

JOINT RESOLUTION

CITY OF KILKENNY
RESOLUTION NO. _____
TOWNSHIP OF KILKENNY
RESOLUTION NO. _____

A JOINT RESOLUTION OF THE CITY OF KILKENNY AND THE TOWNSHIP OF KILKENNY DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER THE AREA TO THE MINNESOTA MUNICIPAL BOARD, PURSUANT TO MINNESOTA STATUTES SECTION 414.0325.

WHEREAS, the City of Kilkenny and the Township of Kilkenny have met, conferred, considered and reached agreement relating to the annexation of an area located in the Township of Kilkenny; and

WHEREAS, the area proposed for annexation is owned by the City of Kilkenny, Le Sueur County, Minnesota, a Minnesota municipal corporation; and

WHEREAS, the City of Kilkenny and the Township of Kilkenny desire to designate a certain unincorporated area as in need of orderly annexation pursuant to Minnesota Statutes Section 414.0325 and have agreed upon certain terms and conditions relating to the annexation of said property; and

WHEREAS, the owner of the property described in Paragraph Two has waived the provisions of M.S.A. 414.0325, Subdivision 1a regarding Electrical Utility Service.

NOW, THEREFORE, BE IT RESOLVED AND AGREED between the City of Kilkenny and the Township of Kilkenny as follows:

1. That the City of Kilkenny (hereinafter "City") is a city pursuant to the laws of the State of Minnesota and that the Township of Kilkenny (hereinafter "Township") is a township pursuant to the laws of the State of Minnesota, and that both parties are fully authorized and empowered to enter into this resolution.
2. That the following unincorporated area is in need of orderly annexation, lies wholly within Kilkenny Township, Le Sueur County, Minnesota, and is described as follows: see Exhibit A attached hereto and incorporated herein ("The Property") and no alteration of its stated boundaries is appropriate.
3. That jurisdiction over annexation within the Property and over the various provisions contained in this Resolution is hereby conferred upon the Minnesota Municipal Board (hereinafter "Board").

4. That the property does not abut the City and is, or is about to become, urban or suburban in character. Further, the City will upon annexation take action to provide sewer service, water, power and other essential municipal services needed for the development and use of the Property.
5. That the Property will be immediately annexed to the City upon the adoption of this Resolution and the Order of the Board.
6. That no consideration by the Board of the annexation is necessary and the City and the Township request that the Board order the annexation in accordance with the terms of this Resolution.
7. That the real estate taxes collected from the Property due and payable in 1998 will be paid and delivered to the Township. That the real estate taxes due and payable in 1999 and for all years thereafter will be paid and delivered to the City.
8. That there will be no reimbursement by the City to the Township for tax revenues lost in accordance with Minnesota Statutes Section 414.036.
9. That connection to the sewer system will be the responsibility of the City and will be conducted in accordance with the ordinances of the City as well as any State or Federal agency laws, rules or regulations.
10. That no abandoned wells are on the Property and no individuals reside on the Property.
11. That the owner of the Property has waived the provisions of M.S.A. Section 414.0325, Subdivision 1a relative to notice of the costs of electric utility service.
12. That every provision of this Resolution will be and hereby is declared severable, and if any part or portion is held invalid, it will not affect or invalidate the remaining parts or portions of the Resolution.
13. That the Property annexed will be, and hereby is, appropriately zoned for the City to use as a wastewater treatment facility site.

AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KILKENNY THIS 8TH DAY OF FEBRUARY, 1999.

CITY OF KILKENNY

BY Clarence Miller
Its Mayor

BY Leora M. Zelmer
Its City Clerk

AGREED TO AND APPROVED BY THE TOWN BOARD OF THE TOWNSHIP OF
KILKENNY THIS 8TH DAY OF FEBRUARY, 1999.

TOWNSHIP OF KILKENNY

BY James E. Stigler
Its Chairman

BY Robert A. Zimney
Its Clerk
3-18-99

REC'D. BY MAR 30 1999
MIR

EXHIBIT A

That part of the South 648.59 feet of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the South 648.59 feet of Government Lot 8, all in Section 22, Township 110, Range 23, Le Sueur County, Minnesota, which lies easterly of the centerline of County Road No. 3 and which lies westerly of the easterly 971.19 feet of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$.

This tract contains 16.66 acres of land.



REC'D. BY MAR 29 1999
MMB

