

RESOLUTION 2010-21
JOINT RESOLUTION FOR ORDERLY ANNEXATION
AREA BETWEEN THE TOWN OF ALBANY
AND THE CITY OF ALBANY

WHEREAS, the Board of Supervisors of the Town of Albany (hereinafter referred to as the "Town") passed a resolution on July 26, 2010, approving the annexation to the City of Albany of certain land owned by John Luethmers and Mary Luethmers designated as legally described in the attached Exhibit A.

WHEREAS, the City Council of the City of Albany (hereinafter referred to as the "City"), agreed to the annexation of the above described parcel of land at its July 21, 2010 meeting; and

WHEREAS, the Town and the City have determined that the annexation of a portion of the Township with the City is of mutual benefit to both parties and the residents thereof;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual terms and conditions, the City and Town enter into this Joint Resolution of Orderly Annexation (the "joint resolution")

1. Designation of Orderly Annexation Area. The Town and City designate the area set forth on the map attached as Exhibit B and legally described in the attached Exhibit A both of which are incorporated herein by reference, for immediate orderly annexation under and pursuant to Minnesota Statutes Section 414.0325. For purposes of this Joint Resolution, this area shall be referred to as the "OAA Property".
2. Office of Administrative Hearing, Municipal Boundary Adjustments Unit. Upon approval by the Town Board and the City Council, this Joint Resolution shall confer jurisdiction upon the Office of Administrative Hearings, Municipal Boundary Adjustments Unit (hereinafter referred to as "OAH") to accomplish said orderly annexations in accordance with the terms of this Joint Resolution. In the event that the OAH is abolished, the authority will be transferred to the department or person(s) assigned that duty.
3. No Alterations of Boundaries. The Town and City mutually agree and state that no alterations the stated boundaries of the OAA Property is appropriate.
4. No Hearing Required. Pursuant to Minnesota Statutes Section 414.0325, the Town and City mutually agree that this Joint Resolution and Agreement sets forth all the conditions for annexation of the areas designated, and that no consideration by the chief administrative law judge is necessary. Upon the execution and filing of this Joint Resolution and Agreement, the chief administrative law judge may review and comment thereon, but shall, within thirty (30) days, order annexation(s) of the OAA Property in accordance with the terms of this Joint Resolution.
5. Reimbursement to Town In Lieu of Taxes. None.

Said payment will be remitted to the Town by June 30th of each year.
6. Planning and Land Use Control Authority. The Town and City mutually agree that upon annexation, the property shall be zoned C-2, Highway Commercial.
7. Character of the Property. The OAA Property abuts the City and is presently urban or suburban in nature or is about to become so. Furthermore, the OAA property is served by municipal water and sanitary sewer.
8. Acreage. The designated property consists of one (1) acre +/-.


9. Population. The Town and City state that the population of the annexed area is zero (0) person. Therefore, following the annexation, the estimated population of the City will not increase.
10. Authorization. The Town and City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.
11. Roads. The OAA property does not border a Township road.
12. Severability and Repealer. A determination that a provision of this Joint Resolution is unlawful or unenforceable shall not affect the validity or enforceability of the other provisions herein.
13. Effective Date. This Joint Resolution shall be effective upon adoption by the governing bodies of the City and Town and approval by the chief administrative law judge of the Office of Administrative Hearings, Municipal Boundary Adjustments Unit.
14. Governing Law. Minnesota law will govern this Agreement.

Approved the 26 day of July, 2010, by the Town Board of the Town of Albany.


Tim Nierenhausen, Chairman


Diane Noll, Clerk

Approved the 21st day of July, 2010, by the City Council of the City of Albany.


Dennis J. Sand, Mayor


Tom Schneider, Clerk/Adm.

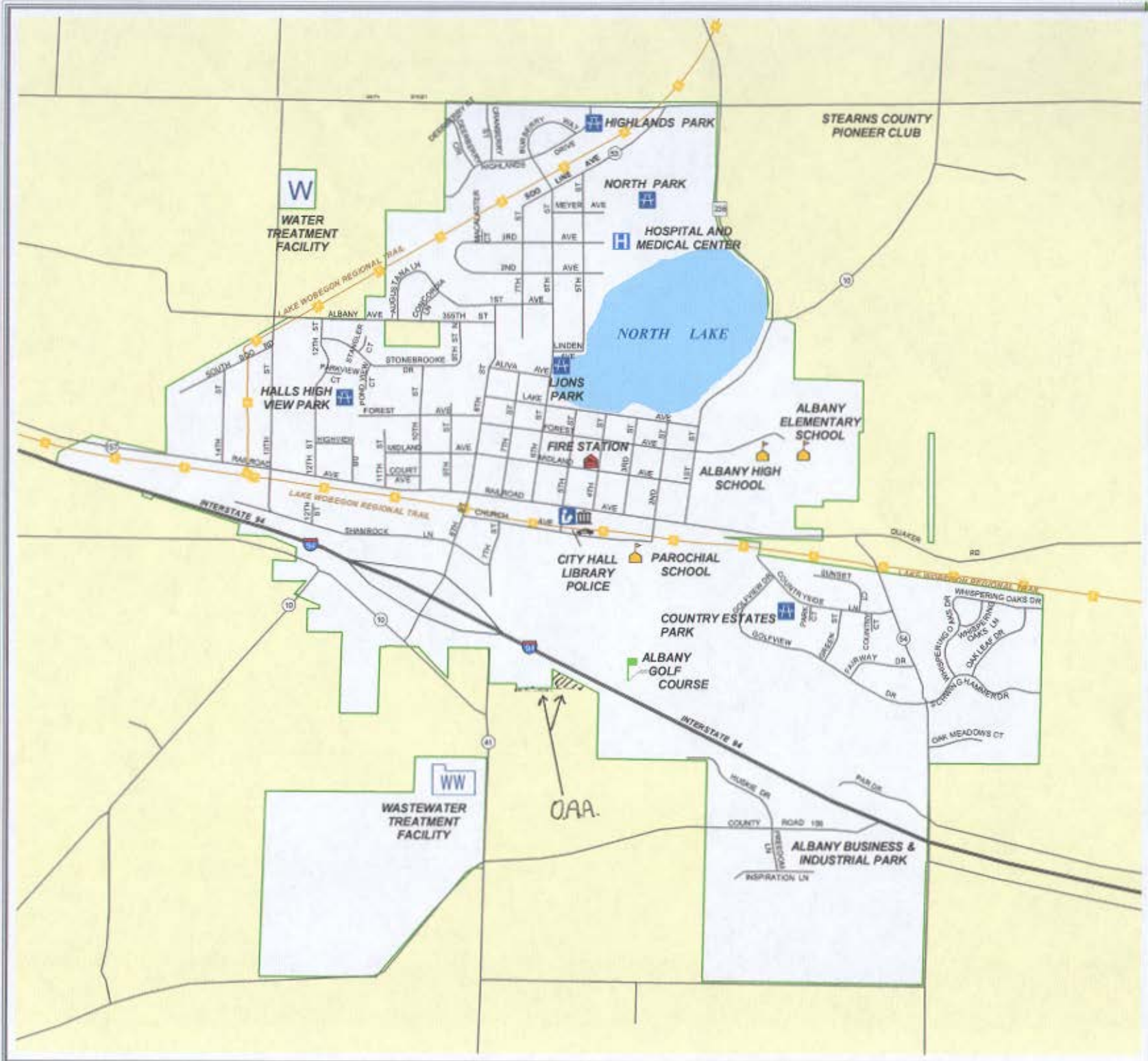
LEGAL DESCRIPTION:

TRACT "A"

That part of the W1/2NW1/4 of Section 22, Township 125 North, Range 31 West, Stearns County, Minnesota described as follows: Commencing at the southwest corner said W1/2NW1/4; thence North 00 degrees 05 minutes 03 seconds West (assumed bearing), along the west line thereof, a distance of 900.00 feet; thence North 89 degrees 54 minutes 57 seconds East a distance of 330.00 feet; thence South 00 degrees 05 minutes 03 seconds East a distance of 50.00 feet to the point of beginning of the land to be described; thence North 89 degrees 54 minutes 57 seconds East a distance of 430.00 feet; thence North 00 degrees 05 minutes 03 seconds West a distance of 218.63 feet to the southwesterly right of way line of Interstate Highway No. 94; thence South 64 degrees 29 minutes 33 seconds East, along said right of way line, a distance of 103.84 feet; thence continue South 53 degrees 10 minutes 57 seconds East, along said right of way line, a distance of 203.96 feet; thence continue South 64 degrees 28 minutes 44 seconds East, along said right of way line, a distance a distance of 72.00 feet; thence leaving said right of way line, South 85 degrees 36 minutes 53 seconds West, a distance of 322.59 feet; thence South 89 degrees 54 minutes 57 seconds West a distance of 430.00 feet to its intersection with a line which bears South 00 degrees 05 minutes 03 seconds East from the point of beginning; thence North 00 degrees 05 minutes 03 seconds West, along said line, a distance of 4.00 feet to the point of beginning.

Containing 0.88 Acres more or less.

(TRACT "A" shall be attached to TRACT "B")



CITY OF ALBANY, MN

CITY MAP

JANUARY 2010

LEGEND

- INTERSTATE HIGHWAY
- CITY/COUNTY ROADS
- WATER FEATURES
- CITY BOUNDARY
- HOSPITAL / MEDICAL CENTER
- PARK
- LIBRARY
- CITY HALL
- POLICE STATION
- FIRE STATION
- WASTEWATER TREATMENT FACILITY
- WATER TREATMENT FACILITY
- SCHOOL
- LAKE WOBEGON REGIONAL TRAIL



Data Provide By:
City of Albany, BWK, Stearns County