

JOINT ORDERLY ANNEXATION RESOLUTION

CITY OF MONTGOMERY RESOLUTION 29-2009

REC'D BY
MAM B

JUN 22 2009

TOWNSHIP OF MONTGOMERY RESOLUTION

A JOINT RESOLUTION OF THE CITY OF MONTGOMERY AND MONTGOMERY TOWNSHIP DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER THE AREA TO THE MONTGOMERY MUNICIPAL BOUNDARY ADJUSTMENT BOARD, PURSUANT TO MINNESOTA STATUTES SECTION 414.0325.

* OAH

WHEREAS, the City of Montgomery and the Township of Montgomery have met, conferred, considered and reached agreement relating to the annexation of an area located in the Township of Montgomery; and

WHEREAS, the area proposed for annexation is owned by Kevin Vrieze, as well as the Frandsen Bank & Trust of Montgomery (mortgagee), hereinafter together referred to as "Owners"; and

WHEREAS, the City of Montgomery and the Township of Montgomery desire to designate a certain unincorporated area as in need of orderly annexation pursuant to Minnesota Statutes Section 414.0325 and have agreed upon certain terms and conditions relating to the annexation of said property.

NOW, THEREFORE, BE IT RESOLVED AND AGREED between the City of Montgomery and the Township of Montgomery as follows:

1. That the City of Montgomery (hereinafter "City") is a city pursuant to the laws of the State of Minnesota and that the Township of Montgomery (hereinafter "Township") is a township pursuant to the laws of the State of Minnesota, and that both parties are fully authorized and empowered to enter into this resolution.
2. That the following unincorporated area is in need of orderly annexation, lies wholly within Montgomery Township, Le Sueur County, Minnesota, and is described as follows: see Exhibit A attached hereto and incorporated herein (hereinafter "the Property") and no alteration of its stated boundaries is appropriate.
3. That jurisdiction over annexation within the Property and over the various provisions contained in this Resolution is hereby conferred upon the Minnesota Department of Administration (hereinafter "Department").

Exh. A
not attached

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4. That the property does about the City and is, or is about to become, urban or suburban in character.
5. That the Property will be immediately annexed to the City upon the adoption of this Resolution and the Order of the Department.
6. No consideration by the Department is necessary, the Department may review and comment, but shall within 30 days order the annexation in accordance with the terms of this Resolution.
7. The City will comply fully with the requirements of Minnesota Statutes Section 414.036 (2008). The City of Montgomery shall reimburse Montgomery Township the real estate taxes for the property in question for a period of eight years (2010-2017). Said reimbursement shall be based on payable 2009 property taxes and shall be paid in two equal installments in the years 2010 and 2011.
8. That the Owners of the Property have waived the provisions of Minnesota Statutes Section 414.0325(1a), relative to notice of the costs of electric utility service.
9. That every provision of this Resolution will be and hereby is declared severable, and if any part or portion is held invalid, it will not affect or invalidate the remaining parts or portions of the Resolution.
10. That the Property upon annexation will be zoned B-2, Service Business District.

AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY THIS 15TH DAY OF JUNE, 2009.

CITY OF MONTGOMERY

BY

Its Mayor

BY

Its City Administrator

AGREED TO AND APPROVED BY THE TOWN BOARD OF THE TOWNSHIP OF MONTGOMERY THIS 4th DAY OF JUNE, 2009.

TOWNSHIP OF MONTGOMERY

BY *Alvin Nasimac*
Its Chairman

BY *Susan Pichard*
Its Clerk

RECD BY
MMS

JUN 22 2009

EXHIBIT A

The South 458.40 feet of the North 748.80 feet of the West 570.15 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15-111-23, Le Sueur County, Minnesota, EXCEPT the South 158.40 feet of the North 444.80 feet of the West 275.00 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 15. Said parcel contains 5.00 acres.

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