

**CITY OF CLEARWATER
WRIGHT AND STEARNS COUNTIES, MINNESOTA**

A special meeting of the City Council of the City of Clearwater, Minnesota, was called to order by Mayor Lawrence at 6:00 p.m. in the Council Chambers on Monday, October 24, 2022.

The following Council Members were present: Lawrence, Crandall, Luhmann, and Lenz.

The following Council Members were absent: Kruchten.

A motion to adopt the following resolution was made by Crandall and seconded by Lenz.

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**RESOLUTION 2022-71
APPROVING ANNEXATION PETITION**

WHEREAS, Ameribuilt Investment Group, LLC (“Owner”) owns Wright County PID #204-100-031402, which is legally described and depicted in the attached Exhibit A (“Property”); and

WHEREAS, by City of Clearwater Res. No. 2021-49 and Clearwater Township Res. No. 2021-010, the City and Town entered an orderly annexation agreement (“OAA”) governing the Property, which was approved under MBA Docket No. OA-1812; and

WHEREAS, following a duly submitted petition, the OAA authorizes the City to approve and submit a resolution to the Minnesota Office of Administrative Hearings (“OAH”) for annexation of certain portions of the territory covered within the OAA; and

WHEREAS, by petition dated October 17, 2022, the Owner requested annexation of the Property under the OAA, and said Property qualifies for annexation under section 7.B.1 of the OAA.

NOW THEREFORE, BE IT RESOLVED, by the City of Clearwater as follows:

1. OAH Jurisdiction/Consideration by the Chief Judge. The OAA confers jurisdiction over annexation of the Property legally described and depicted on Exhibit A to the OAH. The City requests immediate annexation of the Property and affirms that proper notice was submitted to the Township pursuant to section 7 of the OAA. Pursuant to the OAA and Minnesota Statutes, Section 414.0325, Subd. 1(g) and (h), the chief judge may review and comment but no additional consideration is necessary and the annexation shall be ordered within 30 days without alteration of the boundaries.
2. Electric Utility Service Notice. The Owner timely gave any and all required notices to the City prior to petitioning, and the City timely gave any required notices to petitioner regarding potential changes in the cost of electric utility service.
3. Effective Date of Annexation. The chief’s order for annexation shall be effective as of the date of issuance.
4. Reimbursement. Pursuant to section 6.A.1 of the OAA, the City of Clearwater shall reimburse Clearwater Township for lost tax revenue for the annexed Property within 30 days of the OAH’s order finalizing the annexation. Clearwater Township shall be reimbursed the amount shown in Exhibit B attached hereto.

5. Corrections. Corrections may be made to the Exhibits attached hereto, as necessary, to ensure that the Property is identified appropriately and that the OAH receives all information necessary in order to process the annexation contemplated herein.
6. Reimbursement of City Costs. This resolution and the approval of the annexation made herein is expressly conditioned on the Owner making reimbursement to the City for all of its actual costs incurred as part of the review and approval of its petition, and such reimbursement shall be made prior to City staff transmitting this resolution to OAH for processing.
7. Zoning Designation. The property's zoning designation shall be C4-Commercial pursuant to the city's Comprehensive Plan upon approval of the annexation.

Council members voting in favor: Lawrence, Crandall, Lenz, and Luhmann.

Absent: Kruchten.

Adopted by the City Council this 24th day of October, 2022.

ATTEST:



Annita M. Smythe, City Administrator

APPROVED BY:



Andrea Lawrence Wheeler, Mayor

Exhibit A – Property to be Annexed

That part of the Northeast Quarter of Section 3, in Township 122, Range 27, Wright County, Minnesota, bounded by a line described as follows: Beginning at the East Quarter post of Section 3; thence North along the East line of said Section, 13 chains and 11 links; thence North 62° 10' West (variation 10° 10') to the Westerly line of the Clearwater and Big Lake Road; sometimes called Corinna Road, and to a point where the center line of the Clearwater and Lynden Road, so-called, intersects said Clearwater and Big Lake Road (sometimes called the Corinna Road); thence Westerly along the center of the said Clearwater and Lynden Road to the Clearwater River; thence Southwesterly along the Clearwater River, to the South line of said Quarter, thence East along said South line to the place of beginning.

