

Introduced by Councilor Rasmussen

RESOLUTION AMENDING RESOLUTION 10-77 OF BANCROFT TOWNSHIP AND THE CITY OF ALBERT LEA DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE MUNICIPAL BOUNDARY ADJUSTMENTS OFFICE OF THE OFFICE OF ADMINISTRATIVE HEARINGS PURSUANT TO M.S.414.0325

WHEREAS, the property owners' along 770<sup>th</sup> Avenue generally described as between Hammer Road and Interstate 90, Section 35-T102N-R21W, Freeborn County, Minnesota are requesting annexation; and

WHEREAS, the Township of Bancroft and the City of Albert Lea hereby jointly agree to the following; now, therefore

THE CITY OF ALBERT LEA RESOLVES:

Sec. 1. That the following described area in Bancroft Township is subject to orderly annexation pursuant to Minnesota Statutes 414.0325, and the parties hereto designate this area for orderly annexation:

DESCRIPTION FOR ANNEXATION PURPOSES  
SECTION 34 & 35-T103N-R21W  
ALBERT LEA, FREEBORN COUNTY, MN

Tract 1

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 35-T103N-R21W, Freeborn County, Minnesota; described as follows:

Commencing at a point on the east line of County State Aid Highway No. 45 (formerly State Highway No. 65 and State Highway No. 1) and 267.22 feet North and 50 feet East of the southwest corner of said Section 35;

thence East a distance of 990.00 feet, on a line parallel with and 267.22 feet North of the south line of said SW $\frac{1}{4}$  SW $\frac{1}{4}$ , to a point 1040.00 feet east of the west line of said SW $\frac{1}{4}$  SW $\frac{1}{4}$ ;

thence North 220.00 feet, on a line parallel with the west line of said SW $\frac{1}{4}$  SW $\frac{1}{4}$ ;

thence West a distance of 990.00 feet, parallel with the south line of said SW $\frac{1}{4}$  SW $\frac{1}{4}$ , to the east right-of-way of said County State Aid Highway No. 45 (formerly State Highway No. 65 and State Highway No. 1);

thence South a distance of 220.00 feet, on the east line of said County State Aid Highway No. 45 (formerly State Highway No. 65 and State Highway No. 1), to the point of beginning.

Tract 2

All that part of the SW $\frac{1}{4}$  Section 35-T103N-R21W, Freeborn County, Minnesota; described as follows:

Commencing at a point on the east right-of-way line of 770<sup>th</sup> Avenue (former Trunk Highway No. 65), which is 1363.56 feet north of the south line of the SW $\frac{1}{4}$  of said Section 35;

thence North 89°45'47" East a distance of 252.00 feet, parallel with the south line of said SW $\frac{1}{4}$ ;

thence South 00°44'55" East a distance of 216.35 feet, parallel with the west line of said SW $\frac{1}{4}$ ;

thence North 89°45'47" East a distance of 738.00 feet, parallel with the south line of said SW $\frac{1}{4}$ , to a point 1040.00 feet east of the west line of said SW $\frac{1}{4}$ ;

thence South 00°44'55" East a distance of 440.00 feet, parallel with the west line of said SW $\frac{1}{4}$ ;

thence South 89°45'47" West a distance of 990.00 feet, parallel with the south line of said SW $\frac{1}{4}$ , to a point on the east right-of-way line of said 770<sup>th</sup> Avenue (former Trunk Highway No. 65);

thence North 00°44'55" West a distance of 656.35 feet, on the east line of said 770<sup>th</sup> Avenue, to the point of beginning;

Tract 3

All that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  & W $\frac{1}{2}$  NW $\frac{1}{4}$  Section 35 and the E $\frac{1}{2}$  SE $\frac{1}{4}$  & E $\frac{1}{2}$  NE $\frac{1}{4}$  Section 34-T103N-R21W, Freeborn County, Minnesota; described as follows:

Commencing at the southwest corner of the W $\frac{1}{2}$  SW $\frac{1}{4}$  of said Section 35; thence North a distance of 1587.22 feet, on the west line of said W $\frac{1}{2}$  SW $\frac{1}{4}$ , to the point of beginning;

thence West a distance of 50.00 feet, to a point on the west right-of-way line of 770<sup>th</sup> Avenue (former Trunk Highway No. 65);

thence South a distance of 411.47 feet, on the west line of said 770<sup>th</sup> Avenue (former Trunk Highway No. 65), to a point 1176.20 feet north of the south line of the E $\frac{1}{2}$  SE $\frac{1}{4}$  of said Section 34;

thence West a distance of 875.00 feet;

thence North a distance of 600.00 feet;

thence East a distance of 875.00 feet, to a point on the west line of said 770<sup>th</sup> Avenue;

thence on the west line of said 770<sup>th</sup> Avenue, as follows:

North a distance of 24.50 feet;

West a distance of 25.00 feet;

North a distance of 350.00 feet;

West a distance of 10.00 feet;

North a distance of 180.00 feet;

East a distance of 10.00 feet;

North a distance of 220.00 feet;

East a distance of 25.00 feet;

North a distance of 90.65 feet, to a point on the south line of said E $\frac{1}{2}$  NE $\frac{1}{4}$  Section 34;

thence West a distance of 200.00 feet, on the south line of said E $\frac{1}{2}$  NE $\frac{1}{4}$  Section 34;

thence North a distance of 860.00 feet, on a line parallel with the east line of said E $\frac{1}{2}$  NE $\frac{1}{4}$  Section 34;

thence East a distance of 250.00 feet, to a point on the east line of said E $\frac{1}{2}$  NE $\frac{1}{4}$  Section 34;

thence South a distance of 106.80 feet, on the east line of said E $\frac{1}{2}$  NE $\frac{1}{4}$  Section 34;

thence East a distance of 755.36 feet, on a line parallel with and 753.20 feet north of the south line of the W $\frac{1}{2}$  NW $\frac{1}{4}$  of said Section 35;

thence South a distance of 753.20 feet, on a line parallel with the west line of said W $\frac{1}{2}$  NW $\frac{1}{4}$  Section 35, to the south line thereof;

thence East a distance of 284.82 feet, on the south line of the W $\frac{1}{2}$  NW $\frac{1}{4}$  Section 35, to a point 1040.00 feet east of the southwest corner of said W $\frac{1}{2}$  NW $\frac{1}{4}$  Section 35;

thence South a distance of 1059.31 feet, on a line parallel with and 1040.00 feet east of the west line of said W½ SW¼ Section 35, to a point 1587.22 feet north of the south line of said W½ SW¼ Section 35;

thence West a distance of 1040.00 feet, to the point of beginning.

Tract 1, 2 and 3 combined for a total of 73.2 acres more or less.

Sec. 2. That the Township of Bancroft does, upon passage of this resolution and its adoption by the City Council of the City of Albert Lea, Minnesota, and upon acceptance by the Municipal Boundary Adjustments Office of the Office of Administrative Hearings, confer jurisdiction upon the Municipal Boundary Adjustments Office of the Office of Administrative Hearings over the various provisions contained in this agreement.

Sec. 3. Those certain properties abutting the City of Albert Lea are presently urban or suburban in nature or about to become so. Further, the City of Albert Lea is capable of providing services to this area within a reasonable time, or the existing township form of government is not adequate to protect the public health, safety or welfare, or the annexation would be in the best interests of the area proposed for annexation. Therefore, the above described property would be immediately annexed to the City of Albert Lea.

Sec. 4. That the City agrees to investigate the possibility of sharing facilities, equipment, and personnel with the township to forestall the duplication of facilities and to reduce the overall costs of government in the area.

