



Phone: 221-2420

STATE OF MINNESOTA  
MUNICIPAL COMMISSION

304 Capitol Square Building  
10th & Cedar Streets  
St. Paul, Minnesota 55101  
August 11, 1972

Mr. John Nugent, Clk.-Treas.  
Village Hall  
Foley, Minnesota

Re: Docket Number A-2145 Ordinance Number 130

Dear Sir:

The Minnesota Municipal Commission acknowledges receipt and filing of the above Ordinance and filing fee in accordance with Minn. Session Laws 1969, Chapter 1146, Section 12 and the Rules of Procedure.

According to law, this annexation is final upon filing a copy of the ordinance with the Town Clerk, County Auditor and Secretary of State in addition to the Municipal Commission.

Please refer to the above docket and ordinance numbers in any future reference to this annexation.

Very truly yours,

MUNICIPAL COMMISSION

Howard L. Kaibel, Jr.  
Executive Secretary

BR/mg

c.c. Secretary of State —  
County Auditor  
Township  
Attorney  
Municipality

24294

Sec'y of State

ORDINANCE NUMBER 130  
VILLAGE OF FOLEY  
BENTON COUNTY MINNESOTA

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF  
THE VILLAGE OF FOLEY

WHEREAS, the territory described below is not presently within the corporate limits of any incorporated city, village or borough; and

WHEREAS, the tracts described in Section 100:09(1) abuts upon the corporate limits of the Village of Foley as set forth in that petition for annexation filed February 8, 1972, and said tracts of land are deemed to be urban in character; and

WHEREAS, Sixty (60%) percent or more of the perimeter of the tracts of land described in Section 100:09(2) is bordered by lands already included within the corporate limits of the village and is deemed to be urban in character; and

WHEREAS, no objections to the annexation have been received from the town board, the county board or the governing body of any municipality whose boundaries abut upon the boundaries of the land to be annexed;

NOW THEREFORE, THE COUNCIL OF THE VILLAGE OF FOLEY MINNESOTA ORDAINS AS FOLLOWS:

That the 1967 Code of Ordinances of the Village of Foley be amended by adding Section 100:09 to read as follows:

Section 100:09(1) The corporate limits of the Village of Foley are hereby extended to include the following described unplatted property, situated in the County of Benton and State of Minnesota, to-wit:

(a) Beginning at a point 33 feet south and 219.5 feet west of the northeast corner of the northeast Quarter of Northwest Quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ), of Section Thirty-five (35), Township Thirty-seven (37) north, Range Twenty-nine (29) West; thence west and parallel with the north line of said Section a distance of 101.25 feet; thence south and parallel with the west line of said Section a distance of 456 feet to the north right of way line of the Burlington Northern Inc., right-of-way; thence northeasterly along said north line of said right-of-way a distance of 112.5 feet; thence north 405 feet to the point of beginning, EXCEPT the northerly 360 feet thereof, which excepted tract is now in the village and has been in the village since March 21, 1900, the date of incorporation of the Village of Foley. Area size annexed is .16 acres.

(b) That part of the Southeast Quarter of Southwest Quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ), Section Twenty-six (26), Township Thirty-seven (37) north, Range Twenty-nine (29) West, Fourth Principal Meridian, described as follows, to-wit:

Commencing at the point of intersection of the east line of Lots Ten (10) and Eleven (11) of Auditor's Plat of part of the Southeast Quarter of Southwest Quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ), of Section Twenty-six (26), Township Thirty-seven (37) north, Range Twenty-nine (29), extended northerly, with the southerly right-of-way line of Minnesota Trunk Highway No. 23; thence southwesterly along the southerly right-of-way of said Trunk Highway No. 23 a distance of 124 feet; thence southerly a distance of 67 feet to a point; thence easterly a distance of 106 feet to a point 76 feet wouth of the point of commencement; thence north 76 feet to the point of commencement and there terminating, according to a survey thereof recently made, being approximately .27 acres.

