

TOWN OF LE RAY AND CITY OF MADISON LAKE
JOINT RESOLUTION FOR ORDERLY ANNEXATION

REC'D BY
MBA

DEC 26 2014

City Resolution No. 2014-94

Town Resolution No. 2014-02A_____

IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN
THE CITY OF MADISON LAKE AND LE RAY TOWNSHIP
PURSUANT TO MINNESOTA STATUTES § 414.0325

WHEREAS, the City of Madison Lake ("City") and the Town of Le Ray ("Township") desire to enter into an agreement for the orderly annexation of certain property, legally described herein, pursuant to Minnesota Statutes, section 414.0325; and

WHEREAS, the City and Township agree that the properties legally described herein meet the definition for annexation as contained in applicable Minnesota Statutes; and

WHEREAS, it is in the best interest of the City, the Township and their respective residents to agree to orderly annexation in furtherance of orderly growth and the protection of the public health, safety, and welfare; and

WHEREAS, the City and the Township are in agreement as to the procedures and process for orderly annexation of said property described herein for the purpose of orderly, planned growth; and

WHEREAS, the parties hereto desire to set forth the terms and conditions of such orderly annexation by means of this Joint Resolution for Orderly Annexation ("Joint Resolution"); and

WHEREAS, the City of Madison Lake and Le Ray Township have agreed to all the terms and conditions for the annexation of the above-described lands within this document and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED by the City of Madison Lake, Blue Earth County, Minnesota, and the Town of Le Ray, Blue Earth County, Minnesota, as follows:

1. Filing of Joint Resolution - Upon execution by the respective governing bodies of the City and Township, the City shall file this Joint Resolution with Minnesota Municipal Boundary Adjustment Unit (MBAU) of the Office of Administrative Hearings (or successor agency).

2. Designation of Annexation Areas - The City and Township hereby designate the area within the Township for orderly annexation pursuant to Minnesota Statutes, section 414.0325. The area is described in the attached Exhibit A and is shown on the map attached hereto as Exhibit B. The properties listed in Exhibit A shall only be annexed in accordance with the procedures set out in this Joint Resolution.).
 - A. Owner Petition - A minimum of 67% of the owners of any of the properties within the area may petition the City and Township to request the annexation of their property into the City. Or, if 80% of a series of contingent properties to the City have petitioned for annexation. The City shall review the petition and determine whether it is willing to accept the property into the City. The City shall communicate its decision to the Township with 60 days from receiving the petition.
 - B. Joint Resolution - The City shall, at its own cost, develop any maps or legal descriptions of the property being annexed as may be needed, file the joint resolution with the MBAU, pay any required filing fees, and request the issuance of an order annexing the identified property within this area. No such annexation shall be ordered unless it is consistent with the terms and conditions of this Joint Resolution.
3. Annexation Order – The City and Township agree that no alteration of the stated boundaries as described in the Joint Resolution is appropriate, that no consideration by the MBAU is necessary and that all terms and conditions for annexation are provided for in this Joint Resolution. The administrative law judge may review and comment, but shall within 30 days order the annexation of the identified property provided the annexation complies with the terms and conditions of this Joint Resolution. Nothing in this Joint Resolution shall be interpreted as limiting the authority of the administrative law judge to deny the requested annexation of any of the property designated herein if the requested annexation does not comply with the terms and conditions of this Joint Resolution.
4. Zoning - Property within the designated annexation areas identified in this Joint Resolution shall continue to be subject to County and Township zoning, subdivision, shoreland, and related regulations until it is annexed into the City. Upon the effective date of the annexation, the property annexed shall become subject the City's regulations.
5. Property Tax Reimbursement – The City shall make property tax reimbursement payments to the Township for the property annexed pursuant to this Joint Resolution in accordance with this Section.
 - A. Properties included in annexation – The Township shall retain 100% of the property taxes payable to the Township (levied by the Township the previous year) which would have been distributed to the Township but for annexation (“Town Levy Amount”). Starting in the following year, the City shall make cash payments to the Township equal to the percentage set out below of the Town Levy Amount:

Year after City Becomes Levying Authority	Percentage of Town Levy Amount
1st	80%
2nd	70%
3rd	60%
4th	50%
5th	40%
Thereafter	0%

- B. Payments shall be made twice a year within 30 days of the County's property tax reconciliation distribution to the City.
6. Levying Authority - The City may levy property taxes on the property in the year of annexation for collection in the following year. The last amount levied by the Township on the property shall be considered the "Town Levy Amount" for the purposes of this Joint Resolution.
7. Assessments, Capital Improvements, and Debt - Any assessments for public improvements benefiting the annexed property, whether imposed pursuant to Minnesota Statutes, chapters 429, 365A, or other authority, which are still due to the Township will be collected by the City under its assessment collection procedure and such payments will be reimbursed to the Township until said assessments are paid in full. The Township will provide the City such information as is necessary to ensure the recovery of the assessments. The City will reimburse the Township said assessment payments within thirty (30) days of City's receipt of the County's property tax reconciliation distributions. In the event that payment is received prior to the County property tax reconciliation distribution date to the City, the City will reimburse within thirty (30) days.
8. Municipal Services – Nothing in this Joint Resolution shall relieve Township of its governmental responsibilities for the Phase II property, including, but not limited to, the regular and normal maintenance of the existing infrastructure of roads, drainage facilities, and street signs. Township's continuing governmental responsibilities for an annexed area shall continue until the date of the MBAU's order approving the annexation.

Upon annexation, the City shall provide the annexed properties the same services entitled to similarly situated properties within the jurisdiction of the City. Available city services include, but are not limited to the following:

- A. Law enforcement and Fire protection services - Law enforcement and fire protection services shall be available to all property owners within the annexed areas under the same terms conditions and policies as are available to all city property owners.

If a property is annexed into the City limits, the City will amend its Fire Contract with the Township the subsequent year to remove the annexed properties' values from the Township's valuation in the fire service formula. The property values as set by the Blue Earth County Assessor's Office shall be used for purposes of determining

the amount to be removed from the Township's valuation. The required Fire Service payment from the Township to the City will be adjusted accordingly and reflected in the formula used in the Fire Service Agreement.

- B. Sewer & Water—Upon annexation all properties in the designated area shall have sewer and water services extended or available.
 - C. Streets & Roads - Unless otherwise agreed to in the annexation resolution, the City will be responsible for the road maintenance upon annexation approval by the Minnesota Municipal Boundary Adjustment. Road maintenance shall include sign maintenance, road repairs as well as snow and ice removal.
9. Term of Joint Resolution/Amendment - This Joint Resolution shall be in full force and effect immediately upon the document being fully executed by all parties hereto. The Joint Resolution is agreed upon and effective until January 1, 2030. The Joint Resolution may be terminated or amended before January 1, 2030 by mutual written joint resolution of the City and Township.
 10. Governing Law - This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota. 16. Severability - In the event that any portion of this Joint Resolution is declared null and void or unenforceable by a court of law, the validity of the remaining terms and provisions shall not be affected and the Joint Resolution shall be construed and enforced as if the Joint Resolution did not contain the particular term or provision held to be invalid. The City and Township agree to work cooperatively to correct any such provision that was stricken.
 11. Entire Agreement - The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future attachments or exhibits, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations regarding the properties described within. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.
 12. Heading & Captions - Headings and Captions are for convenience only and are not intended to alter any of the provisions of this joint resolution for orderly annexation.

Any notices required under this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by certified or registered mail to the following persons or their successors.

Le Ray Township:

Mrs. Karyn Block

61093 200th Street

Eagle Lake, MN

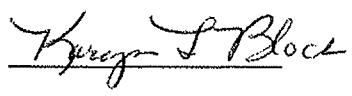
City of Madison Lake:

Ms. Ari Klugman
525 Main Street, PO Box 295
Madison Lake, MN 56063

Adopted by the Le Ray Township Board this 9th day of December, 2014.


LE RAY TOWNSHIP

By: 
Curt Kloss, Chair

By: 
Karyn Block, Township Clerk

Approved by the Madison Lake City Council this 15 day of December, 2014

CITY OF MADISON LAKE

By: 
Kenneth Reichel, Mayor

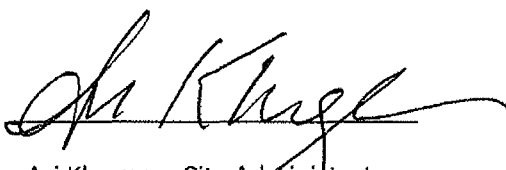
By: 
Ari Klugman, City Administrator

EXHIBIT A

Legal Description of Properties

- Lakewood Drive Sub Division Govt Lots 6-7 Section 3, Le Ray Twp. Blue Earth County, Minnesota
- Lakewood Drive Sub Division Addition No. One, part of Government Lot No. 6 Sec 3, T108N, R25W, Blue Earth County, Minnesota
- Lakewood Drive Sub Division Addition No. Two, part of Government Lots No. 3 & 6, Sec 3 T108N R25W, Blue Earth County, Minnesota Except for Outlot A which is currently used for storm drainage purposes.
- Lots 1 & 2 of Lakewood Drive Point Sub Division part of Govt. Lots 6 & 7 Sec 3 T108N R25W and part of Lots 1 & 2 of Lakewood Drive Sub Division

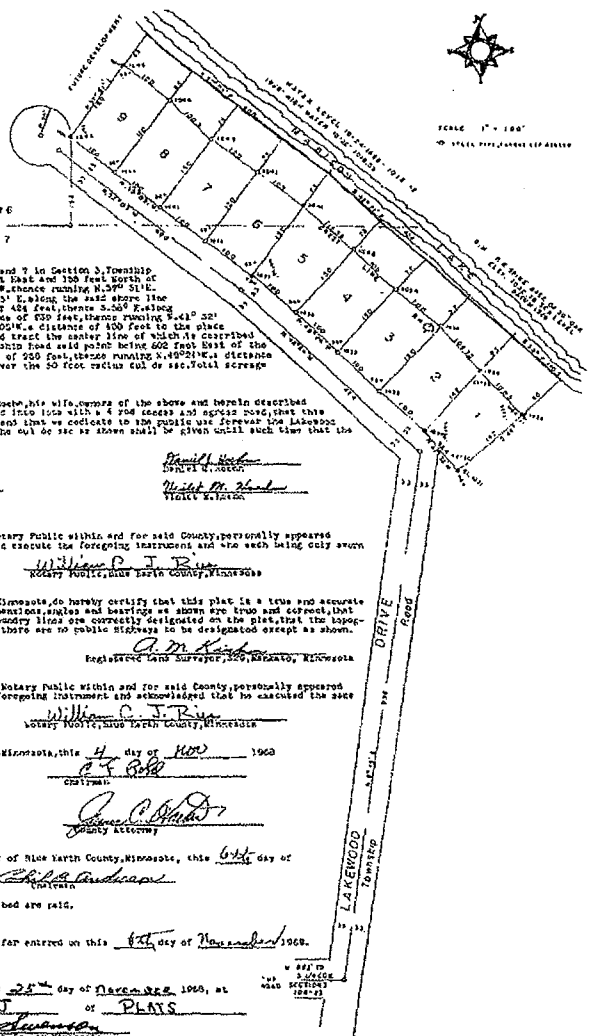
EXHIBIT B

Map of Designated Properties

[attached hereto]

LAKWOOD DRIVE SUB DIVISION

GOVT LOTS 6-7 SECTION 3, LE RAY TWP
BLUE EARTH COUNTY, MINNESOTA



DESCRIPTION This plat addresses a tract of land lying within Government Lots 6 and 7 in Section 3, Township 108 N, Range 25 W, as more particularly described as follows: to wit, commencing at a point 350 feet East and 100 feet North of the Northeast corner of Government Lot 7 in Section 3, Township 108 N, Range 25 W, thence running N. 30° 00' 00" E, a distance of 525 feet to the shore line of Madison Lake, thence running S. 55° 00' 00" E, along the said shore line a distance of 400 feet, thence S. 40° 00' 00" E, along the said shore line a distance of 425 feet, thence S. 50° 00' 00" E, along the said shore line a distance of 120.5 feet, thence running S. 60° 00' 00" E, a distance of 400 feet, thence N. 18° 00' 00" W, a distance of 400 feet to the place of beginning, thence a 4 foot road for access now agreed to the above circumscribed tract the center line of which is described as follows: to wit, commencing at a point in the center line of the present Township Road said point being 600 feet East of the South 1/4 corner of said Section 3, -100-25, thence running N. 80° 15' 15" E, a distance of 250 feet, thence running N. 40° 24' 00" W, a distance of 375 feet, thence S. 80° 00' 00" E, a distance of 400 feet together with an easement over the 50 foot radius cul de sac. Total acreage including the 4 foot road, 7.47 acres.

TESTIFICATION Now all well by these presents that we Daniel J. Neuber and Violet M. Neuber, his wife, owners of the above and herein described property, hereby declare that we have caused the same to be surveyed and plotted hereon with a 4 foot access and access road, that the plotted area and road shall be hereafter known as LAKWOOD DRIVE SUB-DIVISION and that we dedicate to the public use forever the Lakewood Drive Township Road as shown on the plat and that an easement for the use of the cul de sac or shown shall be given until such time that the said Lakewood Drive Township Road is extended.

WITNESSES
J.C. Rose
M.D. Reedy
Samuel Neuber
Violet M. Neuber

STATE OF MINNESOTA ss
 COUNTY OF BLUE EARTH
 On this 20th day of Dec 1960, before me a Notary Public within and for said County, personally appeared Daniel J. Neuber and Violet M. Neuber his wife, known to me to be the persons who did execute the foregoing instrument and who each being duly sworn did say that they executed the same in their own free act and deed.

CERTIFICATION
 I, A.M. Neuber, a duly Registered Land Surveyor under the Laws of Minnesota, do hereby certify that this plat is a true and accurate representation and delineation of the survey thereof as made by me, that all dimensions, angles and bearings as shown are true and correct, that monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly delineated on the plat, that the topography of the plotted area is high and dry, no marsh or swamp or slough, and that there are no public highways to be designated except as shown.

