

RESOLUTION 19-132

Introduced by Councilor Baker

RESOLUTION OF ALBERT LEA 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 MINN. STAT. § 414.0325

WHEREAS, the City of Albert Lea (the "City") and the Township of Albert Lea (the "Town") designate for orderly annexation, the following described lands located within the Township of Albert Lea, County of Freeborn, Minnesota:

Parcel 08.012.0071

All that part of the NW 1/4 NW 1/4 Section 12-T102N-R21W, Freeborn County, Minnesota; described as follows:

Commencing at the northwest corner of the NW 1/4 of said Section 12; thence South 00°26'33" East a distance of 380.31 feet, on an assumed bearing on the west line of said NW 1/4, to the northwest corner of a tract recorded in Book 160 Deeds, Page 127; thence North 89°33'27" East a distance of 330.00 feet, on the north of said tract, to the northeast corner thereof; thence South 00°26'33" East a distance of 31.15 feet, on the east line of said tract, to the point of beginning;

thence North 89°33'27" East a distance of 299.45 feet; to the west line of Freeborn Mower Addition, as the same is platted and recorded in the office of the County Recorder of Freeborn County, Minnesota;

thence South 00°28'32" East a distance of 432.41 feet, on the west line of said Freeborn Mower Addition, to the southwest corner thereof;

thence South 89°45'09" West a distance of 4.08 feet, to a corner of a tract recorded in Book 159 Deeds, Page 123;

thence South 00°26'45" East a distance of 322.99 feet, on a line of said tract, to a corner of said tract;

thence South 89°49'50" West a distance of 295.64 feet, on a line of said tract, to a corner of said tract;

thence South 00°26'33" East a distance of 7.56 feet, on a line of said tract, to the northeast corner of a tract recorded in Book 160 Deeds, Page 195;

thence South 89°49'50" West a distance of 330.00 feet, on a line of said tract, to the northwest corner thereof;

thence North 00°26'33" West a distance of 509.11 feet, on the west line of said NW 1/4, to the southwest corner of a tract recorded in Book 157 Deeds, Page 507;

thence North 89°33'27" East a distance of 330.00 feet, on the south line of tracts recorded in Book 157 Deeds, Page 507 and Book 157 Deeds, Page 505, to the southeast corner of said tract recorded in Book 157 Deeds, Page 505;

thence North 00°26'33" West a distance of 250.85 feet, on the east line of tracts recorded in said Book 157 Deeds, Page 505 and said Book 160 Deeds, Page 127, to the point of beginning;

subject to highway easement on the west side thereof.

Parcel 08-012-0070

All that part of the NW1/4 NW1/4 Section 12-T102N-R21W, Freeborn County, Minnesota; described as follows:

Commencing at the northwest corner of the NW1/4 of said Section 12; thence South 00°26'33" East a distance of 200.00 feet, on an assumed bearing on the west line of said NW1/4, to the point of beginning;

thence South 00°26'33" East a distance of 180.31 feet on said west line, to the northwest corner of a tract recorded in Book 160 Deeds, Page 127;

thence North 89°33'27" East a distance of 330.00 feet, on the north line of said tract, to the northeast corner thereof;

thence South 00°26'33" East a distance of 31.15 feet, on the east line of said tract;

thence North 89°33'27" East a distance of 299.45 feet, to the west line of Freeborn Mower Addition, as the same is platted and recorded in the office of the County Recorder of Freeborn County, Minnesota;

thence North 00°28'32" West a distance of 359.44 feet, on the west line and northerly extension of the west line of said Freeborn Mower Addition, to the north line of said NW1/4;

thence South 89°44'28" West a distance of 299.22 feet, on the north line of said NW1/4;

thence South 00°26'33" East a distance of 150.00 feet, parallel with said west line;

thence South 89°44'28" West a distance of 330.00 feet, parallel with said north line, to the point of beginning;

subject to highway easement on the north and west sides thereof.

