

**RESOLUTION 2015-13
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 April 27, 2015, approving the annexation to the City of Albany of certain land owned by Mathew Huls, Husband, and Stacy Huls, Wife, 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 May 6, 2015 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 2016 and all subsequent years of the Towns lost tax revenues as a result of this annexation:

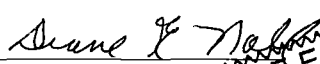
2016:	100%	\$441
2017:	50%	\$220

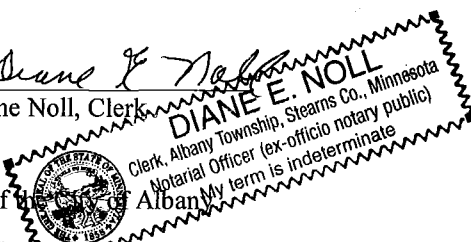
Said payment will be remitted to the Town by June 30th of each year.

6. Planning and Land Use Control Authority. The Town and City mutually agree that upon annexation, the property shall be zoned R-1, Low Density Residential.
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 will be served by municipal water and sanitary sewer.
8. Acreage. The designated property consists of 1.39 +/- acres.
9. Population. The Town and City state that the population of the annexed area is two (2) person.
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 27th day of April, 2015, by the Town Board of the Town of Albany.



Tim Nierenhausen, Chairman


Diane Noll, Clerk


DIANE E. NOLL
Clerk, Albany Township, Stearns Co., Minnesota
Notarial Officer (ex-officio notary public)
My term is indeterminate

Approved the 6th day of May, 2015, by the City Council of the City of Albany.