STATE OF MINNESOTA ss
 COUNTY OF BLUE EARTH
 On this 20th day of Dec 1960, before me a Notary Public within and for said County, personally appeared A.M. Neuber, do as known to be the person described in the who did execute the foregoing instrument and acknowledged that he executed the same as his own free act and deed.

APPROVAL
 Approved for adoption by the Planning Commission of Blue Earth County, Minnesota, this 4th day of Nov 1960

APPROVAL
 Approved for adoption
J.C. Rose
Samuel Neuber

APPROVAL and ADOPTION
 Approved and adopted by the Board of County Commissioners of Blue Earth County, Minnesota, this 6th day of November 1960.

I hereby certify that the taxes for the year of 1960 on the lands herein described are paid.
 I hereby certify that all taxes on the lands herein described have been paid and transfer entered on this 6th day of November 1960.

I hereby certify that this instrument was filed in my office for records on this 25th day of November 1960, at 4:55 o'clock P.M. and was recorded on page 4 of book J of PLATS

COPY

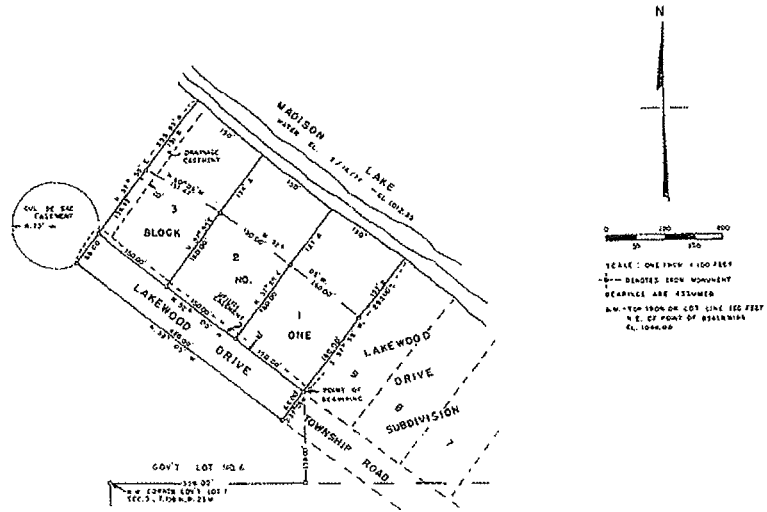
OFFICE OF REGISTER OF DEEDS
 BLUE EARTH COUNTY, MINNESOTA
 I hereby certify that I have carefully compared the entire copy of this LAKWOOD DRIVE SUB-DIVISION with the original as filed in this office for record on the 25th day of November 1960, and find the same to be a true and correct copy thereof.
Richard T. Johnson
 Register of Deeds

4

4

LAKWOOD DRIVE SUBDIVISION
ADDITION NO. ONE

PART OF GOVERNMENT LOT NO. 6, SEC. 3,
T. 108 N., R. 25 W., BLUE EARTH COUNTY,
MINNESOTA.



DEPARTMENT OF REVENUE

BEFORE ME, a Notary Public, that on this 29th day of August, 1977, Daniel J. Hoshko and Violet M. Hoshko, husband and wife, owners of the following described property to wit: All that part of Government Lot No. 6, Section 3, Township 108 North, Range 25 West, Blue Earth County, Minnesota, described as follows: Beginning at the southwest corner of Lot 1 of Lakewood Drive Subdivision of part of Government Lot No. 6 and 2 of said Section 3, in the East of said Subdivision here on file in the Office of the County Recorder, Blue Earth County, Minnesota, thence South 77 degrees 55 minutes East 62.00 feet, thence North 52 degrees 05 minutes East 125.00 feet, thence North 77 degrees 55 minutes East 31.55 feet more or less to the water edge of Madison Lake, thence southeasterly along the water edge of said lake to the westerly line of Lot No. 9 of said Lakewood Drive Subdivision, thence North 77 degrees 55 minutes East on the W&P line of said Lot No. 9 a distance of 20.00 feet more or less to place of beginning, containing 3.09 acres more or less.

do hereby declare that we have caused the above described property to be surveyed and platted and corrected to be set as designated on said plat and that we have caused the said platted area "LAKWOOD DRIVE SUBDIVISION ADDITION NO. ONE" and that we delineate the drive as shown on the plat to be the public use driveway, easements for the installation and maintenance of utilities and drainage facilities are reserved over, under and along the strip marked "utility easement", an easement for the use of the oil to be as shown shall be given until such time that Lakewood Drive is extended.

Daniel J. Hoshko
Notary Public

Violet M. Hoshko
Notary Public

On this the 29th day of August, 1977, before me, a Notary Public in and for said county, personally appeared the above named Daniel J. Hoshko and Violet M. Hoshko, husband and wife, known to me to be the persons who did execute the above named instrument and who acknowledged the same to be their free and true act.

Daniel J. Hoshko
Notary Public

I do hereby certify that this survey and plat was filed by me at the request of the property owner, parent and that all measurements and angles are correct as shown thereon, that monuments for the purchase of future surveys have been set as shown thereon, that the boundaries are properly represented, that said plat is a true and correct representation of said survey, and that there are no liens or public highways except as shown thereon under the provisions of Section 106.02 of Minnesota Statutes.

W. H. Hoshko
Notary Public

Subscribed and sworn to before me, a Notary Public, on this the 29th day of August, 1977.

Daniel J. Hoshko
Notary Public

Approved by the Blue Earth County Planning Commission on this the 7th day of September, 1977.

Phyllis Smith
Secretary, Blue Earth County Planning Commission

Approved by the County Board of Commissioners of Blue Earth County on this the 13th day of August, 1977.

William Hoshko
Secretary, Blue Earth County Board of Commissioners

William Hoshko
County Auditor, Blue Earth County, Minnesota.

I hereby certify that the within Plat was filed in this Office for record on this the 15th day of September, 1977, at 5 o'clock P.M. and was recorded in Book 2 of State on Page 60.

Ronald J. Johnson
County Recorder, Blue Earth County, Minnesota.

OFFICE OF COUNTY RECORDER
BLUE EARTH COUNTY, MINNESOTA.
I hereby certify that I have carefully compared the within copy of this plat with the original which was filed in this office for record on this the 15th day of September, A.D. 1977, at 5 o'clock P.M. and find the same to be a true and correct copy thereof.
Ronald J. Johnson
County Recorder

LAKELWOOD DRIVE SUBDIVISION - ADDITION NO. TWO

PART OF GOVERNMENT LOTS 3 & 6, SEC. 3 - T 108 N - R 25 W
BLUE EARTH COUNTY, MINNESOTA

GOV'T. LOT 3



know all men by these presents, that we, Donald J. Rubin and Violet H. Rubin, husband and wife, owners of the following described property to wit: that part of Government Lot 3 and Government Lot 6 in Section 3, Township 108 North, Range 23 East, Blue Earth County, Minnesota, described as: commencing at a point 78 feet east and 170 feet north of the northeast corner of Government Lot 7, in Section 3; said point being the westerly corner of Lot 5 Lakewood Drive Subdivision according to the plat thereof on file and of record with the Blue Earth County Record, dated April 23, 1980, and extending thence with the plat thereof on file and of record with the Blue Earth County Record, a distance of 330.00 feet to the southerly corner of Lot 3 of said 2025.00 ac. said point being the point of beginning thence south 27 degrees 35 minutes 00 seconds west along the westerly line of said Lot 3 a distance of 133.31 feet to the point of intersection with a 1000.00 foot radius curve, central angle = 07 degrees 00 minutes 00 seconds, as set forth on page 55 of the plat thereof on file and of record with the Blue Earth County Record, dated April 23, 1980, and extending thence with the plat thereof on file and of record with the Blue Earth County Record, a distance of 150.00 feet to the point of intersection with the westerly line of Lot 3, Block 2A, Lakewood Drive Subdivision, Addition No. One, Section 3, Township 108 North, Range 23 East, Blue Earth County, Minnesota, 20.20 feet thence north 88 degrees 00 minutes 00 seconds east, a distance of 237.20 feet, more or less, to the point of beginning, to wit: the point of intersection with the westerly line of Lot 3, Block 2A, Lakewood Drive Subdivision, Addition No. One, Section 3, Township 108 North, Range 23 East, Blue Earth County, Minnesota, 20.20 feet thence north 88 degrees 00 minutes 00 seconds east, a distance of 237.20 feet, more or less, to the point of beginning. do hereby declare that we have changed the above described property to be surveyed and platted and necessary to be set, and that we have made said plat as shown on the attached plat, and that we dedicate to the public use the strip shown therein. In witness whereof, the undersigned have hereunto set their hands and the seal of said County of Blue Earth, Minnesota, this 19th day of August, 1980, and that we dedicate to the public use the strip shown therein. In witness whereof, the undersigned have hereunto set their hands and the seal of said County of Blue Earth, Minnesota, this 19th day of August, 1980, and that we dedicate to the public use the strip shown therein. As witness for the one of the said parties, the undersigned, we have hereunto set our hands and the seal of said County of Blue Earth, Minnesota, this 19th day of August, 1980, and that we dedicate to the public use the strip shown therein.

