

## RESOLUTION 2021-18 JOINT RESOLUTION FOR ORDERLY ANNEXATION AGREEMENT 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 28, 2021, approving the annexation to the City of Albany of certain land owned by Lucky of Albany, LLC designated as 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 16, 2021 meeting; and

WHEREAS, a request from all of the property owners of the area proposed for designation and immediate annexation was received; 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 as full payment for 2021 as a result of this annexation:

2021:	\$181.00
2022:	\$362.00
2023:	\$362.00
2024:	\$362.00
2025:	\$362.00

6. Planning and Land Use Control Authority. The Town and City mutually agree that upon annexation, the property shall be zoned C-1, Highway Commercial District.
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 38,975+/- square feet.
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 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 Office of Administrative Hearings, Municipal Boundary Adjustments Unit.
14. Governing Law. Minnesota law will govern this Agreement.


Approved the 28<sup>th</sup> day of June, 2021, by the Town Board of the Town of Albany.

  
Tim Nierenhausen, Chairman

  
Diane Noll, Clerk

Approved the 16<sup>th</sup> day of June, 2021, by the City Council of the City of Albany.

  
Tom Kasner, Mayor

  
Tom Schneider, Clerk/Adm.

## EXHIBIT A

### TRACT A EXISTING LEGAL DESCRIPTION

All that part of the right of way of the railway of the Great Northern Railway Company in the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section Twenty-two (22), in Township One Hundred Twenty-five (125) North, of Range Thirty-one (31) West, Stearns County, Minnesota, described as follows, to-wit: Beginning at a point distant 59 feet Northeasterly, measured at right angles, from the center line of the main track of the railway of said Railroad Company at a point therein distant 918.4 feet Southeasterly, measured along said center line of main track from its intersection with the West line of said NW1/4 of the NE1/4 of Section 22; thence Northeasterly at right angles to said center line of main track a distance of 91 feet; thence Northwesterly parallel with said center line to the North line of said Section 22; thence West along the North line of said Section 22 to a line drawn at right angles to said center line of main track at a point therein distant 579.4 feet Southeasterly, measured along said center line from the West line of said NW1/4 of the NE1/4; thence Southwesterly at right angles to said center line of main track to a point distant 59 feet Northeasterly from said centerline of main track; thence Southeasterly parallel with said center line of main track of the point of beginning.

### TRACT B EXISTING LEGAL DESCRIPTION

That part of the former Burlington Northern Railroad Company's branch line right of way upon, over and across the North Half of the Northwest Quarter of the Northeast Quarter of Section 22, Township 125 North, Range 31 West, Stearns County, Minnesota; lying between two lines run parallel with and distant 25.0 feet and 59.0 feet northerly, measured at right angles from the main track centerline of said railroad and bounded between two lines run at right angles to said centerline, distance 579.4 feet and 918.4 feet southeasterly, measured along said centerline from the west line of said North Half of the Northwest Quarter of the Northeast Quarter.

# EXHIBIT B





LEGAL DESCRIPTION

TRACT A  
EXISTING LEGAL DESCRIPTION

All that part of the right of way of the railway of the Great Northern Railway Company in the Northwest Quarter of the Northeast Quarter (NW1/4) of Section Twenty-two (22), in Township One Hundred Twenty-five (125) North, of Range Thirty-one (31) West, Stearns County, Minnesota, described as follows, to-wit: Beginning at a point distant 59 feet Northeasterly, measured at right angles, from the center line of the main track of the railway of said Railroad Company at a point therein distant 918.4 feet Southeasterly, measured along said center line of main track from its intersection with the West line of said NW1/4 of the NE1/4 of Section 22; thence Northeasterly at right angles to said center line of main track a distance of 91 feet; thence Northwesterly parallel with said center line to the North line of said Section 22; thence West along the North line of said Section 22 to a line drawn at right angles to said center line of main track at a point therein distant 579.4 feet Southeasterly, measured along said center line from the West line of said NW1/4 of the NE1/4; thence Southwesterly at right angles to said center line of main track to a point distant 59 feet Northeasterly from said centerline of main track; thence Southeasterly parallel with said center line of main track of the point of beginning.

