

Ferguson

**ORDINANCE NO. 604
2ND SERIES**

**AN ORDINANCE AMENDING ORDINANCE NO. 597, SECOND SERIES, FOR THE
PURPOSES OF MORE PARTICULARLY DESCRIBING THE TERRITORY TO BE
ANNEXED**

WHEREAS, the City Council of the City of Alexandria did, on the 12th day of March, 2007, adopt Ordinance No. 597, 2nd Series, thereby annexing property north of CSAH 82 to its corporate limits, and

WHEREAS, said Ordinance was transmitted to the State of Minnesota for its review and distribution to agencies of the State of Minnesota, and

WHEREAS, the Minnesota Department of Transportation has requested a revised legal description of the territory to be annexed, and

WHEREAS, the City has received said revised legal description,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALEXANDRIA
HEREBY ORDAINS:**

SECTION I. That Ordinance No. 597, 2nd Series, is hereby amended by deleting all of Section II of said Ordinance and replacing it with the following:

SECTION II. That the territory to be annexed is described as:

See attached "Exhibit 1"

SECTION II. This Ordinance shall be in full force and effect from and after its passage and publication.

ADOPTED by the City Council of the City of Alexandria, Minnesota this 29th day of May, 2007 by the following vote:

YES: BIGGER, CARLSON, WEISEL, BENSON, FRANK

NO: NONE

ABSENT: NONE


H. Dan Ness, Mayor

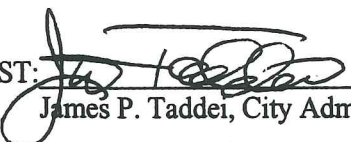
ATTEST: 
James P. Taddei, City Administrator

Exhibit 1

That part of Lot A of AUDITOR'S SUBDIVISION OF GOVERNMENT LOTS 6 & 7, Section 14, Township 128 North, Range 38 West, and that part of Government Lot 6, Section 14, Township 128 North, Range 38 West, Douglas County, Minnesota described as follows:

Commencing at the East Quarter corner of said Section 14;

thence SOUTH along the East line of said Section 14 a distance of 1287.53 feet to the center line of County State Aid Highway No. 82;

thence South 89 degrees 05 minutes 51 seconds West along said center line 1667.42 feet;

thence North 03 degrees 22 minutes 05 seconds West 60.06 feet to the northerly right of way line of said County State Aid Highway No. 82, said point to be the point of beginning of the land to be described;

thence North 03 degrees 22 minutes 05 seconds West 408.80 feet;

thence South 88 degrees 32 minutes 03 seconds East 300.50 feet to a point hereinafter referred to as point "A";

thence South 88 degrees 32 minutes 03 seconds East 33.46 feet to the center line of the existing township road;

thence South 08 degrees 04 minutes 49 seconds East along said center line 37.13 feet;

thence South 45 degrees 47 minutes 36 seconds East 22.80 feet to the east line of said Government Lot 6;

thence South 00 degrees 10 minutes 56 seconds East along said east line 341.66 feet to the northerly right of way line of said County State Aid Highway No. 82, said point hereinafter referred to as point "B";

thence South 89 degrees 05 minutes 51 seconds West along said right of way line 332.53 feet to the point of beginning.

Containing 3.15 acres more or less.

EXCEPTING THEREFROM:

That part of Lot A of AUDITOR'S SUBDIVISION OF GOVERNMENT LOTS 6 & 7, Section 14, Township 128 North, Range 38 West, and that part of Government Lot 6, Section 14, Township 128 North, Range 38 West, Douglas County, Minnesota described as follows:

Commencing at the East Quarter corner of said Section 14;

thence on a record bearing of South 00 degrees 00 minutes 00 seconds West along the east line of said Section 14 a distance of 1287.53 feet to the center line of County State Aid Highway No. 82;

thence South 89 degrees 05 minutes 51 seconds West along said center line 1667.42 feet;

thence North 03 degrees 22 minutes 05 seconds West 468.86 feet to the point of beginning of the land to be described;

thence South 88 degrees 32 minutes 03 seconds East 333.96 feet to the center line of the existing township road;

thence South 08 degrees 04 minutes 49 seconds East along said center line of the township road 14.20 feet;

thence North 88 degrees 32 minutes 03 seconds West 335.14 feet

thence North 03 degrees 22 minutes 05 seconds West 14.05 feet to the point of beginning.

Containing 0.11 acres more or less.

LaGrand
Township

Reimb.

