

**RECEIVED**

by OAH on September 4, 2018

RESOLUTION 18-140

Introduced by Councilor Baker

RESOLUTION OF Albert Lea TOWNSHIP AND THE CITY OF ALBERT LEA  
DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY  
ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE  
MUNICIPAL BOUNDARY ADJUSTMENTS OFFICE OF THE OFFICE OF  
ADMINISTRATIVE HEARINGS PURSUANT TO MINN. STAT. §414.0325

WHEREAS, the City of Albert Lea (the "City") and the Township of Albert Lea (the "Town") designate for orderly annexation, the following described lands located within the Township of Albert Lea, County of Freeborn, Minnesota:

All that part of the NW1/4 Section 5-T102N-R21W, Freeborn County, Minnesota; described as follows:

Beginning at the northwest corner of said NW1/4;

thence South 89°48'33" East a distance of 54.56 feet on an assumed bearing on the north line of said NW1/4, to the centerline of County State Aid Highway No. 20;

thence Southeast a distance of 155.62 feet on said centerline, on a nontangential curve, concave to the Northeast with a central angle of 23°17'29", a radius of 382.81 feet, a chord bearing of South 43°17'50" East, and a chord length of 154.55 feet;

thence South 54°56'27" East a distance of 926.00 feet on a nontangential line, on said centerline, to the easterly extension of the north line of Country Club Road;

thence South 89°02'26" West a distance of 920.95 feet, on said north line and the easterly extension of said north line, to the west line of said NW1/4;

thence North 00°11'57" East a distance of 660.00 feet on said west line, to the point of beginning;

subject to highway easement on the northeasterly side thereof.

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Together with all that part of the NW1/4 Section 5-T102N-R21 W, Freeborn County; described as follows:

Commencing at the northwest corner of the NW1/4 of said Section 5; thence South  $00^{\circ}11'26''$  West a distance of 710.00 feet, to Judicial Landmark 25, on

the west line of said Section 5; thence North  $89^{\circ}02'26''$  - East a distance of 160.00 feet, to Judicial Landmark 27 (JM 27, 7-5-94), - to the point of beginning;

thence North  $89^{\circ}02'26''$  East a distance of 200.00 feet, to Judicial Landmark 28 (JM 28, 7-5-94);

thence South  $00^{\circ}11'26''$  West a distance of 207.50 feet, to Judicial Landmark 29 (JM 29, 7-5-94);

thence South  $89^{\circ}02'26''$  West a distance of 200.00 feet, to Judicial Landmark 30 (JM 30, 7-5-94);

thence North  $00^{\circ}11'26''$  East a distance of 207.50 feet, to Judicial Landmark 27, to the point of beginning.

-----

All that part of the NW1/4 Section 6-T102N-R21W, Freeborn County, Minnesota; described as follows:

Commencing at the intersection of the east right-of-way line of County Road No. 101 and the southerly line of Lakeview Heights, as the same is platted and recorded in the office of the County Recorder of Freeborn County, Minnesota; thence South  $24^{\circ}56'58''$  East a distance of 167.56 feet on said east right-of-way line, to the point of beginning;

thence North  $65^{\circ}03'02''$  East a distance of 175.00 feet, to a corner of Lot 3, Block 1 in Rutherford Subdivision as the same is platted and recorded in the office of the County Recorder of Freeborn County, Minnesota;

thence South  $24^{\circ}56'58''$  East a distance of 75.00 feet on the southwesterly line of said Lot 3, to the northerly-most corner of Lot 2 in said Rutherford Subdivision;

thence South  $65^{\circ}03'02''$  West a distance of 175.00 feet on the northwesterly line of Lots 2 & 1 in said Rutherford Subdivision, to the westerly-most corner of said Lot 1;

thence North  $24^{\circ}56'58''$  West a distance of 75.00 feet on said east right-of-way line, to the point of beginning;

WHEREAS, the City of Albert Lea and the Township of Albert Lea are in agreement as to the orderly annexation of unincorporated land described; that both believe it will be to their mutual benefit and to that of their respective residents; and

