiring an engineering firm to develop plans and obtaining services from a wastewater expert to help facilitate discussions within the community on wastewater issues;

**WHEREAS**, the community discussions led to identifying a larger potential area for services containing approximately 698 acres that become known as the Ultimate Service Area and the City became involved as a potential service provider to the area;

**WHEREAS**, those living within the area desiring to obtain services from the City filled a petition for annexation, together with a resolution of support from the City, with the state pursuant to Minnesota Statutes, section 414.031, subdivision 1(a)(3) requesting the annexation of substantially all of the Ultimate Service Area;

**WHEREAS**, meetings held between the parties as directed by the Chief Administrative Law Judge, as defined in Minnesota Statutes, Section 414.011, subdivision 12 ("Chief Judge"), were not productive in reaching a resolution of the issues between the parties;

**WHEREAS**, the Chief Judge ordered the parties to participate in a mediation session facilitated by an Administrative Law Judge which occurred on July 22, 2008;

**WHEREAS**, during the mediation the parties reached agreement on the primary issues of dispute and the representatives of the parties signed a mediated settlement agreement agreeing to address those issues as part of an orderly annexation agreement conditioned on

conditioned on both the City Council and Town Board taking action to approve the agreement;

**WHEREAS**, this orderly annexation agreement ("Agreement") encompasses the terms of the mediated settlement agreement, includes the entire area contained in the annexation petition and, upon its adoption by both the City Council and the Town Board, renders the annexation petition previously filed with the state moot; and

**WHEREAS**, in accordance with Minnesota Statutes, section 414.0325, subdivision 1b, the City and Town published a joint notice of intent to include property in an orderly annexation area in a newspaper of general circulation in the City and Town. The notice clearly identified the boundaries of the area proposed to be included in this agreement, it was published at least ten days before the City and Town acted to adopt this agreement, and the cost of the notice was divided equally between the City and Town.

**NOW, THEREFORE, BE IT RESOLVED**, in consideration of the mutual terms and conditions that follow, the City and Town hereby enter into this Agreement to provide for the orderly annexation of the property herein described into the City upon the following terms and conditions:

1. **Designated Areas.** The unincorporated property designated for orderly annexation by this Agreement consists of two areas referred to herein as "Area A" and "Area B" (also referred to collectively as the "Designated Areas"). Area A contains the property subject to immediate annexation pursuant to this Agreement and is shown on map attached hereto as Exhibit A and is legally described in the attached Exhibit B. Area B is shown on the map attached as Exhibit A and is legally described in the attached Exhibit C.
2. **Annexation of Area A.** This Agreement requests the immediate annexation of all the properties located within Area A. Upon its adoption by the City and Town, the City shall file this Agreement with the Chief Judge for processing and an order providing for the immediate annexation of Area A pursuant to its terms without any further action being required by the City.
3. **Annexation of Area B.** This Agreement temporarily designates Area B for annexation, but does not request the immediate annexation of any property within Area B. The designation of Area B for annexation expires five years from the effective date of this Agreement. During the five year period of designation, no annexation may occur within Area B except by a separate written joint resolution of the City and the Town agreeing to the annexation. Any annexation of property within Area B during the period it is designated under this Agreement must comply with the following procedures:
  - a. All of the owners of one or more parcels of property located in Area B may file a petition with the City and the Town requesting annexation of their property into the City.
  - b. Pursuant to Minnesota Statutes, section 414.0325, subdivision 1a, at least 60 days before filing such a petition the petitioners must notify the City that they intend to file a petition. The petitioners shall also notify the Town of their intention to petition for annexation at the same time they notify the City. At least 30 days before the petition is filed, the City must notify the petitioners that the cost of electric utility service to the

the petitioners may change if the property is annexed and the notice must contain such other information as required by law.

- c. The petitioners must file a petition with both the City and the Town requesting annexation. The petition shall be filled jointly with the City Clerk and the Town Clerk.
  - d. If the City Council and Town Board both consent to the requested annexation, they shall pass a joint resolution supporting the annexation and requesting the Chief Judge to order such annexation subject to the terms and conditions contained in the agreed upon joint resolution. The joint resolution shall address the specific terms and conditions applicable to the annexation including, but not limited to, the schedule and amount of tax reimbursement payments to the Town for the annexation.
  - e. The City shall be responsible for the costs of drafting the joint resolution, preparing the legal descriptions and maps, and for filing the joint resolution with the Chief Judge.
  - f. The requested annexation shall be effective upon the order of the Chief Judge approving the annexation.
4. Conferring Jurisdiction. Upon approval by the respective governing bodies of the City and Town, this Agreement shall confer jurisdiction upon the Chief Judge to accomplish the annexation of the Designated Areas as provided for under the terms and conditions of this Agreement. The jurisdiction conferred by this Agreement over Area B shall cease upon the expiration of the area's designation as provided herein.
  5. Review and Comment by the Chief Judge. The City and Town mutually agree and state that this Agreement sets forth all the conditions for annexation and that no consideration by the Chief Judge is necessary for annexations to occur as provided in this Agreement. Additionally, no alteration of the boundaries by the Chief Judge is appropriate. The Chief Judge may review and comment, but shall, within 30 days, order the requested annexation in accordance with the terms and conditions of this Agreement.
  6. Binding Contract. Pursuant to Minnesota Statutes, section 414.0325, subdivision 6, this Agreement is a binding contract upon the parties and is enforceable in district court in the county containing the Designated Area.
  7. Exclusive Method. Pursuant to Minnesota Statutes, section 414.0325, subdivision 6, the terms of this Agreement are not preempted by the provisions of Minnesota Statutes, Chapter 414, this Agreement provides the exclusive procedures for annexing within the Designated Areas, and the City shall not annex property within the Designated Areas by any other procedure.
  8. Effective Date/Applicability. This Agreement is effective on the date it is adopted by the City or Town, whichever is the last party to take action to adopt it. The annexation of Area A shall be effective upon the issuance of the order by the Chief Judge. Any annexation of property within

