

# RECEIVED

By: OAH on January 8, 2024

## RESOLUTION 23-115

### **IN THE MATTER OF THE ORDERLY ANNEXATION OF SIX PRIVATELY OWNED PROPERTY, PURSUANT TO THE ORDERLY ANNEXATION AGREEMENT BETWEEN THE CITY OF BECKER AND BECKER TOWNSHIP**

**WHEREAS**, the City of Becker and the Town of Becker entered into the current “Joint Resolution for Orderly Annexation” agreement (the “Agreement”) on September 5, 2017; and,

**WHEREAS**, the original Agreement was accepted by the Minnesota Office of Administrative Hearings and filed as docket #OA-1364 on December 20, 2007 and updated through a filing on December 20, 2017 which extended the Agreement to December 31, 2027; and,

**WHEREAS**, Xcel Energy (Owner and Petitioner) submitted a petition to annex six (6) properties into the City of Becker; and,

**WHEREAS**, the immediate annexation of the subject parcels totals approximately 295.08 acres +/-; and,

**WHEREAS**, the properties petitioned to be annexed are currently identified as PID# 05-326-1001, PID# 05-326-1400, PID# 05-326-4400, PID# 05-326-3400, PID# 05-326-3402, and PID# 05-326-3401 and are and legally described below; and,

The North Half (N ½) of the Southeast Quarter (SE ¼); the West Half (W ½) of the Northeast Quarter (NE ¼) which lies South-westerly of the Railroad right of way, all being in Section 26, Township 34 North, Range 29 West, Sherburne County, Minnesota.

Except, The southerly 550.00 feet of the Northeast Quarter of the Southeast Quarter (NE ¼ of SE ¼) of Section 26, Township 34 N, range 29 W, in Sherburne County, Minnesota, lying westerly of and abutting the westerly Right-of-Way line of County Highway No. 52 (125 Av. SE).

Also, the South Half of the Southwest Quarter (S ½ of SW ¼) and the South Half of the Southeast Quarter (S ½ of SE ¼) of Section Twenty-six (26) in Township Thirty-four

(34), Range Twenty-nine (29), according to the Government Survey thereof now on file and of record in the office of the county Recorder, Sherburn County, Minnesota.

Also, part of the Southeast Quarter of the Northeast Quarter (SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ), of Section Twenty-six (26), Township Thirty-four (34), Range Twenty-nine (29), lying Southerly and Westerly of the Railroad right of way.

**WHEREAS**, the Agreement designates the immediate annexation of the following described land located within Becker Township to the City of Becker, County of Sherburne, Minnesota;

The North Half (N  $\frac{1}{2}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ); the West Half (W  $\frac{1}{2}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) which lies South-westerly of the Railroad right of way, all being in Section 26, Township 34 North, Range 29 West, Sherburne County, Minnesota.

Except, The southerly 550.00 feet of the Northeast Quarter of the Southeast Quarter (NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) of Section 26, Township 34 N, range 29 W, in Sherburne County, Minnesota, lying westerly of and abutting the westerly Right-of-Way line of County Highway No. 52 (125 Av. SE).

Also, the South Half of the Southwest Quarter (S  $\frac{1}{2}$  of SW  $\frac{1}{4}$ ) and the South Half of the Southeast Quarter (S  $\frac{1}{2}$  of SE  $\frac{1}{4}$ ) of Section Twenty-six (26) in Township Thirty-four (34), Range Twenty-nine (29), according to the Government Survey thereof now on file and of record in the office of the county Recorder, Sherburn County, Minnesota.

Also, part of the Southeast Quarter of the Northeast Quarter (SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ), of Section Twenty-six (26), Township Thirty-four (34), Range Twenty-nine (29), lying Southerly and Westerly of the Railroad right of way.

