

**RESOLUTION 2009-016**  
**JOINT RESOLUTION FOR ORDERLY ANNEXATION**  
**AREA BETWEEN THE TOWN OF ALBANY**  
**AND THE CITY OF ALBANY**

WHEREAS, the Board of Supervisors of the Town of Albany (hereinafter referred to as the "Town") passed a resolution on June 22, 2009, approving the annexation to the City of Albany of certain land owned by Edmund Wehseler and Agnes Wehseler designated as Tract A and legally described in the attached Exhibit A and certain land owned by Albert J. Winter and Joyce A. Winter designated as Tract B 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 June 3, 2009 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 legally 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 Hearing, 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 2010 and all subsequent years of the Towns lost tax revenues as a result of this annexation:

2010:	\$125
2011:	\$125
2012:	\$125
2013:	\$125
2014:	\$125

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

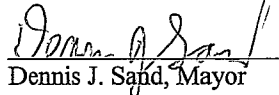
6. Planning and Land Use Control Authority. The Town and City mutually agree that upon annexation, the property shall be zoned C-2, Highway Commercial.
7. Character of the Property. The OAA Property abuts the City and is presently urban or suburban in nature or is about to become so. Furthermore, the OAA property is served by municipal water and sanitary sewer.
8. Acreage. The designated property consists of 4.07 acres +/-.
9. Population. The Town and City state that the population of the annexed area is zero (0) person. Therefore, following the annexation, the estimated population of the City will not increase.
10. Authorization. The Town and City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.
11. Roads. The OAA property abuts County Road No. 10 and does not border a Township road.
12. 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.
13. Effective Date. This Joint Resolution shall be effective upon adoption by the governing bodies of the City and Town and approval by the Director of the Office of Administrative Hearings, Municipal Boundary Adjustments Unit.
14. Governing Law. Minnesota law will govern this Agreement.

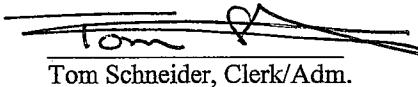
Approved the 22 day of JUNE, 2009, by the Town Board of the Town of Albany.

  
Tim Nierenhausen, Chairman

  
Diane Noll, Clerk

Approved the 3<sup>rd</sup> day of JUNE, 2009, by the City Council of the City of Albany.

  
Dennis J. Sand, Mayor

  
Tom Schneider, Clerk/Adm.

"EXHIBIT A"  
(WEHSELER-Tract A)

Tract "A"  
3.13 acres

Point "B"

Centerline

LINE 2

R/W line

N LINE 4

COUNTY RD



I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME  
OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY  
REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE  
OF MINNESOTA