WHEREAS, the City of Albert Lea and the Township of Albert Lea agree that there is a public need for the coordinated, efficient and cost-effective extension of municipal water and sewer services to promote the public health, safety, and welfare of the entire community. The City of Albert Lea is capable of providing water, sewer, and other public services within a reasonable time; and

WHEREAS, Minn. Stat. § 414.0325 provides a procedure whereby the Township of Albert Lea and the City of Albert Lea may agree on a process of orderly annexation of a designated area; and

WHEREAS, the City of Albert Lea and the Township of Albert Lea have agreed to all the terms and conditions for annexation of the above-described lands within this document and the signatories hereto agree that no consideration by the Office of Administrative Hearings – Municipal Boundary Adjustments is necessary; that the Office may review and comment, but shall within thirty (30) days order the annexation in accordance with the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED, JOINTLY BY THE CITY COUNCIL OF THE CITY OF ALBERT LEA MINNESOTA, AND THE TOWN BOARD OF THE TOWNSHIP OF ALBERT LEA AS FOLLOWS:

Sec. 1. That the following described area in Albert Lea Township is subject to orderly annexation pursuant to Minn. Stat. § 414.0325, and the parties hereto designate this area for immediate orderly annexation. The area to be annexed is approximately 8.38 acres.

Sec. 2. That no alteration of the area is appropriate, that this resolution provides for annexation of a designated area, and no consideration by the Municipal Boundary Adjustments Office of the Office of Administrative Hearings is necessary, no alteration of the agreed upon boundaries is appropriate, all conditions for annexation have been stated in this resolution and the Municipal Boundary Adjustments Office of the Office of Administrative Hearings may review and comment, but shall, within 30 days of receipt of the joint resolution, order the annexation.

Sec. 3. Planning throughout the orderly annexation area shall be pursuant to Minn. Stat. § 414.0325. The City of Albert Lea and the Township of Albert Lea agree the City of Albert Lea shall have planning and zoning authority within the annexed area.

Sec. 4. That the City of Albert Lea agrees to pay the Township of Albert Lea an amount equal to 5 years of existing taxes derived from the area subject to annexation.

Sec. 5. After annexation of the area occurs, pursuant to the terms of this Joint Resolution, the City shall be responsible for providing municipal governmental services thereto.

Sec. 6. After annexation of the area occurs, pursuant to the terms of this Joint Resolution, the City shall exercise its best efforts to move forward with installing and

providing municipal water and sewer services to the properties within the annexed area as soon as such extension is practicable.

Sec. 7. The property owner(s) provided with municipal water and sewer service within the annexed area will be fairly assessed for the costs of providing municipal water and sewer services into said area.

Sec. 8. Assessments for costs of any road improvements within the annexed area will be assessed to the benefited property.

Sec. 9. The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future exhibits and attachments, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.

Sec. 10. This Joint Resolution shall not be modified, amended, or altered except upon the written joint resolution of the City of Albert Lea and the Township of Albert Lea duly executed and adopted by the City Council and the Township Board.

Sec. 11. The City of Albert Lea and the Township of Albert Lea agree as follows:

A. When an agreement over interpretation of any provision of this Joint Resolution shall arise, the City and the Township will direct staff members as they deem appropriate to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiations.

B. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to binding arbitration.

C. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to binding arbitration, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

Sec. 12. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota. In the event any provision of this Joint Resolution is determined or adjudged to be unconstitutional, invalid, illegal, or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect.

Sec. 13. Any notices required under the provisions of this Joint Resolution shall be in writing, and deemed sufficiently given if delivered in person or sent by certified or registered mail, return receipt requested, postage prepaid, to the following:

If to the City of Albert Lea:  
City Manager  
221 East Clark Street  
Albert Lea, MN 56007

If to the Township of Albert Lea  
Town Clerk  
1508 South Broadway Avenue  
Albert Lea, MN 56007

That the motion for the adoption of the foregoing resolution was duly seconded by Councilor Rasmussen, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, Brooks and Mayor Rasmussen Jr.;

And, the following voted against the same: None.

Introduced and passed this 13<sup>th</sup> day of August, 2018

  
\_\_\_\_\_  
Mayor Vern Rasmussen Jr.

Filed and attested this 14<sup>th</sup> day of August, 2018

  
\_\_\_\_\_  
Secretary of the Council

CITY OF ALBERT LEA


Attest:

  
\_\_\_\_\_  
City Clerk

By:   
\_\_\_\_\_  
Mayor Vern Rasmussen Jr.

TOWNSHIP OF ALBERT LEA

Attest:

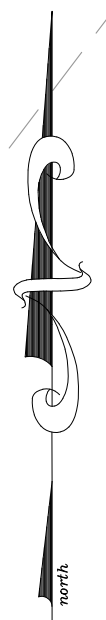
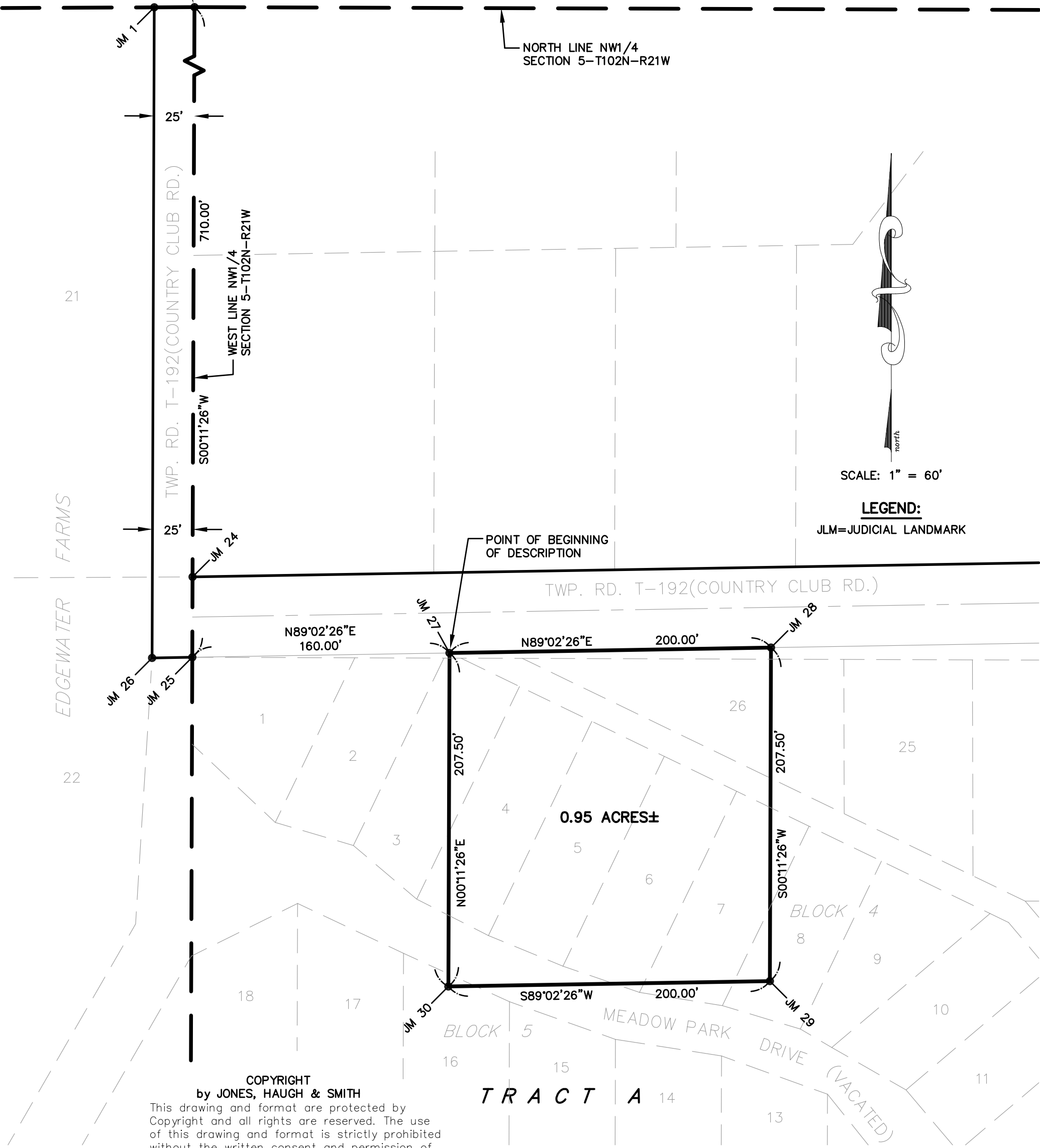
  
