

**CITY OF LE SUEUR RESOLUTION NUMBER 11-068**

**TOWNSHIP OF OTTAWA RESOLUTION NUMBER 12-12-11**

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARING

IN THE MATTER OF THE JOINT RESOLUTION  
OF THE CITY OF LE SUEUR AND THE  
TOWNSHIP OF OTTAWA DESIGNATING  
A CERTAIN AREA AS IN NEED OF ORDERLY  
ANNEXATION PURSUANT TO MINNESOTA  
STATUTES, SECTION 414.0325

**JOINT RESOLUTION FOR  
ORDERLY ANNEXATION**

WHEREAS, the City of Le Sueur ("City") desires that certain property on which a proposed Hometown BioEnergy facility ("Project") is to be located within the Township of Ottawa ("Township") be annexed to the City due to proximity to the City and proposed industrial use thereof; and

WHEREAS, the City has requested and received a property owner petition for immediate annexation of the above-referenced 34.92 acre Project site located within the Township and legally described in Exhibit A, which is attached hereto and incorporated herein by reference; 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 (hereinafter referred to as the "Subject Area") is shown on the map, Exhibit B, which is also attached hereto and incorporated herein by reference; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the Subject Area legally described in Exhibit A; and

WHEREAS, the Subject Area is currently zoned agricultural, abuts the City, and is in need of orderly annexation since the Subject Area is urban or suburban or about to become so; and

WHEREAS, the City intends the Subject Area be zoned Industrial following annexation thereof, consistent with the zoning contiguous to the Subject Area; and

WHEREAS, the City has available capacity to provide needed services to the Subject Area; and

WHEREAS, the City and Township agree that orderly annexation of the Subject Area 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 Subject Area legally described in Exhibit A is in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the Subject Area without the need for any further hearing before the Office of Administrative Hearings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Le Sueur and the Board of Supervisors of the Township of Ottawa agree as follows:

1. Designation of Subject Area. The Township and City hereby designate the Subject Area (PID # 100127900) legally described in Exhibit A, which is attached hereto and incorporated herein by reference, for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325:
2. Acreage of Subject Area. The Subject Area is approximately 34.92 acres.
3. Map of Subject Area. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B and is hereby incorporated herein by reference.
4. Population of Subject Area. The population of the Subject Area is 0.
5. No Hearing Required/Review and Comment Jurisdiction Only. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject 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 Unit is necessary. Upon the execution and filing of this Joint Resolution, the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit may review and comment hereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Tax Reimbursement. 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 in an amount equal to one hundred (100) percent of the property taxes distributed to the Township in regard to the annexed area in the last year that property taxes from the annexed area were payable to the Township for the period and in accordance with the following schedule: (a) In the first year following the year the City could first levy on the

annexed area, an amount equal to \$36.27; and (b) In the second and final year, an amount equal to \$36.27.

7. Notice of Intent Not Applicable. This Joint Resolution is not subject to the notice and publication requirements of Minn. Stat. § 414.0325, subd. 1b since this Joint Resolution designates the Subject Area for immediate annexation and all of the property owners of the Subject Area have petitioned the City to be annexed.
8. Municipal Services. After annexation of the Subject Area, the City shall be responsible for providing municipal governmental services within the Subject Area.
9. Termination. This Joint Resolution shall remain in full force and effect until completion of tax reimbursement to the Township in accordance with paragraph 6 of this Joint Resolution.
10. Detachment Should Project not Proceed. In the event the Project referenced above herein is not constructed within the Subject Area within four years following the effective date of annexation thereof, the property owners of the Subject Area may initiate the detachment of the Subject Area from the City to the Township in accordance with Minn. Stat. § 414.06 by filing a petition of the property owners of the Subject Area with the City and Township. The City and Township agree that upon receipt of the property owners' petition for detachment, the City and Township will, within sixty days and by duly adopted resolutions of the City and Township, jointly initiate a detachment proceeding with the Minnesota Office of Administrative Hearings Municipal Boundary Adjustments Unit.
11. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
12. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
13. Entire Agreement. The terms, covenants, conditions and provisions of this Joint Resolution shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the Township and City.
14. Legal Description and Mapping. The Township and City agree, in the event there are errors, omissions or any other problems with the legal description provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit, to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit as necessary to make effective the annexation of the Subject Area in accordance with the terms of this Joint Resolution.

- 15. Notice. Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by U.S. mail, postage prepaid, as follows:

If to the City:

If to the Township:

City Administrator  
Le Sueur City Hall

Township Clerk  
Ottawa Township

- 16. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.
- 17. Filing. The Township and City 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 Unit and pay the required filing fee.

Passed, adopted, and approved by the Township Board of Supervisors of the Township of Ottawa, Le Sueur County, Minnesota, this 12 day of December, 2011.

ATTEST:  **DEBRA EVANS-PAIGE** TOWNSHIP OF OTTAWA  
 Clerk, Ottawa Twnshp., Le Sueur Co., Minnesota  
 Notarial Officer (ex-officio notary public)  
 My commission (term) expires 1-04-2015

By: Debra Evans-Paige Debra Paige, Township Clerk      By: Tim Griep Tim Griep, Chair

Passed, adopted, and approved by the City Council of the City of Le Sueur, Le Sueur County, Minnesota, this 12th day of December, 2011.