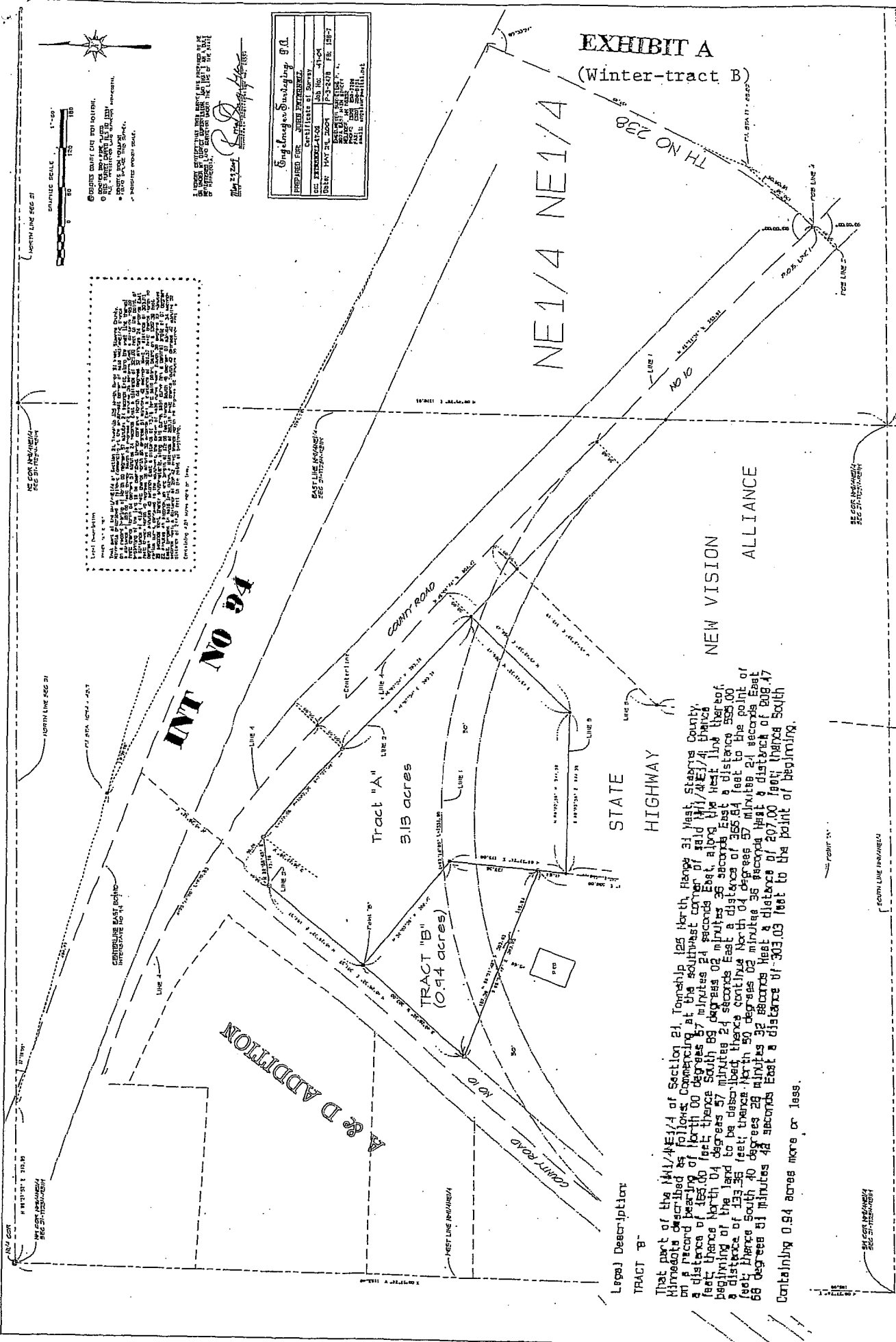
May 1 2009  
DJE

Ronald Engelmeier, Land Surveyor  
Minnesota Registration No. 13334

Engelmeier Surveying P.A.	
PREPARED FOR: JOHN PETERNELL	
Certificate of Survey	
cc: PETERNELL-47-09	Job No: 47-09
Date: MAY 1, 2009	P-3-247B FB: 156-7
ENGELMEIER SURVEYING P. A. 307A EAST MAIN STREET MELROSE, MN 56352 PHONE: (320) 256-7298 FAX: (320) 256-5151 email: engelsur@earthlink.net	