Parcel 08-012-0120

Beginning at a point 530 feet south and 175 feet east of the Northwest corner of section 12 in Township 102 North, of Range 21 West of the 5th P.M.; thence East 155 feet; thence south 132 feet thence west 155 feet; thence north 132 feet to the place of beginning, being part of the NW ¼ NW ¼ of said Section 12. Also, commencing at a point 530 feet south of the Northwest corner of section 12 in Township 102 north, of range 21 west of the 5th P.M.; thence east 175 feet; thence south 132 feet; thence west 175 feet; thence north 132 feet to the point of beginning; being part of the NW ¼ NW ¼ of said section 12.

Parcel 08-012-0140

Commencing at the Northwest corner of Section 12, T 102 N, R 21 W; thence south along the west line of said section 12, 380.0'; which point is the place of beginning; thence east 175.0'; thence south 150.0'; thence west 175.0'; thence north 150.0'; to the place of beginning, being a part of the NW1/4 NW1/4 section 12, T 102 N, R 21 W, and subject to highway easement along the west side thereof, and the grantors reserve the right to establish and to dedicate to the public the North 30 feet of the above tract for road purposes.

Also, commencing at the northwest corner of section 12, T 102 N, R 21 W; thence south along the west line of said section 12, 380.0'; thence east 175.0'; which point is the place of beginning; thence continuing east 155.0'; thence south 150.0'; thence west 155.0'; thence north 150.0'; to the place of beginning, being a part of the NW1/4 NW1/4 section 12, T 102 N, R 21 W, and the grantors reserve the right to establish and to dedicate to the public the north 30 feet and the east 30 feet of the above tract for road purposes.

WHEREAS, the City of Albert Lea and the Township of Albert Lea are in agreement as to the orderly annexation of unincorporated land described; that both believe it will be to their mutual benefit and to that of their respective residents; and

WHEREAS, the City of Albert Lea and the Township of Albert Lea agree that there is a public need for the coordinated, efficient and cost-effective extension of municipal water and sewer services to promote the public health, safety, and welfare of the entire community. The City of Albert Lea is capable of providing water, sewer, and other public services within a reasonable time; and

WHEREAS, Minn. Stat. § 414.0325 provides a procedure whereby the Township of Albert Lea and the City of Albert Lea may agree on a process of orderly annexation of a designated area; and

WHEREAS, the City of Albert Lea and the Township of Albert Lea have agreed to all the terms and conditions for annexation of the above-described lands within this document and the signatories hereto agree that no consideration by the Office of Administrative Hearings – Municipal Boundary Adjustments is necessary; that the Office may review and comment, but shall within thirty (30) days order the annexation in accordance with the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED, JOINTLY BY THE CITY COUNCIL OF THE CITY OF ALBERT LEA MINNESOTA, AND THE TOWN BOARD OF THE TOWNSHIP OF ALBERT LEA AS FOLLOWS:

Sec. 1. That the following described area in Albert Lea Township is subject to orderly annexation pursuant to Minn. Stat. § 414.0325, and the parties hereto designate this area for immediate orderly annexation. The area to be annexed is approximately 15.35 acres.

Sec. 2. 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. 3. Planning throughout the orderly annexation area shall be pursuant to Minn. Stat. § 414.0325. The City of Albert Lea and the Township of Albert Lea agree the City of Albert Lea shall have planning and zoning authority within the annexed area.

Sec. 4. That the City of Albert Lea agrees to pay the Township of Albert Lea an amount equal to 5 years of existing taxes derived from the area subject to annexation.

Sec. 5. After annexation of the area occurs, pursuant to the terms of this Joint Resolution, the City shall be responsible for providing municipal governmental services thereto.

Sec. 6. The City has installed municipal water and sewer services to the properties within the annexed area.

Sec. 7. The property owner(s) provided with municipal water and sewer service within the annexed area will be fairly assessed for the costs of providing municipal water and sewer services into said area.