ATTEST: CITY OF LE SUEUR

By: Monica Muchow Monica Muchow, City Clerk      By: Robert Oberle Robert Oberle, Mayor

**EXHIBIT A**  
**Legal Description**

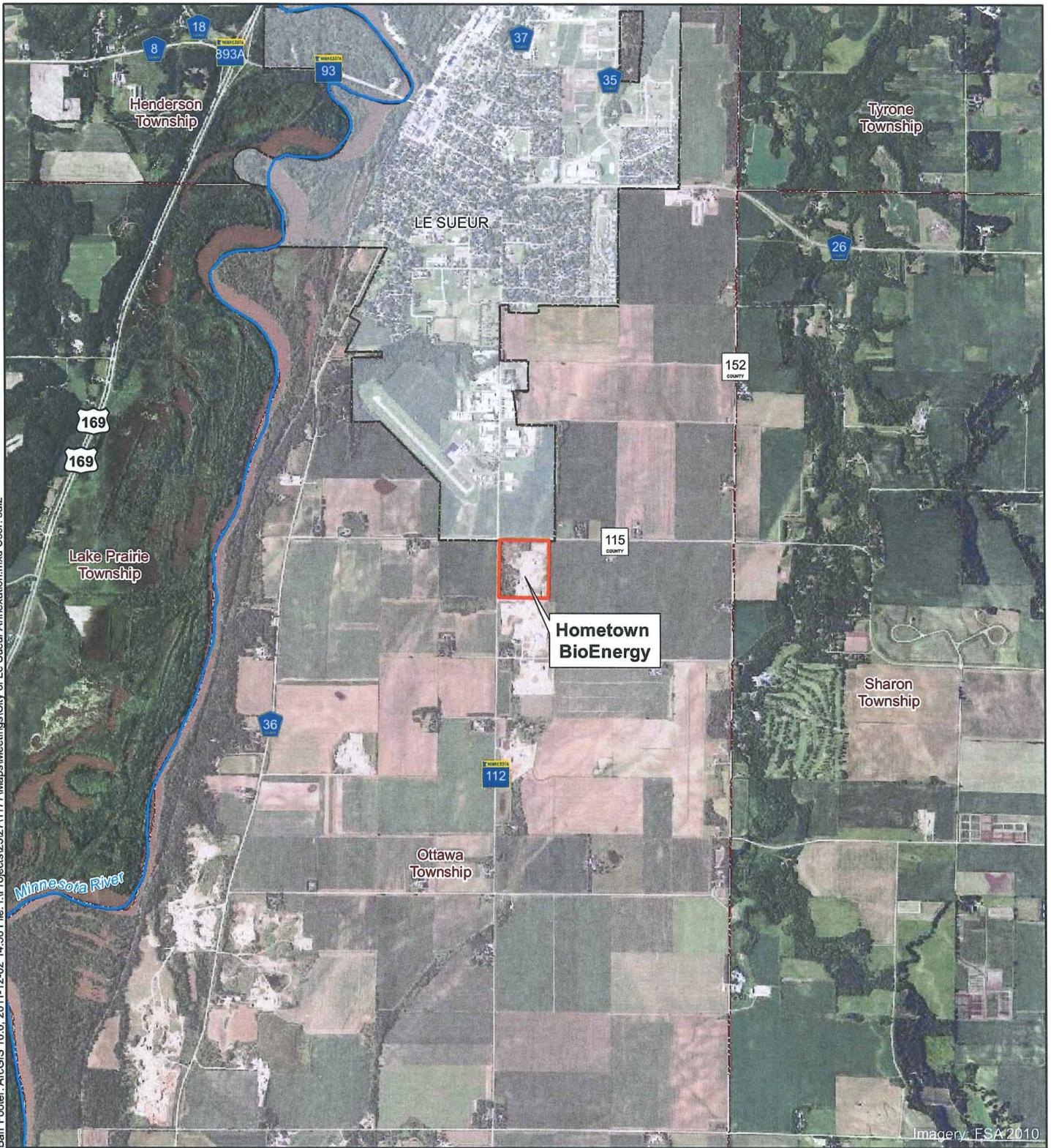
The Subject Area (PID # 100127900, containing approximately 34.92 acres) to be annexed to the City in the attached Joint Resolution is legally described as follows:

The West 1147.75 feet of the Northwest Quarter of the Southwest Quarter of Section 12, Township 111 North, Range 26 West.

**EXHIBIT B**  
**Boundary Map**

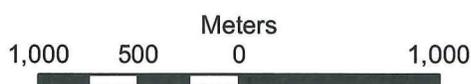
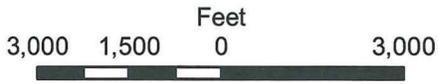
The municipal boundary map referenced in the attached Joint Resolution, showing the current City of Le Sueur and its relation to the Subject Area to be annexed, legally described in Exhibit A, is attached hereto.

Bar Footer: ArcGIS 10.0, 2011-12-02 14:56 File: I:\Projects\23271177\Maps\Meetings\City of Le Sueur Annexation.mxd User: sal2



Imagery: ESA 2010

-  Subject Area
-  Major River
-  City of Le Sueur
-  Ottawa Township



### EXHIBIT B

**BOUNDARY MAP**  
**Hometown BioEnergy**  
**Avant Energy**  
**Le Sueur County, Minnesota**