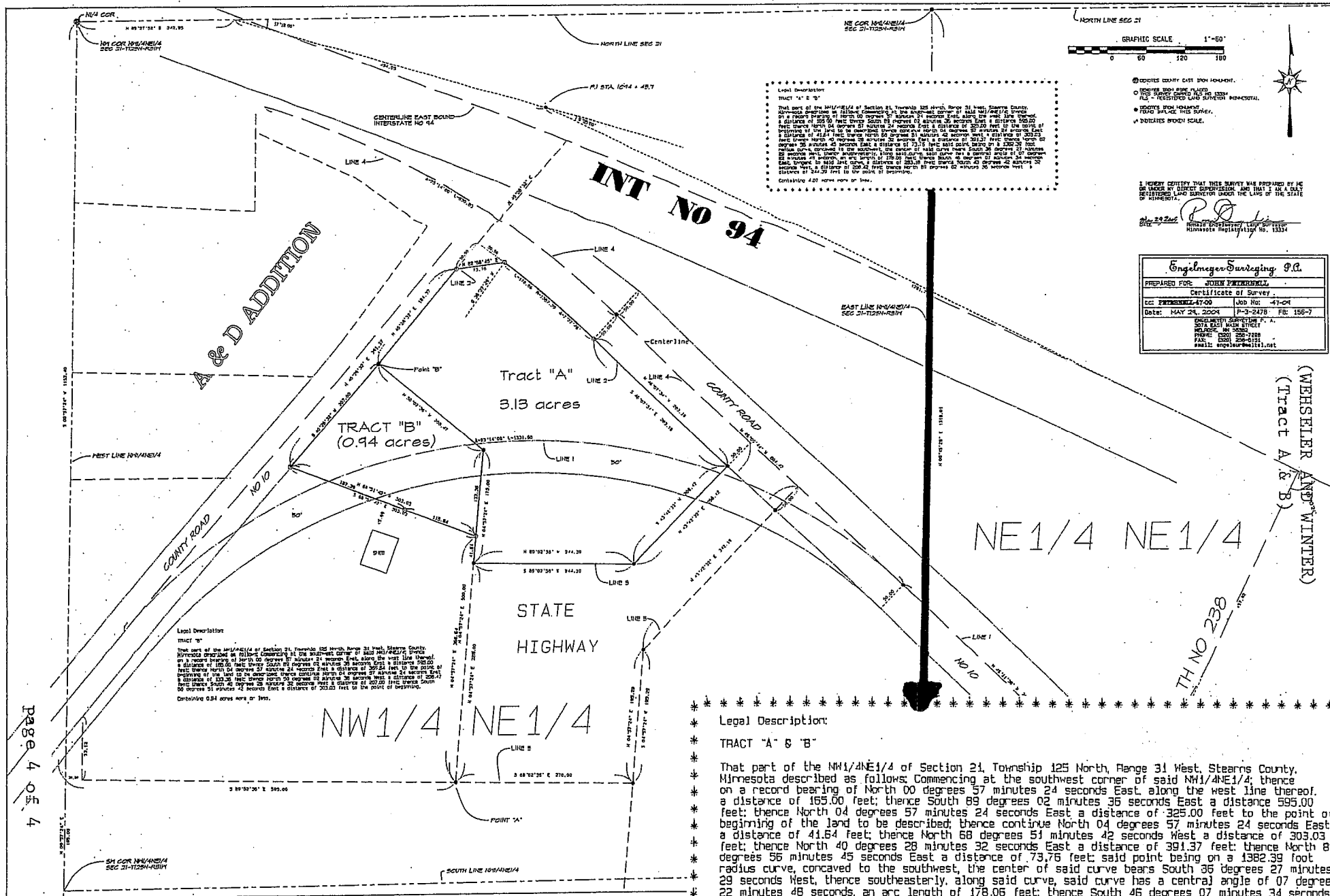
WEHSELER LEGAL DESCRIPTION

That part of the Northwest Quarter of the Northeast Quarter (NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ) of Section 21, Township 125, Range 31 described as follows: Commencing at the Southwest corner of said NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ; thence on a record bearing of North  $00^{\circ} 57' 24''$  East, along the West line thereof a distance of 165 feet; thence South  $89^{\circ} 02' 36''$  East a distance of 595 feet; thence North  $04^{\circ} 57' 24''$  East a distance of 325 feet to the point of beginning of the land to be described; thence continue North  $04^{\circ} 57' 24''$  East a distance of 175 feet; thence North  $50^{\circ} 02' 36''$  West a distance of 208.47 feet; thence North  $40^{\circ} 28' 32''$  East a distance of 184.37 feet; thence North  $82^{\circ} 56' 45''$  East a distance of 73.76 feet said point being on a 1382.39 foot radius curve, concaved to the Southwest, the center of said curve bears South  $36^{\circ} 27' 29''$  West; thence Southeasterly, along said curve, said curve has a central angle of  $07^{\circ} 22' 48''$ , an arc length of 178.06 feet; thence South  $46^{\circ} 07' 34''$  East, tangent to said last curve a distance of 283.18 feet; thence South  $43^{\circ} 42' 32''$  West a distance of 208.42 feet; thence North  $89^{\circ} 02' 36''$  West a distance of 244.39 feet to the point of beginning.



Engineering & Surveying 9A	
PREPARED FOR	JOHN PATRICKSON
CERTIFICATE OF SURVEY	
DATE	MAY 24 2004
BY	JOHN PATRICKSON
STATE	IDAHO
BOOK	100
PAGE	1
FILE	100-100-100

Legal Description:  
TRACT "A"  
That part of the NE 1/4 NE 1/4 of Section 21, Township 12S North, Range 31 West, Stearns County, Minnesota described as follows: Commencing at the southwest corner of said NE 1/4 NE 1/4, thence a distance of 125.00 feet thence South 89 degrees 02 minutes 24 seconds East, along the west line thereof a distance of 133.36 feet thence North 50 degrees 02 minutes 36 seconds East a distance of 355.00 feet thence South 40 degrees 28 minutes 36 seconds East a distance of 207.00 feet thence South 68 degrees 01 minutes 42 seconds East a distance of 303.03 feet to the point of beginning. Containing 0.94 acres more or less.