within Area B may only occur pursuant to the annexation procedures set out above for that area. This Agreement is only meant to apply to the Designated Areas and not to any other property or area within the Town.

9. Reasons for the Annexation. The parties recognize there are a number of owners within Area A in immediate need of wastewater services. Rather than continuing to dispute over which party is better able to provide services to the area and to avoid engaging in a costly contested case hearing over the issue of annexation, the parties determined it is in the best interests of the public to reach an agreement to provide for the immediate annexation of those properties in Area A to enable the City to carry out its plans to service the area. The parties also agree it is in the public's interest to designate Area B to establish process applicable over the next five years whereby the City and Town would jointly consider and act on requests for annexation that may arise within that area.
10. Property Taxes and Reimbursements. Pursuant to Minnesota Statutes, section 414.0325, subdivision 4b, because this Agreement becomes effective before August 1, 2009, the City shall be the levying authority in 2009 within Area A (taxes assessed in 2009 and payable in 2010). The Town remains the levying authority for 2008 (taxes assessed in 2008 and payable in 2009). To alleviate the financial impact on the Town for the loss of tax revenue due to the annexation, the City shall make reimbursement payments to the Town for the property annexed within Area A. The payments shall be based upon the amount of property taxes payable to the Town in the year of annexation ("Town Taxes") and shall begin in 2009 (which shall be considered "Year 1"). The amount payable to the Town in 2009 from the taxes it levied in Area A in 2008 shall constitute the Year 1 payment. The payments shall be based upon the following schedule:

<u>Year</u>	<u>Percentage of Town Taxes</u>
Year 1	100% (Town's 2008 levy)
Year 2	90%
Year 3	80%
Year 4	70%
Year 5	60%
Year 6	50%
Year 7	40%
Year 8	30%
Year 9	0%

Except in the year 2009, the City shall make its payment to the Town by September 1 each year unless City chooses to pay all or the remaining amount of the total payments in advance of the due date. The Town established an environmental subordinate service district pursuant to Minnesota Statutes, Chapter 365A within a portion of Area A in 2005 (the "District"). The Town incurred costs pursuing the purposes of the District and has certified those costs to the county auditor for collection on the taxes of the properties within the District. The amounts collected from the District shall be payable to the Town regardless of who becomes the levying authority on the property. If the City receives any portion of the amounts imposed by the Town

imposed by the Town on the District, it shall immediately transfer such amounts to the Town. The amounts imposed by the Town on the properties in Area A for the District shall not be included in "Town Taxes" for the purposes of determining the amount of tax reimbursement payments required under this section.

11. Authorization. The appropriate officers of the City and Town are hereby authorized to carry the terms of this Agreement into effect.
12. Planning and Zoning. The City's zoning and subdivisions regulations shall apply to the property annexed pursuant to this Agreement upon the effective date of the Chief Judge's order approving the annexation. Until such time as the annexation is effective, the property shall remain subject to the Town's ordinances and regulations.
13. Sewer Grants. The Town agrees to, upon request of the City, provide reasonable support to the City's efforts to secure grants to provide wastewater services to Area A as may be needed, including in participating in the grant application process. However, the Town shall not be required to perform the work to prepare the grant application or to incur any financial responsibility toward the grant application process or the wastewater project.
14. Survey Costs. The City and Town agree to share equally in the costs of survey work necessary to prepare the legal descriptions and map of the Designated Areas for this Agreement occurring between the date of the mediation session and the effective date of this Agreement.
15. Expiration and Termination. The City and Town agree the designation of Area B for orderly annexation shall expire five years from the effective date of this Agreement. Any portion of Area B not annexed as provided in this Agreement within five years of its effective date shall no longer be subject to the terms of this Agreement, including the conveyance of jurisdiction on the Chief Judge by the parties, and shall once again be subject to annexation pursuant to any applicable provisions of Minnesota Statutes, Chapter 414 in the same manner as any other unincorporated property. The provisions of any joint resolution adopted by the City and Town for the annexation of property within Area B shall be governed by the terms of that resolution, which shall survive the expiration of the designation of that area under this Agreement. This Agreement shall terminate upon the City making its final payment in full of the tax reimbursements payments provided for in this Agreement for Area A.
16. Entire Agreement / Prior Agreement. The terms, covenants, conditions, and provisions of this Agreement, including Exhibit A, Exhibit B, and Exhibit C which are attached hereto and incorporated herein by reference, shall constitute the entire agreement between the parties. Any prior joint resolutions or agreements regarding all or any portion of the Designated Areas are superseded by, and shall not interfere with or otherwise control, the terms of this Agreement. By adopting this Agreement, the City expressly repeals its previously adopted resolution supporting the property owner petition for annexation (OAH Docket No. 43-0330-19632-BA). No amendment to this Agreement shall be effective unless it is in the form of a written resolution adopted and signed by both the City and the Town.