Sec. 5. That no alteration of the area is appropriate, that this resolution provides for annexation of a designated area, and no consideration by the Municipal Boundary Adjustments Office of the Office of Administrative Hearings is necessary, no alteration of the agreed upon boundaries is appropriate, all conditions for annexation have been stated in this resolution and the Municipal Boundary Adjustments Office of the Office of Administrative Hearings may review and comment, but shall, within 30 days of receipt of the joint resolution, order the annexation.

Sec. 6. That planning throughout the orderly annexation area shall be pursuant to Minnesota Statutes 414.0325. Planning and zoning for the area shall be provided by the City of Albert Lea. That the properties owned and included in this annexation shall be zoned R-1 (single family residence).

Sec. 7. That any person owning lands annexed to the City pursuant to this agreement shall have all rights provided by statute and Resolution 06-89 of the City of Albert Lea governing special assessments. That the customary hookup charges approved for property in the City shall be used for connection to City utilities.

Sec. 8. That the City of Albert Lea agrees to pay the Township of Bancroft an amount equal to five years of existing taxes derived from the area subject to annexation.

Sec. 9. That reading of this resolution is waived by Council consent.

Sec. 10. That publication of this resolution shall be dispensed with under provisions of Section 3.08 of the Charter of the City of Albert Lea.

That the motion for the adoption of the foregoing resolution was duly seconded by Councilor Anderson and upon a vote being taken thereon, the following voted in favor thereof: Councilors Rasmussen, Olson, Anderson, and Mayor Murtaugh

and the following voted against the same: Councilor Baker, Kehr and Brooks.

Mayor Murtaugh declared the resolution passed.

Introduced, read and passed May 10, 2010

Attest:

*Shirley Helen Schulte*  
City Clerk

By: *Michael K. Murtaugh*  
Mayor

TOWNSHIP OF ALBERT LEA

11<sup>th</sup> Passed and adopted by the Township Board of the Township of Bancroft this day of May, 2010.

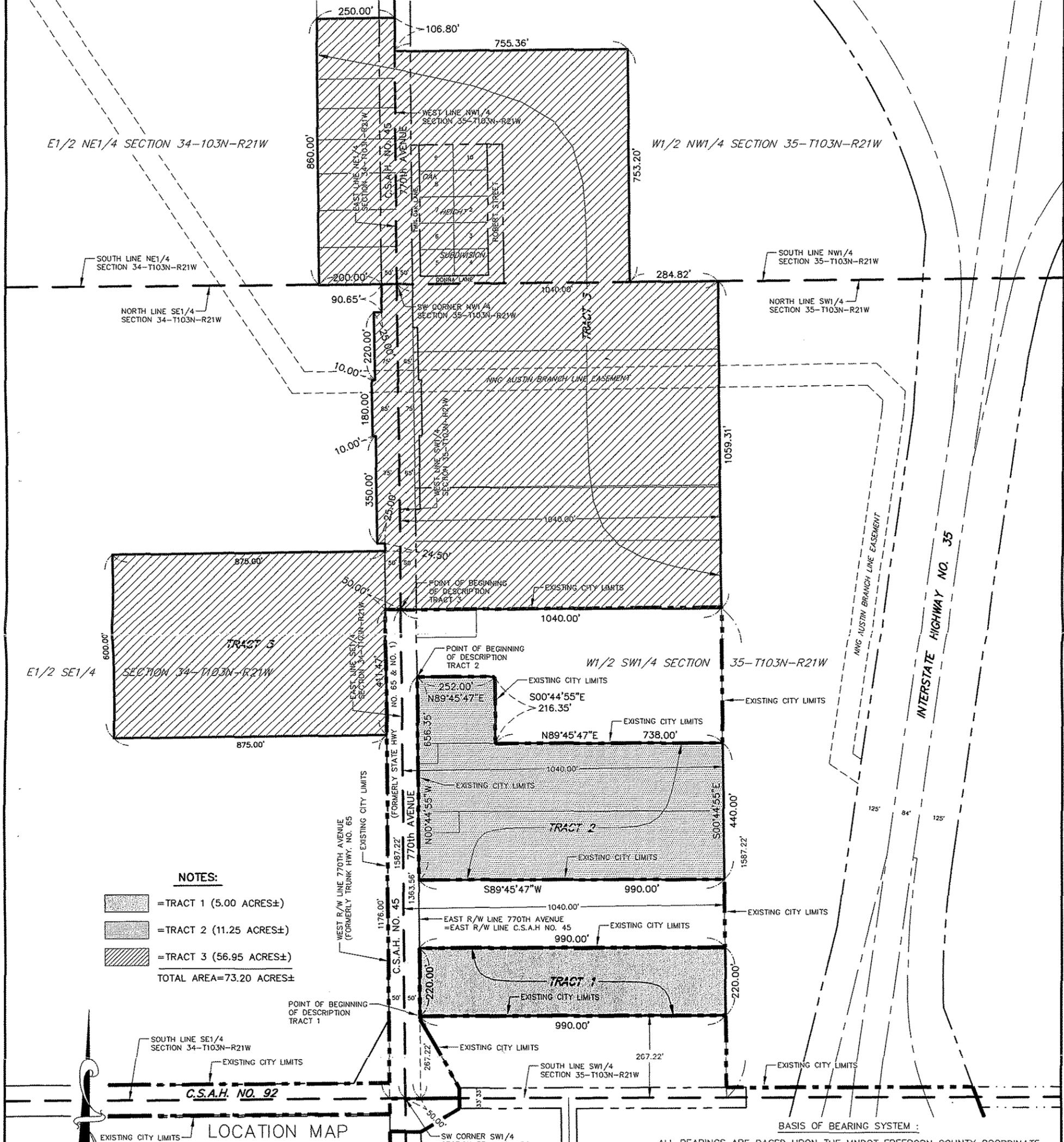
Attest:

*Judith Hellic*  
Township Clerk

By: *Alan Christensen*  
Chair

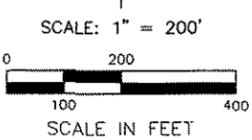
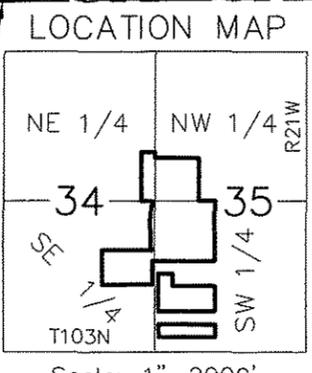
# DRAWING OF ANNEXATION

IN W1/2 SW1/4 & W1/2 NW1/4 SECTION 35-T103-NR21W AND E1/2 SE1/4 & E1/2 NE1/4 SECTION 34-T103N-R21W  
ALBERT LEA, FREEBORN COUNTY, MINNESOTA



**NOTES:**

- = TRACT 1 (5.00 ACRES±)
  - = TRACT 2 (11.25 ACRES±)
  - = TRACT 3 (56.95 ACRES±)
- TOTAL AREA=73.20 ACRES±



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I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

JOHN H. SCHULTE IV  
Date: 12-28-09 Reg. No. 13807

BASIS OF BEARING SYSTEM :  
ALL BEARINGS ARE BASED UPON THE MNDOT FREEBORN COUNTY COORDINATE SYSTEM NAD 83 (96) HARN ADJUSTMENT

<b>DRAWING OF ANNEXATION</b>		
IN W1/2 SW1/4 & W1/4 NW1/4 SECTION 35-T103N-R21W AND E1/2 SE1/4 & E1/2 NE1/4 SECTION 34-T103N-R21W ALBERT LEA, FREEBORN COUNTY, MINNESOTA FOR: CITY OF ALBERT LEA		
09-424		Scale: 1"=200'
Drawn: ADM		Date: 12-22-09
Checked: JHS IV		Survey: -
PH. 507-373-4876		Book: -
515 SOUTH WASHINGTON AVENUE ALBERT LEA, MINNESOTA 56007		Page: -