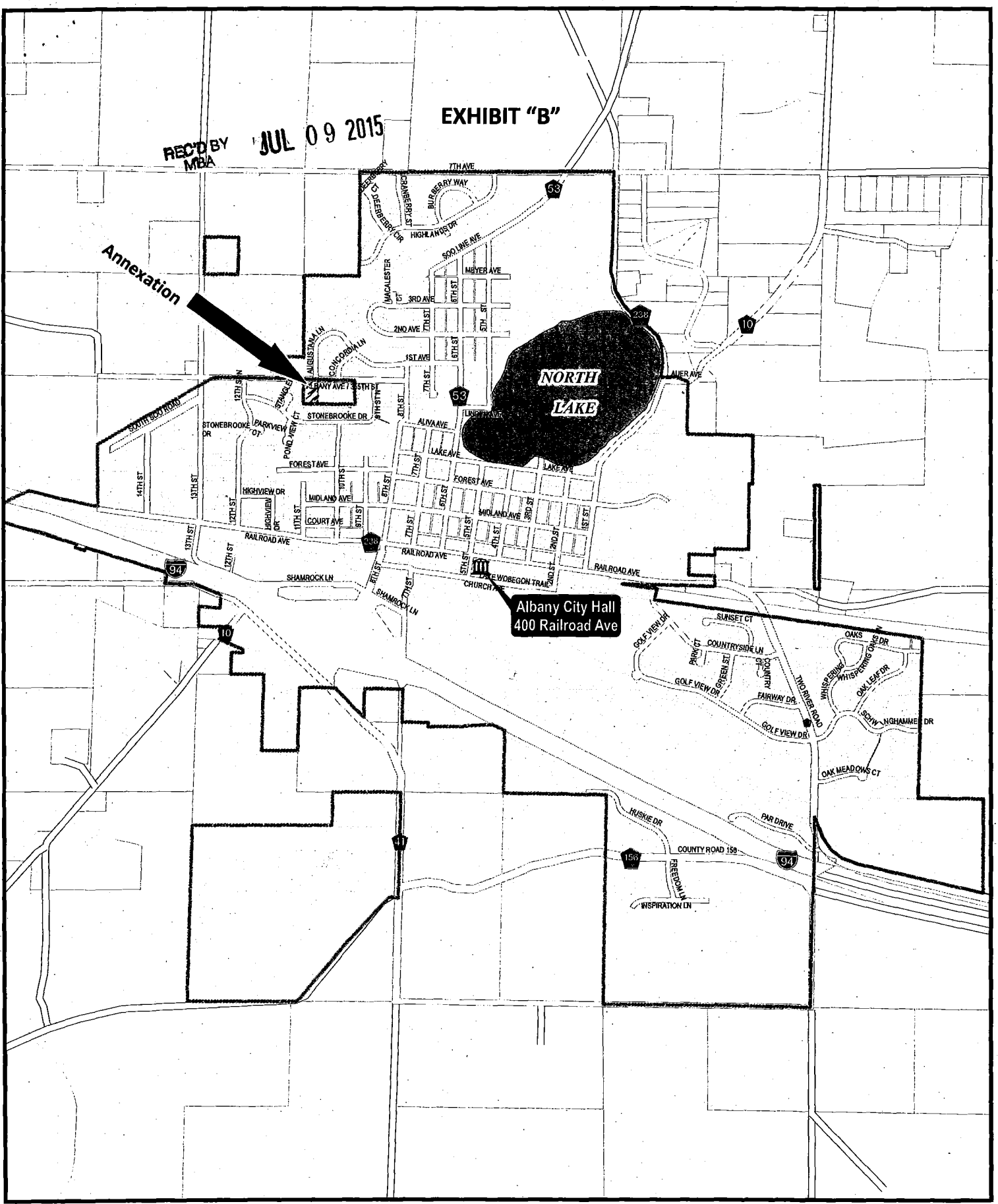

Daron Gersch, Mayor


Tom Schneider, Clerk/Adm.

REC'D BY
MBA
JUL 09 2015



EXHIBIT "B"

Annexation



CITY OF ALBANY, MN VOTING DISTRICT MAP



 City Boundary
 Voting District Boundary



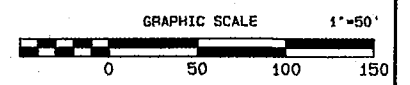
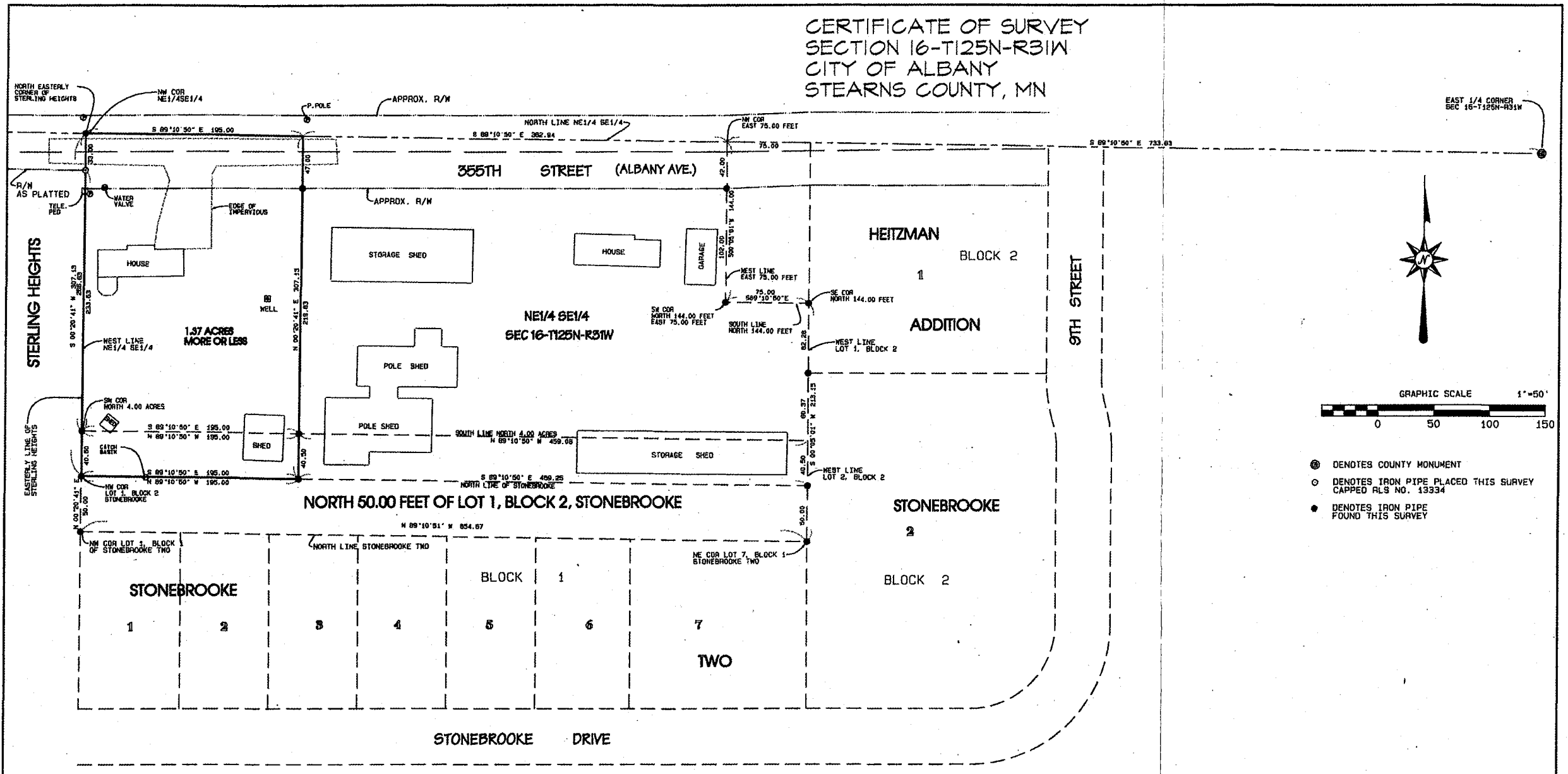
MARCH 2012