17. Governing Law. This Agreement is made pursuant to, and shall be construed in accordance with, the laws of the State of Minnesota.
18. Severability. The provisions of this Agreement are severable. If any provision herein is, for any reason, held by a court of competent jurisdiction to be invalid, contrary to law, unenforceable, or otherwise void, the remaining provisions will remain in full force and effect.
19. Headings. Headings are included solely for the purpose of reference and shall not be interpreted as a substantive provision of this Agreement.

Approved this 5<sup>th</sup> day of January, 2009, by the City of Austin.

ATTEST:

MAYOR

Tou Datt  
City Recorder

Shana R. [Signature]

Approved this 7<sup>TH</sup> day of JANUARY, 2009, by Lansing Township.

[Signature]  
Town Chairperson

[Signature]  
Town Clerk

RECEIVED BY  
JAN 28 2008

JAN 28 2008

**EXHIBIT A**

**JOINT RESOLUTION FOR  
ORDERLY ANNEXATION**

**MAP OF DESIGNATED AREAS**

[Map is attached hereto]

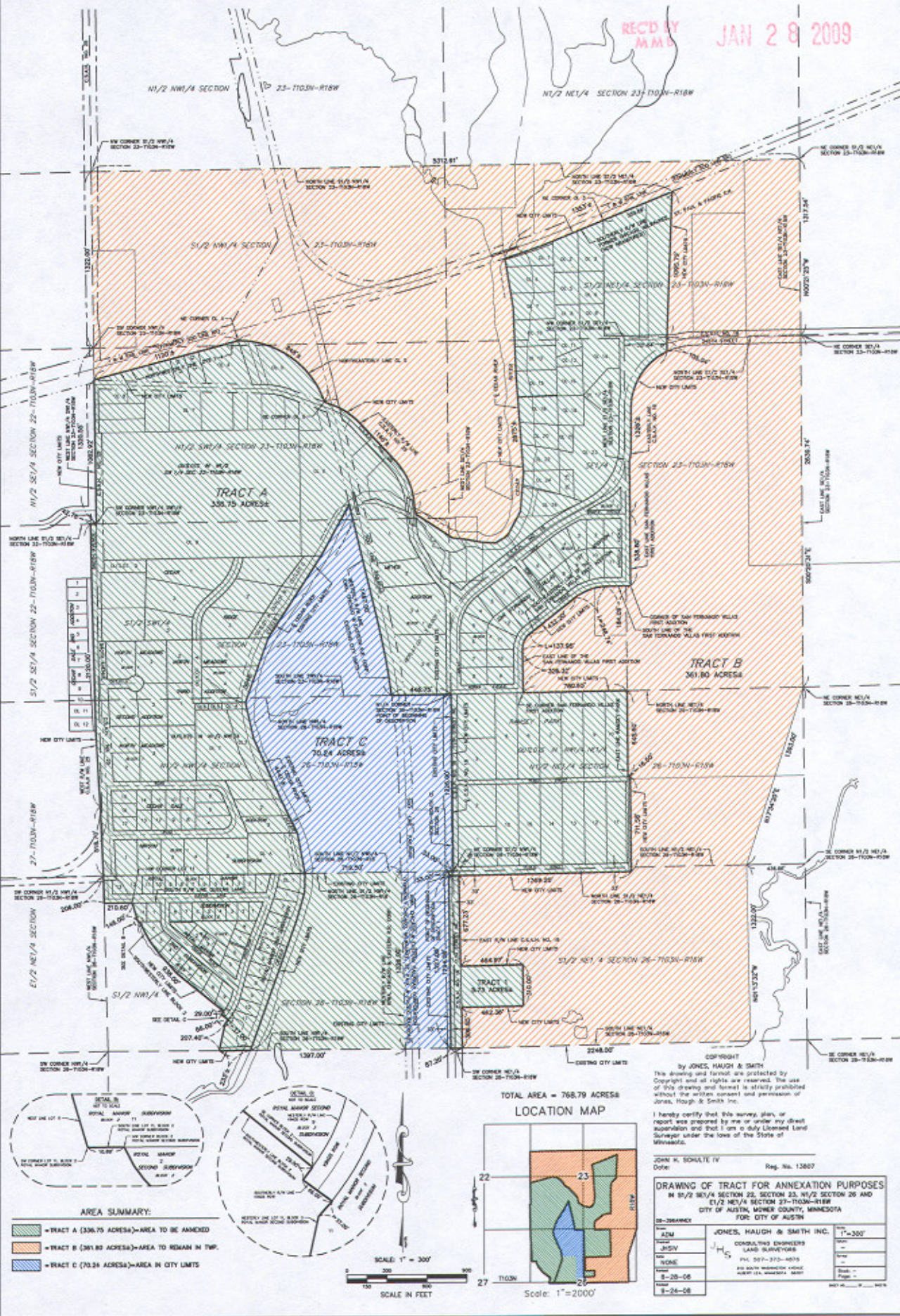


# EXHIBIT A

## DRAWING OF TRACT FOR ANNEXATION PURPOSES IN S1/2 SE1/4 SECTION 22, SECTION 23, N1/2 SECTION 26 & E1/2 NE1/4 SECTION 27-T103N-R18W CITY OF AUSTIN, MOWER COUNTY, MINNESOTA EXHIBIT A

REC'D BY  
MMB

JAN 28 2009





SECD BY  
ALMB

JAN 28 2009

**EXHIBIT B**

**JOINT RESOLUTION FOR  
ORDERLY ANNEXATION**

**LEGAL DESCRIPTION OF "AREA A"**

## EXHIBIT B

DESCRIPTION FOR ANNEXATION PURPOSES  
IN S½ SE¼ SECTION 22; SECTION 23; NE¼ SECTION 26;  
& E½ NE¼ SECTION 27-T103N-R18W  
MOWER COUNTY, MN

CITY OF AUSTIN  
Tract A

All that part of the S½ SE¼ Section 22-T103N-R18W, Section 23-T103N-R18W, the NE¼ Section 26-T103N-R18W and the E½ NE¼ Section 27-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the N¼ corner of said Section 26;

thence South a distance of 1326.00 feet, on the north-south ¼ line of said Section 26, to the south line of the N½ NE¼ of said Section 26;

thence Westerly on the south line of the N½ NW¼ of said Section 26 a distance of 33.00 feet;

thence Southerly a distance of 33.00 feet, on a line parallel to said north-south ¼ line;

thence East a distance of 1369.20 feet, on a line parallel with and 33 feet south of the south line of the N½ NE¼ of said Section 26;

thence North a distance of 711.58 feet, parallel with the north-south ¼ section line of said Section 26;

thence West a distance of 16.50 feet, to a point on the east line of the plat of Ramsey Park, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence North a distance of 645.60 feet, on the east line of said Ramsey Park, to a point on the north line of the NE¼ of said Section 26;

