

**CITY OF PLAINVIEW RESOLUTION NUMBER 2022-38  
TOWNSHIP OF PLAINVIEW RESOLUTION NUMBER 11-22**

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE JOINT RESOLUTION  
OF THE CITY OF PLAINVIEW AND PLAINVIEW  
TOWNSHIP DESIGNATING CERTAIN AREAS  
AS IN NEED OF ORDERLY ANNEXATION  
PURSUANT TO MINNESOTA STATUTES § 414.0325

**JOINT RESOLUTION FOR  
ORDERLY ANNEXATION**

WHEREAS, an individual property owner with property located within the Township of Plainview ("Township") and legally described in Exhibit A, attached hereto and incorporated herein by reference, has petitioned the City of Plainview ("City") seeking annexation of that property to the City; 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, for ease of reference, the Subject Area proposed for annexation in accordance with this Joint Resolution and legally described in Exhibit A is shown on the map attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, the City and Township agree that orderly annexation of the Subject Area is in the best interest of the property owner 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 Town Board of Supervisors of Plainview Township and the City Council of the City of Plainview, as follows:

1. Designation of Orderly Annexation Area. The Township and the City hereby designate the Subject Area 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 2.54 acres.

3. Population of Subject Area. The population of the Subject Area is 0.
4. Map of Subject Area. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B and is incorporated herein by reference.
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 Office of Administrative Hearings is necessary. Upon the execution and filing of this Joint Resolution, the Office of Administrative Hearings may review and comment thereon, 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 Subject 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 of two years and in accordance with the following schedule: one time payment of \$230.00
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. 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.
9. Governing Law. This Joint Resolution is made pursuant to and shall be construed in accordance with the laws of the State of Minnesota.
10. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
11. 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.
12. Legal Description and Mapping. The Township and City agree that in the event there are errors, omissions or any other problems with the legal descriptions provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the Office of Administrative Hearings,

the City and Township agree 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 Office of Administrative Hearings as necessary to make effective the annexation of said Subject Area in accordance with the terms of this Joint Resolution.

13. 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:

David Todd  
City Administrator  
Plainview City Hall  
241 W Broadway  
Plainview, MN 55964

If to the Township:


Ellen Miller  
Township Clerk  
53223 220<sup>th</sup> Avenue  
Plainview, MN 55964

14. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.
15. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Office of Administrative Hearings Municipal Boundary Adjustments Office and pay the required filing fee.

*[Signature page to follow]*

Passed, adopted, and approved by the Town Board of Supervisors of Plainview Township, Wabasha County, Minnesota, this 15 day of November, 2022.

PLAINVIEW TOWNSHIP


By:   
Mitchell Crary, Chairman

ATTEST:


  
Ellen Miller, Town Clerk

Passed, adopted, and approved by the City Council of the City of Plainview, Wabasha County, Minnesota, this 13<sup>th</sup> day of December, 2022.

CITY OF PLAINVIEW

By:   
Aaron Luckstein, Mayor

ATTEST:

By:   
Carol Kujath, City Clerk

## **EXHIBIT A**

### **Legal Description of Subject Area**

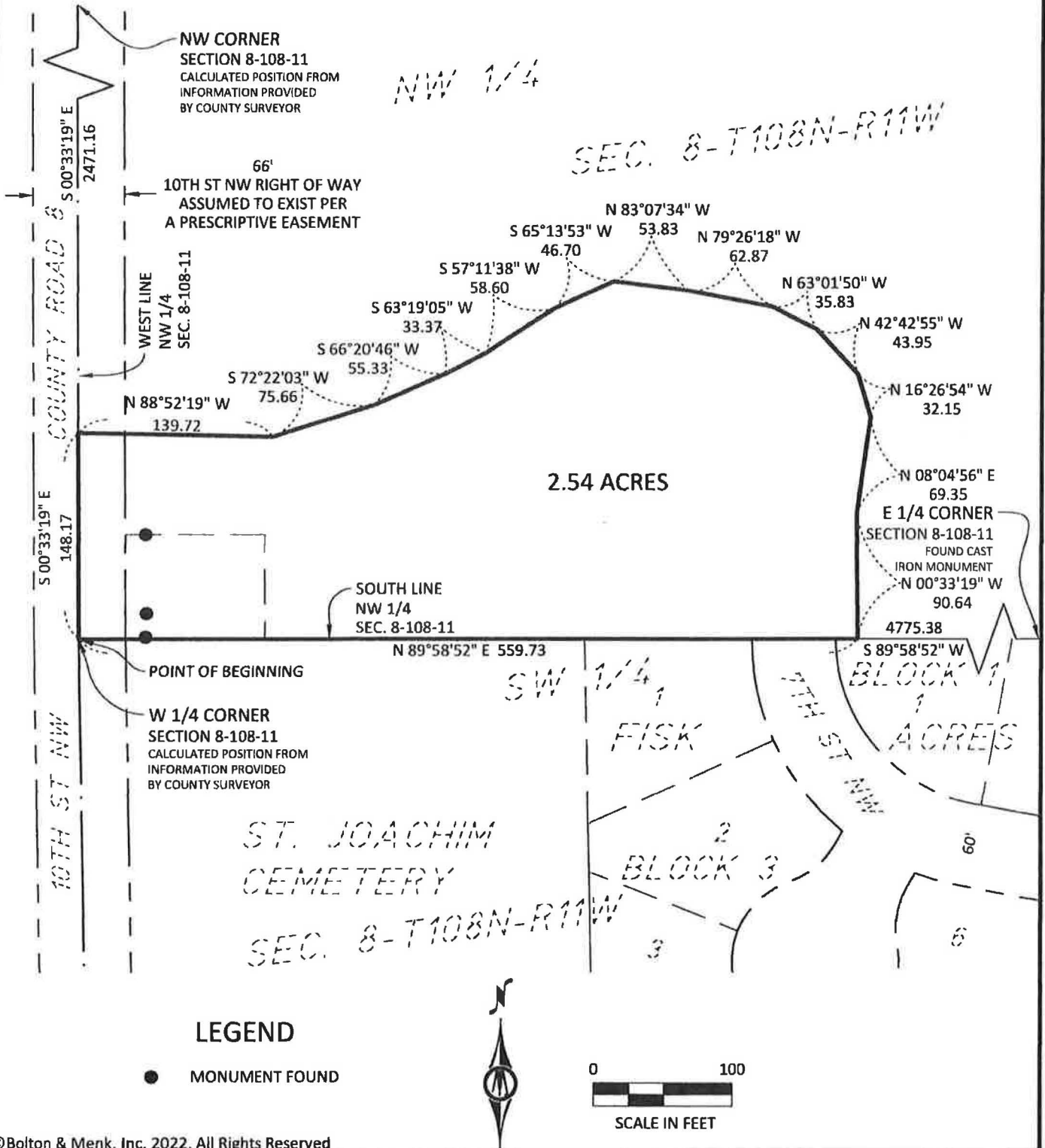
The Subject Area to be annexed in the attached Joint Resolution is legally described as follows:

That part of the Northwest Quarter of Section 8, Township 108 North, Range 11 West, Wabasha County, Minnesota, described as:

Beginning at the West Quarter Corner of said Section 8; thence North 89 degrees 58 minutes 52 seconds East, (Minnesota County Coordinate System - Wabasha County Zone - HARN NAD83 - 2011), along the South line of the Northwest Quarter of said Section 8, a distance of 559.73 feet; thence North 00 degrees 33 minutes 19 seconds West, a distance of 90.64 feet; thence North 08 degrees 04 minutes 56 seconds East, a distance of 69.35 feet; thence North 16 degrees 26 minutes 54 seconds West, a distance of 32.15 feet; thence North 42 degrees 42 minutes 55 seconds West, a distance of 43.95 feet; thence North 63 degrees 01 minutes 50 seconds West, a distance of 35.83 feet; thence North 79 degrees 26 minutes 18 seconds West, a distance of 62.87 feet; thence North 83 degrees 07 minutes 34 seconds West, a distance of 53.83 feet; thence South 65 degrees 13 minutes 53 seconds West, a distance of 46.70 feet; thence South 57 degrees 11 minutes 38 seconds West, a distance of 58.60 feet; thence South 63 degrees 19 minutes 05 seconds West, a distance of 33.37 feet; thence South 66 degrees 20 minutes 46 seconds West, a distance of 55.33 feet; thence South 72 degrees 22 minutes 03 seconds West, a distance of 75.66 feet; thence North 88 degrees 52 minutes 19 seconds West, a distance of 139.72 feet to the West line of the Northwest Quarter of said Section 8; thence South 00 degrees 33 minutes 19 seconds East, along said West line, a distance of 148.17 feet to the point of beginning.

# EXHIBIT A SHEET 1 OF 2

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# EXHIBIT A

## SHEET 2 OF 2

### DESCRIPTION

That part of the Northwest Quarter of Section 8, Township 108 North, Range 11 West, Wabasha County, Minnesota, described as:

Beginning at the West Quarter Corner of said Section 8; thence North 89 degrees 58 minutes 52 seconds East, (Minnesota County Coordinate System - Wabasha County Zone - HARN NAD83 - 2011), along the South line of the Northwest Quarter of said Section 8, a distance of 559.73 feet; thence North 00 degrees 33 minutes 19 seconds West, a distance of 90.64 feet; thence North 08 degrees 04 minutes 56 seconds East, a distance of 69.35 feet; thence North 16 degrees 26 minutes 54 seconds West, a distance of 32.15 feet; thence North 42 degrees 42 minutes 55 seconds West, a distance of 43.95 feet; thence North 63 degrees 01 minutes 50 seconds West, a distance of 35.83 feet; thence North 79 degrees 26 minutes 18 seconds West, a distance of 62.87 feet; thence North 83 degrees 07 minutes 34 seconds West, a distance of 53.83 feet; thence South 65 degrees 13 minutes 53 seconds West, a distance of 46.70 feet; thence South 57 degrees 11 minutes 38 seconds West, a distance of 58.60 feet; thence South 63 degrees 19 minutes 05 seconds West, a distance of 33.37 feet; thence South 66 degrees 20 minutes 46 seconds West, a distance of 55.33 feet; thence South 72 degrees 22 minutes 03 seconds West, a distance of 75.66 feet; thence North 88 degrees 52 minutes 19 seconds West, a distance of 139.72 feet to the West line of the Northwest Quarter of said Section 8; thence South 00 degrees 33 minutes 19 seconds East, along said West line, a distance of 148.17 feet to the point of beginning.

### SURVEYOR'S CERTIFICATION

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.

*Janele Fowlds*

Janele Fowlds  
License Number 26748

10/11/2022  
Date

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### ANNEXATION DESCRIPTION

PLAINVIEW, MINNESOTA



**BOLTON  
& MENK**

2900 43RD STREET NW, SUITE 100  
ROCHESTER, MINNESOTA 55901  
(507) 208-4332

PART OF THE NORTHWEST QUARTER OF SECTION 8,  
TOWNSHIP 108 NORTH, RANGE 11 WEST, WABASHA  
COUNTY, MINNESOTA

FOR: PLAINVIEW, CITY OF

SDB123353E

JOB NUMBER: 0H1.123353

FIELD BOOK: SEE FILE

DRAWN BY: CDS

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## **EXHIBIT B**

### **Boundary Map**

The following is a municipal boundary map as referenced in the attached Joint Resolution, showing the current City of Plainview and its relation to the Subject Area to be annexed, which are legally described in Exhibit A:

