

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF WILLMAR AND WILLMAR
TOWNSHIP DESIGNATING CERTAIN AREAS
AS IN NEED OF ORDERLY ANNEXATION
PURSUANT TO MINNESOTA STATUTES § 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, a majority, but less than 100 percent, of property owners with property located within the Township of Willmar (“Township”) and legally described in Exhibit A, which is attached hereto and incorporated herein by reference (referred to hereinafter as the “Subject Area”), petitioned the City of Willmar (“City”) seeking annexation of that property to the City; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the Subject Area legally described in Exhibit A; and

WHEREAS, for ease of reference, the Subject Area proposed for annexation in accordance with this Joint Resolution and legally described in Exhibit A is shown on the map attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, the City and Township agree that orderly annexation of the Subject Area is in the best interest of the property owners and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the City and Township agree that the Subject Area legally described in Exhibit A is in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the Subject Area without the need for any further hearing before the Office of Administrative Hearings.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Supervisors of Willmar Township and the City Council of the City of Willmar, as follows:

1. Designation of Orderly Annexation Area – City of Willmar and Willmar Township. The Township and the City hereby designate the Subject Area legally described in Exhibit A, which is attached hereto and incorporated herein by reference, for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325.
2. Acreage. The Township and City agree that the above-mentioned Subject Area legally described in Exhibit A and designated as in need of immediate orderly annexation is approximately 80.91 acres.

3. Population. The Township and City agree that the population of the Subject Area legally described in Exhibit A and designated as in need of immediate orderly annexation herein is 0.
4. Map of Area. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B and is incorporated herein by reference.
5. No Hearing Required. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the Office of Administrative Hearings is necessary. Upon the execution and filing of this Joint Resolution, the Office of Administrative Hearings may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Tax Reimbursement. The City and Township agree that upon annexation of the Subject Area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed in annual payments of \$8,368.65, which sum represents 100 percent of the property taxes distributed to the Township in regard to the annexed areas in the most recent year that property taxes from the annexed areas were payable to the Township (2019), for a period of five years beginning in 2021. After making the fifth and final annual reimbursement payment to the Township in 2025 the City will no longer reimburse the Township, as shown in the Affidavit of Publication attached hereto as Exhibit C and incorporated herein by reference.
7. Notice of Intent. This Joint Resolution is subject to the notice and publication requirements of Minn. Stat. § 414.0325, subd. 1b because this Joint Resolution designates the Subject Area for immediate annexation and less than 100 percent of the property owners of the Subject Area have petitioned the City to be annexed. The City caused such notice to be published in the West Central Tribune, a newspaper of general circulation in both the City of Willmar and Willmar Township, on Saturday, December 28th, 2019 and Thursday, January 9th, 2020, as shown in the Affidavit of Publication attached hereto as Exhibit C and incorporated herein by reference. The City shall be responsible for the cost of publishing this notice.
8. Termination. This Joint Resolution shall remain in full force and effect until completion of tax reimbursement to the Township in accordance with paragraph 6 of this Joint Resolution.
9. Governing Law. The Township and City agree that this Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

10. Headings and Captions. The Township and City agree that the headings and captions contained in this Joint Resolution are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
11. Entire Agreement. The terms, covenants, conditions and provisions of this Joint Resolution 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 Township and City.
12. Legal Description and Mapping. The Township and City agree that in the event there are errors, omissions or any other problems with the legal descriptions provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the Office of Administrative Hearings, the City and Township agree to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the Office of Administrative Hearings as necessary to make effective the annexation of said Subject Area in accordance with the terms of this Joint Resolution.
13. Notice. Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by U.S. mail, postage prepaid, as follows:

If to the City:

Brian Gramentz
 Interim City Administrator
 Willmar City Hall
 333 6th St SW
 Willmar, MN 56201

If to the Township:

Ron Klein
 Township Clerk
 Willmar Township
 4350 15th Street SW
 Willmar, MN 56201

14. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.
15. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Office of Administrative Hearings Municipal Boundary Adjustments Office and pay the required filing fee.