thence West a distance of 780.65 feet, on the north line of the NE¼ of said Section 26, to a point on a southerly extension of the east line of the plat of San Fernando Villas First Addition, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence North a distance of 326.32 feet, on the east line of said San Fernando Villas First Addition and a southerly extension thereof;

thence Northeasterly a distance of 137.98 feet, on the east line of said San Fernando Villas First Addition, on a tangential curve concave to the southeast with a radius of 150.11 feet;

thence Northeasterly a distance of 432.20 feet, on a tangential line on the southeasterly line of said San Fernando Villas First Addition;

thence Northeasterly a distance of 246.74 feet, on a tangential curve on the southerly line of said San Fernando Villas First Addition, with a radius of 380.20 feet;

thence East a distance of 184.09 feet, on a tangential line on the southerly line of said San Fernando Villas First Addition, to a corner thereof;

thence Northerly a distance of 538.80 feet, on the east line of said San Fernando Villas First Addition, to a point on the easterly right-of-way line of County State Aid Highway No. 16;

thence Northerly and Northeasterly a distance of 1326 feet more or less, on the easterly line of said San Fernando Villas First Addition and the east line of said County State Aid Highway No. 16, to a point 321.84 feet east of the west line of the E $\frac{1}{2}$  SE $\frac{1}{4}$  of said Section 23;

thence North a distance of 105.04 feet, to a point on the north line of the E $\frac{1}{2}$  SE $\frac{1}{4}$  of said Section 23, which is 321.84 feet east of the northwest corner of said E $\frac{1}{2}$  SE $\frac{1}{4}$ ;

thence Northerly a distance of 1095.79 feet, to a point on the south right-of-way line of the former Chicago, Milwaukee, St. Paul & Pacific Railroad (now abandoned), which is 555.69 feet northeasterly of the northeast corner of Outlot 3 in Auditor's Plat of the W $\frac{1}{2}$  E $\frac{1}{2}$  Section 23-T103N-R18W;

thence Southwesterly a distance of 1353 feet more or less, on the southerly right-of-way line of said abandoned Chicago, Milwaukee, St. Paul & Pacific Railroad, to a point on the centerline of the Cedar River;

thence Southerly and Westerly on the centerline of said Cedar River, 2875 feet more or less, to a point on the east right-of-way line of County State Aid Highway No. 25;

thence Northwesterly a distance of 1140 feet more or less, on the easterly right-of-way line of said County State Aid Highway No. 25, to the southeast corner of Outlot 5 in the Plat of Outlots in the W $\frac{1}{2}$  SW $\frac{1}{4}$  Section 23-T103N-R18W, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence Northwesterly a distance of 848 feet more or less, on the northeasterly line of Outlot 5 to the northeast corner of Outlot 4 in said Plat of Outlots in the W $\frac{1}{2}$  SW $\frac{1}{4}$  of said Section 23;

