

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE JOINT RESOLUTION)	
OF THE CITY OF LUVERNE AND MOUND)	RESOLUTION NO. <u>7</u> - 22
TOWNSHIP DESIGNATING CERTAIN)	
PROPERTY AS IN NEED OF ORDERLY)	JOINT RESOLUTION FOR
ANNEXATION PURSUANT TO MINNESOTA)	ORDERLY ANNEXATION
STATUTES, SECTION 414.0325)	

WHEREAS, Allen Schmuck and Patrick Widboom (together, the “Owner”), the owners of property located within Mound Township (the “Town”) and legally described in the attached Exhibit A (the “Property”), have approached and petitioned the City of Luverne (the “City”) requesting the immediate annexation of the Property into the City; and

WHEREAS, the Owner seeks to develop (or sell for development) the Property for urban or suburban purposes; and

WHEREAS, the Property is part of a larger parcel the City and Town are in discussions to make part of a separate orderly annexation agreement; and

WHEREAS, the Property abuts the City and no part thereof is in an incorporated area; and

WHEREAS, the Town and City have agreed to work cooperatively to accomplish the orderly annexation of the Property; and

WHEREAS, the City has available capacity to provide services to the Property following annexation; and

WHEREAS, the City and Town agree that the Property is urban or suburban or about to become so, and that orderly annexation of the Property would be in the best interest of the Owner and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the City and the Town desire to enter into this joint resolution (“Joint Resolution”) to accomplish the immediate annexation of the Property in a mutually acceptable manner without the need for a contested hearing; and

WHEREAS, notice under Minnesota Statutes, Section 414.0325, subdivision 1b is not required as the Owner is the only owner of the Property and is requesting its immediate annexation into the City; and

WHEREAS, the Owner waived the electric utility service notice under Minnesota Statutes, section 414.0325, subdivision 1a.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Mound Township and the City Council of the City of Luverne, as follows:

1. Designation of Orderly Annexation Area. The City and Town hereby designate the Property, as described in the attached Exhibit A, as in need of immediate orderly annexation into the City pursuant to Minnesota Statutes, Section 414.0325, and in accordance with the terms and conditions of this Joint Resolution. For ease of reference, the Property is also depicted on the attached Exhibit B.
2. Jurisdiction. The City and Town confer jurisdiction upon the Chief Administrative Law Judge (“Chief Judge”) to accomplish the immediate orderly annexation of the Property in accordance with the terms of this Joint Resolution.
3. No Hearing Required. The City and Town agree that no alteration of the stated boundaries of the Property as described herein is appropriate, that no consideration by the Chief Judge is necessary, and that all terms and conditions for annexation of the Property are provided for in this Joint Resolution. Pursuant to Minnesota Statutes, Section 414.0325, upon receipt of this Joint Resolution, the Chief Judge may review and comment, but shall within 30 days of receipt, order the annexation of the Property in accordance with the terms and conditions contained in this Joint Resolution.
4. Acreage/Population/Usage. The Property consists of approximately 8.42 acres and the current population is 0: Upon the effective date of annexation into the City, the designated land use type for the Property will be R-A Residential-Agricultural District.
5. Tax Reimbursement. The City and Town agree, for the purposes of Minnesota Statutes, Section 414.036, that the City will make a one-time payment to the Town in the amount of \$2,000 to reimburse the Town for the loss of taxes resulting from the annexation of the Property. The City shall issue the payment to the Town no later than 20 days after the effective date of the annexation. There are no special assessments assigned to the Property by the Town and no portion of Town debt attributable to the Property that need to be reimbursed.
6. Filing and Costs. The City shall be responsible for filing this Joint Resolution with the Boundary Adjustments Unit of the Minnesota Office of Administrative Hearings and for paying all filing fees and other costs or fees associated with filing this Joint Resolution. The City shall also be responsible for filing any additional information or corrected information needed to accomplish the annexation called for in this Joint Resolution. The City and Town shall each be responsible for its own costs incurred in the negotiation, development, and implementation of this Joint Resolution.

7. Binding Contract. Pursuant to Minnesota Statutes, section 414.0325, subdivision 6, this Joint Resolution is a binding contract upon the parties and is enforceable in district court in the county containing the property to be annexed.
8. Effective Date. This Joint Resolution is effective upon its adoption by the respective governing bodies of the City and Town. The orderly annexation of the Property shall be effective upon the issuance of the order by the Chief Judge. This Joint Resolution is only meant to apply to the land described in the attached Exhibit A and not to any other property or area within Mound Township.

Passed, adopted and approved by the Town Board of Mound Township, Rock County, Minnesota this 24th day of January, 2022.

Mound Township

By: Keith Schumack
Mound, Chair

ATTEST:

David DeBoer
Mound, Town Clerk

Passed, adopted and approved by the City Council of the City of Luverne, Rock County, Minnesota this 25th day of January, 2022.