(c) That part of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Thirty-five (35), Township Thirty-seven (37) North, Range Twenty-nine (29) West, described as follows: Beginning at a point which is 1209.02 feet west and 10 feet south of the northeast corner of said Section Thirty-five (35); thence south at right angles to said section line 180 feet; thence west at right angles 215 feet; thence north at right angles 180 feet; thence east 215 feet to a point, said point being the point of beginning, being approximately .89 acres.

Section 100:09(2). The corporate limits of the Village of Foley are hereby extended to include the following described tracts of land which are Sixty (60%) percent or more surrounded by the Village of Foley and/or are owned in fee simple by the Village of Foley, which lands are situated in the County of Benton and State of Minnesota, to-wit:

- (a) All that part of the West Half of Northwest Quarter ( $W\frac{1}{2}$  of  $NW\frac{1}{4}$ ), of Section Twenty-five (25), Township Thirty-seven (37) North, Range Twenty-nine (29) west, Fourth Principal Meridian, Benton County Minnesota, described as follows, to-wit:

Commencing 264 feet east and 33 feet north of the West Quarter corner of said Section Twenty-five (25), said point of beginning being on the road right of way; thence north and parallel to the west section line for a distance of 150 feet; thence east and parallel to the quarter line a distance of 110 feet; thence south and parallel to the west line a distance of 134.55 feet, said point being on a north right of way line of Trunk Highway Number 23; thence southwesterly on a  $20^{\circ}30'$  curve for a distance of 64.1 feet; thence west a distance of 48.4 feet to the point of beginning, containing 0.37 acres more or less.

- (b) All that part of the Northwest Quarter of the Southwest Quarter ( $NW\frac{1}{4}$  of  $SW\frac{1}{4}$ ), of Section Twenty-five (25), Township Thirty-seven (37) north, Range Twenty-nine (29), West, Fourth Principal Meridian, Benton County Minnesota, lying south of Trunk Highway Number 23 and east of Park Lots Addition to the Village of Foley and north of the Burlington Northern Inc., right of way, except the following described tract previously annexed:

Beginning at the southeast corner of Park Lots Addition to the Village of Foley; thence north  $60^{\circ}20'$  east and parallel with the North line of the Burlington Northern Inc., right of way 970.65 feet to a point; thence north and parallel with the east line of said Park Lots Addition 292.9 feet to a point; thence south  $60^{\circ}30'$  west a distance of 1022.6 feet to a point on the East line of said Park Lots Addition, said point being the southeast corner of Lot Nine (9) of Park Lots Addition; thence south on the east line of said Park Lots Addition 308.12 feet to the point of beginning, all being in Section Twenty-five (25) Township Thirty-seven (37) north, Range Twenty-nine (29) west, Fourth Principal Meridian, Benton County Minnesota.

- (c) Lot Seven (7) of Auditor's Subdivision of the Southeast Quarter of the Southwest Quarter ( $SE\frac{1}{4}$  of  $SW\frac{1}{4}$ ), of Section Twenty-six (26), Township Thirty-seven (37) north, Range Twenty-nine (29) west, Fourth Principal Meridian, Benton County, Minnesota.

- (d) All that part of the Northeast Quarter of Northwest Quarter ( $NE\frac{1}{4}$  of  $NW\frac{1}{4}$ ), of Section Thirty-five (35), Township Thirty-seven (37) North, Range Twenty-nine (29) west, Fourth Principal Meridian, Benton County, Minnesota, described as follows, to-wit:

Commencing at a point 885 feet south of the Quarter Section corner between Section Thirty-five (35) and Twenty-six (26) Township Thirty-seven (37) north, Range Twenty-nine (29) west; thence west 33 feet to the point of beginning; thence west 150 feet to a point; thence north to the southerly line of the Burlington Northern Inc., right of way line; thence northeasterly along the southerly right of way line of the Burlington Northern Inc., to the westerly right of way line of old Trunk Highway Number 25, now Norman Avenue; thence southerly along the westerly right-of-way line of Norman Avenue to the point of beginning and there terminating, being approximately 1.1 acres.

- (e) The west 159 feet of Lot Five (5), except the South 20.5 feet thereof, and except that part taken for trunk highway purposes for Trunk Highway Number 23, in Auditor's Subdivision of part of the Southeast Quarter of Southwest Quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ), of Section Twenty-six (26), Township Thirty-seven (37) north, Range Twenty-nine (29) west, Fourth Principal Meridian, Benton County, Minnesota.

Section 100:09 (3). The corporate limits of the Village of Foley are hereby extended to include the following described tracts of land, which tracts are all wholly owned by said Village of Foley, a Minnesota Municipal Corporation, and which tracts of land are situated in the County of Benton and State of Minnesota, to-wit:

- (a) Beginning at a point 33 feet North of the Southeast (SE) Corner and running as follows, to-wit:

North 48 rods; thence West 10 rods to a point; thence South 48 rods to a point; thence East along a county road 10 rods to the place of beginning; said tract of land being situated on the West Half of the Southwest Quarter (W $\frac{1}{2}$  of SW $\frac{1}{4}$ ) of Section Twenty-five (25), Township Thirty-seven (37), Range Twenty-nine (29), containing three (3) acres as so surveyed.

- (b) A tract of land of about 1.75 acres in the Southwest Quarter of Southwest Quarter (SW $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section Twenty-five (25), Township Thirty-seven (37), Range Twenty-nine (29), described as follows:

Beginning at a point 49 rods east and 33.5 rods north of the Southwest Corner of said Section Twenty-five (25); thence East 21 rods; thence North and at right angles to last line a distance of 15 rods; thence East and at right angles to last line 10 rods; thence North and at right angles to last line a distance of 3 rods; thence South 77<sup>0</sup> West to a point directly North of the point of beginning; thence South to the point of beginning.

- (c) That part of the Northwest Quarter of Northwest Quarter (NW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section Thirty-six (36), Township Thirty-seven (37), Range Twenty-nine (29), bounded by a line beginning at a point 33 feet south and 128 feet east from the Northwest corner of said Section Thirty-six (36); thence running south 681 feet, thence east 300 feet; thence north 250 feet; thence west 250 feet; thence north 431 feet, and thence west 50 feet to the place of beginning.

- (d) A strip of land 10 feet in width in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of Section Thirty-five (35), Township Thirty-seven (37), Range Twenty-nine (29), described as follows:

Beginning at the intersection of the Westerly boundary of Broadway Avenue in the Village of Foley with the North line of said Section Thirty-five (35); thence Southeast-erly along the extended Westerly line of said Broadway Avenue a distance of 11.75 feet to a point; thence West

and parallel with said Section line a distance of 360 feet to a point; thence Northwesterly and parallel with said Westerly boundary of Broadway Avenue a distance of 11.75 feet to the north line of said Section Thirty-five (35); thence Easterly along the north line of said Section Thirty-five (35) a distance of 360 feet to the point of beginning.

- (e) That part of the Northeast Quarter of Southwest Quarter (NE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section Twenty-six (26), Township Thirty-seven (37) Range Twenty-nine (29), described as follows:

The West 117 feet of the East 300 feet of the South 55 feet of the North 647.9 feet of the Northeast Quarter of Southwest Quarter (NE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section Twenty-six (26), Township Thirty-seven (37), Range Twenty-nine (29).

- (f) All that part of the North 2 rods of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section Thirty-five (35), Township Thirty-seven (37), Range Twenty-nine (29), lying between the Easterly line of the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section and the Easterly line of State Trunk Highway 25, formerly State Trunk Highway 218, as now constructed, across the said Northwest Quarter (NW $\frac{1}{4}$ ) of said Section, being a tract two rods in width and approximately 34 rods in length.

- (g) A strip of land in the Northeast Quarter of Northeast Quarter (NE $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of Section Thirty-five (35), Township Thirty-seven (37), Range Twenty-nine (29) described as follows:

Beginning at the intersection of the Westerly boundary line of Broadway Avenue in the Village of Foley with the Northerly line of said Section Thirty-five (35), thence West along said Section Line a distance of 360 feet to a point, said point being the point of beginning; thence deflect left South 118° East 11.33 feet; thence at right angles East and parallel to the North line of said Section Thirty-five (35) a distance of 18.65 feet; thence at right angles North 10 feet to the North line of said Section Thirty-five (35); thence at right angles West to the point of beginning.

ALSO part of the Northeast Quarter of Northeast Quarter (NE $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of Section Thirty-five (35), Township Thirty-seven (37), Range Twenty-nine (29), described as follows:

Commencing at a point 1209.02 feet West and 10 feet South of the Northeast Corner of the Northeast Quarter of Northeast Quarter (NE $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of said Section Thirty-five (35), thence South at right angles to said Section line 246 feet; thence East at right angles 66 feet; thence North at right angles 246 feet; thence West at right angles 66 feet to the point of beginning.

- (h) Beginning on the southerly line of the state highway right of way of Trunk Highway No. 23, approximately at Old Engineers Station 945+75 (Old Trunk Highway No. 25) on the east line of the southeast quarter of the southwest quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section Twenty-six (26), Township Thirty-seven (37) north, Range Twenty-nine (29) west;

thence Southerly along the East line of the Southeast Quarter of the South West Quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section Twenty-six (26) and the East line of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Thirty-five (35) to a point on the northerly line of the State Highway Right of Way of New Trunk Highway No. 25, said point is located approximately 360 feet north of the center of said Section Thirty-five (35), all in Township Thirty-seven (37) north, Range Twenty-nine (29) West, and there terminating.

Further, said tract of land is the Southerly extension of Norman Avenue in the Village of Foley, and is herewith named Norman Avenue.

(i) The West 10 feet of East 203 feet of South 507.5 feet of Northeast Quarter of Northwest Quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section Thirty-five (35), Township Thirty-seven (37), Range Twenty-nine (29).

(j) That part of the Southeast Quarter of Southwest Quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section Twenty-six (26), Township Thirty-seven (37), Range Twenty-nine (29), described by metes and bounds as follows:

Commencing at the Southeast Corner of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Twenty-six (26), Township Thirty-seven (37), Range Twenty-nine (29), 33 feet North of and 660 feet West of said Southeast Corner of Southwest Quarter (SW $\frac{1}{4}$ ), to a point; said point being the point of beginning; thence north and at right angles with the section line 627 feet; thence east at right angles with last line 627 feet to the road running north and south; thence north along said road 66 feet; thence west and at right angles with last line 693 feet; thence south and at right angles with last line 693 feet; thence east and at right angles with last line 66 feet to the point of beginning, containing two (2) acres, more or less, a portion of which has already been annexed to the Village of Foley; Subject to state highway right of way of State Trunk Highway No. 23.

Section 100:09(4). The village council hereby determines as to all of the above described property (1) that the annexation will be to the best interest of the village and of the territory affected; (2) that the territories described above abut upon the village limits and/or are wholly owned by the Village of Foley and are urban or suburban in character; and (3) that none of said territory is now included within the village limits of any city, village or borough except portions thereof now in said Village of Foley as set forth above; and (4) that such portions that may be in said Village of Foley are included herein to finally clarify questions as to the municipal status or situs of said lands; and said tracts

of land are hereby annexed to and included within the village as effectually as if they had originally been a part thereof.

Section 100:09(5). FILING. The village clerk is hereby directed to file copies of this Ordinance with the Minnesota Municipal Commission, the Secretary of State and the auditor of Benton County Minnesota and the clerk of Gilmanton Township.

Section 100:09(6). EFFECTIVE DATE. This Ordinance takes effect upon its passage and publication and the filing of the copies as directed in Section 100:09(5).

Passed and adopted at the regular meeting of the Village Council on the 18th day of April, 1972, by unanimous vote of all members present.

/s/ H.J. Chmielewski  
H.J. Chmielewski, Mayor

ATTEST:

/s/ John Nugent  
John Nugent, Village Clerk

24294  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

AUG 18 1972

Arlen J. Edall  
Secretary of State