thence Southwesterly a distance of 1120 feet more or less, on the northwesterly line of Outlots 1, 2, 3 & 4 and a southwesterly extension thereof, to a point on the west line of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 23;

thence South a distance of 1082.92 feet, on the west line of said NW $\frac{1}{4}$  SW $\frac{1}{4}$ , to the southwest corner thereof;

thence West a distance of 42.76 feet, on the north line of the S $\frac{1}{2}$  SE $\frac{1}{4}$  Section 22-T103N-R18W, to the west right-of-way line of County State Aid Highway No. 25 (540<sup>th</sup> Avenue), as shown on Mower County Highway Right Of Way Plat No. 4;

thence Southerly a distance of 2120.00 feet, on the west right-of-way line of said County State Aid Highway No. 25 (540<sup>th</sup> Avenue), as shown on said Mower County Highway Right Of Way Plat No. 4;

thence Southerly a distance of 518.70 feet, to the southwest corner of the N $\frac{1}{2}$  NW $\frac{1}{4}$  of said Section 26;

thence South a distance of 206.00 feet, on the west line of the NW $\frac{1}{4}$  of said Section 26, to the south right-of-way line of Queens Lane, as shown on the plat of Royal Manor Subdivision, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence Easterly a distance of 210.60 feet, on the south line of said Queens Lane, to the northwest corner of Lot 11, Block 2 in said Royal Manor Subdivision;

thence Southeasterly a distance of 146.00 feet, on the west line of said Lot 11, Block 2, to the southwest corner thereof;

thence East a distance of 10.89 feet, on the south line of said Lot 11, Block 2, to the northwest corner of Block 2, Royal Manor Second Subdivision, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence Southeasterly a distance of 936.00 feet, on the southwesterly line of said Block 2, Royal Manor Second Subdivision, to the southeast corner of said Block 2;

thence Southwesterly a distance of 29.00 feet, on the westerly right-of-way line of Kings Row, as shown on said plat of Royal Manor Second Subdivision;

thence Southeasterly a distance of 66.00 feet, on the southerly right-of-way line of said Kings Row, to the westerly line of Lot 11, Block 3 in said Royal Manor Second Subdivision;

thence Southwesterly a distance of 37.00 feet, on the westerly line of said Lot 11, Block 3 to a corner thereof;

thence Southwesterly a distance of 207.40 feet, on the westerly line of said Lot 11, and a southwesterly extension thereof, to a point on the south line of the NW $\frac{1}{4}$  of said Section 26;

thence East a distance of 233 feet more or less, on the south line of said NW $\frac{1}{4}$  to a point on the centerline of the Cedar River;

thence Northerly and Northeasterly a distance of 4441 feet more or less, on the centerline of said Cedar River, to a point on the westerly right-of-way line of the Iowa, Chicago & Eastern Railroad Corporation (formerly Chicago, Milwaukee, St. Paul & Pacific Railroad), this point being in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 23;

thence Southeasterly a distance of 1467.00 feet, on the westerly right-of-way line of said Iowa, Chicago & Eastern Railroad Corporation (formerly the Chicago, Milwaukee, St. Paul & Pacific Railroad), to a point on the north line of the NW $\frac{1}{4}$  of said Section 26;



thence East a distance of 446.75 feet, on the north line of the NW $\frac{1}{4}$  of said Section 26, to the point of beginning.

Together with the following described Tract 1:

TRACT 1:

All that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  and the S $\frac{1}{2}$  NW $\frac{1}{4}$  Section 26-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the northeast corner of the S $\frac{1}{2}$  NW $\frac{1}{4}$  of said Section 26; thence Westerly a distance of 33.00 feet, on the north line of said S $\frac{1}{2}$  NW $\frac{1}{4}$ ; thence Southerly a distance of 33.00 feet, on a line parallel with and 33.00 feet west of the east line of said S $\frac{1}{2}$  NW $\frac{1}{4}$ , to the point of beginning;

thence Southerly a distance of 1294.08 feet, on a line parallel with and 33.00 feet west of the east line of said S $\frac{1}{2}$  NW $\frac{1}{4}$ , to a point on the south line thereof;

thence East a distance of 87.20 feet, on the south line of said S $\frac{1}{2}$  NW $\frac{1}{4}$  and the S $\frac{1}{2}$  NE $\frac{1}{4}$  of said Section 26, to a point on the east right-of-way line of County State Aid Highway No. 16 (11<sup>th</sup> Street NE);

thence North a distance of 306.85 feet, on the east right-of-way line of said County State Aid Highway No. 16;

thence East a distance of 462.36 feet, on a line parallel with said north line of the S $\frac{1}{2}$  NE $\frac{1}{4}$  of said Section 26;

thence North a distance of 310.00 feet, on a line parallel with the west line of the S $\frac{1}{2}$  NE $\frac{1}{4}$  of said Section 26;

thence West a distance of 464.97 feet, on a line parallel with the north line of the S $\frac{1}{2}$  NE $\frac{1}{4}$  of said Section 26, to a point on the east right-of-way line of said County State Aid Highway No. 16;

thence North a distance of 677.23 feet, on the east right-of-way line of said County State Aid Highway No. 16, to a point 33.00 feet south of the north line of the S $\frac{1}{2}$  NE $\frac{1}{4}$  of said Section 26;

thence West a distance of 76.28 feet, to the point of beginning.

