

RESOLUTION
No. 43:17

RECEIVED
by OAH on August 28, 2017

WHEREAS, since its construction in 1981, the Brainerd Wastewater Treatment Facility (BWTF) has been located on property owned by the City of Brainerd but located in the City of Baxter (Property ID Nos - 010171100A00009, 010171302A00009, 010171401B00009, 031320090A0009, 031490010110009, 031490010120009, 031490010130009) (the Property); and

WHEREAS, the City of Brainerd has been interested in annexing the Property since construction of the BWTF; and

WHEREAS, the City of Brainerd Public Utilities Commission oversees the BWTF, its operation and the surrounding property; and

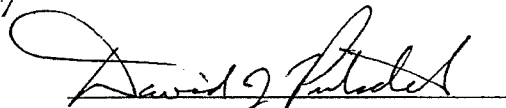
WHEREAS, the 99.51 acres of Property about the City of Brainerd making it eligible for annexation to the City of Brainerd; and

WHEREAS, the BWTF and Property most appropriately belong within the City of Brainerd in order to clarify for customers, businesses and government entities that this municipal function is, indeed within and a function of the City of Brainerd; and

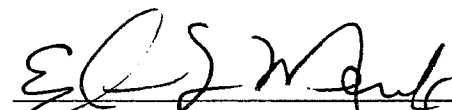
WHEREAS, the City of Brainerd is petitioning the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings for detachment from the City of Baxter and annexation to the City of Brainerd.

BE IT RESOLVED by the City Council of Brainerd, Minnesota, that the City of Brainerd supports the petition for concurrent detachment and annexation.

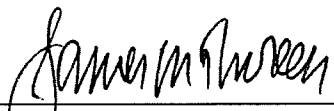
Adopted this 7th day of August, 2017


David Pritschet
President of the Council

Approved this 8th day of August, 2017


Edwin L. Menk
Mayor

ATTEST:


James M. Thoreen
City Administrator

**PROPERTY OWNER PETITION FOR CONCURRENT
DETACHMENT AND ANNEXATION**

IN THE MATTER OF THE PETITION FOR THE DETACHMENT OF CERTAIN LAND
FROM THE CITY OF BAXTER, MINNESOTA AND CONCURRENT ANNEXATION TO
THE CITY OF BRAINERD, MINNESOTA PURSUANT TO MINNESOTA STATUTES §
414.061, SUBD. 5

TO: Office of Administrative Hearings
Municipal Boundary Adjustment Unit
P. O. Box 64620
St. Paul, MN 55164-0620

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We, the undersigned, being the property owner of the following described lands, hereby request the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings to detach said property from the City of Baxter and annex it to the City of Brainerd, pursuant to Minnesota Statutes § 414.061, Subd. 5:

See Attachment 1 dated November 21, 2016 entitled:

City of Brainerd Wastewater Treatment Facility and Surrounding Property
Map of Parcels for Concurrent Annexation and Detachment

for the location of the following legally described parcels:

Parcel 1

The N^{1/2}NE^{1/4}, Section 17, Twp. 133, Range 28 West,

Except that portion of the above described tract lying North and West of County Highway Number 48 and;

Except the West 66 feet of the above described tract lying South of the Southeasterly Right of Way line of County Highway Number 48, and;

Except the East 33 feet lying North of a line described as follows: Commencing on the East line of the N ½ of the NE ¼ at a point 871.91 feet south of the Northeast corner, then on a bearing of North 66 degrees 17 minutes 50 seconds West a distance of 36.27 feet more or less to a point on a line 33 feet West of and parallel to the East line of the N ½ of the NE ¼ and there ending, and;

Except that portion of the above described tract lying southeasterly of a line described as follows: Commencing on the east line of the N ½ of the NE ¼ at a point 74.33 feet North of the Southeast corner, then on a bearing of South 61 degrees 48 minutes 18 seconds West a distance of 161.63 feet more or less to a point on the South line of the N ½ of the NE ¼ located 143.52 feet West of the Southeast corner, and there ending.

Parcels 2 and 3.

That part of Government Lot 1 and Government Lot 2, Section 17, Township 133, North, Range 28 West, Crow Wing County, Minnesota, described as follows:

Commencing at the northeast corner of said Government Lot 1; thence South 87 degrees 17 minutes 01 seconds West, bearings are based on the City of Baxter Coordinate system, 1762.89 feet along the north line of said Government Lot 1 and along the north line of said Government Lot 2 to an iron monument, on the westerly line of the tract described in Document Number 402922 on record in the Crow Wing County Recorder's Office; thence South 39 degrees 54 minutes 55 seconds East, a distance of 171.04 feet along said westerly line of the tract described Document Number 402922 to an iron monument, said point being the point of beginning; thence reversing course North 39 degrees 54 minutes 55 seconds West, a distance of 171.04 feet, along said westerly line of the tract described Document Number 402922 to an iron monument on the north line of said Government Lot 2; thence North 87 degrees 17 minutes 01 seconds East, along the north line of said Government Lot 2 and along the north line of said Government Lot 1, a distance of 1576.88 feet; thence South 61 degrees 48 minutes 18 seconds West, a distance of 43.81 feet; thence southwesterly 199.14 feet along a tangential curve concave to the southeast, said curve having a radius of 430.00 feet and a central angle of 26 degrees 32 minutes 05 seconds; thence westerly and southerly 234.94 feet along a non-tangential curve concave to the southeast, said curve having a radius of 80.00 feet, a central angle of 168 degrees 15 minutes 54 seconds and a chord bearing of South 35 degrees 48 minutes 00 seconds West; thence South 34 degrees 11 minutes 30 seconds West, not tangent to the last described curve, a distance of 346.79 feet; thence South 31 degrees 22 minutes 34 seconds East, a distance of 544 feet, more or less, to the northwesterly bank of the Mississippi River; thence southerly, westerly and northwesterly along said bank of the Mississippi River to the intersection with a line that bears South 03 degrees 05 minutes 05 seconds West from the point of beginning; thence North 03 degrees 05 minutes 05 seconds East, a distance of 929 feet more or less to the point of beginning.

Said tract contains 42.3 acres, more or less, and is subject to all restrictions, reservation and easements of record, if any.

Parcels 4, 5 and 6.

Lots 11, 12, and 13, Block 1 of Wildwood Addition, Section 17, Township 133, North, Range 28 West, Crow Wing County, Minnesota

Parcel 7.

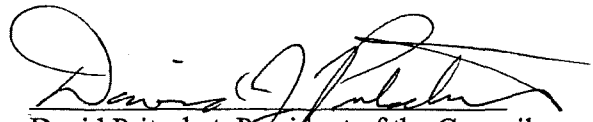
Outlot A, Norway Hills, City of Baxter, Minnesota Section 17, Township 133, North, Range 28 West, Crow Wing County, Minnesota

In bringing forward this petition, the petitioner states that:

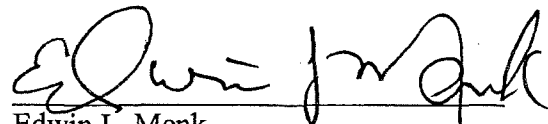
1. At its October 25, 2016 meeting, the Brainerd Public Utilities Commission voted to request the wastewater treatment facility and surrounding property be annexed to the City of Brainerd.
2. There is one (1) property owner of the area proposed for detachment/annexation.
3. The property is presently within the City of Baxter and abuts the City of Brainerd, in the County of Crow Wing

4. The property proposed for detachment/annexation is 99.51 acres.
5. The property is tax exempt meaning no property taxes are paid.
6. This boundary adjustment is being requested because: The City of Brainerd Public Utilities Commission oversees the operation of sanitary sewer services located in the City of Baxter. Therefore, the sanitary sewer facilities and grounds, utility offices, facility address and function of these services most appropriately belong within the City of Brainerd in order to clarify for customers, businesses and government entities that this municipal function is, indeed within and a function of the City of Brainerd.
7. At its November 21, 2016 meeting the Brainerd City Council approved the submitting this petition for the concurrent detachment and annexation of wastewater treatment facility and surrounding property depicted in the attached map.

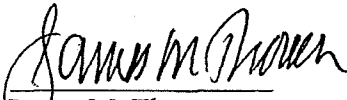
Adopted this 7th day of August, 2017


David Pritschet, President of the Council

Approved this 8th day of August, 2017


Edwin L. Menk
Mayor

Attest:


James M. Thoreen
City Administrator

NOTE: Pursuant to Minnesota Statutes § 414.061, Subd. 5, this petition is accompanied by a resolution of support from the Brainerd City Council.



Acreage By Parcel:

1)	53.22
2)	9.67
3)	32.38
4)	0.79
5)	0.82
6)	0.84
7)	1.79

Attachment 1, November 21, 2016
 City of Brainerd Wastewater Treatment Facility and Surrounding Property
 Map of Parcels for Concurrent Annexation and Detachment

0 100 300 700 Feet

This map is intended for reference purposes only and is not a legally recorded map nor survey. The City of Brainerd shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to MN Statutes 466.03 Subd 21.