

RESOLUTION 18-141

Introduced by Councilor Baker

RESOLUTION OF BANCROFT 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 Bancroft (the "Town") designate for orderly annexation, the following described lands located within the Township of Bancroft, County of Freeborn, Minnesota:

All that part of the SE1/4 Section 31-T103N-R21W and SW1/4 Section 32-T103N-R21W, Freeborn County, Minnesota and Elmwood Terrace Subdivision, Elmwood Terrace Second Subdivision and Country Vista Subdivision, as the same is platted and recorded in the office of the County Recorder of Freeborn County, Minnesota; described as follows:

Beginning at the southwest corner of said SW1/4;

thence South 89°48'33" East a distance of 54.56 feet on an assumed bearing on the south line of said SW1/4, to the centerline of County State Aid Highway No. 20;

thence North a distance of 206.88 feet, on said centerline, on a nontangential curve, concave to the East with a central angle of 30°57'48", a radius of 382.81 feet, a chord bearing of North 16°10'11" West, and a chord length of 204.37 feet;

thence North 00°41'18" West a distance of 1860.55 feet on a tangential line, on said centerline, to the southeasterly extension of the northeasterly line of said Elmwood Terrace Subdivision;

thence North 62°46'17" West a distance of 297.35 feet on said northeasterly line and the southeasterly extension of said northeasterly line, to the northeast corner of Lot 12, Block 1 in said Elmwood Terrace Subdivision;

thence North 27°13'43" East a distance of 25.00 feet; thence North 62°46'17" West a distance of 168.58 feet;

thence South 00°41'17" East a distance of 28.29 feet, to said northeasterly line;

thence North 62°46'17" West a distance of 13.72 feet on said northeasterly line, to a corner of said Elmwood Terrace Subdivision;

thence South 50°28'43" West a distance of 683.00 feet on the northwesterly line of said Elmwood Terrace Subdivision, to a corner of said Elmwood Terrace Subdivision;

thence South 05°18'17" West a distance of 290.11 feet, to the north line of said Country Vista Subdivision;

thence South 89°50'43" West a distance of 364.98 feet on the north line of said Country Vista Subdivision to the northwest corner thereof;

thence South 00°23'43" West a distance of 558.00 feet on the west line of said Country Vista Subdivision and the southerly extension thereof, to the centerline of Itaska Road;

thence North 89°59'35" West a distance of 134.88 feet, on said centerline;

thence South 00°41'18" East a distance of 994.29 feet, parallel with the east line of said SE1/4, to the south line thereof;

thence North 89°44'19" East a distance of 1484.88 feet on said south line, to the point of beginning;

subject to highway easement on the east side thereof.

WHEREAS, the City of Albert Lea and the Township of Bancroft 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 Bancroft 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 Bancroft 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 Bancroft 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 TOWN OF BANCROFT AS FOLLOWS:

Sec. 1. That the following described area in Bancroft 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 63.32 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 Bancroft agree the City of Albert Lea shall have planning and zoning authority within the annexed area.

Sec. 4. The City of Albert Lea agrees to pay the Township of Bancroft 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 Bancroft duly executed and adopted by the City Council and the Township Board.

Sec. 11. The City of Albert Lea and the Township of Bancroft 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 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 Bancroft
Town Clerk
25080 785th Avenue
Albert Lea, MN 56007

That the motion for the adoption of the foregoing resolution was duly seconded by Councilor Brooks, 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 13th day of August, 2018



Mayor Vern Rasmussen Jr.


Filed and attested this 14th day of August, 2018

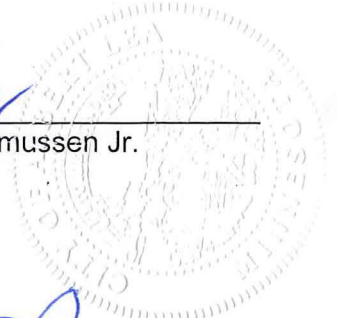

Secretary of the Council

CITY OF ALBERT LEA

Attest:


City Clerk


By: 
Mayor Vern Rasmussen Jr.