EXCEPTING THEREFROM: That part of the Northeast Quarter of Section 3, in Township 122 North, of Range 27 West, in Wright County, Minnesota, described as follows, to-wit: Commencing at the Northeast corner of said NE¼; thence South along the East line of said NE¼, a distance of 1695.10 feet to the point of beginning of the land to be described; thence Northwest deflecting 118° 48' 30" right, a distance of 723.78 feet; thence Southerly deflecting 101° 10' 30" left, a distance of 220.00 feet; thence Southeasterly deflecting 78° 49' 24" left, a distance of 186.65 feet; thence South parallel with the East line of said NE¼, a distance of 838.01 feet to the North right-of-way line of County Highway No. 7; thence East, Northeast, North and East, along said right-of-way line to said East line of the NE¼; thence North along said East line a distance of 597.76 feet to the point of beginning.

Also Less and Except That part of the Northeast Quarter of Section 3, Township 122, Range 27, Wright County, Minnesota described as follows: Commencing at the Northeast corner of said Section 3, thence South along the East line of said Section 3 a distance of 1695.10 feet, thence deflecting 118 degrees 48 minutes 30 seconds right a distance of 37.88 feet to a Iron pipe said pipe being the most southerly corner of Lot "A" of Lot 10, thence continuing on the same described course a distance of 685.90 feet along the Southwesterly line of said Lot "A" of Lot 10 to the point of beginning said point of beginning being the Southeasterly corner of the existing cemetery, thence deflecting 101 degrees 10 minutes 30 seconds left a distance of 220.00 feet, thence deflecting 101 degrees 10 minutes 36 seconds right a distance of 270.8 feet to the easterly right of way line of Trunk Highway 24, thence northeasterly along said right of way line on a tangential curve concave to the east a distance of 220.00 feet more or less to a point on the southwesterly line of said existing cemetery said point being 25.70 feet easterly from the most westerly corner of existing cemetery, thence deflecting 101 degrees 09 minutes 36 seconds right and on the southwesterly line of existing cemetery a distance of 270.80 feet to the point of beginning.