**WHEREAS**, the necessary criteria for annexation of the Property pursuant to the Agreement have been met; and,

**WHEREAS**, Minnesota Statutes § 414.0325 provides a procedure whereby the City of Becker and Becker Township may agree on a process of orderly annexation of a designated area; and,

**WHEREAS**, the City of Becker and Becker Township have agreed to all the terms and conditions for the annexation of the above-described Property; and,

**NOW, THEREFORE, BE IT RESOLVED**, jointly by the City Council of the City of Becker and the Township Board of Becker Township as follows:

1. That the following described land is subject to orderly annexation pursuant to Minnesota Statutes § 414.0325, and that the parties hereto designate the area for orderly annexation; and agree that the land be immediately annexed:

The North Half (N  $\frac{1}{2}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ); the West Half (W  $\frac{1}{2}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) which lies South-westerly of the Railroad right of way, all being in Section 26, Township 34 North, Range 29 West, Sherburne County, Minnesota.



Except, The southerly 550.00 feet of the Northeast Quarter of the Southeast Quarter (NE ¼ of SE ¼) of Section 26, Township 34 N, range 29 W, in Sherburne County, Minnesota, lying westerly of and abutting the westerly Right-of-Way line of County Highway No. 52 (125 Av. SE).

Also, the South Half of the Southwest Quarter (S ½ of SW ¼) and the South Half of the Southeast Quarter (S ½ of SE ¼) of Section Twenty-six (26) in Township Thirty-four (34), Range Twenty-nine (29), according to the Government Survey thereof now on file and of record in the office of the county Recorder, Sherburn County, Minnesota.

Also, part of the Southeast Quarter of the Northeast Quarter (SE ¼ of NE ¼), of Section Twenty-six (26), Township Thirty-four (34), Range Twenty-nine (29), lying Southerly and Westerly of the Railroad right of way.

2. That the orderly annexation area consists of approximately 295.08 +/- acres, the population in the area is 0, and the land use type is currently Agricultural.
3. That Becker Township and the City of Becker, by submission of this joint resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confers jurisdiction upon the Administrative Law Judge so as to accomplish said orderly annexation in accordance with the terms of this resolution. In the event that there are errors, omissions or any other problems with the legal description, mapping, or tax reimbursement provided in the attached Exhibits, the parties agree to make such corrections and file any additional documentation, including a new Exhibit(s) making the corrections requested or required by the Office of Administrative Hearings, Boundary Adjustments as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution, without the necessity of re-adopting this Joint Resolution.
4. **Municipal Reimbursement.** Minnesota Statutes § 414.036.
  - a. Revenue Sharing. Within the orderly annexation area, the parties agree to a rebate of property taxes formerly paid to the Township on any taxable parcel which is annexed. For each of the five years following annexation, the City shall rebate to the Town portion of the amount equal to the ad valorem taxes paid to the Town by the parcel owners in the year preceding annexation as follows:

Year	Amount
One	90 percent
Two	70 percent
Three	50 percent
Four	30 percent
Five	10 percent
Six (and thereafter)	0 percent

b. Assessments and Debt. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessment assigned by the Township to the annexed property and any portion of debt incurred by the Township prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described (herein or attached exhibit) there are no special assessments or debt.

5. The City of Becker and Becker Township agree that upon receipt of this resolution, passed and adopted by each party, the Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

Adopted by affirmative vote of the City Council of the City of Becker this 7<sup>th</sup> day of November 2023.

Tracy Bertram yes

Rick Hendrickson yes

Robin Dingmann yes

Mike Doering yes

Becky Olmscheid yes

Adopted by affirmative vote of all the members of the Becker Township Board of Supervisors this 20<sup>th</sup> day of November 2023.