STATEMENTS OF SIGNATURE

STATE OF MINNESOTA } ss
County of Blue Earth }
I, Donald J. Rubin, husband and wife, of the County of Blue Earth, State of Minnesota, do hereby certify that this survey and plat was made at the request of the grantor of the above described property, and that the same was made in accordance with the provisions of the laws of the State of Minnesota, and that there are no liens or other interests of record against the above described property, except as shown thereon.

I, Douglas C. Downe, Registered Land Surveyor, State of Minnesota, do hereby certify that this survey and plat was made at the request of the grantor of the above described property, and that the same was made in accordance with the provisions of the laws of the State of Minnesota, and that there are no liens or other interests of record against the above described property, except as shown thereon.

As this, the
19th day of August, 1980, before me a Notary Public, in and for said County of Blue Earth, Minnesota, appeared Donald J. Rubin, and being duly sworn, they say they are the owners of the above described property.

As it is known that on this day of August, 1980, the County Board of Blue Earth County did duly approve this plat of LAKELWOOD DRIVE SUBDIVISION, ADDITION NO. TWO.

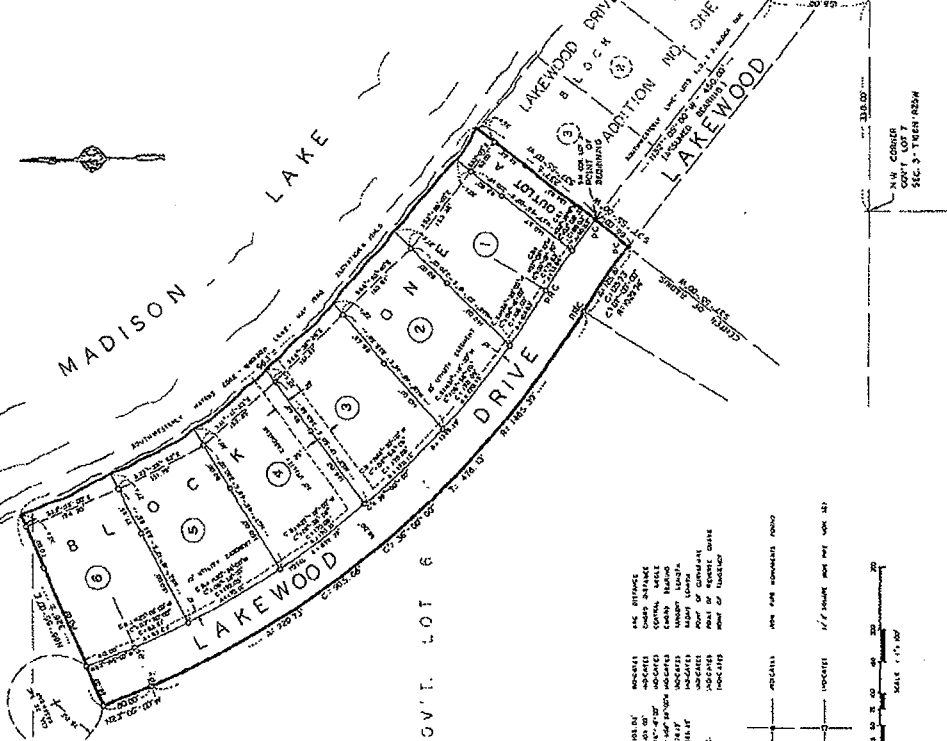
As it is known that on this day of August, 1980, the County Board of Blue Earth County did duly approve this plat of LAKELWOOD DRIVE SUBDIVISION, ADDITION NO. TWO.

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THIS PLAT WAS PREPARED BY SURVEY SERVICES, INC.
James Earl Dean - President