EXHIBIT A

REC'D BY MBA JUL 09 2015

CERTIFICATE OF SURVEY
SECTION 16-T125N-R31W
CITY OF ALBANY
STEARNS COUNTY, MN



- ⊙ DENOTES COUNTY MONUMENT
- DENOTES IRON PIPE PLACED THIS SURVEY CAPPED RLS NO. 13334
- DENOTES IRON PIPE FOUND THIS SURVEY

Legal Description Provided by Client:
All that part of the $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$ of Section 16, Township 125, Range 31, Stearns County, Minnesota, described as follows: Beginning at the Northwest corner of the said $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$; thence South along the West line of said $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$ a distance of 266.63 feet to the southwest corner of the North 4.00 acres of said $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$; thence East parallel with the North line of said $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$ a distance of 195 feet; thence North parallel with the West line of the said $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$ a distance of 266.63 feet, more or less, to the North line of the said $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$; thence West along the North line 195 feet to the point of beginning.

TOGETHER WITH:
All that part of the $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$ of Section 16, Township 125, Range 31, Stearns County, Minnesota, described as follows: Commencing at the Northwest corner of said $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$; thence South 00 degrees 20 minutes 41 seconds West along the west line of said $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$ 266.63 feet to the southwest corner of the North 4.00 acres of said $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$; thence continue South 00 degrees 20 minutes 41 seconds West along said west line 40.50 feet; thence South 89 degrees 10 minutes 50 seconds East parallel with the north line of said $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$ 195.00 feet; thence North 00 degrees 20 minutes 41 seconds East parallel with the west line of said $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$ 40.50 feet; thence North 89 degrees 10 minutes 50 seconds West along the south line of said North 4.00 acres, parallel with the north line of said $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$ 195.00 feet to the point of beginning.

THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED. EASEMENTS, SITE RESTRICTIONS AND OR ADJOINING CONFLICTS MAY EXIST AFFECT THE SUBJECT AND ARE NOT SHOWN WITH THIS SURVEY. HE RESERVED THE RIGHT TO REVISE THIS SURVEY UPON RECEIPT OF A CURRENT TITLE OPINION OR ATTORNEY'S TITLE COMMITMENT.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. NO SEARCH FOR EASEMENTS RECORDED OR UNRECORDED WAS MADE BY THE SURVEYOR. CALL GOPHER ONE BEFORE DIGGING. NO UNDERGROUND OR OVERHEAD UTILITIES WERE LOCATED DURING THIS SURVEY.

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
DATE: June 21, 2015
Ronald Engelmeyer, Land Surveyor
Minnesota Registration No. 13334

Engelmeyer Surveying P.A.
PREPARED FOR: JACK RAMLER & MATT HULS
Certificate of Survey
cc: RAMLERHULS15.PRO Job No: 45-15
Date: 06/20/2015 P-3-2958 FB: 152-49
ENGELMEYER SURVEYING P. A.
307A EAST MAIN STREET
NELOOSE, MN 56552
PHONE: (320) 256-7298
FAX: (320) 256-3181
email: engsur@aol.com