Sec. 8. Assessments for providing municipal and sewer service within the annexed area shall be payable in equal annual installments extending over fifteen (15) years, the first of the installments to be payable on or before the first Monday in January 2020, and shall bear interest at the rate of three point seven three percent (3.73%) per annum from the date of the order of annexation. To each subsequent installment when due interest for one (1) year on all unpaid assessments shall be added.

Sec. 9. The owner(s) of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property or may make partial payments pursuant to the ordinance providing therefor, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and may, at any time thereafter, pay to the County Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.

Sec. 10. The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future exhibits and attachments, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.

Sec. 11. This Joint Resolution shall not be modified, amended, or altered except upon the written joint resolution of the City of Albert Lea and the Township of Albert Lea duly executed and adopted by the City Council and the Township Board.

Sec. 12. The City of Albert Lea and the Township of Albert Lea agree as follows:

A. When an agreement over interpretation of any provision of this Joint Resolution shall arise, the City and the Township will direct staff members as they deem appropriate to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiations.

B. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to binding arbitration.

C. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to binding arbitration, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

Sec. 13. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota. In the event any provision of this Joint Resolution is determined or adjudged to be unconstitutional, invalid, illegal, or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect.

Sec. 14. Any notices required under the provisions of this Joint Resolution shall be in writing, and deemed sufficiently given if delivered in person or sent by certified or registered mail, return receipt requested, postage prepaid, to the following:

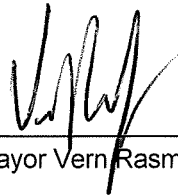
If to the City of Albert Lea:
Acting City Manager
221 East Clark Street
Albert Lea, MN 56007

If to the Township of Albert Lea
Town Clerk
1508 South Broadway Avenue
Albert Lea, MN 56007

That the motion for the adoption of the foregoing resolution was duly seconded by Councilor Rasmussen, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, Brooks and Mayor Rasmussen Jr.;

And, the following voted against the same: None.

Introduced and passed this 9th day of September, 2019



Mayor Vern Rasmussen Jr.


Filed and attested this 10th day of September, 2019

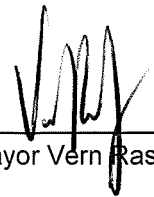


Secretary of the Council

CITY OF ALBERT LEA

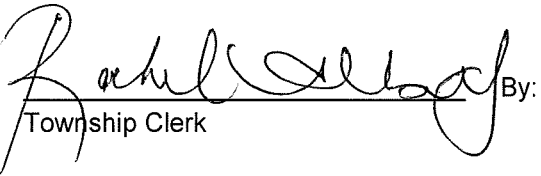
Attest:


City Clerk

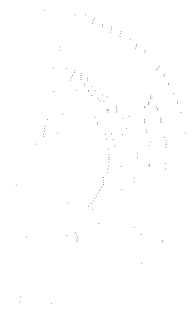
By: 
Mayor Vern Rasmussen Jr.

TOWNSHIP OF ALBERT LEA

Attest:

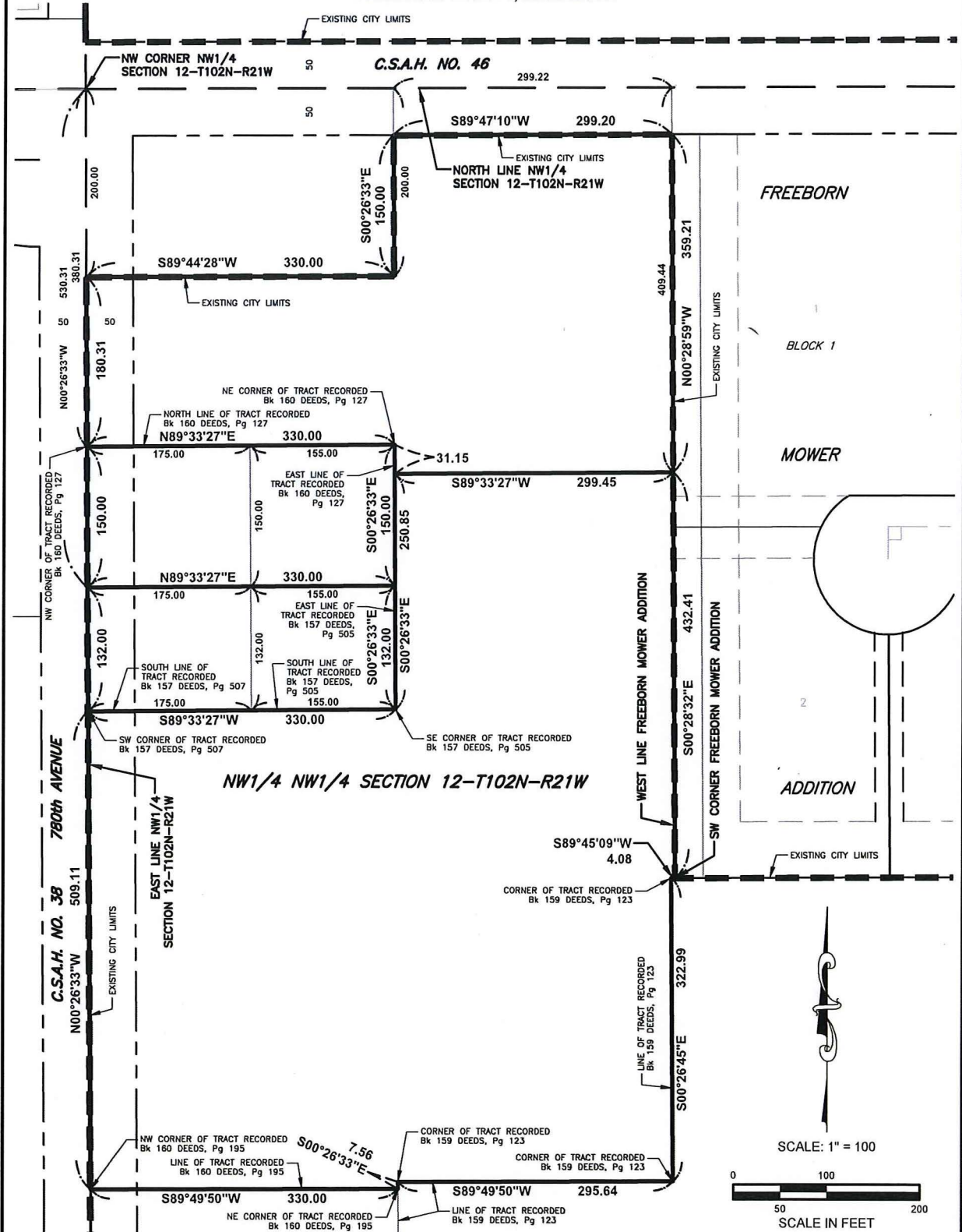

Township Clerk

By: 
Chair



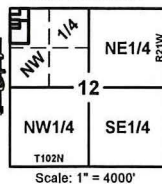
DRAWING OF ANNEXATION

IN NW1/4 NW1/4 SECTION 12-T102N-R21W
FREEBORN COUNTY, MINNESOTA



FOR: CITY OF ALBERT LEA

LOCATION MAP



Date: 9/12/2019
Revised date: -
Drawn by: ADM
Survey: NONE
Coord-System: MNDOT CO. NAD83 1996
Page 1 of 1
Job No: 19-304.DWG

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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.