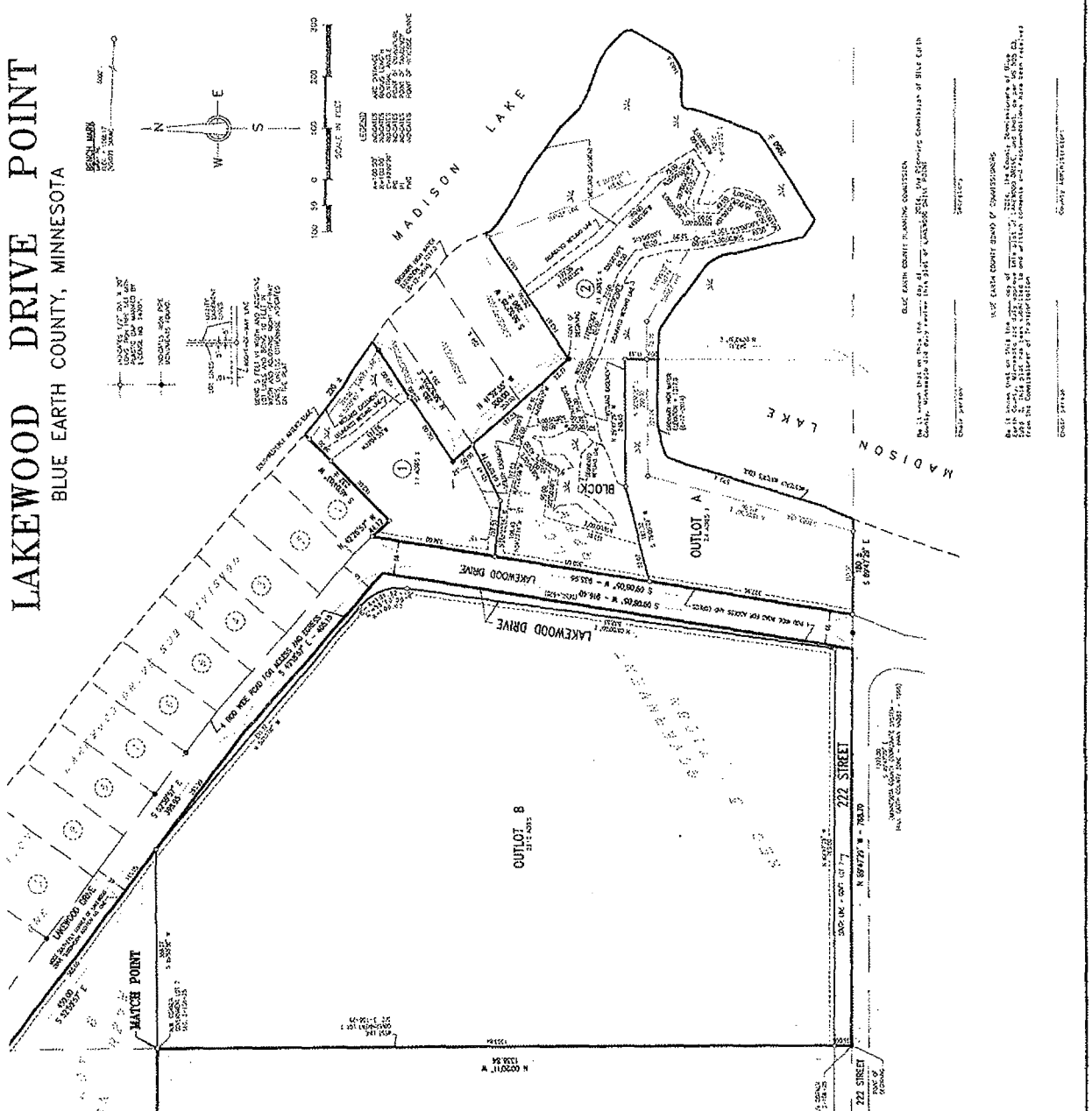
LAKELAND DRIVE POINT

BLUE EARTH COUNTY, MINNESOTA

APPROVED BY NOTATION

DATE: 01/11/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: 01/11/11

That part of Government Lots 8 and 7 in Section 2, Township 128 North Range 23 West, Blue Earth County, Minnesota, as described by [Name], is hereby divided into 11 lots, as shown on the attached plat, and the same are to be known as the Lakeland Drive Point Subdivision. The lots are to be known as follows: [List of lots and areas]



STATE OF MINNESOTA
 COUNTY OF BLUE EARTH
 I, [Name], County Recorder, do hereby certify that the foregoing plat was filed in my office for record on this 11th day of January, 2011, and that it is duly recorded on the public records of this county, and that the same is a true and correct copy of the original as the same appears on the files of the County Recorder.

DATE: 01/11/11
 COUNTY RECORDER

STATE OF MINNESOTA
 COUNTY OF BLUE EARTH
 I, [Name], County Recorder, do hereby certify that the foregoing plat was filed in my office for record on this 11th day of January, 2011, and that it is duly recorded on the public records of this county, and that the same is a true and correct copy of the original as the same appears on the files of the County Recorder.

DATE: 01/11/11
 COUNTY RECORDER

APPROVED BY NOTATION
 DATE: 01/11/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: 01/11/11