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Legal Description:

TRACT "A" & "B"

That part of the NW1/4NE1/4 of Section 21, Township 125 North, Range 31 West, Stearns County, Minnesota described as follows: Commencing at the southwest corner of said NW1/4NE1/4; thence on a record bearing of North 00 degrees 57 minutes 24 seconds East, along the west line thereof, a distance of 165.00 feet; thence South 89 degrees 02 minutes 35 seconds East a distance 595.00 feet; thence North 04 degrees 57 minutes 24 seconds East a distance of 325.00 feet to the point of beginning of the land to be described; thence continue North 04 degrees 57 minutes 24 seconds East a distance of 41.64 feet; thence North 68 degrees 51 minutes 42 seconds West a distance of 303.03 feet; thence North 40 degrees 28 minutes 32 seconds East a distance of 391.37 feet; thence North 82 degrees 56 minutes 45 seconds East a distance of 73.76 feet; said point being on a 1382.39 foot radius curve, concaved to the southwest, the center of said curve bears South 36 degrees 27 minutes 29 seconds West, thence southeasterly, along said curve, said curve has a central angle of 07 degrees 22 minutes 48 seconds, an arc length of 178.05 feet; thence South 46 degrees 07 minutes 34 seconds East, tangent to said last curve, a distance of 283.18 feet; thence South 43 degrees 42 minutes 32 seconds West, a distance of 208.42 feet; thence North 89 degrees 02 minutes 35 seconds West a distance of 244.39 feet to the point of beginning.

Containing 4.07 acres more or less.

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CITY  
OF  
ALBANY, MN

CITY MAP

APRIL 2009

LEGEND

INTERSTATE HIGHWAY  
CITY/COUNTY ROADS

WATER FEATURES

CITY BOUNDARY

HOSPITAL / MEDICAL CENTER

PARK

LIBRARY

CITY HALL

POLICE STATION

FIRE STATION

WASTEWATER  
TREATMENT FACILITY

WATER  
TREATMENT FACILITY

SCHOOL

LAKE WOBEGON  
REGIONAL TRAIL

EXHIBIT B



0 480 960 1,920  
Feet



Data Provide By:  
City of Albany, BWK, Stearns County