\_\_\_\_\_  
Township Clerk

By:   
\_\_\_\_\_  
Chair

# DRAWING OF ANNEXATION

IN NW1/4 SECTION 5-T102N-R21W  
ALBERT LEA, FREEBORN COUNTY, MINNESOTA

NW CORNER NW1/4  
SECTION 5-T102N-R21W  
CAST IRON MONUMENT



SCALE: 1" = 60'

**LEGEND:**  
JLM=JUDICIAL LANDMARK

EDGEWATER FARMS

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**TRACT A**

<p><b>LOCATION MAP</b></p> <p>Scale: 1"=4000'</p>	<p><b>MONUMENTS</b></p> <ul style="list-style-type: none"> <li>○ = 5/8" x 16" iron stake monument (Capped RLS 22705)-Placed</li> <li>● = Iron stake monument-Found</li> <li>⊗ = DRILL HOLE</li> </ul>	<p>I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.</p>
	<p><b>SURVEY FOR:</b> <b>CITY OF ALBERT LEA</b></p> <p>Date of survey: - Revised date: 10/2/18 Drawn by: ADM Survey: - Book: - Page: - Coord-System: MNDOT CO. NAD 83 (96) Job No: 07-309</p>	<p>STEVEN J. THOMPSON Date: _____ Reg. No. 22705</p> <p><b>JONES, HAUGH &amp; SMITH INC.</b> Civil Engineers &amp; Land Surveyors Albert Lea, Minnesota</p>

# DRAWING OF ANNEXATION

IN NW1/4 SECTION 6-T102N-R21W  
FREEBORN COUNTY, MINNESOTA

## PREPARED LEGAL DESCRIPTION

All that part of the NW1/4 Section 6-T102N-R21W, Freeborn County, Minnesota; described as follows:

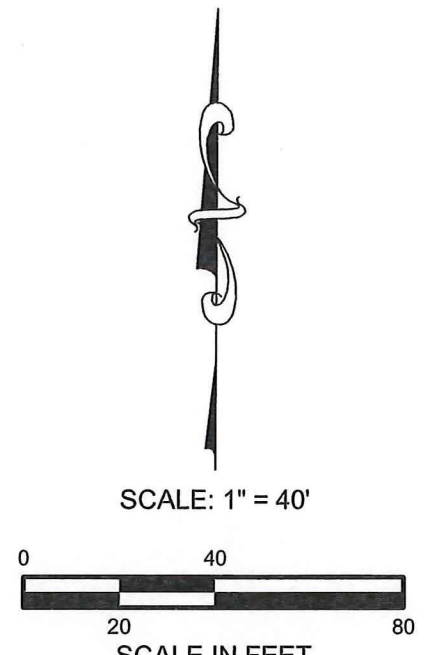
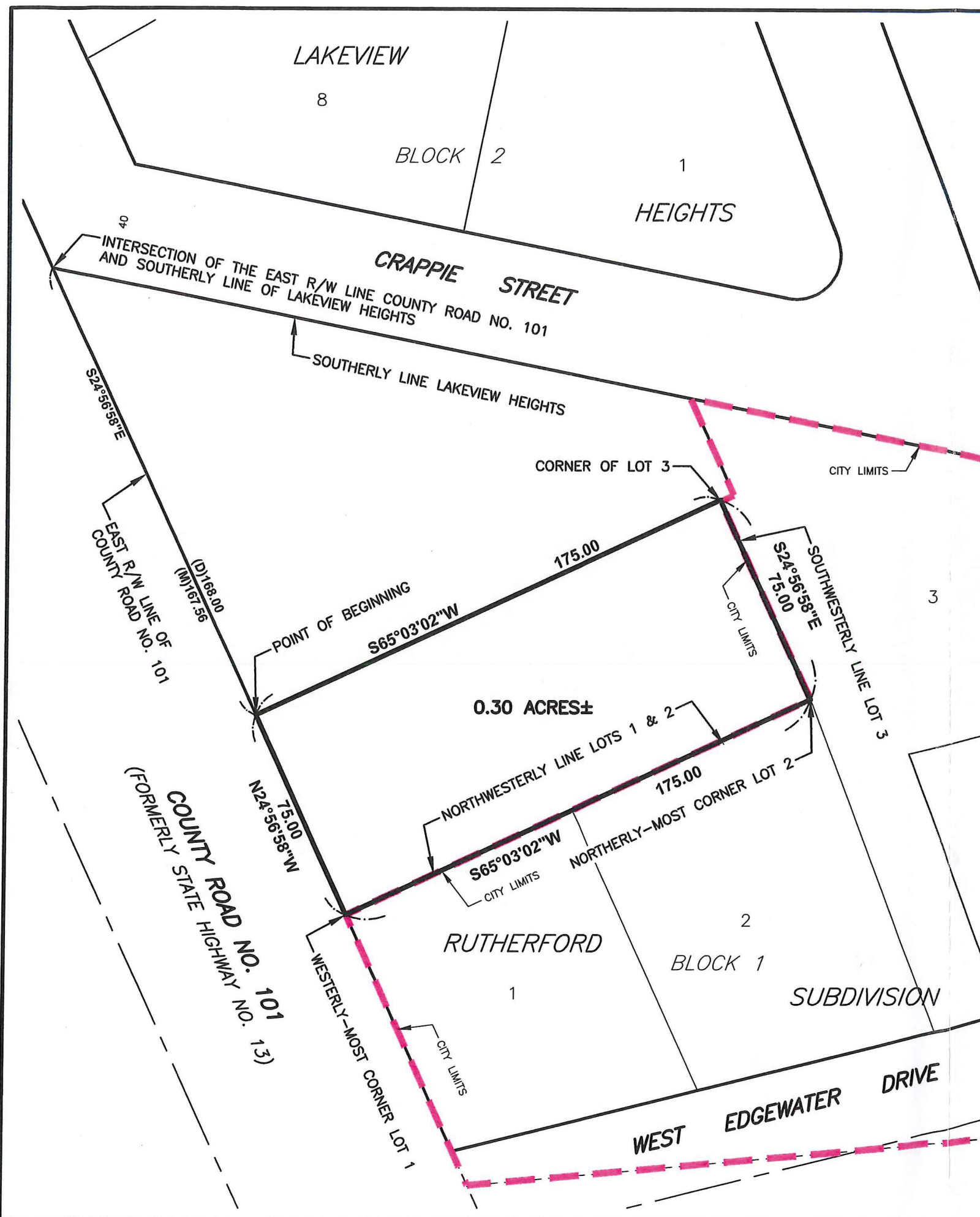
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thence North 24°56'58" West a distance of 75.00 feet on said east right-of-way line, to the point of beginning;



- LEGEND:**
- = 5/8" x 16" iron stake monument (Capped SJT 22705)-Placed
  - = Iron stake monument-Found
  - M=Measured Distance
  - D=Deed Distance

