

**RESOLUTION 2010-26**  
**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 NOVEMBER 22, 2010, approving the annexation to the City of Albany of certain land owned by George Schwinghammer and Susan Schwinghammer legally described in the attached Exhibit A (hereinafter the "Property").

WHEREAS, the City Council of the City of Albany (hereinafter referred to as the "City"), agreed to the annexation of the Property at its November 17, 2010 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 both of which are incorporated herein by reference for immediate 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 "OAH") to accomplish said orderly annexations in accordance with the terms of this Joint Resolution. In the event that the OAH 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 no alterations the stated boundaries OAA Property is appropriate.
4. No Hearing Required. Pursuant to Minnesota Statute Section 414.0325, 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 chief administration law judge is necessary. Upon the execution and filing of this Joint Resolution and Agreement, the chief administrative law judge may review and comment thereon, but shall, within thirty (30) days, order annexation(s) of the OAA Property in accordance with the terms of this Joint Resolution.
5. Reimbursement to Town 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:	100%	\$606
2011:	60%	\$364
2012:	50%	\$303
2013:	40%	\$242
2014:	30%	\$182
2015:	20%	\$121

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 Residential, R-1 (low density residential), R-3 (multiple residential district) and PUD (planned unit development).
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 abutted by municipal water and sanitary sewer along the western boundary and municipal water and sanitary sewer will be extended along the northern boundary.
8. Acreage. The designated property consists of forty-five (45) acres.
9. Population. The Town and City state that the population of the annexed area is two (2) person(s). Therefore, following the annexation, the estimated population of the City will 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 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 NOVEMBER, 2010, by the Town Board of the Town of Albany.

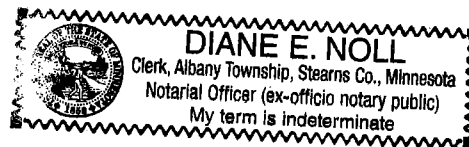
  
Tim Nierenhausen, Chairman

  
Diane Noll, Clerk

Approved the 17<sup>th</sup> day of November, 2010, by the City Council of the City of Albany.

  
Dennis J. Sand, Mayor

  
Tom Schneider, Clerk/Adm.



## Exhibit A1

That part of the North Half of the Southwest Quarter of Section 23, Township 125, Range 31, Stearns County, Minnesota, described as follows: Beginning at the northwest corner of said North Half of the Southwest Quarter; thence North 88 degrees 52 minutes 31 seconds East, assumed bearing, along the north line of said Northwest Quarter of the Southwest Quarter a distance of 597.00 feet; thence South 01 degrees 07 minutes 29 seconds East, 833.63 feet to the northerly right-of-way line of County State Aid Highway Number 54; thence North 78 degrees 08 minutes 26 seconds West, along said northerly right-of-way line of County State Aid Highway Number 54, a distance of 148.76 feet; thence northwesterly along the northerly, northeasterly and easterly right-of-way line of County State Aid Highway Number 54 along a tangential curve concave to the northeast, having a radius of 523.69 feet, a central angle of 77 degrees 48 minutes 51 seconds, for 711.23 feet; thence North 00 degrees 12 minutes 26 seconds West, along tangent and along the easterly right-of-way line of County State Aid Highway Number 54 a distance of 114.17 feet; thence South 89 degrees 47 minutes 34 seconds West, along the northerly right-of-way line of County State Aid Highway Number 54 a distance of 49.33 feet to the west line of said North Half of the Southwest Quarter; thence North 00 degrees 38 minutes 26 seconds West, along said west line, 167.66 feet to the point of beginning. Subject to easements, restrictions, and reservations of record.

