

NOV 22 1983

JOINT RESOLUTION FOR ORDERLY ANNEXATION

To The Minnesota Municipal Board
165 Metro Square Building
St. Paul, Minnesota 55101

IN THE MATTER OF THE JOINT RESOLUTION OF THE TOWNSHIP OF LUCAS AND THE CITY OF COTTONWOOD DESIGNATING AN UNINCORPORATED AREA IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE MINNESOTA MUNICIPAL BOARD PURSUANT TO M.S. 414.0325.

The Township of Lucas and the City of Cottonwood hereby jointly agree to the following:

1. That the following described area in Lucas Township is subject to orderly annexation pursuant to Minnesota Statutes 414.0325, and the parties hereto designate this area for orderly annexation:

Lakeview Estates Second Addition.

Idso First Addition.

That portion of Section 10, Township 113, Range 40, that is located west of the State Highway 23 right-of-way, except the following described described parcel:

The following described real estate, situated in the County of Lyon, and State of Minnesota, to-wit:-- That part of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Ten (10), Township One Hundred Thirteen (113) North, Range Forty (40) West of the Fifth Principal Meridian, Lyon County, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 10; thence South 1 degree 06 minutes 13 seconds West (bearing oriented to the Minnesota State Plan Coordinate System South Zone) along the West line of said Section 10 a distance of 300.01 feet to the point of beginning of the tract to be described; thence continue South 1 degree 06 minutes 13 seconds west along the west line of said Section 10 a distance of 200.00 feet; thence South 88 degrees 13 minutes 56 seconds East 381.95 feet to the westerly right of way line of Trunk Highway 23 as shown on State Highway Plat No. 42=3 on file with the Lyon County Recorder; thence northerly a distance of 200.79 feet along a non-tangential curve (the westerly right of way line of said T.H. 23) concave to the west, having a radius of 5629.58 feet, a central angle of 2 degrees 02 minutes 37 seconds, and the chord of said curve is 200.77 feet in length and bears North 6 degrees 51 minutes 00 seconds East from the point of beginning of said curve; thence North 88 degrees 13 minutes 56 seconds West not tangent to said curve a distance of 402.06 feet to the point of beginning. Containing 1.81 acres, more or less, Subject to County

Road 75 right of way, as presently located and constructed, which lies westerly of the following described line:

Beginning at a point on the north line of the above described tract which is 24.66 feet easterly of the northwest corner thereof to a point on the south line of said tract which is 23.77 feet easterly of the southwest corner thereof.

All that part of Government Lot 5, located East of the Railway right-of-way, in Section Three (3), Township One Hundred Thirteen (113), Range Forty (40), West of the Fifth Principal Meridian, except easements of record, and except all that part of said Lot 5 taken by the State of Minnesota through Eminent Domain proceedings.

That part of Section 16, Township 113, Range 40, described as follows:

Commencing at a point on the Section line between Section 9 and 16, Township 113, Range 40, Seven feet East of the West line of West First Street, thence South a distance of 36 rods, thence due West to the Railway right-of-way, thence in a NEly direction along the said Railroad R/W to the Section line thence East on said Section line to the place of beginning.

That part of Section 16, Township 113, Range 40, described as follows:

Beginning at the intersection of the north section line of said Section 16, in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ with the east right-of-way line of County Road #9, thence south and parallel with County Road #9, a distance of 622 feet; thence east and parallel with the north section line a distance of 468 feet; thence north and parallel with County Road #9 a distance of 622 feet; thence west and parallel with the north section line a distance of 468 feet to the point of beginning.

2. That the Township of Lucas does, upon passage of this resolution and its adoption by the City Council of the City of Cottonwood, Minnesota, and upon acceptance by the Municipal Board, confer jurisdiction upon the Minnesota Municipal Board over the various provisions contained in this agreement.

3. Certain properties abutting the City of Cottonwood are presently urban or suburban in nature or are about to become so. Further, the City of Cottonwood is capable of providing services to this area within a reasonable time, or the existing township form of government is not adequate to protect the public health, safety, or welfare or the annexation would be in the best interests of the area proposed for annexation. Therefore, these properties would be immediately annexed to the City of Cottonwood. This area is described as follows:

Lakeview Estates Second Addition.

Idso First Addition.

4. That the effect of annexations on population shall be resolved whenever possible by agreement of parties. If there is failure to

reach such agreement, the question shall be resolved by the Minnesota Municipal Board.

5. That planning throughout the orderly annexation area shall be pursuant to Minnesota Statutes 414.0325:

In order for the City of Cottonwood more effectively to exercise planning and zoning authority within the area designated as in need of orderly annexation, (1) The County of Lyon agrees to exclude the designated area from its zoning ordinances; (2) The City of Cottonwood agrees to extend its planning and zoning regulations to include the entire orderly annexation area as provided in M.S. 462.357, Subd. 1, and M.S. 414.068; and (3) The Lyon County Board of Commissioners agrees to recommend the appointment of two Lucas Township residents, to serve on the Cottonwood Planning Commission (City Council), with full voting rights, when planning and zoning applications are received and reviewed from the area designated as in need of orderly annexation.

