

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF STURGEON LAKE AND WINDEMERE
TOWNSHIP DESIGNATING CERTAIN AREAS
AS IN NEED OF ORDERLY ANNEXATION
PURSUANT TO MINNESOTA STATUTES § 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, property owners, Jeffrey J. Waldhalm and Kelly M. Waldhalm, with property located within Windemere Township (the "Township") and legally described herein, (hereinafter referred to as the "Subject Area") have approached and petitioned the City of Sturgeon Lake (the "City") requesting annexation to the City and extension of municipal services; and

WHEREAS, the above-mentioned property owners seek to develop their property for urban or suburban commercial purposes needing municipal services available from the City; and

WHEREAS, the Subject Area is in close proximity to the City and no part thereof is located in an incorporated area; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the area legally described herein; and

WHEREAS, the City has available capacity to provide services to the above-mentioned property following annexation; and

WHEREAS, the City and Township agree that the property legally described herein is urban or suburban or about to become so and that orderly annexation of the described property would be in the best interest of the property owner and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the City and Township agree that the Subject Area legally described herein is designated as in need of orderly annexation; and

WHEREAS, the City and Township desire to accomplish the orderly annexation of the Subject Area legally described herein without the need for a state hearing.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Supervisors of Windemere Township and the City Council of the City of Sturgeon Lake, as follows:

1. Designation of Orderly Annexation Area – City of Sturgeon Lake and Windemere Township. The Township and the City hereby designate the Subject Area legally described in Exhibit A, which is attached hereto and incorporated herein by reference, for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325.

2. Acreage. The Township and City agree that the above-mentioned Subject Area legally described in Exhibit A and designated as in need of immediate orderly annexation is approximately 4.5 acres.
3. Population. The Township and City agree that the population of the Subject Area legally described in Exhibit A and designated as in need of immediate orderly annexation is 0.
4. Map of Area. A boundary map and plat map showing the Subject Area legally described in Exhibit A are respectively attached hereto as Exhibit B and Exhibit C and are incorporated herein by reference.
5. No Hearing Required. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the Office of Administrative Hearings is necessary. Upon the execution and filing of this Joint Resolution, the Office of Administrative Hearings may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Tax Reimbursement. The City and Township agree that upon annexation of the Subject Area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed for the period and in accordance with the following schedule: 1) In the first year following the year the City could first levy on the annexed area, an amount equal to ninety (90) percent of the property taxes distributed to the Township in regard to the annexed area in the last year that property taxes from the annexed area were payable to the Township; 2) In the second year, an amount equal to seventy (70) percent; 3) In the third year, an amount equal to fifty (50) percent; 4) In the fourth year, an amount equal to thirty (30) percent; and 5) In the fifth and final year, an amount equal to ten (10) percent. Thereafter, the City will no longer reimburse the Township.
7. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Office of Administrative Hearings Municipal Boundary Adjustments Office and pay the required filing fees.
8. Governing Law. The Township and City agree that this Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
9. Headings and Captions. The Township and City agree that the headings and captions contained in this Joint Resolution are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
10. Entire Agreement. With respect to the Subject Area legally described in Exhibit A and shown on Exhibit B, which are attached hereto and incorporated herein by reference, the terms, covenants, conditions, and provisions of this Joint Resolution shall constitute the

entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties.

11. Legal Description and Mapping. The Township and City agree that in the event there are errors, omissions or any other problems with the legal description provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the Office of Administrative Hearings, the City and Township agree to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the Office of Administrative Hearings as necessary to make effective the annexation of said Subject Area in accordance with the terms of this Joint Resolution.

Passed, adopted, and approved by the Town Board of Supervisors of Windemere Township, Pine County, Minnesota, this 6 day of April, 2006.

WINDEMERE TOWNSHIP

By: Jani Nelson
Chair

ATTEST:

Nancy R.
Town Clerk

Passed, adopted, and approved by the City Council of the City of Sturgeon Lake, Pine County, Minnesota, this 11th day of April, 2006.