<b>FOR: CITY OF ALBERT LEA</b>	
<p>LOCATION MAP</p>	<p>Date: 4/12/2018                  Revised date: -                  Drawn by: ADM                  Survey: NONE                  Coord-System: MNDOT CO. NAD83 1996                  Page 1 of 1                  Job No: 18-106ANNEX.DWG                  Sheet 1</p>
<b>COPYRIGHT</b>	
<p>This document is the property of Jones, Haugh &amp; Smith Inc. and may not be used, copied or duplicated without prior written consent.</p>	

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

4-27-18  
 Date

Steven J. Thompson,  
L.S. No. 22705

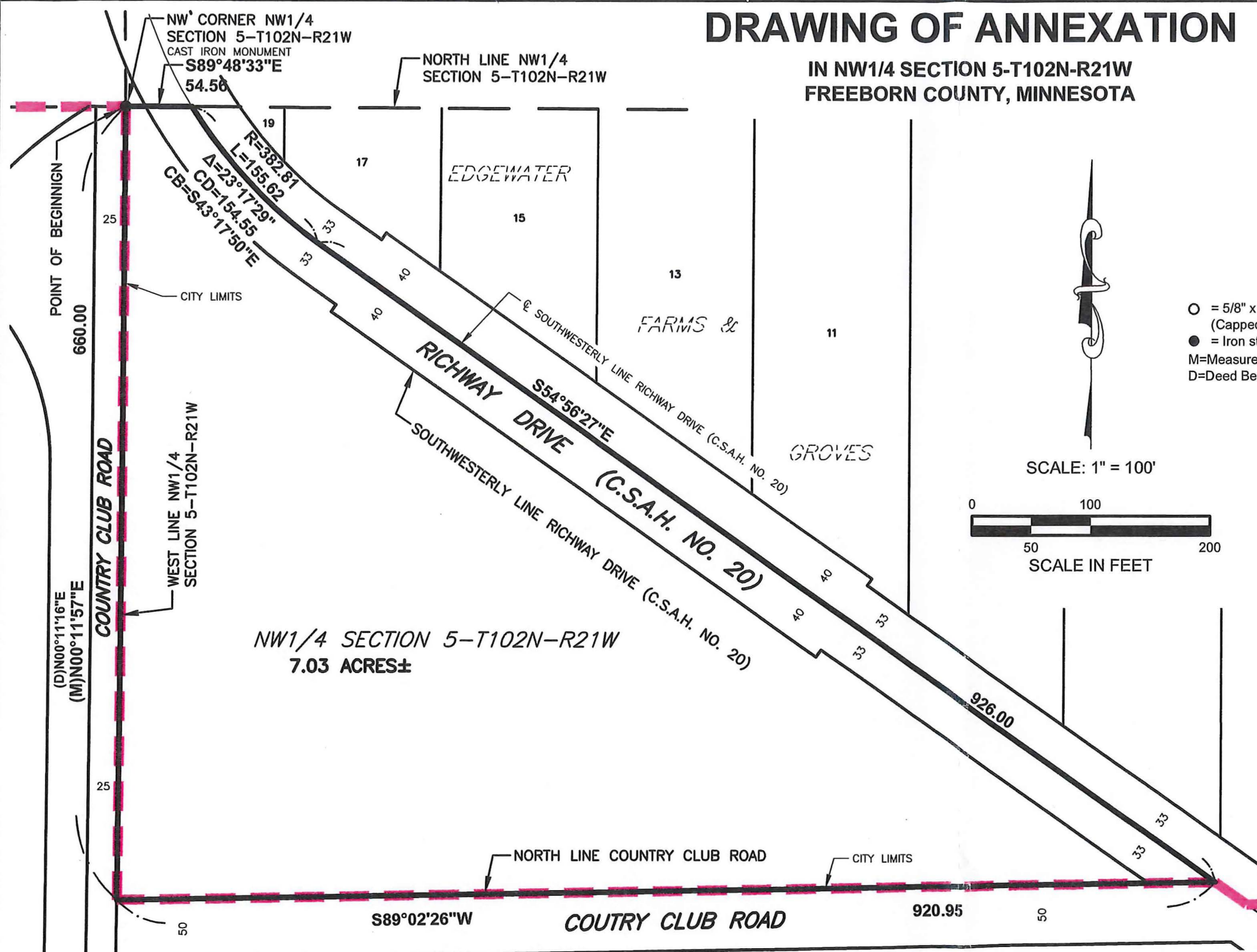
**JONES HAUGH SMITH**  
Engineers + Surveyors