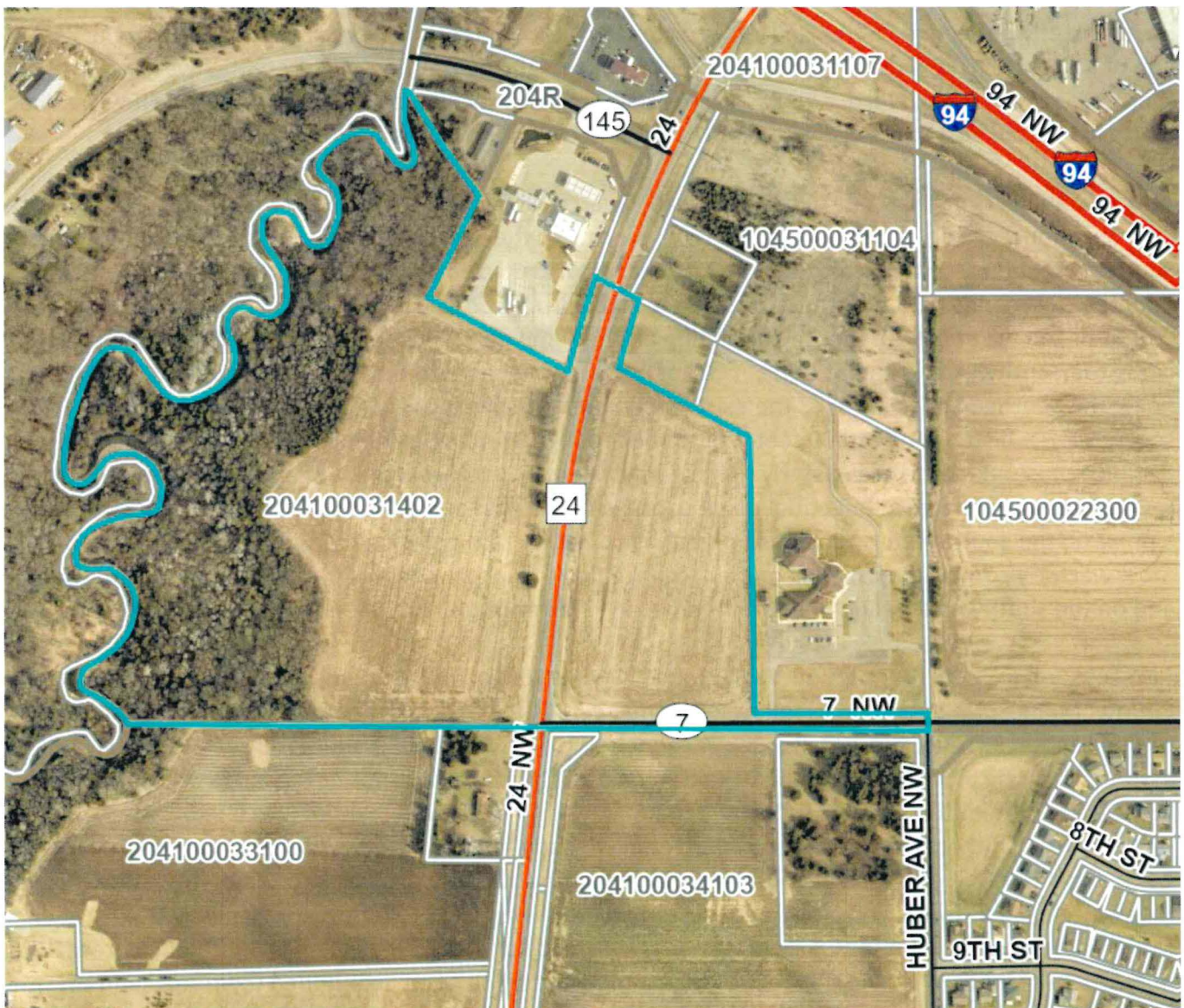
Also Less and Except: That part of the Northeast Quarter of Section 3, Township 122, Range 27, Wright County, Minnesota, described as follows: Commencing at the Southeast corner of the Northeast Quarter of said Section 3, Township 122, Range 27; thence North 01 degree 05 minutes 23 seconds West, assumed bearing along said East line of said Northeast Quarter a distance of 865.26 feet; thence North 63 degrees 15 minutes 23 seconds West, 1143.83 feet to the westerly right of way line of State Trunk Highway No. 24; thence northeasterly, along said westerly right of way line of State Trunk Highway No. 24 to a point distant 120.00 feet southwesterly from the southerly right of way line of Interstate Highway No. 94 as measured along said westerly right of way line of State Trunk Highway No. 24; thence North 64 degrees 05 minutes 28 seconds West, a distance of 400.77 feet; thence South 26 degrees 20 minutes 39 seconds West, 457.89 feet to the former centerline of an abandoned town road and the point of beginning of the parcel to be described; thence South 35 degrees 57 minutes 59 seconds East along said centerline, a distance of 119.73 feet to an angle point in said centerline; thence South 62

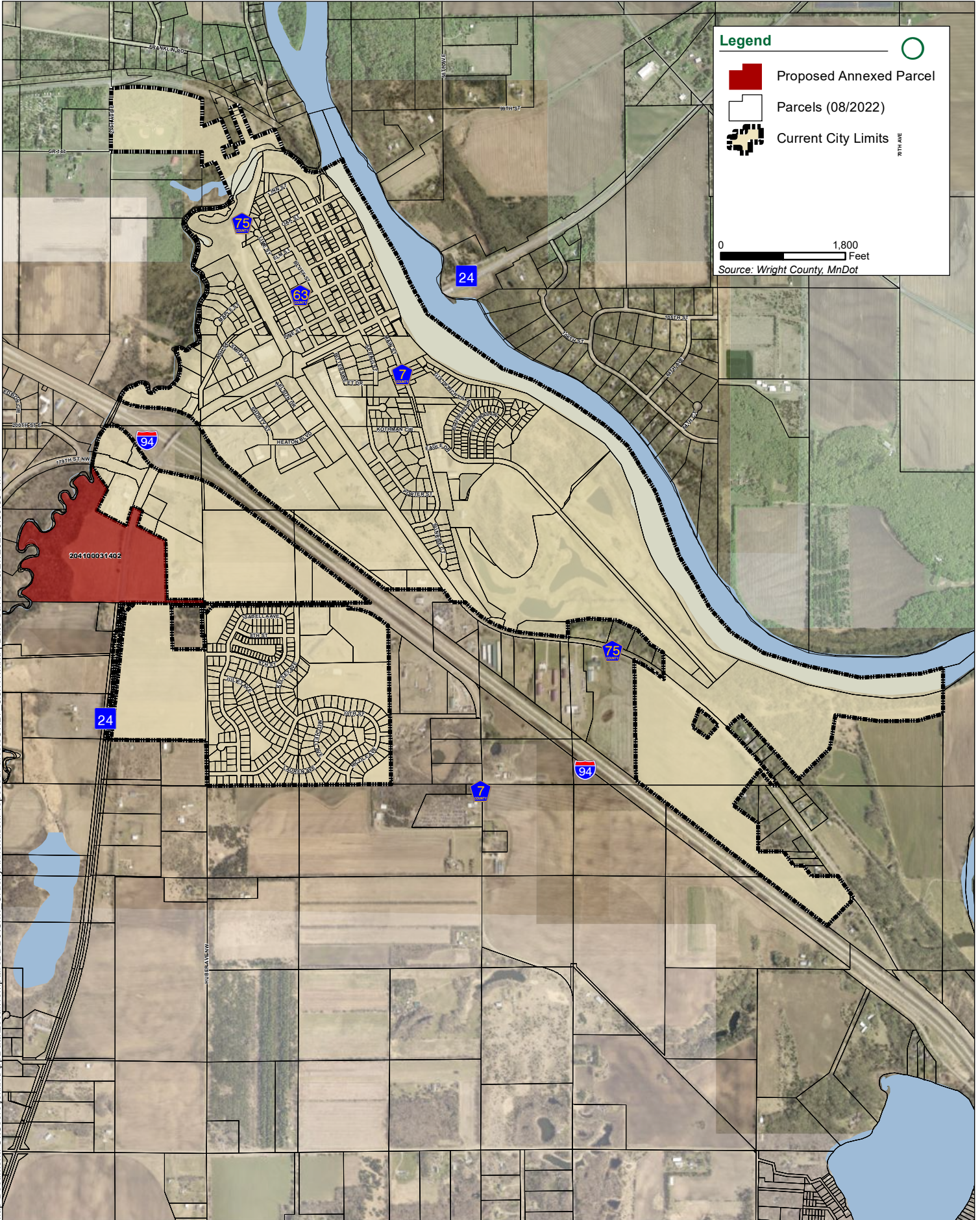
degrees 16 minutes 53 seconds East, continuing along said centerline, a distance of 330.21 feet to said westerly right of way line of State Trunk Highway No. 24. thence southwesterly, along said westerly right of way line of State Trunk Highway No. 24, a distance of 306.08 feet; thence North 62 degrees 16 minutes 53 seconds West, 489.34 feet; thence North 26 degrees 20 minutes 39 seconds East, 353.18 feet to the point of beginning.

Also Less and Except: That part of the Northeast Quarter of Section 3, Township 122, Range 27, Wright County, Minnesota, lying northerly of the southerly right of way line of County Road No. 145.

Described area contains ±60.9 acres

Map of Parcel to be Annexed:





Map Document: C:\Users\jenibn\AppData\Local\Temp\arcDDDD\Clwr_OrderlyAnnexationProposedParcelsONLY_8.5x11.mxd | Date Saved: 10/27/2022 3:59:56 PM

Exhibit B – Tax Reimbursement Amount

PID #204-100-031402

60.9 acres x \$500 per acre = \$30,450

Total Amount Owed Clearwater Township = \$30,450