

RECEIVED

By: OAH on April 20, 2022

**CITY OF CLEARWATER
WRIGHT AND STEARNS COUNTIES, MINNESOTA**

A regular meeting of the City Council of the City of Clearwater, Minnesota, was called to order by Mayor Lawrence at 7:00 p.m. in the Council Chambers on Monday, March 14, 2022.

The following Council Members were present: Lawrence, Kruchten, Crandall, and Luhmann.

The following Council Members were absent: Petty.

A motion to adopt the following resolution was made by Crandall and seconded by Luhmann.

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**RESOLUTION 2022-16
APPROVING ANNEXATION PETITION**

WHEREAS, Adroit Properties, LLC ("Owner") owns Wright County PIDs 204100013400 and 204100122100, which are legally described and depicted in the attached Exhibit A ("Property"); and

WHEREAS, by City of Clearwater Res. No. 2021-49 and Clearwater Township Res. No. 2021-010, the City and Town entered an orderly annexation agreement ("OAA") governing the Property, which was approved under MBA Docket No. OA-1812; and

WHEREAS, following a duly submitted petition, the OAA authorizes the City to approve and submit a resolution to the Minnesota Office of Administrative Hearings ("OAH") for annexation of certain portions of the territory covered within the OAA; and

WHEREAS, by petition dated February 2, 2022, the Owner requested annexation of the Property under the OAA, and said Property qualifies for annexation under section 7.B.1 of the OAA.

NOW THEREFORE, BE IT RESOLVED, by the City of Clearwater as follows:

1. OAH Jurisdiction/Consideration by the Chief Judge. The OAA confers jurisdiction over annexation of the Property legally described and depicted on Exhibit A to the OAH. The City requests immediate annexation of the Property and affirms that proper notice was submitted to the Township pursuant to section 7 of the OAA. Pursuant to the OAA and Minnesota Statutes, Section 414.0325, Subd. 1(g) and (h), the chief judge may review and comment but no additional consideration is necessary and the annexation shall be ordered within 30 days without alteration of the boundaries.
2. Electric Utility Service Notice. The Owner timely gave any and all required notices to the City prior to petitioning, and the City timely gave any required notices to petitioner regarding potential changes in the cost of electric utility service.
3. Effective Date of Annexation. The chief's order for annexation shall be effective as of the date of issuance.
4. Reimbursement. Pursuant to section 6.A.1 of the OAA, the City of Clearwater shall reimburse Clearwater Township for lost tax revenue for the annexed Property within 30 days of the OAH's order finalizing the annexation. Clearwater Township shall be reimbursed the amount shown in Exhibit B attached hereto.

5. Corrections. Corrections may be made to the Exhibits attached hereto, as necessary, to ensure that the Property is identified appropriately and that the OAH receives all information necessary in order to process the annexation contemplated herein.
6. Reimbursement of City Costs. This resolution and the approval of the annexation made herein is expressly conditioned on the Owner making reimbursement to the City for all of its actual costs incurred as part of the review and approval of its petition, and such reimbursement shall be made prior to City staff transmitting this resolution to OAH for processing.

Council members voting in favor: Lawrence, Luhmann, Crandall, and Kruchten.

Absent: Petty.

Adopted by the City Council this 14th day of March, 2022.

ATTEST:



Annita M. Smythe, City Administrator

APPROVED BY:



Andrea Lawrence Wheeler, Mayor

Exhibit A – Property to be Annexed

TRACT A:

That part of the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter, Section 1, Township 122, Range 27, Wright County, Minnesota, lying southwesterly of the centerline of County Road No. 75 and northeasterly and easterly of the following described line:

Commencing at the southwest corner of said Southwest Quarter of the Southwest Quarter; thence South 89 degrees 49 minutes 28 seconds East, assumed bearing, along the south line of said Southwest Quarter of the Southwest Quarter, a distance of 990.32 feet, to the northeasterly Right of Way Line of Interstate Highway No. 94, and the point of beginning of the line to be described; thence North 52 degrees 42 minutes 54 seconds West, along said northeasterly Right of Way Line of Interstate Highway No. 94, a distance of 111.31 feet; thence North 00 degrees 44 minutes 16 seconds West, 1738.50 feet, to said centerline of County Road No. 75, and said line there terminating.

