

REC'D BY
MME

OCT 12 2007

**ORDINANCE NO. 608
2ND SERIES**

**AN ORDINANCE ANNEXING PROPERTY LOCATED
SOUTH OF INTERSTATE HIGHWAY 94 IN SECTION 35, TOWNSHIP 128 NORTH, RANGE
38 WEST (NADEAU) TO THE CORPORATE LIMITS OF THE CITY OF ALEXANDRIA**

WHEREAS, a majority (100%) of the property owners of the lands described below have petitioned the Alexandria City Council to annex this territory to the City of Alexandria, pursuant to Minnesota Statutes Section 414.033, Subdivision 5, and

WHEREAS, the property abuts upon the southerly boundaries of the Alexandria City Limits along the northerly boundaries of the subject property, and

WHEREAS, the property is not presently part of any incorporated city, and

WHEREAS, the property consists of unplatted land in LaGrand Township, Douglas County, containing approximately 90.88 acres in two (2) parcels owned by one (1) property owner, and

WHEREAS, the Alexandria City Council finds that the property is suburban in character by surrounding development and usage and is not currently served by municipal water services, and

WHEREAS, the existing and proposed uses of the subject property are commercial/industrial in nature, and

WHEREAS, the City of Alexandria has received a Waiver of Objection to Annexation Petition from LaGrand Township,

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

SECTION I: That the Corporate Limits of the City of Alexandria are hereby extended to include land as described and the same is hereby annexed and included within the City.

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

See Attached "Exhibit A"

SECTION III: That the lands hereby annexed are to be zoned as B-1, "General Business".

SECTION IV: That this Ordinance specifically incorporates the reimbursement provisions of the Amended Annexation Agreement Between LaGrand Township and the City of Alexandria, dated July 12, 2004 and executed by the City on July 13, 2004 and the Township on July 19, 2004.

SECTION V: That the City Clerk is directed to file copies of this ordinance with State of Minnesota, the Douglas County Auditor and the LaGrand Township Board of Supervisors.

SECTION VI: This Ordinance shall be in full force and effect from and after its passage, publication and approval by the State of Minnesota.

ADOPTED by the City Council of the City of Alexandria, Minnesota, this 8th day of October, 2007, by the following vote:

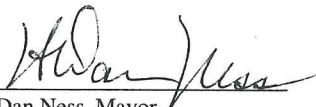
YES: BIGGER, CARLSON, BENSON

NO: NONE

ABSENT: WEISEL, FRANK

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H. Dan Ness, Mayor

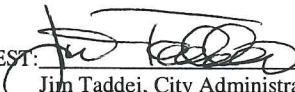
ATTEST: 
Jim Taddei, City Administrator

EXHIBIT "A"

All that part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 128 North, Range 38 West, lying South of Interstate Highway 94, Douglas County, Minnesota, containing 10.99 acres more or less;

AND

E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 35, Township 128 North, Range 38 West, EXCEPT that part of the above-described premises conveyed to State of Minnesota and described as follows: The NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 128 North, Range 38 West, which lies northeasterly of a line run parallel with and distant 100 feet southwesterly of the following described line: Beginning at a point on the west line of said Section 35 distant 244.03 feet south of the NW corner thereof; thence run southeasterly at an angle of 40 degrees 10 minutes with said west section line for 1141.74 feet, thence deflect to the left on a 1 degree 00 minute curve (delta angle 27 degrees, 29 minutes, 21.8 seconds) for 2748.94 feet and there terminating; containing 0.11 acre, more or less; together with all right of access being the right of ingress to and egress from that portion of the above-described tract not acquired herein to Trunk Highway No. 94. AC 79.89

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SE1/4 NW1/4
35-128-38

INTERSTATE NO. 84

PRCL # 27-2138-000
RCPT # 12916
LA 6 GRAND TWSHP

NO. 1420 ACRES
E1/2 SW1/4
35-128-38

1211 Maple Drive SE Alexandria, MN 56308
Telephone: 320-763-7585 Fax: 320-763-7504
Rodney F. Eldvik Registered Land Surveyor

(over)

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**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 of 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

BY: [Signature]

ATTEST: [Signature]

DATE: 7/13/04

TOWNSHIP OF LAGRAN

BY: [Signature]

ATTEST: [Signature]

DATE: 7-19-04