REC'D BY  
M.A.B.

JUN 28 2000

**EXHIBIT C**

**JOINT RESOLUTION FOR  
ORDERLY ANNEXATION**

**LEGAL DESCRIPTION OF "AREA B"**

## EXHIBIT C

DESCRIPTION FOR ANNEXATION PURPOSES  
IN S½ SE¼ SECTION 22; SECTION 23; N½ SECTION 26;  
& E½ NE¼ SECTION 27-T103N-R18W  
MOWER COUNTY, MN

CITY OF AUSTIN

## Tract B

All that part of the S½ SE¼ Section 22-T103N-R18W, Section 23-T103N-R18W, the N½ Section 26-T103N-R18W and the N½ NE¼ Section 27-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the N¼ corner of said Section 26;

thence South a distance of 1326.00 feet, on the north-south ¼ line of said Section 26, to the south line of the N½ of the N½ of said Section 26;

thence Westerly on said south line a distance of 33 feet;

thence Southerly a distance of 1327.08 feet, on a line parallel to said north-south ¼ line, to a point on the south line of the N½ NE¼ of said Section 26;

thence East a distance of 2248 feet, on the south line of the NE¼ of said Section 26;

thence North a distance of 1322 feet, to a point on the south line of the N½ NE¼ of said Section 26, which is 436.66 feet west of the southeast corner thereof;

thence Northeasterly a distance of 1393 feet, to the northeast corner of the NE¼ of said Section 26;

thence North a distance of 2639.74 feet, on the east line of the SE¼ of said Section 23, to the northeast corner thereof;

thence North a distance of 1317.54 feet, on the east line of the SE¼ NE¼ of said Section 23, to the northeast corner thereof;

thence West a distance of 5312.61 feet, on the north line of the S½ NE¼ and the north line of the S½ NW¼ of said Section 23, to the northwest corner of said S½ NW¼;

thence South a distance of 1322 feet, on the west line of said S½ NW¼, to the southwest corner of the NW¼ of said Section 23;

thence South a distance of 1320.55 feet, on the west line of the NW¼ SW¼ of said Section 23, to the southwest corner thereof;

thence West a distance of 42.76 feet, on the north line of the S½ SE¼ Section 22-T103N-R18W, to the west right-of-way line of County State Aid Highway No. 25 (540<sup>th</sup> Avenue), as shown on Mower County Highway Right Of Way Plat No. 4;

thence Southerly a distance of 2120 feet, on the west right-of-way line of said County State Aid Highway No. 25 (540<sup>th</sup> Avenue), as shown on said Mower County Highway Right Of Way Plat No. 4;

thence Southerly a distance of 518.70 feet, to the southwest corner of the N½ NW¼ of said Section 26;

thence South a distance of 206 feet, on the west line of the NW¼ of said Section 26, to the south right-of-way line of Queens Lane, as shown on the plat of Royal Manor Subdivision, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence Easterly a distance of 210.6 feet, on the south line of said Queens Lane, to the northwest corner of Lot 11, Block 2 in said Royal Manor Subdivision;

thence Southeasterly a distance of 146 feet, on the west line of said Lot 11, Block 2, to the southwest corner thereof;

thence East a distance of 10.89 feet, on the south line of said Lot 11, to the northwest corner of Block 2, Royal Manor Second Subdivision, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence Southeasterly a distance of 936 feet, on the southwesterly line of said Block 2, Royal Manor Second Subdivision, to the southeast corner of said Block 2;

thence Southwesterly a distance of 29 feet, on the westerly right-of-way line of Kings Row, as shown on said Plat of Royal Manor Second Subdivision;

thence Southeasterly a distance of 66 feet, on the southerly right-of-way line of said Kings Row, to the westerly line of Lot 11, Block 3 in said Royal Manor Second Subdivision;

thence Southwesterly a distance of 37 feet, on the westerly line of said Lot 11, Block 3 to a corner thereof;

thence Southwesterly a distance of 207.4 feet, on the westerly line of said Lot 11, and a southwesterly extension thereof, to a point on the south line of the NW¼ of said Section 26;

thence East a distance of 1397 feet, on the south line of said NW¼ to a point on the westerly right-of-way line of the Iowa, Chicago & Eastern Railroad Corporation (formerly the Chicago, Milwaukee, St. Paul & Pacific Railroad);

thence Northerly a distance of 1326 feet, on the westerly right-of-way line of said Iowa, Chicago & Eastern Railroad Corporation (formerly the Chicago, Milwaukee, St. Paul & Pacific Railroad), to a point on the south line of the N½ NW¼ of said Section 26;



