



DEPARTMENT OF ADMINISTRATION
STATE OF MINNESOTA
BEFORE THE DIRECTOR OF
STRATEGIC AND LONG RANGE PLANNING

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF MONTGOMERY) ORDER
AND THE TOWN OF LANESBURGH PURSUANT TO)
MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of
Montgomery and the Town of Lanesburgh; and

WHEREAS, said joint resolution requests that certain property be annexed to the
City of Montgomery pursuant to M.S. 414.0325; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Director of Strategic
and Long Range Planning may review and comment, but shall within 30 days order the
annexation of land pursuant to said subdivisions; and

WHEREAS, on December 9, 2004, the Director has reviewed and accepted the resolution
for orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in
accordance with the terms of the joint resolution to the City of Montgomery, Minnesota, the
same as if it had originally been made a part thereof:

PARCEL 1

That part of the Northeast Quarter of the Northwest Quarter of Section 34; that part of the Southeast
Quarter of the Northwest Quarter of Section 34; and that part of Government Lots 1 & 2, all in Township
112 North Range 23 West, LeSueur County, Minnesota, described as:

Beginning at an iron pipe monument designating the West Quarter corner of Section 34; (the west line of the

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Northwest Quarter of Section 34 to have a bearing of North 00 degrees 09 minutes 53 seconds East - Minnesota County Coordinate System of 1983, LeSueur County Zone); thence South 89 degrees 38 minutes 54 seconds East, along the East - West center line of Section 34, a distance of 1322.33 feet to the southeast corner of said Government Lot 1; thence North 00 degrees 15 minutes 59 seconds East, along the east line of said Government Lot 1 a distance of 330.08 feet to the southwest corner of the North 3/4 of the Southeast Quarter of the Northwest Quarter of Section 34; thence South 89 degrees 40 minutes 04 seconds East, along the south line of the North 3/4 of the Southeast Quarter of the Northwest Quarter of Section 34 a distance of 1322.37 feet to the southeast corner of the North 3/4 of the Southeast Quarter of the Northwest Quarter of Section 34; thence North 00 degrees 16 minutes 20 seconds East, along the North - South center line of Section 34 a distance of 1061.48 feet to the northeast corner of the South 69.90 feet of the Northeast Quarter of the Northwest Quarter of Section 34; thence North 89 degrees 43 minutes 34 seconds West, along the north line of the South 69.90 feet of the Northeast Quarter of the Northwest Quarter of Section 34 and along the north line of the south 69.90 feet of Government Lot 2 in Section 34, a distance of 2262.53 feet to the point of intersection with the easterly right of way line of the Chicago and Northwestern Transportation Company; thence South 15 degrees 40 minutes 10 seconds West, along said easterly line, 1439.27 feet to the point of intersection with the west line of said Government Lot 1; thence South 00 degrees 09 minutes 53 seconds West, along said west line, 0.79 feet to the point of beginning.

Said Parcel 1 contains 68.29 acres, subject to any and all easements of record.

PARCEL 2

That part of Government Lots 1 & 2 in Section 34, Township 112 North Range 23 West, LeSueur County, Minnesota, described as:

Commencing at an iron pipe monument designating the West Quarter corner of Section 34; thence North 00 degrees 09 minutes 53 seconds East, (Minnesota County Coordinate System of 1983, LeSueur County Zone), along the west line of the Northwest Quarter of Section 34, the same being the west line of said government Lot 1, a distance of 374.89 to the point of intersection with the westerly right of way line of the Chicago and Northwestern Transportation Company, the same being the easterly right of way line of Trunk Highway No. 13; said point being the point of beginning; thence North 15 degrees 40 minutes 10 seconds East, along said right of way lines, 1051.25 feet to the point of intersection with the north line of the south 69.90 feet of Government Lot 2 in Section 34; thence North 89 degrees 43 minutes 34 seconds West, along said north line, 190 feet, more or less, to a point on the southeasterly water's edge of Lake Pepin; thence southwesterly, along said water's edge, 140 feet, more or less, to the point of intersection with the west line of said Government Lot 1; thence South 00 degrees 09 minutes 53 seconds West, along said west line, 900 feet, more or less to the point of beginning. Said Parcel 2 contains 3.1 acres, more or less, subject to any and all easements of record.

Dated this 9th day of December, 2004.

For the Director
658 Cedar Street - Room 300
St. Paul, Minnesota 55155

Christine M. Scotillo

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1110-1, the Director finds and makes the following comment:

The issuance of this order makes no determination as to the legality or validity of the conditions specified in paragraph No. 8 of the agreement. No right to collect reimbursement for lost tax revenues exists in Minnesota Statute Section 414.036. Including a provision for the reimbursement of lost tax revenue is discretionary with the Director and an item to be negotiated among the parties; not a right to be exercised or waived by any individual party.

Further, any reimbursement included in a joint agreement is to be completed in "substantially equal payments over not less than two nor more than six years from the time of annexation." Minn. Stat. Sec. 414.036.

Any issue that may arise relative to the application or interpretation of these sections will be the sole responsibility of the signatories to the agreement.

CMS

LAW OFFICE

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December 20 , 2004

Michael Martin
Montgomery City Administrator
City Hall
201 Ash Avenue West
Montgomery, MN 56069

Leonard Pexa
Lanesburgh Township Clerk
30200 181st Avenue
New Prague, MN 56071

Le Sueur County Auditor
Le Sueur County Courthouse
88 South Park Avenue
Le Center, MN 56057

Le Sueur County Recorder
Le Sueur County Courthouse
88 South Park Avenue
Le Center, MN 56057

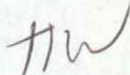
Secretary of State ✓
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299

In re: Annexation of Fierst Property Into the City of Montgomery

To Whom It May Concern:

I am the attorney for the City of Montgomery. I am enclosing herein and serving upon each of you by United States mail a copy of the order of annexation annexing the Fierst property into the City of Montgomery. The annexation is now complete. Please adjust all of your maps.

Sincerely,



Timothy L. Warnemunde

TLW:cs

Enclosure