[Signature page to follow]

Passed, adopted, and approved by the Town Board of Supervisors of Willmar Township, Kandiyohi County, Minnesota, this 7 day of January, 2020.

WILLMAR TOWNSHIP

By: 
Donavon C. Monson, Chairman

ATTEST:


Ron Klein, Town Clerk

Passed, adopted, and approved by the City Council of the City of Willmar, Kandiyohi County, Minnesota, this 23rd day of January, 2020.

CITY OF WILLMAR

By: 
Marvin Calvin, Mayor

ATTEST:

By: 
Brian Gramentz, City Administrator

EXHIBIT A
Legal Description of Subject Area A

The Subject Area A to be annexed in the attached Joint Resolution is legally described as follows:

The South 435 feet of the North 479 feet of the East 600 feet of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 7, Township 119N, Range 35W, subject to the right of the public for road purposes over the Easterly 33 feet thereof, and excepting the following two tracts of land, i.e.

1. The South 125 feet of the North 479 feet of the East 361 feet of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 7, Township 119N, Range 35W.
2. The North 116 feet of the South 241 feet of the North 479 feet of East 361 feet of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 7, Township 119N, Range 35W;

AND

The South 175 feet of the North 529 feet of the East 361 feet of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 7, Township 119N, Range 35W;

AND

All that part of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 8, Township 119N, Range 35W of the 5th Prime Meridian lying South of the right-of-way of the railway Burlington Northern Railroad Company (formerly Great Northern Railway Company), Kandiyohi County Minnesota;

AND

The East 300 feet of the North 870 feet of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 17, Township 119N, Range 35W.

AND

The North 116 feet of the South 241 feet of the North 497 feet of the East 361 feet of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 7, Township 119N, Range 35W;

AND

The West 720 feet of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 17, Township 119N, Range 35W;

AND

The East 600 feet of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ excluding the East 300 feet of the North 870 feet of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 17, Township 119N, Range 35W.

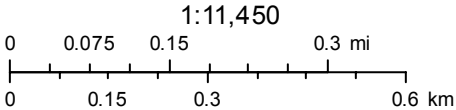
EXHIBIT B
Boundary Map

The following is a municipal boundary map as referenced in the attached Joint Resolution, showing the current City of Willmar and its relation to the Subject Area to be annexed, which are legally described in Exhibit A:

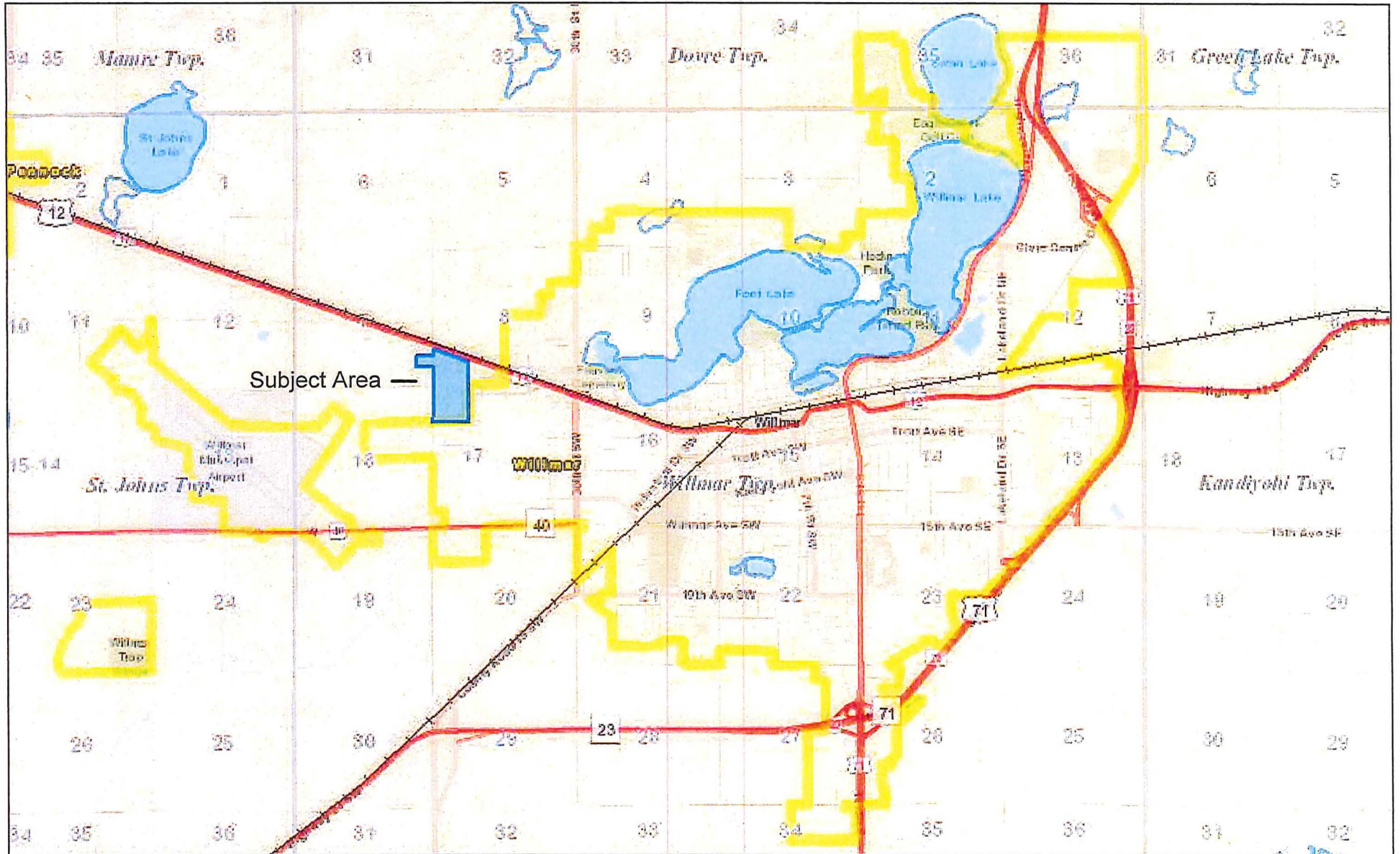
Epitopix Annexation Detail Map (Willmar, MN)



January 31, 2020

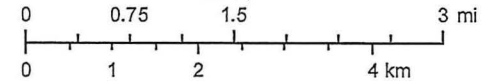


Epitopix Annexation



December 24, 2019

1:87,571



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

EXHIBIT C

Affidavit of Publication of Notice of Intent to Designate Property in Annexation Area

State of Minnesota,

} ss.

COUNTY OF KANDIYOHI,

Kelly Boldan , being duly sworn, on oath states as follows:

- 1. I am the Editor, of the West Central Tribune, or the publisher's designated agent. I have personal knowledge of the facts stated in this affidavit, which is made pursuant to Minnesota Statutes §331A.07.
- 2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
- 3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

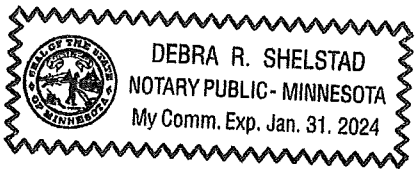
Saturday, December 28, 2019.
- 4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: \$14.68 (inch rate)
- 5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Kandiyohi County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