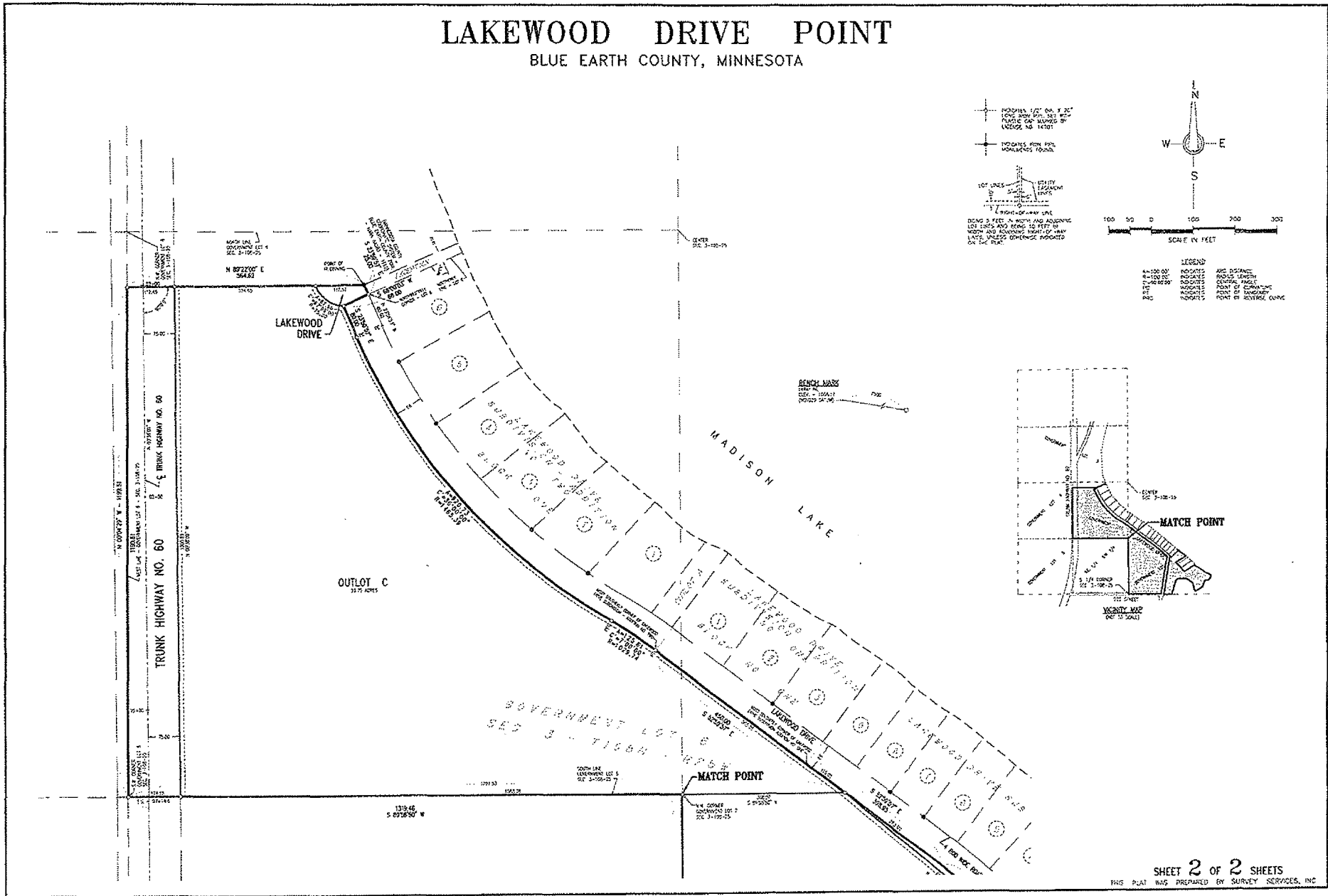
That part of Government Lots 8 and 7 in Section 2, Township 128 North Range 23 West, Blue Earth County, Minnesota, as described by [Name], is hereby divided into 11 lots, as shown on the attached plat, and the same are to be known as the Lakeland Drive Point Subdivision. The lots are to be known as follows: [List of lots and areas]

STATE OF MINNESOTA
 COUNTY OF BLUE EARTH
 I, [Name], County Recorder, do hereby certify that the foregoing plat was filed in my office for record on this 11th day of January, 2011, and that it is duly recorded on the public records of this county, and that the same is a true and correct copy of the original as the same appears on the files of the County Recorder.

DATE: 01/11/11
 COUNTY RECORDER

LAKWOOD DRIVE POINT

BLUE EARTH COUNTY, MINNESOTA



+ MODIFIED 1/2" ON A 30' LONG AND 1/2" ON A 15' LONG PUBLIC GAS METER BY ENDSIDE AS SHOWN
 + MODIFIED PER 89% HOLDING FLOOD

10' LINES EQUITY EASEMENT
 5' EASEMENT
 10' EASEMENT

BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES AND BEING TO LEFT OF NORTH AND SOUTHWEST CORNER OF LOTS LINES UNLESS OTHERWISE INDICATED ON THE PLAN.

N
 W E
 S

100 50 0 100 200 300
 SCALE IN FEET

LEGEND
 4-150 00' POINTS ARE DISTANCE
 4-150 00' DISTANCE POINTS LENGTH
 4-150 00' DISTANCE POINTS CLIMATE PAGE
 4-150 00' DISTANCE POINTS POINT OF CORNER
 4-150 00' DISTANCE POINTS POINT OF CORNER
 4-150 00' DISTANCE POINTS POINT OF CORNER

