

JOINT RESOLUTION

CITY OF LUVERNE RESOLUTION NO. 9-94
TOWN OF LUVERNE RESOLUTION

JOINT RESOLUTION AMENDING THAT CERTAIN JOINT
RESOLUTION AS TO ORDERLY ANNEXATION DATED
MAY 13, 1975 BETWEEN THE TOWN OF LUVERNE AND
THE CITY OF LUVERNE, MINNESOTA

WHEREAS, The City of Luverne and the Town of Luverne have heretofore entered into a certain joint resolution as to orderly annexation dated May 13, 1975 and governing the annexation of certain areas lying within the Town of Luverne, and,

WHEREAS, The parties now desire to amend that certain resolution;

NOW THEREFORE, BE IT RESOLVED AND AGREED by and between the City of Luverne and the Town of Luverne as follows:

1. That the Town and the City agree that the following described property located within the Town of Luverne, County of Rock, State of Minnesota, described as follows, to wit:

The East Thirty-Three Feet (E. 33') of the Southwest Quarter (SW 1/4) of Section Ten (10), Township One Hundred Two North (102N), Range Forty-Five West (45W), of the 5th P. M.,

shall be annexed into the City of Luverne.

2. That said area is urban or suburban in nature and consists of and comprises that portion of the right of way of Walnut Avenue lying and being within the Town of Luverne.

3. That upon the annexation, the City of Luverne shall have the sole jurisdiction of said street including the maintenance thereof, improvements thereto and that said street shall no longer be denominated as a township road or street but shall be denominated solely as a city street under the sole jurisdiction of the City of Luverne.

4. That no further consideration by the Minnesota Municipal Board is necessary and that there shall be no alteration of the stated boundaries in this agreement. That the municipal board may review and comment but shall, within 30 days, order the annexation in accordance with the terms of this agreement.

5. That except as otherwise provided for herein, the terms of that certain joint resolution as to orderly annexation between the parties dated May 13, 1975 shall remain in full force and effect.

AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
LUVERNE this 14th day of FEBRUARY, 1994.

CITY OF LUVERNE

By Wm. V. Weber
Its Mayor

By D. J. B. B.
Its City Administrator

AGREED TO AND APPROVED BY THE TOWN BOARD OF THE TOWN OF
LUVERNE this 9 day of FEB., 1994.

TOWN OF LUVERNE

By Lowell Fick
Its Chairman

By Melvin P. Fick
Its Clerk

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CITY OF LUVERNE RESOLUTION NO. 13-75

TOWNSHIP OF LUVERNE RESOLUTION NO. _____

A JOINT RESOLUTION AS TO ORDERLY ANNEXATION

Whereas: The City of Luverne and the Township of Luverne desire to avail themselves of the benefits of Section 414.032 of the Minnesota Statutes 1974 concerning "Orderly Annexation within a Designated Area" and,

Whereas: The parties hereto have agreed upon an area in need of orderly annexation.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City of Luverne and the Township of Luverne hereby confer upon the Municipal Commission of the State of Minnesota jurisdiction over annexation in the following areas in accordance with the terms of this resolution:

- a. All of Sections 2, 3, 10, and 11 not presently within the Corporate Limits of the City of Luverne.
- b. All of the North 1/2 Sections 14 and 15 North of the North R.O.W. line of Interstate Highway #90 not presently within the corporate limits of the City of Luverne.

All in Township One Hundred Two (102) North of Range Forty-five (45), West of the 5th P.M.

2. No annexation will take place anywhere within the area designated as in need of orderly annexation unless the area involved is or is about to become urban or suburban in character and unless the City has available and is capable of providing municipal services.

3. The Town will not object to the annexation during the next year of the following described parcels:

- a. That part of the Northeast Quarter (NE 1/4) of Section Fifteen (15) in Township One Hundred Two (102) North of Range Forty-five (45), West of the 5th P.M., lying North of the right-of-way of Interstate #90 as now established across said NE 1/4, and containing 117.47 acres, more or less, excepting that part of the said Northeast Quarter (NE 1/4) being within the corporate limits and described as follows:

Beginning at a point on the East line of said Section 15, distant 1249.10 feet North of the East Quarter Corner thereof, thence Westerly at an angle of $90^{\circ}02'$ with said East Section Line (measured from North to West) for 550.00 feet, thence deflect Northerly at an angle of $09^{\circ}58'$ (measured from East to North) and running thence parallel to said East Section line for 1415.00 feet to the North line of said Section 15, thence Easterly on said North Section line for 550.00 feet to the Northeast corner of said Section 15, thence Southerly on said East Section line for 1416.00 feet to the true Point of Beginning.

- b. A tract of land in the Northwest Quarter (NW 1/4) of Section Fourteen (14) in Township One Hundred Two (102), North of Range Forty-five (45), West of the 5th P.M., described as follows:

Beginning at the Northwest corner of the Northwest Quarter (NW 1/4) of Section Fourteen (14) thence deflecting left 90° and running parallel to the North line of said Section Fourteen (14) to the East line of the right-of-way of the Chicago, St. Paul, Minneapolis and Omaha Railway, now abandoned, thence Southerly on the East right-of-way line of said abandoned railway to its intersection with the Northeast (NE) corner of the following described tract of land: "Beginning at a point on the West line of said Section Fourteen (14) 1040.92 feet South of the Northwest corner thereof, thence deflect left 90° to the East line of the right-of-way of the Chicago, St. Paul, Minneapolis and Omaha Railway, now abandoned, thence Southerly on the East right-of-way line of said abandoned railway to its point of intersection of Interstate #90, thence in a Northeasterly direction on the North right-of-way line of said Interstate Highway #90 and then Westerly, projection of said line to the West line of said Section Fourteen (14), thence Northerly on the West line of said Section Fourteen (14) to the point of beginning, thence Westerly on the North line of said tract of land to the West of said Section Fourteen (14), thence Northerly on the West line of said Section Fourteen (14), to the point of beginning.

4. Subject to 6 below, the City agrees not to attempt any annexations of any of the following described property for a period of at least 3 years:

- a. The South one-half (S 1/2) of the Northeast Quarter (NE 1/4) of Section Two (2).
- b. The South one-half (S 1/2) of the Northwest Quarter (NW 1/4) of Section Two (2).
- c. That portion of the Southeast Quarter (SE 1/4) of Section Two (2) not presently within the corporate limits of the City of Luverne.
- d. The Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section Three (3).
- e. The Northwest one-half (NW 1/2) of the Northwest Quarter (NW 1/4) of Section Ten (10) not presently in the corporate limits of the City of Luverne.
- f. Outlots 3 and 4 of Auditors plot #3 of the City and Township of Luverne.
- g. The North one-half (N 1/2) of the Northwest Quarter (NW 1/4) of Section 15.

All within the Township One Hundred Two (102), North of Range Forty-five (45), West of the 5th P.M.

5. Subject to 6 below, the City agrees not to attempt any annexation of any of the following described property for a period of at least 5 years:

- a. The North one-half (N 1/2) of the Northeast Quarter (NE 1/4) of Section Two (2).
- b. The North one-half (N 1/2) of the Northwest Quarter (NW 1/4) of Section Two (2).
- c. All of Section Three (3) except the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) not presently in the corporate limits of the City of Luverne.
- d. All of the Northwest Quarter (NW 1/4) of Section Fifteen (15) North of right-of-way line of Interstate #90 except the North one-half (N 1/2) of the Northwest Quarter (NW 1/4) of Section Fifteen (15).
- e. All of the North one-half (N 1/2) of Section Fourteen (14) North of the right-of-way line

of Interstate 390 and East of the right-of-way line of the Chicago, St. Paul, Minneapolis and Omaha Railway, now abandoned.

All within Township One Hundred Two (120), North of Range Forty-five (45), West of the 5th P.M.

6. In the event that a subdivision plat is filed for any of the land included in 4 and 5 above the City may immediately petition the Municipal Commission for annexation of that land and any land lying between that land and the corporate limits as may be necessary to provide access for streets, utilities and other public service consistent with good planning practice.
7. The mill levy of the annexing municipality on the area annexed shall be increased in conformance with Section 414.032 Subdivision 4 of Minnesota Statutes 1974, over a period of not less than three (3) nor more than five (5) years.
8. Apportionment of assets and obligation shall be made in conformance with Section 414.067, Subdivision 1 of Minnesota Statutes 1974.
9. Zoning within the area designated for orderly annexation by this joint resolution shall, until annexed, be administered for zoning purposes by the Luverne Planning Commission plus the Luverne Township Board in acting jointly with all powers provided by laws. The Zoning Ordinance of the City of Luverne shall govern the zoning and administration of zoning procedure in the area included in this joint resolution.
10. Unless and until a further orderly annexation agreement is negotiated the City agrees not to attempt any further annexations within Luverne Township for a period of 10 years from the date of this agreement unless there is a unanimous petition of the landowners involved.

TOWNSHIP OF LUVERNE

Passed and adopted by the Township of Luverne this 11 day of June, 1975.

ATTEST: Ausley H. Minkler
Township Clerk

Ernest M. Homan
Chairman

CITY OF LUVERNE

Passed and adopted by the City of Luverne this 13th day of May, 1975.

ATTEST: R.C. Ruhl
City Administrative Assistant

Harold Henshler
Mayor