TOWNSHIP OF BANCROFT

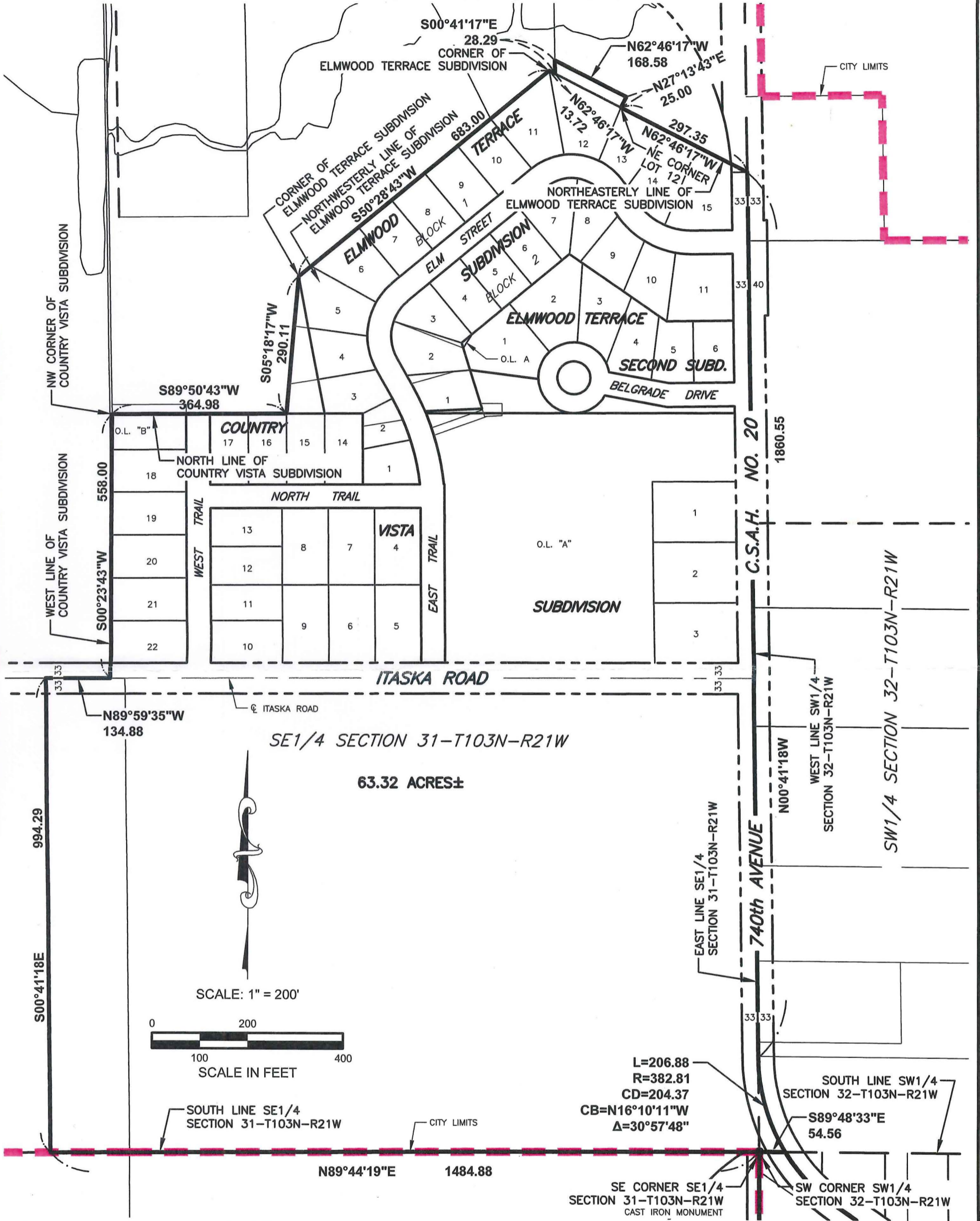
Attest:


Township Clerk

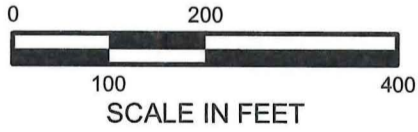
By: 
Chair

DRAWING OF ANNEXATION

IN SE/4 SECTION 31- T103N-R21W AND SW1/4 SECTION 32-T103N-R21W AND
ELMWOOD TERRACE SUBDIVISION, ELMWOOD TERRACE SECOND SUBDIVISION AND COUNTRY VISTA SUBDIVISION
FREEBORN COUNTY, MINNESOTA



SCALE: 1" = 200'



SOUTH LINE SE1/4 SECTION 31-T103N-R21W

CITY LIMITS

L=206.88
R=382.81
CD=204.37
CB=N16°10'11"W
Δ=30°57'48"

SOUTH LINE SW1/4 SECTION 32-T103N-R21W
S89°48'33"E
54.56

N89°44'19"E 1484.88

SE CORNER SE1/4 SECTION 31-T103N-R21W
CAST IRON MONUMENT

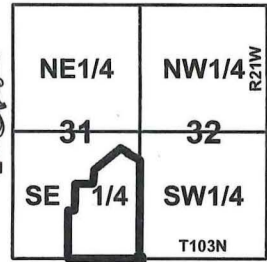
SW CORNER SW1/4 SECTION 32-T103N-R21W

LEGEND:

- = 5/8" x 16" iron stake monument (Capped SJT 22705)-Placed
- = Iron stake monument-Found

FOR: CITY OF ALBERT LEA

LOCATION MAP



Date: 4/25/2018
Revised date: -
Drawn by: ADM
Survey: NONE
Coord-System: MNDOT CO. NAD83 1996
Page 1 of 3
Job No: 18-106ANNEX_SHT3_SHT4.DWG
Sheet 4

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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.

[Signature] 4-25-18
Steven J. Thompson, Date
L.S. No. 22705



JONES HAUGH SMITH
Engineers + Surveyors

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