Passed and Adopted by the Board of Commissioners of Lyon County this 15th day of Nov, 1983.

County of Lyon

By Raul Khalilanch
Chairman of Its Board
of County Commissioners

By Catherine Seibert
Its Auditor

S E A L

Passed and Adopted by the City Council of Cottonwood, Minnesota this 4TH day of OCTOBER, 1983.

City of Cottonwood

By James R. Duncan
Its Mayor

By Gregory J. Duncan
Clerk-Administrator

S E A L

6. That the areas proposed for orderly annexation shall for land use purposes be zoned as per the attached map, and shall be under jurisdiction of the City of Cottonwood's Zoning Ordinance.

7. The mill levy of the annexing municipality on the area annexed shall be increased in substantially equal proportions over a period of not less than 2 nor more than 6 years to equality with the mill levy of the property already within the municipality. The Municipal Board retains the authority to order the increase consistent with the timing of the municipal services to the area or this period shall be four years.

8. Upon adoption of this Joint Agreement by the Lucas Township

Board and the Cottonwood City Council (1) jurisdiction to order annexations within the above described area be and the same is hereby conferred upon the Minnesota Municipal Commission and (2) said parties to this agreement hereby agree to review the described area as in need of orderly annexation every five years from the execution of this agreement, but if not reviewed, the area shall still be designated within the area of orderly annexation.

Passed and Adopted by the Lucas Township Board this 3 day of November, 1983.

Township of Lucas

By James A. Baubron
Its Chairman

By Sherry Anderson
Its Clerk

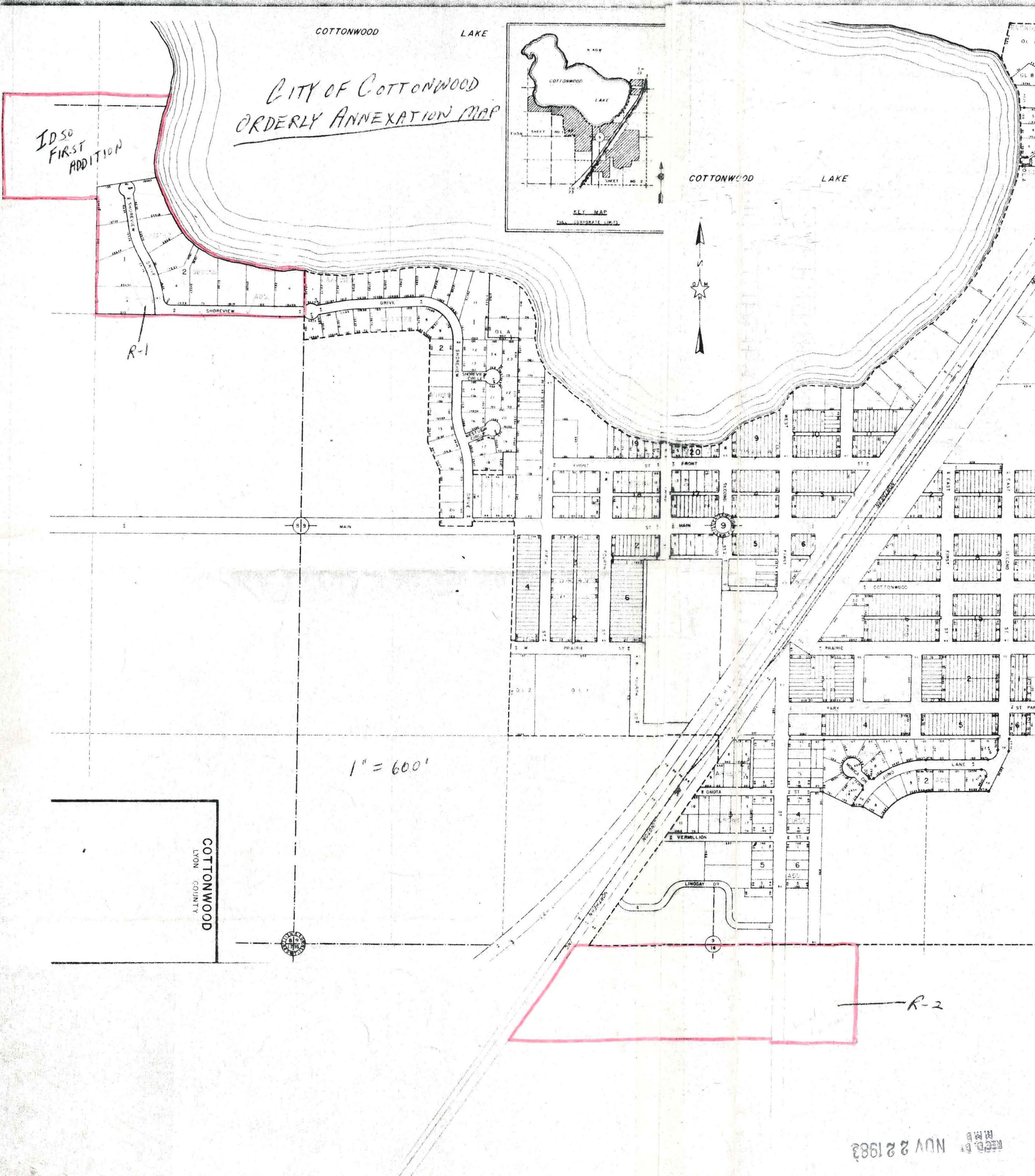
Passed and Adopted by the Cottonwood City Council this 4TH day of OCTOBER, 1983.

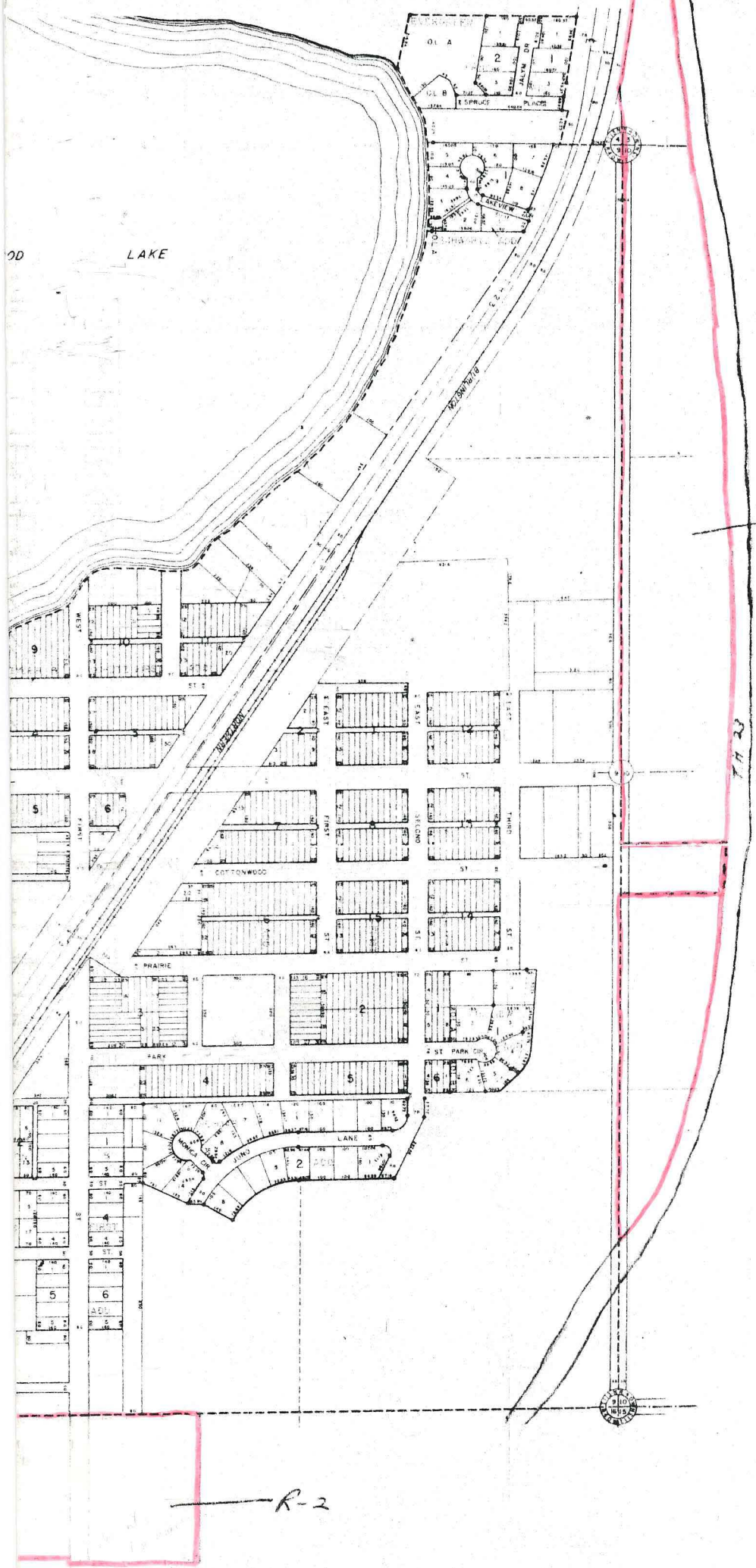
City of Cottonwood

By James R. Duncan
Its Mayor

By Mary J. Duncan
Its Clerk-Administrator

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