AND

That part of Government Lot 2, Government Lot 3 and the Southeast Quarter of the Southwest Quarter, Section 1, Township 122, Range 27, Wright County, Minnesota, lying southwesterly of the northeasterly Right of Way Line of County Road No. 75.

LESS AND EXCEPT

That part of the Southeast Quarter of the Southwest Quarter, Section 1, Township 122, Range 27, Wright County, Minnesota, described as follows:

Commencing at the southeast corner of said Southeast Quarter of the Southwest Quarter; thence North 89 degrees 49 minutes 28 seconds West, assumed bearing, along the south line of said Southeast Quarter of the Southwest Quarter, a distance of 1336.13 feet, to the southwest corner of said Southeast Quarter of the Southwest Quarter; thence North 41 degrees 41 minutes 42 seconds East, 908.87 feet, to the point of beginning of the tract to be described; thence North 53 degrees 45 minutes 45 seconds West, 264.33 feet; thence North 21 degrees 02 minutes 11 seconds East, 278.71 feet, to the centerline of County Road No. 75; thence southeasterly 361.53 feet, along said centerline of County Road No. 75 and along a non-tangential curve concave to the southwest, having a radius of 7639.44 feet and a central angle of 02 degrees 42 minutes 41 seconds. The chord of said curve bears South 47 degrees 34 minutes 25 seconds East, with a chord length of 361.49 feet, to a line which bears North 41 degrees 41 minutes 42 seconds East, from the point of beginning; thence South 41 degrees 41 minutes 42 seconds West, 231.04 feet, to the point of beginning.

AND LESS AND EXCEPT

That part of the Southeast Quarter of the Southwest Quarter and Government Lot 2, Section 1, Township 122, Range 27, Wright County, Minnesota, and that part of the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast

Quarter, Section 12, said Township 122, Range 27, Wright County, Minnesota, described as follows:

Beginning at the most southwesterly corner of Lot 1, Block 1, WALNUT OAKS, according to the recorded plat thereof, Wright County, Minnesota; thence North 00 degrees 21 minutes 34 seconds East, assumed bearing, along the west line of said Lot 1 and the west line of Lot 2, said Block 1, a distance of 405.09 feet; thence North 53 degrees 56 minutes 38 seconds West, 447.10 feet; thence North 36 degrees 59 minutes 45 seconds East, 633.25 feet, to the center line of County Road No. 75; thence southeasterly 279.19 feet, along said center line of County Road No. 75 and along a non-tangential curve concave to the southwest, having a radius of 7639.44 feet and a central angle of 02 degrees 05 minutes 38 seconds. The chord of said curve bears South 38 degrees 37 minutes 41 seconds East, with a chord length of 279.17 feet, to the south line of said Government Lot 2; thence North 89 degrees 40 minutes 37 seconds West, non-tangent to last described curve, and along said south line of Government Lot 2, a distance of 95.34 feet, to the southwesterly Right of Way line of said County Road No. 75; thence southeasterly 277.41 feet, along said southwesterly Right of Way line of County Road No. 75 and along a non-tangential curve, concave to the southwest, having a radius of 7564.44 feet and a central angle of 02 degrees 06 minutes 04 seconds; the chord of said curve bears South 36 degrees 58 minutes 26 seconds East, and a chord length of 277.40; thence South 35 degrees 55 minutes 24 seconds East, along said southwesterly Right of Way line of County Road No. 75, tangent to last described curve, 1347.01 feet, to the southeast corner of a tract of land described in Book 225 of Deeds Page 473; thence North 89 degrees 40 minutes 37 seconds West, along the south line of said tract of land described in Book 225 of Deeds Page 473, a distance of 282.54 feet, to the southwest corner of said tract of land described in Book 225 of Deeds Page 473; thence North 35 degrees 42 minutes 37 seconds West, along the westerly line of said tract of land described in Book 225 of Deeds, Page 473, a distance of 185.49 feet, to the northwest corner of said tract of land described in Book 225 of Deeds Page 473; thence North 89 degrees 40 minutes 37 seconds West, along the south line of a tract of land described in Book 223 of Deeds, Page 507, a distance of 145.20 feet, to the southwest corner of said tract of land described in Book 223 of Deeds, Page 507; thence North 35 degrees 43 minutes 37 seconds West, along the westerly line of said tract of land described in Book 223 of Deeds, Page 507 and the westerly line of a tract of land described in Book 225 of Deeds, Page 471, a distance of 247.39 feet, to the south line of said Lot 1, Block 1; thence North 89 degrees 40 minutes 37 seconds West, along said south line of Lot 1, Block 1, a distance of 377.78 feet, to the point of beginning.