Steven J. Thompson,
L.S. No. 22705

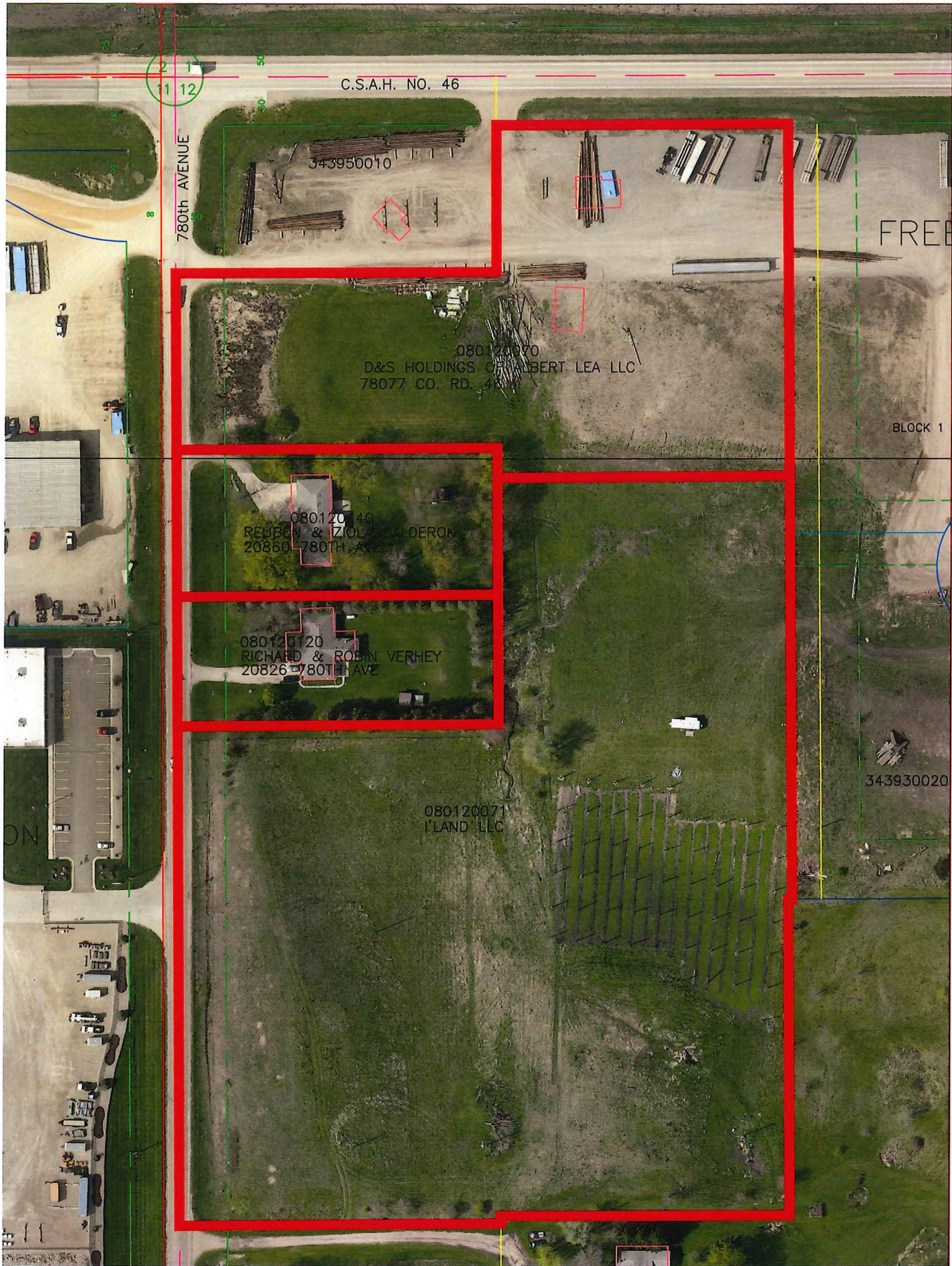
Date



**JONES
HAUGH
SMITH**
Engineers + Surveyors

515 South Washington Ave.
Albert Lea, MN 56007
507-373-4876

415 West North Street
Owatonna, MN 55060
507-451-4598



C.S.A.H. NO. 46

780th AVENUE

343950010

080120070
D&S HOLDINGS OF ALBERT LEA LLC
78077 CO. RD. 46

080120040
REUBEN & IZIOLA CALDERON
20860 780TH AVE

080120120
RICHARD & ROBIN VERHEY
20826 780TH AVE

080120071
I'LAND LLC

FREE

BLOCK 1

343930020