CITY OF STURGEON LAKE

By: Thomas E. Nelson
Mayor

ATTEST:

Elizabeth Cisar
City Clerk

That part of the Southeast Quarter of Section 18, Township 45, Range 19, Pine County, Minnesota, describes as follows:

Commencing at the southwest corner of said Southeast Quarter; thence on an assumed bearing of North 00 degrees 33 minutes 35 seconds East, along the west line of said Southeast Quarter, a distance of 50.00 feet to a point on the northerly right-of-way line of County Road No. 46 (formerly I-35 right-of-way line), said point being the actual point of beginning of the tract of land herein described; thence continuing North 00 degrees 33 minutes 35 seconds East, along said west line of the Southeast Quarter, a distance of 600.00 feet; thence South 82 degrees 33 minutes 07 seconds East a distance of 453.94 feet; thence South 00 degrees 33 minutes 35 seconds West a distance of 200.00 feet to the westerly line of the below described 66.00 foot wide ingress and egress easement; thence South 48 degrees 28 minutes 22 seconds West, along last said westerly easement line, a distance of 68.57 feet; thence South 40 degrees 07 minutes 27 seconds West, along last said westerly easement line, a distance of 174.43 feet; thence South 22 degrees 05 minutes 57 seconds West, along last said westerly easement line, a distance of 153.58 feet, to a point on the right-of-way line of Interstate Highway 35, said point being hereinafter referred to as "Point X"; thence on a bearing of WEST, along said right-of-way line, a distance of 110.88 feet; thence on a bearing of SOUTH, along said right-of-way line, a distance of 20.00 feet; thence on a bearing of WEST, along said right-of-way line, a distance of 121.61 feet to the point of beginning.

Subject to utility easement over the westerly 20.00 feet of the above described tract.

Also subject to and together with an easement for utility, ingress and egress purposes over, under and across part of the Southeast Quarter of Section 18, Township 45, Range 19, Pine County, Minnesota, describes as follows:

Commencing at the southwest corner of said Southeast Quarter; thence on an assumed bearing of North 00 degrees 33 minutes 35 seconds East, along the west line of said Southeast Quarter, a distance of 450.00 feet; thence South 82 degrees 33 minutes 07 seconds East a distance of 373.94 feet to the actual point of beginning of the easement herein described; thence continuing South 82 degrees 33 minutes 07 seconds East a distance of 80.00 feet; thence South 48 degrees 28 minutes 22 seconds West a distance of 68.57 feet; thence North 26 degrees 37 minutes 37 seconds West a distance of 62.45 feet to the point of beginning.

Together with a 66.00 foot wide ingress and egress easement lying 33 feet on either side of the following describes centerline:

Commencing at the southwest corner of said Southeast Quarter, thence on an assumed bearing of North 00 degrees 33 minutes 35 seconds East, along the west line of said Southeast Quarter, a distance of 1073.27 feet; thence North 87 degrees 07 minutes 17 seconds East a distance of 871.16 feet; thence North 01 degrees 16 minutes 43 seconds West a distance of 150.00 feet to the actual point of beginning of the centerline herein described; thence South 01 degrees 16 minutes 43 seconds East a distance of 413.15 feet; thence southwesterly a distance of 420.46 feet, along a tangential curve, concave to the west, having a radius of 390.81 feet and a central angle of 61 degrees 38 minutes 35 seconds; thence South 60 degrees 21 minutes 52 seconds West, tangent to last described curve a distance of 178.80 feet; thence South 48 degrees 28 minutes 22 seconds West a distance of 142.51 feet; thence South 40 degrees 07 minutes 27 seconds West a distance of 166.79 feet; thence South 22 degrees 05 minutes 57 seconds West a distance of 210.50 feet to the south line of said Southeast Quarter and there said centerline terminating.

Also together with an easement for sign purposes described as follows:
Commencing at "Point X" aforesaid; thence easterly, along the northerly right-of-way line of Interstate Highway 35, a distance of 66 feet, more or less, to the easterly line of the above described 66.00 foot wide easement; thence northeasterly, along last said easterly line, a distance of 50.00 feet; thence easterly, parallel with last said northerly right-of-way line of Interstate Highway 35, to the westerly right-of-way line of said Interstate Highway 35; thence southerly, along said westerly right-of-way line a distance of 50 feet, more or less, to said northerly right-of-way line of Interstate Highway 35; thence westerly, along said right-of-way line, to the point of beginning.

REC'D BY
M M B

JUN 19 2006

EXHIBIT B
Boundary Map

The municipal boundary map referenced in the attached Joint Resolution, showing the current City of Sturgeon Lake and its relation to the Subject Area to be annexed, legally described in Exhibit A, is attached hereto.

EXHIBIT B

Proposed
Annexation
Area



City of
Sturgeon Lake



REC'D BY
M.M.B.

JUN 19 2006

Sturgeon Lake Township

City of Sturgeon Lake

Sturgeon Lake Township

Windemere Township

Proposed Annexation Area

Interstate No. 35

County Highway No. 46

County Highway No. 46

Interstate No. 35

Windemere Township

MOTEL

EXHIBIT C
Plat Map

REC'D BY
MMB

JUN 19 2006

The plat map referenced in the attached Joint Resolution for the Subject Area to be annexed, legally described in Exhibit A, is attached hereto.

REC'D BY
M M B JUN 19 2006