AND

TRACT B:

That part of the Northwest Quarter of the Northwest Quarter, Northeast Quarter of the Northwest Quarter, the Northwest Quarter of the Northeast Quarter, and the Southwest Quarter of the Northeast Quarter, Section 12, Township 122, Range 27, Wright County, Minnesota, lying northeasterly of the northeasterly Right of Way line of Interstate Highway No. 94 and westerly and southerly of the following described line;

Commencing at the northwest corner of said Northwest Quarter of the Northeast Quarter; thence South 89 degrees 40 minutes 37 seconds East, assumed bearing, along the north line of said Northwest Quarter of the Northeast Quarter, a distance of 95.09 feet, to the southwesterly Right of Way line of County Road No. 75 and the point of beginning of the line to be described; thence southeasterly 277.41 feet, along said southwesterly Right of Way line of County Road No. 75 and along a non-tangential curve, concave to the southwest, having a radius of 7564.44 feet and a central angle of 02 degrees 06 minutes 04 seconds; the chord of said curve bears South 36 degrees 58 minutes 26 seconds East, and a chord length of 277.40; thence South 35 degrees 55 minutes 24 seconds East, tangent to last described curve and along said southwesterly Right of Way line of County Road No. 75, a distance of 1347.01 feet, to the southeast corner of the tract of land described in Book 225 of Deeds, Page 473; thence South 89 degrees 40 minutes 37 seconds East, along the easterly extension of the south line of said tract of land described in Book 225 of Deeds, Page 473, a distance of 93.00 feet, to the centerline of said County Road No. 75; thence South 35 degrees 55 minutes 24 seconds East, along said centerline, 304.83 feet, to the east line of said Southwest Quarter of the Northeast Quarter; thence South 00 degrees 14 minutes 45 seconds West, along said east line of the southwest Quarter of the Northeast Quarter, 125.75 feet; thence South 44 degrees 10 minutes 38 seconds West, 478.50 feet, to said northeasterly Right of Way line of Interstate Highway No. 94, and said line there terminating.

LESS AND EXCEPT

That part of the Southeast Quarter of the Southwest Quarter and Government Lot 2, Section 1, Township 122, Range 27, Wright County, Minnesota, and that part of the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter, Section 12, said Township 122, Range 27, Wright County, Minnesota, described as follows:

Beginning at the most southwesterly corner of Lot 1, Block 1, WALNUT OAKS, according to the recorded plat thereof, Wright County, Minnesota; thence North 00 degrees 21 minutes 34 seconds East, assumed bearing, along the west line of said Lot 1 and the west line of Lot 2, said Block 1, a distance of 405.09 feet; thence North 53 degrees 56 minutes 38 seconds West, 447.10 feet; thence North 36 degrees 59 minutes 45 seconds East, 633.25 feet, to the center line of County Road No. 75; thence southeasterly 279.19 feet, along said center line of County Road No. 75 and along a non-tangential curve concave to the southwest, having a radius of 7639.44 feet and a central angle of 02 degrees 05 minutes 38 seconds. The chord of said curve bears South 38 degrees 37 minutes 41 seconds East, with a chord length of 279.17 feet, to the south line of said Government Lot 2; thence North 89 degrees 40 minutes 37 seconds West, non-tangent to last described curve, and along said south line of Government Lot 2, a distance of 95.34 feet, to the southwesterly Right of Way line of said County Road No. 75; thence southeasterly 277.41 feet, along said southwesterly Right of Way line of County Road No. 75 and along a non-tangential curve, concave to the southwest, having a radius of 7564.44 feet and a central angle of 02 degrees 06 minutes 04 seconds; the chord of said curve bears South 36 degrees 58 minutes 26 seconds East, and a chord length of 277.40; thence South 35 degrees 55 minutes 24 seconds East, along said southwesterly Right of Way line of County Road No. 75, tangent to last described curve, 1347.01 feet, to the southeast corner of a tract of land described in Book 225 of Deeds Page 473; thence North 89 degrees 40 minutes 37 seconds West, along the south line of said tract of land described in Book 225 of Deeds Page 473, a distance of 282.54 feet, to the southwest corner of said tract of land described in Book 225 of Deeds Page 473; thence North 35 degrees 42 minutes 37 seconds West, along the westerly line of said tract of land described in Book 225 of Deeds, Page 473, a distance of 185.49 feet, to the northwest corner of said tract of land described in Book 225 of Deeds Page 473; thence North 89 degrees 40 minutes 37 seconds West, along the south line of a tract of land described in Book 223 of Deeds, Page 507, a distance of 145.20 feet, to the southwest corner of said tract of land described in Book 223 of Deeds, Page 507; thence North 35 degrees 43 minutes 37 seconds West, along the westerly line of said tract of land described in Book 223 of Deeds, Page 507 and the westerly line of a tract of land described in Book 225 of Deeds, Page 471, a distance of 247.39 feet, to the south line of said Lot 1, Block 1; thence North 89 degrees 40 minutes 37 seconds West, along said south line of Lot 1, Block 1, a distance of 377.78 feet, to the point of beginning.

AND LESS AND EXCEPT:

That part of the Southeast Quarter of the Northeast Quarter, Section 12, Township 122, Range 27, Wright County, Minnesota, lying southwesterly of the centerline of County Road No. 75.

AND LESS AND EXCEPT:

That part of the South One-half of the Northeast Quarter (S 1/2 NE 1/4) of Section Twelve (12), in Township One Hundred Twenty-two (122) North, of Range Twenty-seven (27) West, in Wright County, Minnesota, described as follows, to-wit: Commencing at the Southeast corner of said S 1/2 of the NE 1/4; thence West (assumed bearing of due West), along the South line of said S 1/2 of the NE 1/4 for 642.33 feet to the point of beginning of the land to be described; thence North 30 degrees 02 minutes 36 seconds West for 614.86 feet; thence deflect to the left along a tangential curve, having a radius of 3,819.71 feet and a central angle of 06 degrees 28 minutes 54 seconds for 432.11 feet; North 36 degrees 31 minutes 30 seconds West for 172.35 feet; thence South 43 degrees 35 minutes 06 seconds West for 554.23 feet to the Northeasterly right-of-way line of Interstate Highway Numbered 94; thence South 53 degrees 17 minutes 59 seconds East along said right-of-way line for 1,054.73 feet to the South line of said S 1/2 of the NE 1/4; thence East for 183.88 feet to the point of beginning, according to the recorded plat thereof, Wright County, Minnesota.

Abstract Property

Exhibit B – Tax Reimbursement Amount

Tract A – PID #204-100-013400

$$42.85 \text{ acres} \times \$500 \text{ per acre} = \$21,425$$

Tract B – PID #204-100-122100

$$37.72 \text{ acres} \times \$500 \text{ per acre} = \$18,860$$

Total Amount Owed Clearwater Township = \$40,285

Map of Parcels to be Annexed:



