

REC'D BY
MMS

NOV 08 2002

JOINT RESOLUTION

CITY OF MONTGOMERY
RESOLUTION NO. 22-2002

TOWNSHIP OF MONTGOMERY
RESOLUTION

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

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

WHEREAS, the area proposed for annexation is owned by those individuals named in the Petition for Annexation (Attached as Exhibit A), hereinafter, "Owners";

WHEREAS, the City of Montgomery and the Township of Montgomery 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 owners of the property described in Paragraph Two has waived the provisions of M. S.A. 414.0325, Subdivision I a regarding Electrical Utility Service.

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

1. That the City of Montgomery (hereinafter "City") is a city pursuant to the laws of the State of Minnesota and that the Township of Montgomery (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 Montgomery Township, Le Sueur County, Minnesota, and is described as follows: see Exhibit B 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 Boundary Adjustment Board (hereinafter "Board").
4. That the property is, or is about to become, urban or suburban in character.
5. That the Property will be immediately annexed to the City upon the adoption of this Resolution and the Order of the Board.
6. No consideration by the Board is necessary, the Board may review and comment, but shall within 30 days 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 2002 will be paid and delivered to the Township. That the real estate taxes due and payable in 2003 and for all years thereafter will be paid and delivered to the City.
8. That there will be reimbursement by the City to the Township for tax revenues lost of 80% in 2003, 60% in 2004, 40% in 2005, 20% in 2006 in accordance with Minnesota Statutes Section 414.036.
9. That connection to the sewer system will be the responsibility of the Owners and will be conducted in accordance with the ordinances of the City as well as any State or Federal agency laws, rules or regulations.
11. That the Owners of the Property have 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 Owners to use as multi- and single-family housing development sites.

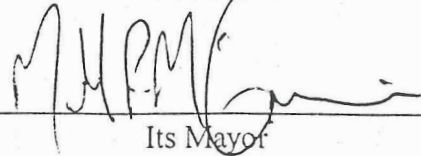
REC'D BY
MMB

NOV 08 2002


AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MONTGOMERY THIS 26th DAY August OF 2002.

CITY OF MONTGOMERY

BY:


Its Mayor

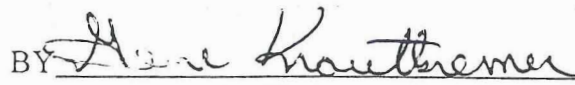
BY


Its City Administrator


AGREED TO AND APPROVED BY THE TOWN BOARD OF THE TOWNSHIP OF
MONTGOMERY THIS 1st DAY OF August 2002.

TOWNSHIP OF MONTGOMERY

BY


Its Chairman

BY


Its Clerk

PETITION FOR ORDERLY ANNEXATION**IN THE MATTER OF THE PETITION FOR ANNEXATION PURSUANT TO
MINNESOTA STATUTE 414.0325 (2001)**

TO: COUNCIL OF THE CITY OF MONTGOMERY, LE SUEUR COUNTY, MINNESOTA


PETITIONER(S) STATES: This is a Petition for annexation pursuant to Minnesota Statutes Section 414.0325 (2001). The land to be annexed is privately owned by James F. Vlasak.

The area proposed for annexation is legally described in Exhibit A which consists of 1 page attached hereto and incorporated herein, said property being located in LeSueur County, Minnesota.

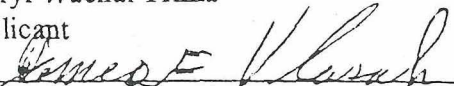
- a) The Petitioner, James F. Vlasak (fee holder), is the sole owner of the described property and has signed this petition.
- b) The described property is unincorporated and is located just south and west of the southwest corner of the City of Montgomery and is not included within the boundaries of any other municipality.
- c) The area of land to be annexed consists of +/- 2.08 acres and is not platted.
- d) The reason for the annexation is that the site will be used for Residential Development within the City of Montgomery which requires that the City of Montgomery annex the subject property. Annexation of the subject property by the City of Montgomery is also required so that the City of Montgomery may properly govern the ongoing use of the property.
- e) All of the described property is or is about to become urban or suburban in character.
- f) The area proposed for annexation is not included in any area that has already been designated for Orderly Annexation pursuant to Minnesota Statutes Section 414.0325 (2001).

PETITIONER'S REQUEST: That pursuant to Minnesota Statutes Section 414.0325 (2001), the property described herein be annexed to and included within the City of Montgomery.

Dated: 7-29-02


Cheryl Wachal Trnka
Applicant

Dated: 7-27-02


James F. Vlasak
Feeholder

REC'D BY
M M B

NOV 08 2002

EXHIBIT A

Part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 16, Township 111, Range 23, Le Sueur County, Minnesota, described as follows:
Commencing at the Northeast corner of said Section 16; thence on an assumed bearing of South 00 degrees 49 minutes 00 seconds West along the East line of said Northeast Quarter (NE1/4) 1067.84 feet; thence South 90 degrees 00 minutes 00 seconds West 275.00 feet to the point of beginning of the tract to be described; thence South 00 degrees 49 minutes 00 seconds West 208.71 feet; thence South 90 degrees 00 minutes 00 seconds West 433.71 feet; thence North 00 degrees 49 minutes 00 seconds East 208.71 feet; thence North 90 degrees 00 minutes 00 seconds East 433.71 feet to the point of beginning. This tract contains 2.08 acres of land.

PROPOSED FOR R3 ZONING

TRNKA/VLASAK ATTACHMENT TO PETITION FOR ANNEXATION

REC'D BY
M M B

NOV 08 2002

EXHIBIT B

The Property is described as:

That part of the Northeast Quarter of the Northeast Quarter of Section 16,
Township 111, Range 23, Le Sueur County, Minnesota, described as follows:

Commencing at the Northeast corner of said Section 16; thence on an assumed bearing of South 00 degrees 49 minutes 00 seconds West along the East line of said Northwest Quarter 1067.84 feet; thence South 90 degrees 00 minutes 00 seconds West 275.00 feet to the point of beginning of the tract to be described; thence South 00 degrees 49 minutes 00 seconds West 208.71 feet; thence South 90 degrees 00 minutes 00 seconds West 433.71 feet; thence North 00 degrees 49 minutes 00 seconds East 208.71 feet; thence North 90 degrees 00 minutes 00 seconds East 433.71 feet to the point of beginning. This tract contains 2.08 acres of land.



Part of the Northeast Quarter of the Northeast Quarter of Section 16, Township 111, Range 23, Le Sueur County, Minnesota, described as follows: Commencing at the northeast corner of said Section 16; thence on an assumed bearing of South 00 degrees 49 minutes 00 seconds West along the East line of said Northeast Quarter 1067.84 feet; thence South 90 degrees 00 minutes 00 seconds West 275.00 feet to the point of beginning of the tract to be described; thence South 00 degrees 49 minutes 00 seconds West 208.71 feet; thence South 90 degrees 00 minutes 00 seconds West 433.71 feet; thence North 00 degrees 49 minutes 00 seconds East 208.71 feet; thence North 90 degrees 00 minutes 00 seconds East 433.71 feet to the point of beginning. This tract contains 2.08 acres of land and is subject to an easement for driveway purposes, over, under and across the South 33.00 feet thereof and is together with an easement for the right of ingress and egress over, under and across a 66 foot wide easement for driveway purposes, the North line of said easement being described as follows: Commencing at the northeast corner of said Section 16; thence on an assumed bearing of South 00 degrees 49 minutes 00 seconds West along the East line of said Northeast Quarter 1067.84 feet; thence South 90 degrees 00 minutes 00 seconds West 75.00 feet to a point on the westerly right-of-way line of Minnesota Trunk Highway Number 13, said point being the point of beginning of the northerly line of said 66.00 foot wide driveway easement to be described; thence continuing South 90 degrees 00 minutes 00 seconds West along said northerly line 200.00 feet and said line and easement there terminating.

Long Distance

Date 04-29-97 Registration No. 15475

Part of NE1 of NE1, Sec. 16, T 111 N, R 23 W,
Montgomery Township, Le Sueur County, Minn.

- ● - Denotes iron monument in place
- ○ - Denotes iron monument set

April, 1997

File #241

