

**JOINT RESOLUTION FOR ORDERLY ANNEXATION  
AREA BETWEEN THE TOWN OF ALBANY  
AND THE CITY OF ALBANY**

REC'D BY  
AAMB

NOV 29 2007

**WHEREAS**, the Board of Supervisors of the Town of Albany (hereinafter referred to as the "Town") passed a resolution on November 26, 2007, approving the annexation to the City of Albany of certain land owned by Thomas E. Atkinson and Pamela J. Atkinson, husband and wife, and legally described in the attached Exhibit A.

**WHEREAS**, the City Council of the City of Albany (hereinafter referred to as the "City"), agreed to the annexation of the above described parcel of land at its November 21, 2007 meeting; and

**WHEREAS**, the Town and the City have determined that the annexation of a portion of the Township with the City is of mutual benefit to both parties and the residents thereof;

**NOW, THEREFORE, BE IT RESOLVED**, in consideration of the mutual terms and conditions, the City and Town enter into this Joint Resolution of Orderly Annexation (the "Joint Resolution")

1. **Designation of Orderly Annexation Area.** The Town and City designate the area set forth on the map attached as Exhibit B and the legal described in the attached Exhibit A as subject to orderly annexation under and pursuant to Minnesota Statutes Section 414.0325. For purposes of this Joint Resolution, this area shall be referred to as the "OAA Property".
2. **Office of Administrative Hearings, Municipal Boundary Adjustments Unit.** Upon approval by the Town Board and the City Council, this Joint Resolution shall confer jurisdiction upon the Office of Administrative Hearings, Municipal Boundary Adjustments Unit (hereinafter referred to as "Director") to accomplish said orderly annexations in accordance with the terms of this Joint Resolution. In the event that the Office of Administrative Hearings, Municipal Boundary Adjustments Unit is abolished, the authority will be transferred to the department or person(s) assigned that duty.
3. **No Alterations of Boundaries.** The Town and City mutually agree and state that there shall be no alterations by the Director of the stated boundaries of the area designated for orderly annexation.
4. **Review and Comment by the Director of the Office of Administrative Hearings, Municipal Boundary Adjustments Unit.** The Town and City mutually agree that this Joint Resolution and Agreement sets forth all the conditions for annexation of the areas designated, and that no consideration by the Director is necessary. The Director may review and comment, but shall, within thirty (30) days, order annexation(s) in accordance with the terms of this Joint Resolution.
5. **Payment In Lieu of Taxes.** The City agrees to pay the Town the following sums annually as full payment for 2008 and all subsequent years of the Township's lost tax revenues as a result of this annexation:

2008: \$64  
2009: \$64  
2010: \$64  
2011: \$64  
2012: \$64

Said payment will be remitted to the Township by June 30<sup>th</sup> of each year.

6. **Planning and Land Use Control Authority.** The Town and City mutually agree that upon annexation, the property shall be zoned M-2 Industrial.
7. **Character of the Property.** The OAA Property abuts the City of Albany and is presently urban or suburban in nature or is about to become so. Further, the City is now or within a reasonable amount of time will be capable of providing municipal water and sanitary sewer to the OAA Property.
8. **Acreage.** The designated property consists of 40 acres.
9. **Population.** The Township and the City state that the population of the annexed area is approximately 0 persons. Therefore, following the annexation, the estimated population of the City will increase by 0 persons
10. **Authorization.** The Town and City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.
11. **Roads.** The City and Town agree that when the City annexes property which borders a Township road, the road shall become a part of the City and the road will be annexed into the City. The City shall then maintain the entire width of the road abutting the annexed property, and if such section of road is improved by the City, the improvement shall be done at no expense to Township property owners. However, the City may assess or charge abutting lands once those lands are annexed into the City.
12. **Authorization.** The appropriate officers of the City and Town are hereby authorized to carry the terms of the Joint Resolution into effect.
13. **Severability and Repealer.** A determination that a provision of this Joint Resolution is unlawful or unenforceable shall not affect the validity or enforceability of the other provisions herein.
14. **Effective Date.** This Joint Resolution shall be effective upon adoption by the governing bodies of the City and Township and approval by the Director of Office of Administrative Hearings, Municipal Boundary Adjustments Unit.
15. **Governing Law.** Minnesota law will govern this Agreement.

[SIGNATURE PAGE TO FOLLOW]

REC'D BY  
MAM

NOV 29 2007

Approved the 26 day of Dec, 2007, by the Town Board of the Town of Albany.

  
Chair

  
Clerk

Approved the 21 day of NOV., 2007, by the City Council of the City of Albany.

  
Dennis J. Sand, Mayor

  
Tom Schneider, Clerk/Administrator

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LAND DESCRIPTION:

The Southeast Quarter of the Southeast Quarter of Section 22,  
Township 125 North, range 31 West, Stearns County, Minnesota.



## NOV 29 2007



## 4



- DENOTES IRON MONUMENT FOUND
- DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET WITH PLASTIC PLUG INSCRIBED WITH "BONESTROO 43809"

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