**AMENDED ANNEXATION AGREEMENT BETWEEN
LAGRAND TOWNSHIP AND CITY OF ALEXANDRIA
JULY 12, 2004**

WHEREAS, the City of Alexandria and LaGrand Township entered into an Annexation Agreement dated August 23, 2001, which provided for certain terms and conditions to be fulfilled related to annexation issues between the two governmental bodies; and

WHEREAS, a dispute arose between the City of Alexandria and LaGrand Township as to how certain provisions in the August 23, 2001, Annexation Agreement were to be carried out and as to the original intention of the parties, which the City of Alexandria and LaGrand Township wish to resolve on an amicable basis set forth herein; and

WHEREAS, the City of Alexandria and LaGrand Township have discussed and negotiated modification of the August 23, 2001, Annexation Agreement, by incorporating certain modifications and amendments thereto to resolve the above-referred dispute regarding the initial agreement; and

WHEREAS, the City of Alexandria has agreed to pay LaGrand Township the amount of Twenty-Five Thousand Three Hundred Twelve and 93/100ths Dollars (\$25,312.93), as payment in full in settlement of the obligations of the City of Alexandria under Paragraph 4 of the initial agreement through December 31, 2003, to be paid and delivered to LaGrand Township upon executing this Agreement.

NOW, THEREFORE, the City of Alexandria and LaGrand Township hereby adopt and restate the Annexation Agreement to reflect the terms as contained herein:

1. The City shall not annex property from the Township except in accordance with procedure described herein.
2. The City shall notify the Township immediately upon receiving any request,
 - a) to provide city water service to a Township resident or property owner, or
 - b) to annex Township property to the City.

The City shall promptly forward a copy of any such petitions or requests described in sentence 1 of this paragraph to the Township within 10 days of their receipt by the City. At the time the City forwards a copy of the petition or request to the Township, The City shall indicate to the Township the percentage of landowners signing the petition.

3. The City will not accept any petition for annexation signed by 50% or less of the property owners. If a petition is signed by 51% or more of the property owners, the Township will not object to the petition provided the criteria described in paragraphs 3A through 3E are met.
- A. The land to be annexed directly abuts the City. Abuts refers to areas whose boundaries at least touch one another at a single point, including areas whose boundaries would touch but for intervening roadway, railroad, waterway or parcel of publicly owned land; and
 - B. Annexation of the land would not result in the creation on an "island" of land within the Township surrounded entirely by land within the City; and
 - C. The land to be annexed includes only parcels of land in their entirety (i.e. all of the land assigned to a particular parcel identification number); and
 - D. The City will consider the Township long range zoning plan. The Township has the right to review and comment on the proposed zoning changes; and
 - E. The City will hold an informational meeting with the residents and property owners to be annexed prior to their annexation. The Township and City shall meet to discuss the annexation prior to the informational meeting the City holds for the residents and property owners to be annexed. Issues to be discussed during the joint meeting shall include proposed annexation area, proposed zoning, responsibilities for services, and tax impact. Within 10 days of providing the petition to the Township, the City will provide the Township with the City's position on the proposed annexation, along with any concerns it may have related to the proposed annexation.
4. For any properties annexed to the City from August 28, 2001 through July 12, 2010, and for taxes payable or reimbursable to La Grand Township for properties annexed from August 28, 2001 to July 12, 2010, as an alternative to the tax reimbursement provided for in Minn. Stat. §414.035 Subd. 12, the Township shall be paid:
- A. For the year in which the property is annexed to the City, an amount equal to 100% of the Township portion of property taxes which the City collects from said annexed property.

- B. In each of the five years following the year of the annexation:**
- 1) In the first year, the City shall pay to the Township an amount equal to 50% of the Township portion of the net property taxes collected from the annexed property in the year of annexation.**
 - 2) In the second year, the City shall pay to the Township an amount equal to 51% of the Township portion of the net property taxes collected from the annexed property in the year of annexation.**
 - 3) In the third year, the City shall pay to the Township an amount equal to 52% of the Township portion of the net property taxes collected from the annexed property in the year of annexation.**
 - 4) In the fourth year, the City shall pay to the Township an amount equal to 53% of the Township portion of the net property taxes collected from the annexed property in the year of annexation.**
 - 5) In the fifth year, the City shall pay to the Township an amount equal to 54% of the Township portion of the net property taxes collected from the annexed property in the year of annexation.**
- C. For purposes of this agreement, the term "net property taxes" shall be the amount of the Township share of real estate taxes collected for each parcel, after deducting payments to the respective owner as a result of Tax Increment Financing, Tax Abatement or JOBZ programs applicable to each respective parcel.**
- D. Payment by the City to the Township shall be delivered not less than seven days following the semi-annual payment of property taxes received by the City of Alexandria from the Douglas County Treasurer.**
- E. No tax reimbursement from the City shall be paid to the Township on or after the sixth year following the year of the annexation.**
- F. For any annexed property which has special assessments remaining to be paid to the Township at the time of annexation, the City will pay 100% of the special assessment payments to the Township as collected during the balance of the special assessment term.**

- G. For purposes of this agreement, the term "year of annexation" shall include all annexations occurring by boundary adjustment orders issued by the State Planning Agency on or before August 1, of a given year.
- 5. The City will not provide any tax reduction incentives as a means to encourage annexation which do not apply equally to all properties of the same class in the City.
- 6. This agreement shall be effective for a period through July 12, 2010, and may be amended or changed if mutually agreed upon by both parties in writing. If neither party elects to cancel this agreement before July 12, 2010, it shall carry over for an additional five years and may be extended further by mutual agreement. Either party may cancel this agreement effective July 12, 2010, or the last day of any five year period by giving notice one year prior to the end of the initial term or the applicable five year period.
- 7. In the event that any portion of this agreement is declared null and void or unenforceable by a court of law, the entire agreement may be voided at any time by either party.