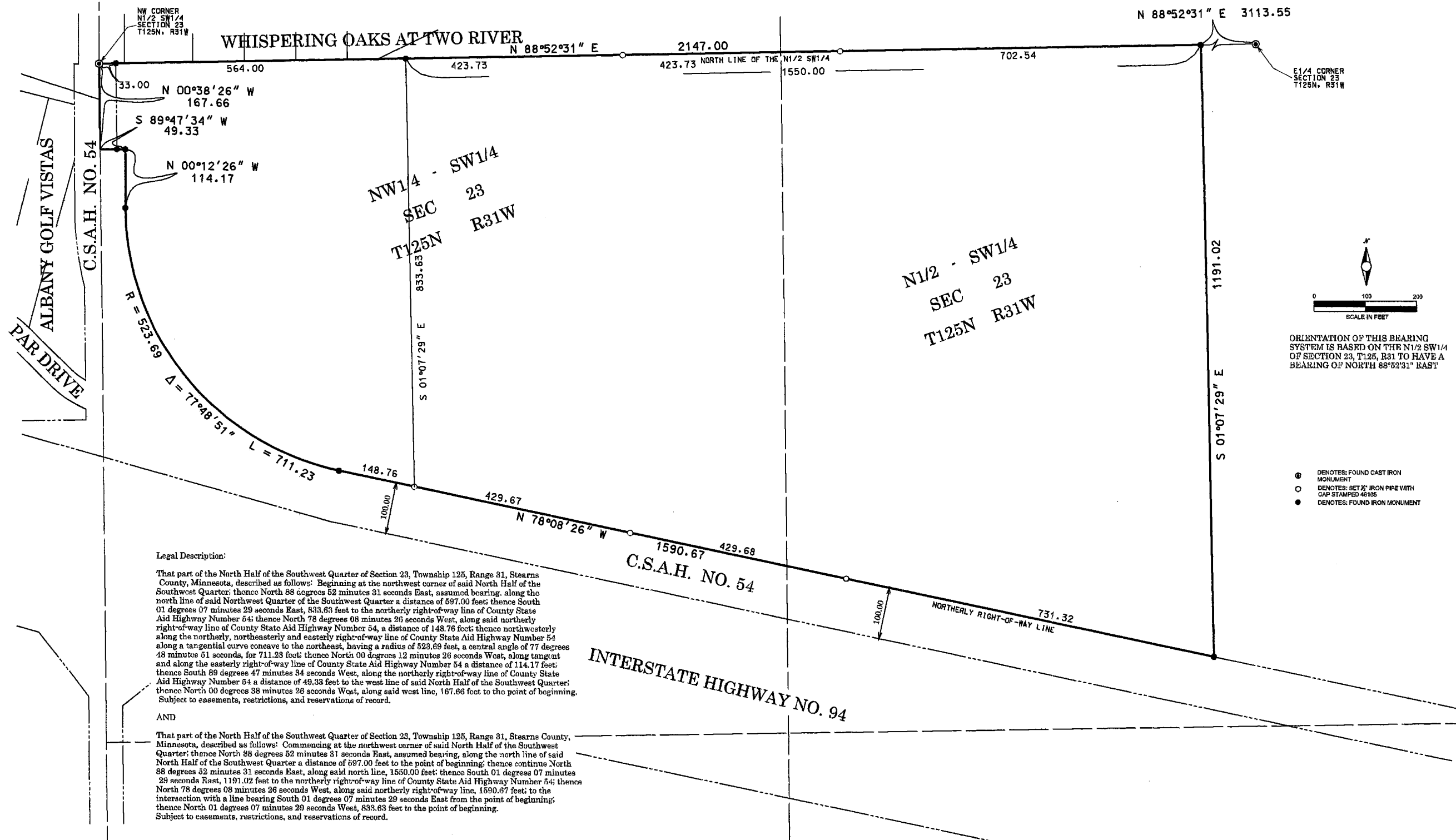
## AND

That part of the North Half of the Southwest Quarter of Section 23, Township 125, Range 31, Stearns County, Minnesota, described as follows: Commencing at the northwest corner of said North Half of the Southwest Quarter; thence North 88 degrees 52 minutes 31 seconds East, assumed bearing, along the north line of said North Half of the Southwest Quarter a distance of 597.00 feet to the point of beginning; thence continue North 88 degrees 52 minutes 31 seconds East, along said north line, 1550.00 feet; thence South 01 degrees 07 minutes 29 seconds East, 1191.02 feet to the northerly right-of-way line of County State Aid Highway Number 54; thence North 78 degrees 08 minutes 26 seconds West, along said northerly right-of-way line, 1590.67 feet; to the intersection with a line bearing South 01 degrees 07 minutes 29 seconds East from the point of beginning; thence North 01 degrees 07 minutes 29 seconds West, 833.63 feet to the point of beginning. Subject to easements, restrictions, and reservations of record.

Exhibit A

# PROPOSED ANNEXATION SURVEY

REC'D BY  
MBA  
DEC 06 2010



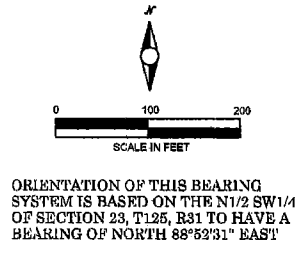
**Legal Description:**

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**AND**

That part of the North Half of the Southwest Quarter of Section 23, Township 125, Range 31, Stearns County, Minnesota, described as follows: Commencing at the northwest corner of said North Half of the Southwest Quarter; thence North 88 degrees 52 minutes 31 seconds East, assumed bearing, along the north line of said North Half of the Southwest Quarter a distance of 597.00 feet to the point of beginning; thence continue North 88 degrees 52 minutes 31 seconds East, along said north line, 1550.00 feet; thence South 01 degrees 07 minutes 29 seconds East, 1191.02 feet to the northerly right-of-way line of County State Aid Highway Number 54; thence North 78 degrees 08 minutes 26 seconds West, along said northerly right-of-way line, 1590.67 feet to the intersection with a line bearing South 01 degrees 07 minutes 29 seconds East from the point of beginning; thence North 01 degrees 07 minutes 29 seconds West, 833.63 feet to the point of beginning. Subject to easements, restrictions, and reservations of record.

- Surveyor's Notes:**
1. There is no bluff, or topographic information indicated on this survey
  2. Zoning for this tract is Agricultural District A-40 (A-40 District)
  3. Wetland(s) have not been delineated
  4. Contact "GOPHER ONE-CALL" prior to construction 1-800-252-1166
  5. The tract(s) shown and described herein must be approved by the local zoning authority before the is transferred and/or building permits obtained



- DENOTES: FOUND CAST IRON MONUMENT
- DENOTES: SET 1/2" IRON PIPE WITH CAP STAMPED 46105
- DENOTES: FOUND IRON MONUMENT

PI# 01.00226.0005

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, 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.

Signature: John Hinzmann Jr. Date: 11/16/10

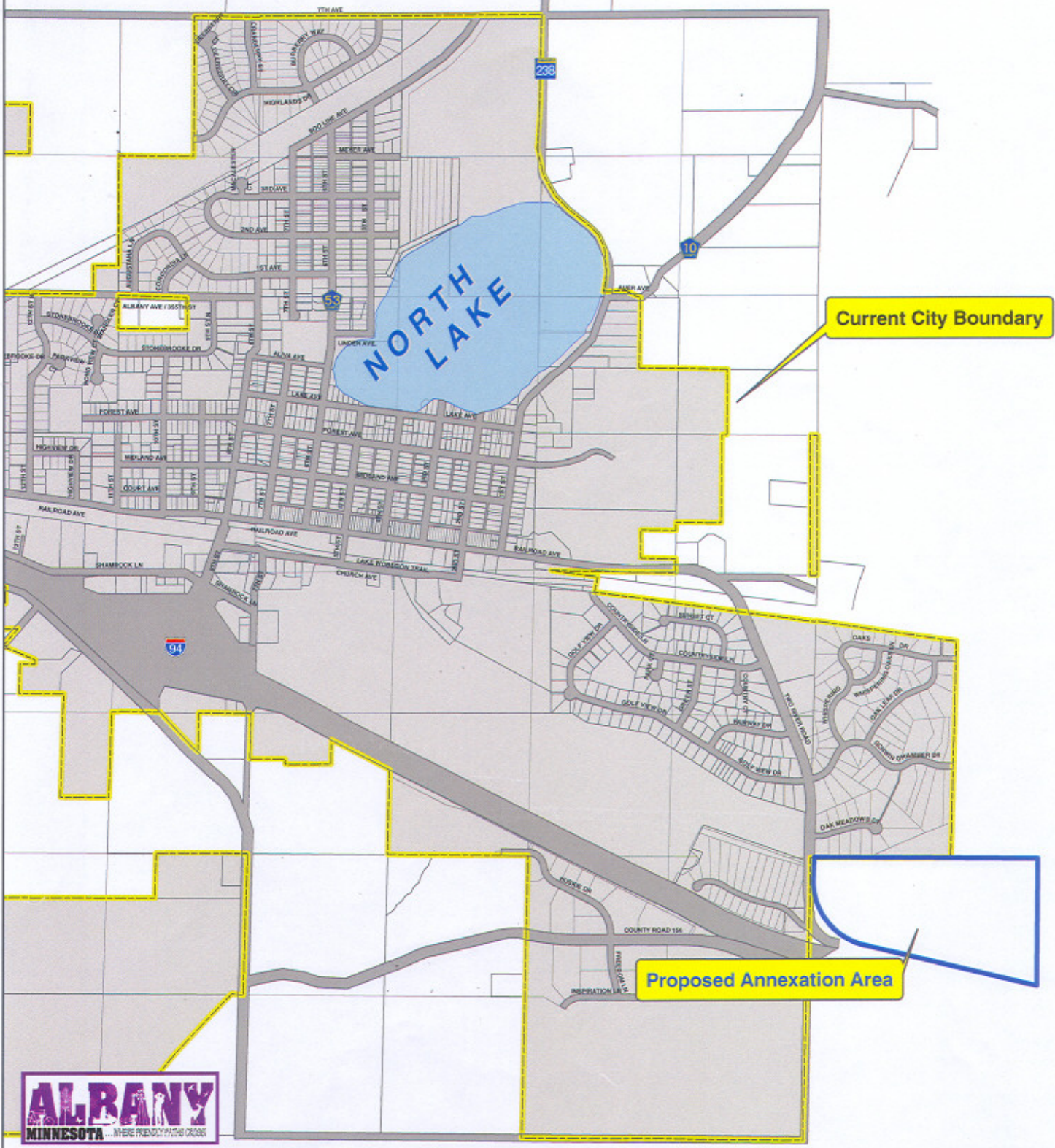
John Hinzmann Jr. Registration No. 15294

**SEH**

416 S 6th ST  
SUITE 200  
BRAINERD, MN  
56401-3540  
P-t: 218.855.1700  
FAX: 218.855.1701

SEH PROJ. NO.  
W08DC 108448

REC'D BY  
MEA NOV 30 2010



3717 23rd Street South  
St. Cloud, MN 56301  
(320) 251-4553

City Map  
City of Albany  
Stearns County, MN

Proposed Annexation Area

Date 11/2010	Job No. 903-10000-0	<b>Exhibit B</b>