515 South Washington Ave.  
Albert Lea, MN 56007  
507-373-4876

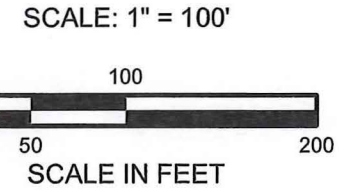
415 West North Street  
Owatonna, MN 55060  
507-451-4598

# DRAWING OF ANNEXATION

IN NW1/4 SECTION 5-T102N-R21W  
FREEBORN COUNTY, MINNESOTA



- LEGEND:**
- = 5/8" x 16" iron stake monument (Capped SJT 22705)-Placed
  - = Iron stake monument-Found
  - M=Measured Bearing
  - D=Deed Bearing



**PREPARED LEGAL DESCRIPTION**

All that part of the NW1/4 Section 5-T102N-R21W, Freeborn County, Minnesota; described as follows:

Beginning at the northwest corner of said NW1/4;

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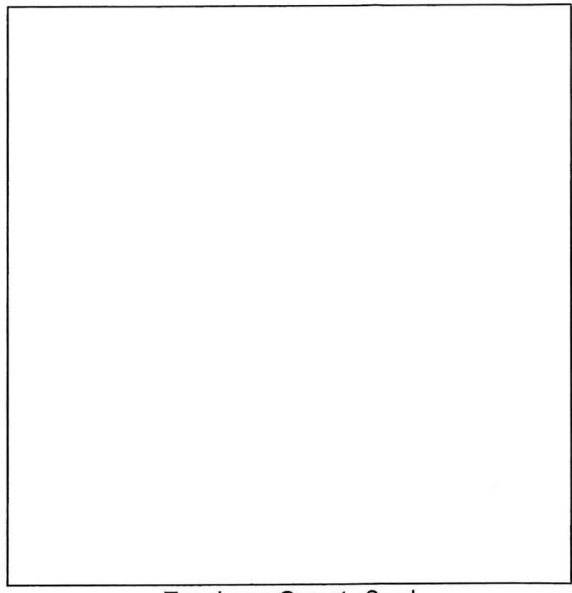
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thence South 54°56'27" East a distance of 926.00 feet on a nontangential line, on said centerline, to the easterly extension of the north line of Country Club Road;

thence South 89°02'26" West a distance of 920.95 feet, on said north line and the easterly extension of said north line, to the west line of said NW1/4;

thence North 00°11'57" East a distance of 660.00 feet on said west line, to the point of beginning;

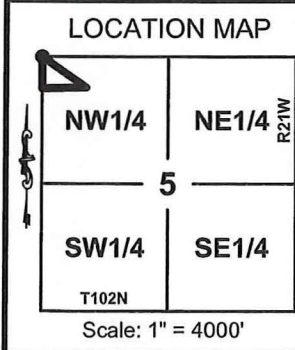
subject to highway easement on the northeasterly side thereof.



Freeborn County Seal

NW1/4 SECTION 5-T102N-R21W  
7.03 ACRES±

**FOR: CITY OF ALBERT LEA**



Date: 4/25/2018  
 Revised date: -  
 Drawn by: ADM  
 Survey: NONE  
 Coord-System: MNDOT CO. NAD83 1996  
 Page 1 of 1  
 Job No: 18-106ANNEX\_SHT3.DWG  
 Sheet 3

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I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Steven J. Thompson* 4-27-18  
 Steven J. Thompson, Date  
 L.S. No. 22705



**JONES HAUGH SMITH**  
 Engineers + Surveyors  
 515 South Washington Ave.  
 Albert Lea, MN 56007  
 507-373-4876  
 415 West North Street  
 Owatonna, MN 55060  
 507-451-4598