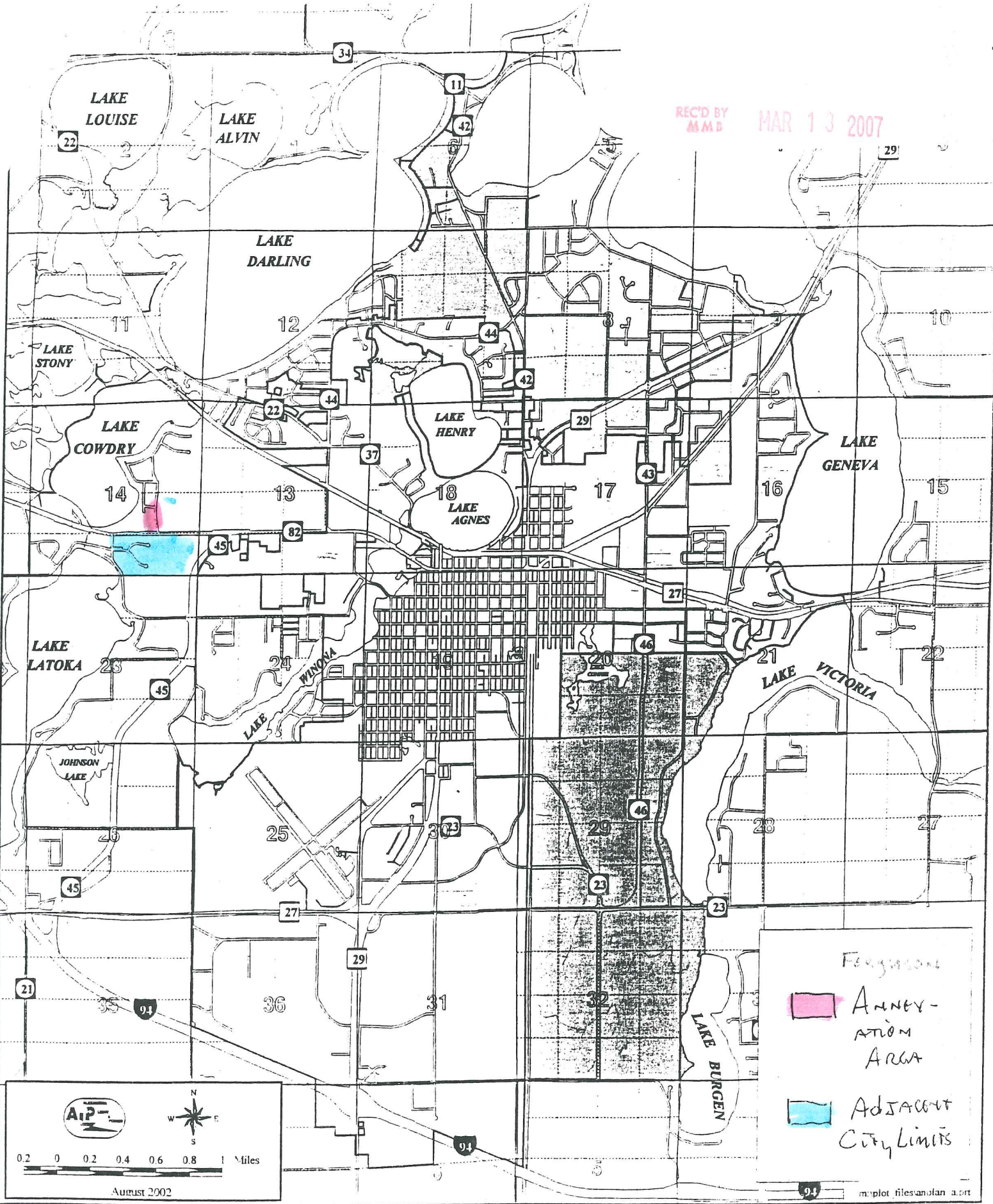
CITY OF ALEXANDRIA

TOWNSHIP OF LAGRAN

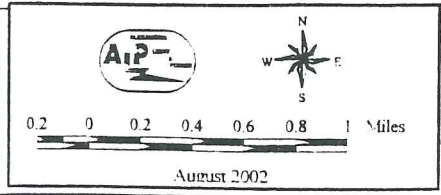
BY: [Signature]
 ATTEST: [Signature]
 DATE: 7/13/04

BY: [Signature]
 ATTEST: [Signature]
 DATE: 7-19-04

REC'D BY
MMB
MAR 13 2007



Ferguson
ANNEXATION
AREA
ADJACENT
CITY LIMITS



August 2002

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