BY: *K. Boldan*

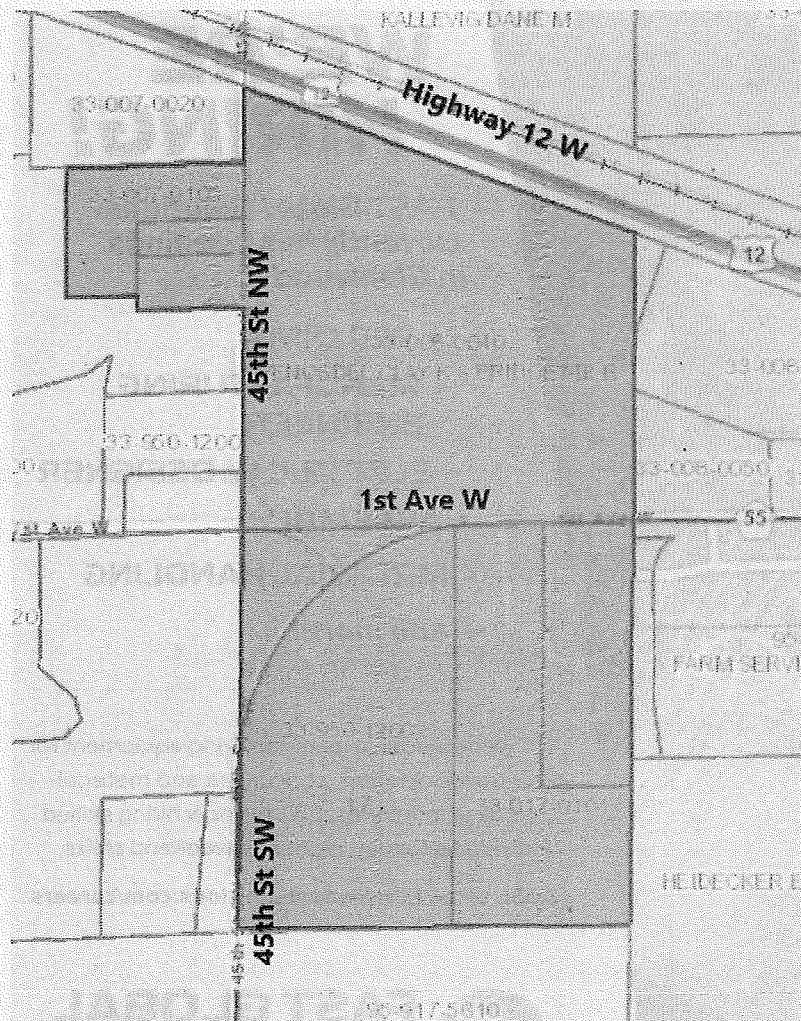
TITLE: Editor

Subscribed and sworn to before me on this 28th day of December, 2019

Debra R. Shelstad
Notary Public, Kandiyohi County, Minn.



December 28, 2019



NOTICE OF INTENT TO INCLUDE PROPERTY IN AN ORDERLY ANNEXATION

Notice is hereby given that the Willmar City Council will meet at the County Board Room at the Health and Human Services Building, 2200 23rd Street NE, Willmar, Minnesota, at 7:00 p.m. on Monday, January 6, 2020, and the Willmar Township Board of Supervisors will meet at the Municipal Utilities Commission Chambers, 700 Litchfield Ave SW, Willmar, Minnesota at 7:30 p.m. on Tuesday, January 7, 2020 to consider the Orderly Annexation of property described as: The South 435 feet of the North 479 feet of the East 600 feet of the Southeast ¼ of the Southeast ¼ of Section 7, Township

119N, Range 35W, subject to the right of the public for road purposes over the Easterly 33 feet thereof, and excepting the following two tracts of land: (1) The South 125 feet of the North 479 feet of the East 361 feet of the Southeast ¼ of the Southeast ¼ of Section 7, Township 119N, Range 35W. (2) The North 116 feet of the South 241 feet of the North 479 feet of East 361 feet of the Southeast ¼ of the Southeast ¼ of Section 7, Township 119N, Range 35W; AND The South 175 feet of the North 529 feet of the East 361 feet of the Southeast ¼ of the Southeast ¼ of Section 7, Township 119N,

Range 35W; AND All that part of the West ½ of the Southwest ¼ of Section 8, Township 119N, Range 35W of the 5th Prime Meridian lying South of the right-of-way of the railway Burlington Northern Railroad Company (formerly Great Northern Railway Company), Kandiyohi County Minnesota; AND The East 300 feet of the North 870 feet of the Northwest ¼ of the Northwest ¼ of Section 17, Township 119N, Range 35W; AND The North 116 feet of the South 241 feet of the North 497 feet of the East 361 feet of the Southeast ¼ of the Southeast ¼ of Section 7, Township 119N, Range 35W; AND The West

720 feet of the Northwest ¼ of the Northwest ¼ of Section 17, Township 119N, Range 35W; AND The East 600 feet of the Northwest ¼ of the Northwest ¼ excluding the East 300 feet of the North 870 feet of the Northwest ¼ of the Northwest ¼ of Section 17, Township 119N, Range 35W. (See Included Map)

All property owners or residents living in the vicinity of the above-described property are hereby notified of the public informational meeting and that they may appear in person or be represented by counsel to be heard on this matter.

December 27, 2019

Sarah J. Swedburg, Planner

Si Usted no lee inglés o si este aviso no contiene una explicación suficiente, por favor comuníquese con Abby al 235-0850 ext. 1100, de Heartland Community Action Agency.

Haddii Aadan Akhriyi Karin Ama Aadan Fahmeeynin Ogeeysiiskan, Fadlan Soo Wac: Sahra Gure, West Central Interpreting Services, LLC (320)235-0165 ama (320)441-8555.

[Handwritten signature and date]

State of Minnesota,

} ss.

COUNTY OF KANDIYOHI,

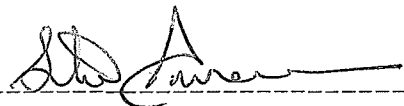
Steve Ammermann , being duly sworn, on oath states as follows:

1. I am the Publisher, of the West Central Tribune, or the publisher's designated agent. I have personal knowledge of the facts stated in this affidavit, which is made pursuant to Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

Thursday, January 9, 2020

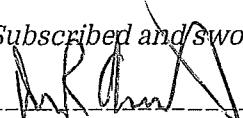
4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: \$14.68 (inch rate)

5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Kandiyohi County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

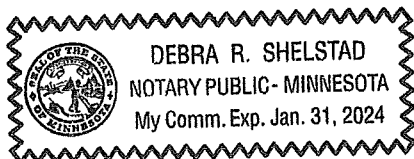
BY: -----

TITLE: Publisher

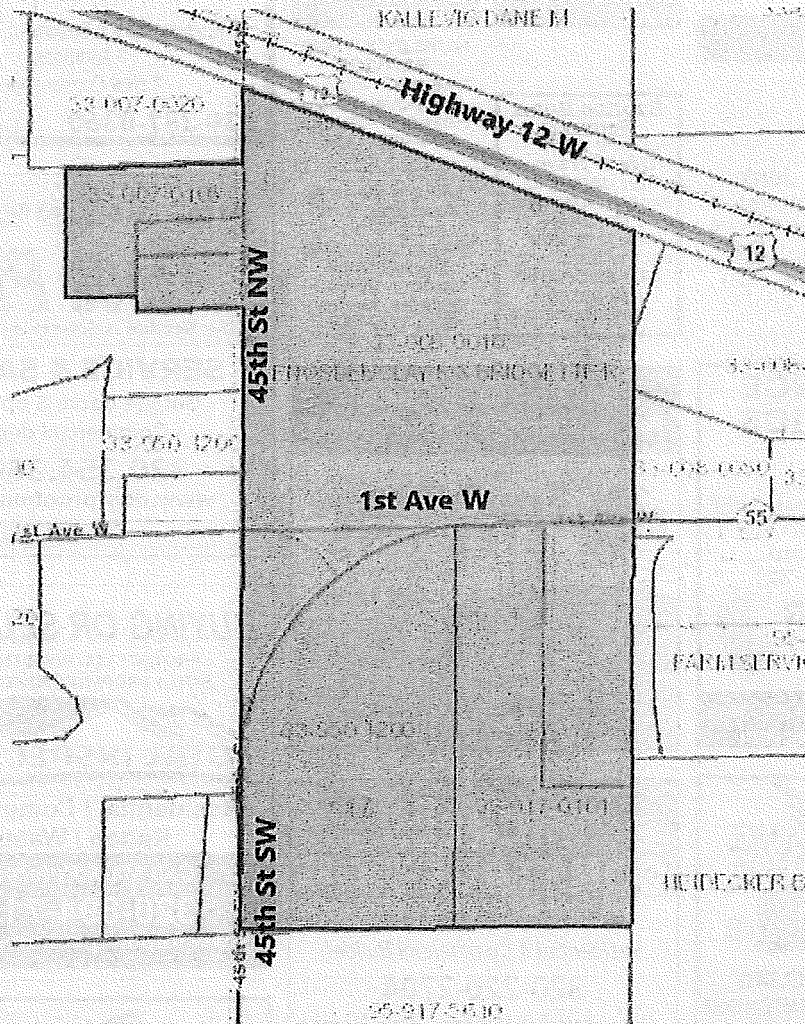
Subscribed and sworn to before me on this 9th day of January, 2020



Notary Public, Kandiyohi County, Minn.



January 9, 2020



AMENDED & CORRECTED NOTICE OF INTENT TO INCLUDE PROPERTY IN AN ORDERLY ANNEXATION

Notice is hereby given that the Willmar City Council will meet at the County Board Room at the Health and Human Services Building, 2200 23rd Street NE, Willmar, Minnesota, at 7:00 p.m. on Tuesday, January 21, 2020 to consider the Orderly Annexation of property described as: The South 435 feet of the North 479 feet of the East 600 feet of the Southeast ¼ of the Southeast ¼ of Section 7, Township 119N, Range 35W, subject to the right of the public for road purposes over the Easterly 33 feet thereof, and excepting the following two tracts of land:

(1) The South 125 feet of the North 479 feet of the East 361 feet of the Southeast ¼ of the Southeast ¼ of Section 7, Township 119N, Range 35W. (2) The North 116 feet of the South 241 feet of the North 479 feet of East 361 feet of the Southeast ¼ of the Southeast ¼ of the Southeast ¼ of Section 7, Township 119N, Range 35W; AND The South 175 feet of the North 529 feet of the East 361 feet of the Southeast ¼ of the Southeast ¼, Section 7, Township 119N, Range 35W; AND All that part of the West ½ of the Southwest ¼ of Section 8, Township 119N, Range 35W of the 5th

Prime Meridian lying South of the right-of-way of the railway Burlington Northern Railroad Company (formerly Great Northern Railway Company), Kandiyohi County Minnesota; AND The East 300 feet of the North 870 feet of the Northwest ¼ of the Northwest ¼ of Section 17, Township 119N, Range 35W; AND The North 116 feet of the South 241 feet of the North 497 feet of the East 361 feet of the Southeast ¼ of the Southeast ¼ of Section 7, Township 119N, Range 35W; AND The West 720 feet of the Northwest ¼ of the Northwest ¼ of Section 17, Township 119N,

Range 35W; AND The East 600 feet of the Northwest ¼ of the Northwest ¼ excluding the East 300 feet of the North 870 feet of the Northwest ¼ of the Northwest ¼ of Section 17, Township 119N, Range 35W.

All property owners or residents living in the vicinity of the above-described property are hereby notified of the public informational meeting and that they may appear in person or be represented by counsel to be heard on this matter.

January 4, 2020

Sarah J. Swedburg, Planner

Si Usted no lee inglés o si este aviso no contiene una explicación suficiente, por favor comuníquese con Abby al 235-0850 ext. 1100, de Heartland Community Action Agency.

Haddii Aadan Akhriyi Karin Ama Aadan Fahmeeynin Ogeeysiiskan, Fadlan Soo Wac: Sahra Gure, West Central Interpreting Services, LLC (320)235-0165 ama (320)441-8555.