thence Westerly a distance of 719.5 feet, on the south line of said N $\frac{1}{2}$  NW $\frac{1}{4}$  Section 26, to a point on the centerline of the Cedar River;

thence Northerly and Northeasterly a distance of 3048 feet, on the centerline of said Cedar River, to a point on the westerly right-of-way line of said Iowa, Chicago & Eastern Railroad Corporation (formerly Chicago, Milwaukee, St. Paul & Pacific Railroad), this point being in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 23;

thence Southeasterly a distance of 1467 feet, on the westerly right-of-way line of said Iowa, Chicago & Eastern Railroad Corporation (formerly the Chicago, Milwaukee, St. Paul & Pacific Railroad), to a point on the north line of the NW $\frac{1}{4}$  of said Section 26;

thence East a distance of 446.75 feet, on the north line of the NW $\frac{1}{4}$  of said Section 26, to the point of beginning.

Less the following described Tract A:

Commencing at the N $\frac{1}{4}$  corner of said Section 26;

thence South a distance of 1326.00 feet, on the north-south  $\frac{1}{4}$  line of said Section 26, to the south line of the N $\frac{1}{2}$  NE $\frac{1}{4}$  of said Section 26;

thence Westerly on the south line of the N $\frac{1}{2}$  NW $\frac{1}{4}$  of said Section 26 a distance of 33.00 feet;

thence Southerly a distance of 33.00 feet, on a line parallel to said north-south  $\frac{1}{4}$  line;

thence East a distance of 1369.20 feet, on a line parallel with and 33 feet south of the south line of the N $\frac{1}{2}$  NE $\frac{1}{4}$  of said Section 26;

thence North a distance of 711.58 feet, parallel with the north-south  $\frac{1}{4}$  section line of said Section 26;

thence West a distance of 16.50 feet, to a point on the east line of the plat of Ramsey Park, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence North a distance of 645.60 feet, on the east line of said Ramsey Park, to a point on the north line of the NE $\frac{1}{4}$  of said Section 26;

thence West a distance of 780.65 feet, on the north line of the NE $\frac{1}{4}$  of said Section 26, to a point on a southerly extension of the east line of the plat of San Fernando Villas First Addition, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence North a distance of 326.32 feet, on the east line of said San Fernando Villas First Addition and a southerly extension thereof;

thence Northeasterly a distance of 137.98 feet, on the east line of said San Fernando Villas First Addition, on a tangential curve concave to the southeast with a radius of 150.11 feet;

thence Northeasterly a distance of 432.20 feet, on a tangential line on the southeasterly line of said San Fernando Villas First Addition;

thence Northeasterly a distance of 246.74 feet, on a tangential curve on the southerly line of said San Fernando Villas First Addition, with a radius of 380.20 feet;

thence East a distance of 184.09 feet, on a tangential line on the southerly line of said San Fernando Villas First Addition, to a corner thereof;

thence Northerly a distance of 538.80 feet, on the east line of said San Fernando Villas First Addition, to a point on the easterly right-of-way line of County State Aid Highway No. 16;

thence Northerly and Northeasterly a distance of 1326 feet more or less, on the easterly line of said San Fernando Villas First Addition and the east line of said County State Aid Highway No. 16, to a point 321.84 feet east of the west line of the E $\frac{1}{2}$  SE $\frac{1}{4}$  of said Section 23;

thence North a distance of 105.04 feet, to a point on the north line of the E $\frac{1}{2}$  SE $\frac{1}{4}$  of said Section 23, which is 321.84 feet east of the northwest corner of said E $\frac{1}{2}$  SE $\frac{1}{4}$ ;

thence Northerly a distance of 1095.79 feet, to a point on the south right-of-way line of the former Chicago, Milwaukee, St. Paul & Pacific Railroad (now abandoned), which is 555.69 feet northeasterly of the northeast corner of Outlot 3 in Auditor's Plat of the W $\frac{1}{2}$  E $\frac{1}{2}$  Section 23-T103N-R18W;

thence Southwesterly a distance of 1353 feet more or less, on the southerly right-of-way line of said abandoned Chicago, Milwaukee, St. Paul & Pacific Railroad, to a point on the centerline of the Cedar River;

thence Southerly and Westerly on the centerline of said Cedar River, 2875 feet more or less, to a point on the east right-of-way line of County State Aid Highway No. 25;

thence Northwesterly a distance of 1140 feet more or less, on the easterly right-of-way line of said County State Aid Highway No. 25, to the southeast corner of Outlot 5 in the Plat of Outlots in the W $\frac{1}{2}$  SW $\frac{1}{4}$  Section 23-T103N-R18W, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence Northwesterly a distance of 848 feet more or less, on the northeasterly line of Outlot 5 to the northeast corner of Outlot 4 in said Plat of Outlots in the W $\frac{1}{2}$  SW $\frac{1}{4}$  of said Section 23;

thence Southwesterly a distance of 1120 feet more or less, on the northwesterly line of Outlots 1, 2, 3 & 4 and a southwesterly extension thereof, to a point on the west line of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 23;

