

**RESOLUTION 2013-09
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 March 25, 2013, approving the annexation to the City of Albany of certain land owned by Lucky, LLC 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 March 6, 2013 meeting; and

WHEREAS, a request from all of the property owners of the area proposed for designation and immediate annexation was received; 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")

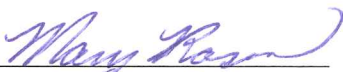
1. Designation of Orderly Annexation Area. The Town and City designate the area set forth on the map attached as Exhibit B and legally described in the attached Exhibit A both of which are incorporated herein by reference for immediate orderly annexation under and pursuant to Minnesota Statutes Section 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 OAA Property is appropriate.
4. No Hearing Required. Pursuant to Minnesota Statute 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 administration 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. The City agrees to pay the Town the following sums annually as full payment for 2013 and all subsequent years of the Towns lost tax revenues as a result of this annexation:

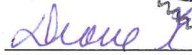
2013:	100%	\$935
2014:	60%	\$561
2015:	50%	\$467
2016:	40%	\$374
2017:	30%	\$280
2018:	20%	\$187

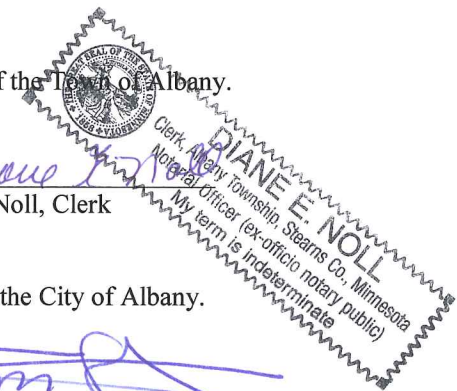
Said payment will be remitted to the Town by June 30th of each year.

- 6. Planning and Land Use Control Authority. The Town and City mutually agree that upon annexation, the property shall be zoned C-3, Highway I94 Commercial District.
- 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. Acreeage. The designated property consists of 5.74 +/- acres.
- 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 Office of Administrative Hearings, Municipal Boundary Adjustments Unit.
- 14. Governing Law. Minnesota law will govern this Agreement.

Approved the 25th day of March, 2013, by the Town Board of the Town of Albany.


Mary Rosen, Chairman


Diane Noll, Clerk



Approved the 6th day of March, 2013, by the City Council of the City of Albany.


Daron Gersch, Mayor



Tom Schneider, Clerk/Adm.

EXHIBIT A

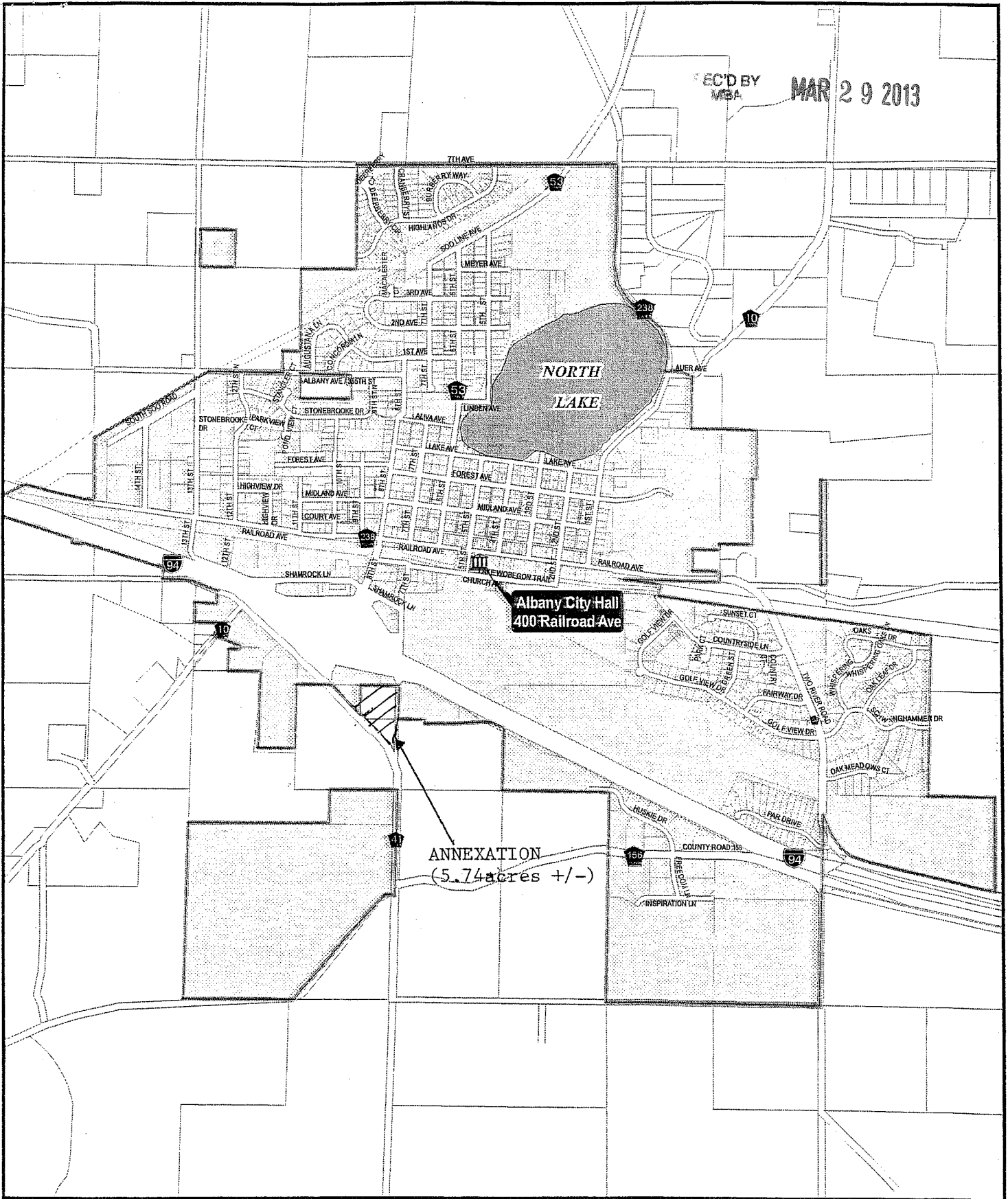
REC'D BY
MBA

MAR 29 2013

LEGAL DESCRIPTION:


That part of the SE1/4 NE1/4 of Section 21, Township 125 North, Range 31 West, Stearns County, Minnesota described as follows: Beginning at the northeast corner of said SE1/4 NE1/4; thence South 88°53'28" West, (assumed bearing) along the north line of said SE1/4 NE1/4, a distance of 484.00 feet; thence South 00°00'00" East, parallel with the east line of said SE1/4 NE1/4, a distance of 331.89 feet to the northeasterly right of way line of County Road No. 41; thence South 46°46'05" East, along said right of way line, a distance of 298.44 feet; thence continue southeasterly along said right of way line, along a tangential curve concaved to the southwest having a central angle of 7°57'28" a radius of 1004.93 feet and an arc length of 139.58 feet; thence leaving said curve North 51°05'53" East, a distance of 178.30 feet; thence North 90°00'00" East, a distance of 33.00 feet to the east line of said SE1/4 NE1/4; thence North 00°00'00" West, along said east line, a distance of 536.07 feet to the point of beginning. Containing 5.74 ACRES, more or less.


REC'D BY
MBA
MAR 29 2013



CITY OF ALBANY, MN



 City Boundary

 Annexation