City of Luverne

By: Patrick T. Baustain
Patrick T. Baustain, Mayor

ATTEST:

John M. Call
John M. Call, City Administrator

EXHIBIT A
Legal Description of the Property to be Annexed

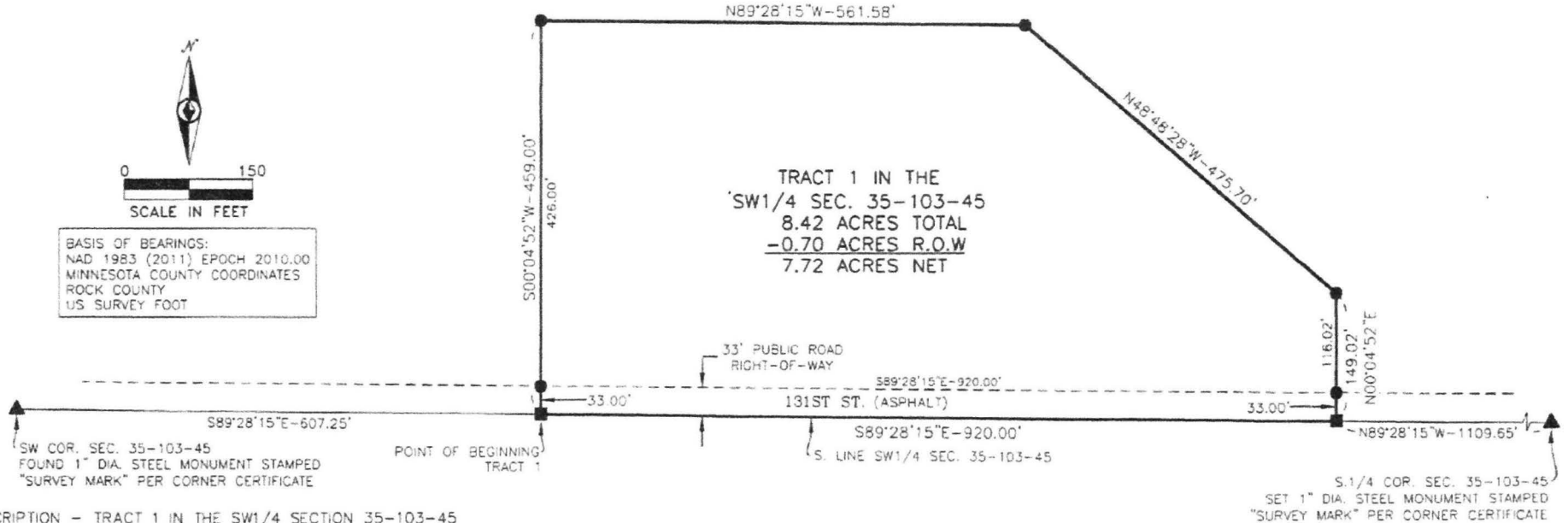
That part of the Southwest Quarter (SW1/4) of Section Thirty-five (35), Township 103 North, Range 45 West of the 5th P.M., Rock County, Minnesota, described as follows:

Commencing at the Southwest Corner of said Section 35; thence South 89°28'15" East on the south line of said SW1 /4 for a distance of 607.25 feet to the Point of Beginning; thence continuing South 89°28'15" East on said south line for a distance of 920.00 feet; thence North 00°04'52" East for a distance of 149.02 feet; thence North 48°48'28" West for a distance of 475.70 feet; thence North 89°28'15" West for a distance of 561.58 feet; thence South 00°04'52" West for a distance of 459.00 feet to the Point of Beginning, containing 8.42 acres, inclusive of 0.70 acres of public road right-of-way on the south side thereof.

EXHIBIT B
Depiction of the Property to be Annexed

PREPARED BY: DGR ENGINEERING, 1302 S. UNION STREET, P.O. BOX 511, ROCK RAPIDS, IOWA 51246 712.472.2531

CERTIFICATE OF SURVEY
TRACT 1 IN THE SW1/4 SECTION 35-103-45
ROCK COUNTY, MINNESOTA



DESCRIPTION - TRACT 1 IN THE SW1/4 SECTION 35-103-45

That part of the Southwest Quarter (SW1/4) of Section Thirty-five (35), Township 103 North, Range 45 West of the 5th P.M., Rock County, Minnesota, described as follows:

Commencing at the Southwest Corner of said Section 35; thence South 89°28'15" East on the south line of said SW1/4 for a distance of 607.25 feet to the Point of Beginning; thence continuing South 89°28'15" East on said south line for a distance of 920.00 feet; thence North 00°04'52" East for a distance of 149.02 feet; thence North 48°48'28" West for a distance of 475.70 feet; thence North 89°28'15" West for a distance of 561.58 feet; thence South 00°04'52" West for a distance of 459.00 feet to the Point of Beginning, containing 8.42 acres, inclusive of 0.70 acres of public road right-of-way on the south side thereof.

SUBJECT TO EASEMENTS, IF ANY, OF RECORD OR APPARENT.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

By: *Adam Wierama* 12-15-21
 Adam N. Wierama, L.S. License No. 51727 (Date)
 My license renewal date is June 30, 2022

Sheets covered by this seal: THIS SHEET ONLY

LEGEND

- ▲ SECTION CORNER AS NOTED
- SET 1/2" X 24" REBAR WITH RED SURVEYOR'S I.D. CAP NO. 57127
- SET MAG-NAIL

DATE OF FIELD WORK - 7-05-21
 SURVEY REQUESTED BY: AL SCHMUCK

DGR ENGINEERING	DGR ENGINEERING Rock Rapids, Iowa 712-472-2531 Sioux City, Iowa Sioux Falls, South Dakota	Date 7-30-21 Drawn By ANW Reviewed TML Approved ANW	PROJECT NO. 371129
			DWG. # P:\03\071\129\371129\DWG\371129\TRACTS1.DWG