thence South a distance of 1082.92 feet, on the west line of said NW $\frac{1}{4}$  SW $\frac{1}{4}$ , to the southwest corner thereof;

thence West a distance of 42.76 feet, on the north line of the S $\frac{1}{2}$  SE $\frac{1}{4}$  Section 22-T103N-R18W, to the west right-of-way line of County State Aid Highway No. 25 (540<sup>th</sup> Avenue), as shown on Mower County Highway Right Of Way Plat No. 4;

thence Southerly a distance of 2120.00 feet, on the west right-of-way line of said County State Aid Highway No. 25 (540<sup>th</sup> Avenue), as shown on said Mower County Highway Right Of Way Plat No. 4;

thence Southerly a distance of 518.70 feet, to the southwest corner of the N $\frac{1}{2}$  NW $\frac{1}{4}$  of said Section 26;

thence South a distance of 206.00 feet, on the west line of the NW $\frac{1}{4}$  of said Section 26, to the south right-of-way line of Queens Lane, as shown on the plat of Royal Manor Subdivision, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence Easterly a distance of 210.60 feet, on the south line of said Queens Lane, to the northwest corner of Lot 11, Block 2 in said Royal Manor Subdivision;

thence Southeasterly a distance of 146.00 feet, on the west line of said Lot 11, Block 2, to the southwest corner thereof;

thence East a distance of 10.89 feet, on the south line of said Lot 11, Block 2, to the northwest corner of Block 2, Royal Manor Second Subdivision, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence Southeasterly a distance of 936.00 feet, on the southwesterly line of said Block 2, Royal Manor Second Subdivision, to the southeast corner of said Block 2;

thence Southwesterly a distance of 29.00 feet, on the westerly right-of-way line of Kings Row, as shown on said plat of Royal Manor Second Subdivision;

thence Southeasterly a distance of 66.00 feet, on the southerly right-of-way line of said Kings Row, to the westerly line of Lot 11, Block 3 in said Royal Manor Second Subdivision;

thence Southwesterly a distance of 37.00 feet, on the westerly line of said Lot 11, Block 3 to a corner thereof;

thence Southwesterly a distance of 207.40 feet, on the westerly line of said Lot 11, and a southwesterly extension thereof, to a point on the south line of the NW $\frac{1}{4}$  of said Section 26;

thence East a distance of 233 feet more or less, on the south line of said NW $\frac{1}{4}$  to a point on the centerline of the Cedar River;

thence Northerly and Northeasterly a distance of 4441 feet more or less, on the centerline of said Cedar River, to a point on the westerly right-of-way line of the Iowa, Chicago & Eastern Railroad Corporation (formerly Chicago, Milwaukee, St. Paul & Pacific Railroad), this point being in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 23;

thence Southeasterly a distance of 1467.00 feet, on the westerly right-of-way line of said Iowa, Chicago & Eastern Railroad Corporation (formerly the Chicago, Milwaukee, St. Paul & Pacific Railroad), to a point on the north line of the NW $\frac{1}{4}$  of said Section 26;

thence East a distance of 446.75 feet, on the north line of the NW $\frac{1}{4}$  of said Section 26, to the point of beginning.

And less the following described Tract 1:

TRACT 1:

All that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  and the S $\frac{1}{2}$  NW $\frac{1}{4}$  Section 26-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the northeast corner of the S $\frac{1}{2}$  NW $\frac{1}{4}$  of said Section 26; thence Westerly a distance of 33.00 feet, on the north line of said S $\frac{1}{2}$  NW $\frac{1}{4}$ ; thence Southerly a distance of 33.00 feet, on a line parallel with and 33.00 feet west of the east line of said S $\frac{1}{2}$  NW $\frac{1}{4}$ , to the point of beginning;

thence Southerly a distance of 1294.08 feet, on a line parallel with and 33.00 feet west of the east line of said S $\frac{1}{2}$  NW $\frac{1}{4}$ , to a point on the south line thereof;

thence East a distance of 87.20 feet, on the south line of said S $\frac{1}{2}$  NW $\frac{1}{4}$  and the S $\frac{1}{2}$  NE $\frac{1}{4}$  of said Section 26, to a point on the east right-of-way line of County State Aid Highway No. 16 (11<sup>th</sup> Street NE);

thence North a distance of 306.85 feet, on the east right-of-way line of said County State Aid Highway No. 16;

thence East a distance of 462.36 feet, on a line parallel with said north line of the S $\frac{1}{2}$  NE $\frac{1}{4}$  of said Section 26;

thence North a distance of 310.00 feet, on a line parallel with the west line of the S $\frac{1}{2}$  NE $\frac{1}{4}$  of said Section 26;

thence West a distance of 464.97 feet, on a line parallel with the north line of the S $\frac{1}{2}$  NE $\frac{1}{4}$  of said Section 26, to a point on the east right-of-way line of said County State Aid Highway No. 16;

thence North a distance of 677.23 feet, on the east right-of-way line of said County State Aid Highway No. 16, to a point 33.00 feet south of the north line of the S $\frac{1}{2}$  NE $\frac{1}{4}$  of said Section 26;

thence West a distance of 76.28 feet, to the point of beginning.