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TRACT C  
EXISTING LEGAL DESCRIPTION

All that part of the Southwest Quarter of the Southeast Quarter, Section 15, Township 125, Range 31, Stearns County, Minnesota, which lies southerly of the southerly right of way line of County Road No. 54 and lies easterly of the most easterly line and its northerly extension of Lot 3, Block 3, RAILROAD RIDGE, Stearns County, Minnesota according to the recorded plat thereof.

-The utilities shown hereon were located using the Gopher State One-Call system and verified in the field where possible. Private utility locations, such as underground sprinklers, underground service lines, ect may not have been located. O'Malley & Kron cannot guarantee that all utility companies responded or the accuracy or completeness of the locates. Prior to digging, contact Gopher One at 1-800-252-1166 and refer to ticket number 211394683.

LEGEND

- ST — INDICATES STORM SEWER LINE
- SN — INDICATES SANITARY SEWER LINE
- I — INDICATES UNDERGROUND WATER
- G — INDICATES UNDERGROUND GAS
- E — INDICATES UNDERGROUND ELECTRIC
- T — INDICATES UNDERGROUND TELEPHONE
- C — INDICATES UNDERGROUND CABLE
- F — INDICATES UNDERGROUND FIBER OPTIC
- OHP — INDICATES OVERHEAD POWER
- X — INDICATES FENCE LINE
- ⊙ INDICATES SANITARY MANHOLE
- ⋈ INDICATES WATER VALVE
- ⌵ INDICATES POWER POLE
- ⊞ INDICATES GAS PEDESTAL
- ⊞ INDICATES ELECTRIC PEDESTAL
- ⊞ INDICATES CABLE PEDESTAL
- ⊞ INDICATES AIR CONDITIONER
- ⊕ INDICATES SEPTIC VENT
- ⊗ INDICATES POST
- ⊙ INDICATES WELL
- INDICATES BITUMINOUS SURFACE
- ▨ INDICATES CONCRETE SURFACE

CERTIFICATE OF SURVEY PREPARED FOR:

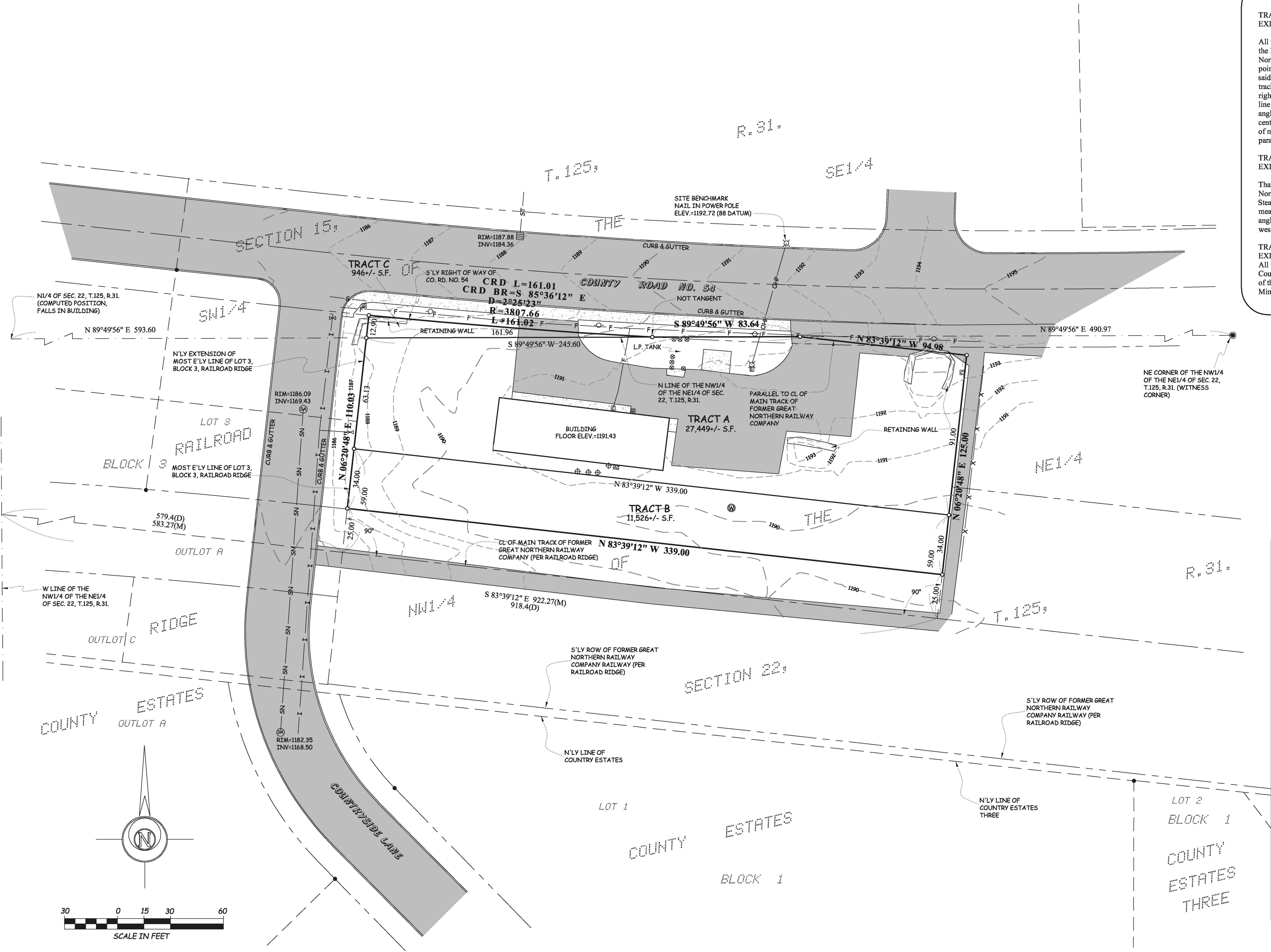
LUCKY OF ALBANY

JOB NO: 2021-352

FILE NAME: 2021-352.DWG

LOCATION: 22-125-31

SHEET 1 OF 1



REVISED 07-01-21 (ADDED TRACT C)

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT 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.

DANIEL M. KRON  
MINNESOTA REGISTRATION NO. 42621

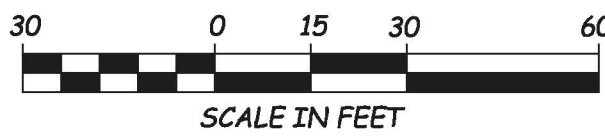
DATE: 05-21-2021

NOTE: THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

340 CHAPEL HILL RD.  
COLD SPRING, MN 56320  
PH. 320-685-5905  
FAX 320-685-3056

CERTIFICATE OF SURVEY PREPARED BY:  
**O'MALLEY & KRON**  
**LAND SURVEYORS, INC.**

1004 2nd ST. SE  
WILLMAR, MN 56201  
PH. 320-235-4012  
FAX 320-685-3056



Legend

- INDICATES IRON MONUMENT PLACED
- INDICATES IRON MONUMENT FOUND
- INDICATES STEARNS COUNTY CAST IRON MONUMENT



# CITY OF ALBANY, MN ZONING MAP

FEBRUARY 2021

## Zoning Designations

- C1 - Core Commercial
- C2 - Highway Commercial
- C3 - Highway I94 Commercial
- M1 - Industrial
- M2 - Industrial Commercial
- PUB - Public Use District
- R1 - Single Family
- PUD
- R1PUD - Single Family PUD
- R2 - Single and Two Family
- R3 - Single and Multiple
- R4 - Mobile Home Park Etc.



## Legend

- City Boundary
- Parcels - Albany Twp
- Right of Way
- Vacated ROW
- Section
- Water
- Lake Wobegon Regional Trail

**ALBANY**  
MINNESOTA

**Stantec**

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