Brian Kolbinger yes

Luke Babler yes

Brad Wilkening yes

Robin Boros yes

Joe Danielson yes

**CITY OF BECKER**

By: Tracy Bertram  
Mayor

**ATTEST:**

By: Julie Blum  
City Clerk

**BECKER TOWNSHIP**

By: Bob Kolbinger  
Chairperson, Board of Supervisor

**ATTEST:**

By: Lucinda Messman  
Township Clerk

Approved this 20<sup>th</sup> day of November 2023





Overview



Legend

Public Water Inventory

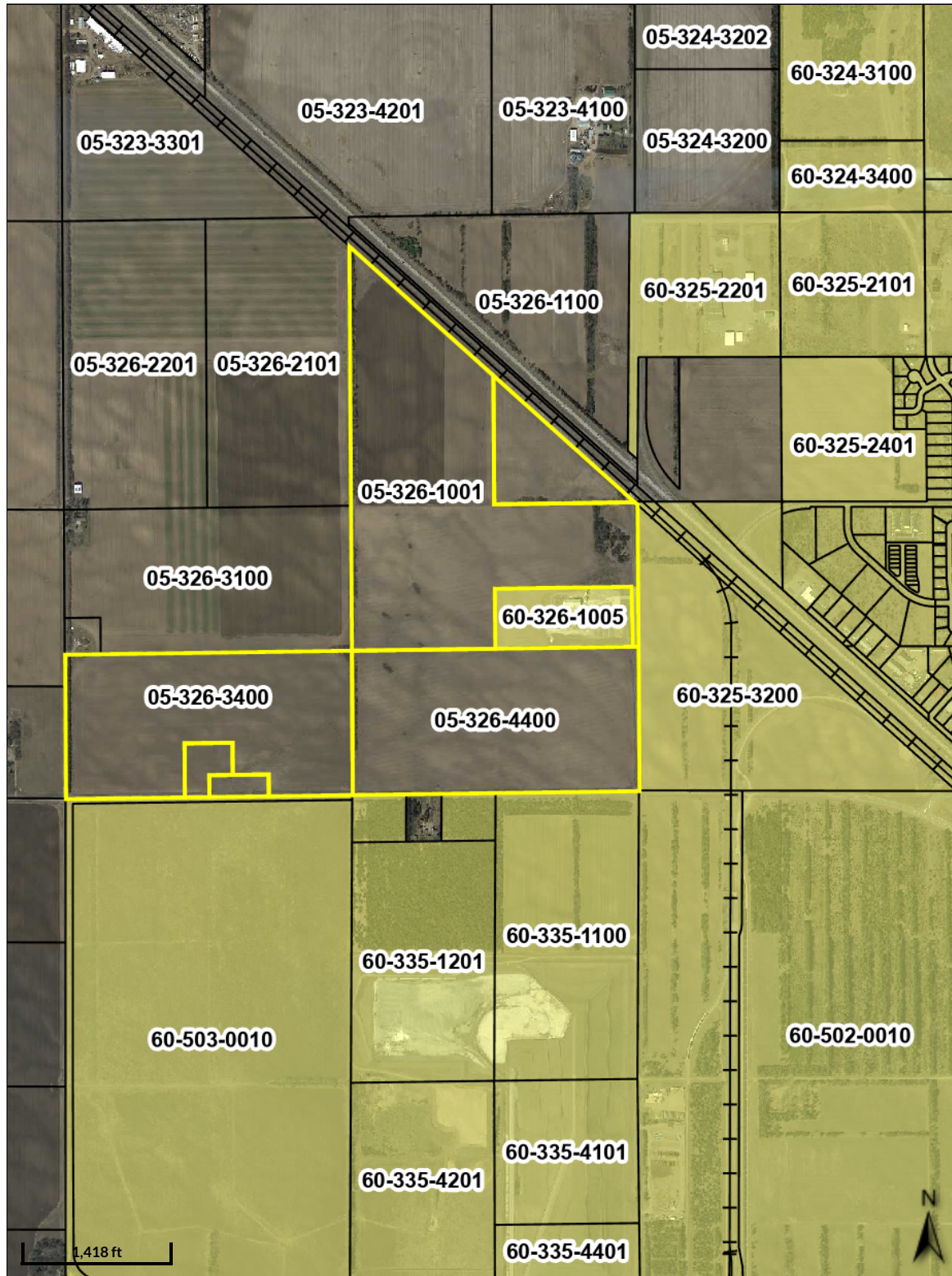
- Not Classified
- General Development
- Natural Environment
- Recreational Development

- Parcels
- Railroads
- Streams
- City Limits

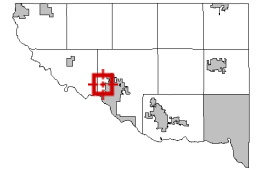




## Detail Map



## Overview

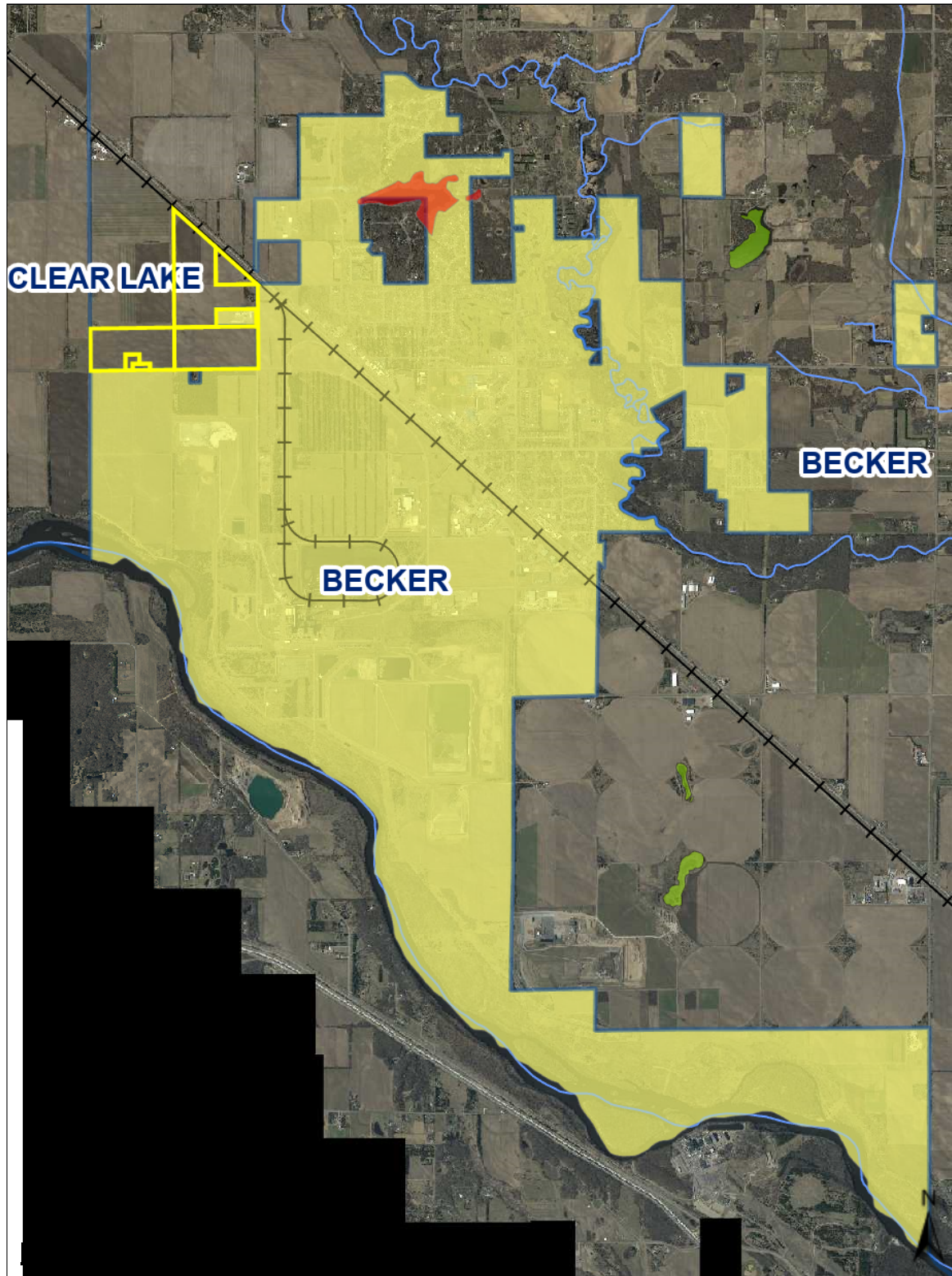


## Legend

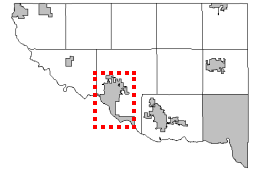
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## Boundary Map



### Overview



### Legend





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-  Recreational Development

 Railroads

 Streams

#### Cities and Townships

-  City
-  Township
-  <all other values>
-  City Limits