

RECEIVED

By: OAH on August 15, 2022

CITY OF CLEARWATER  
WRIGHT AND STEARNS COUNTIES, MINNESOTA

A special meeting of the City Council of the City of Clearwater, Minnesota, was called to order by Mayor Lawrence at 6:00 p.m. in the Council Chambers on Monday, August 1, 2022.

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

The following Council Members were absent: Luhmann.

A motion to adopt the following resolution was made by Kruchten and seconded by Lenz.

RESOLUTION 2022-47  
APPROVING ANNEXATION PETITION

**WHEREAS**, Russ Pikus ("Owner") owns Wright County PID 204-100-034400, which is 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 July 28, 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.
7. Zoning Designation. The property's zoning designation shall be C4-Commercial pursuant to the city's Comprehensive Plan upon approval of the annexation.

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

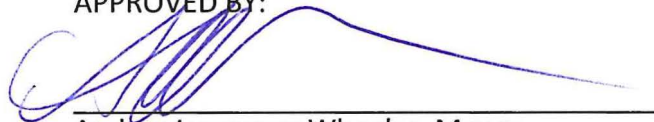
Absent: Luhmann.

Adopted by the City Council this 1<sup>st</sup> day of August, 2022.

ATTEST:

  
\_\_\_\_\_  
Annita M. Smythe, City Administrator

APPROVED BY:

  
\_\_\_\_\_  
Andrea Lawrence Wheeler, Mayor

## **Exhibit A – Property to be Annexed**

All of the following described property which lies East of County State Aid Road No. 24, Wright County, Minnesota:

The South Half of the South Half of the Southeast Quarter of Section 3, Township 122, Range 27.

Except the following described property:

That part of the South 73.26 feet of the South Half of the South Half of the Southeast Quarter, Section 3, Township 122, Range 27, Wright County, Minnesota, as measured at right angles with the South line thereof, which lies Easterly of the centerline of Minnesota State Highway No. 24 and westerly of the East 662.76 feet of said South Half of the South Half of the Southeast Quarter, as measured at right angles with the East line thereof.

Also except the following described property:

The South Half of the South Half of the Southeast Quarter of Section 3, Township 122, Range 27, Wright County, Minnesota, which lies Easterly of the centerline of Minnesota State Highway Number 24, as now traveled. Excepting therefrom that part of said South Half of the South Half of the Southeast Quarter of Section 3, described as beginning at the Northwest corner of the East 662.76 feet of said South half of the South Half of the Southeast Quarter; thence South 0 degrees 51 minutes 27 seconds East, assumed bearing, along the West line of said East 662.76 feet of the South Half of the South Half of the Southeast Quarter 7.63 feet; thence North 89 degrees 26 minutes 30 seconds West 787.39 feet to a point on the centerline of Minnesota State Highway Number 24, as now traveled, distant 12.00 feet southwesterly from the North line of said South Half of the South Half of the Southeast Quarter, as measured along said centerline of Minnesota State Highway Number 24; thence North 6 degrees 23 minutes 23 seconds East along said centerline of Minnesota State Highway Number 24 a distance of 12.00 feet to the intersection with said North line of the South Half of the South Half of the Southeast Quarter; thence South 89 degrees 07 minutes 40 seconds East along said North line of the South Half of the South Half of the Southeast Quarter 786.00 feet to the point of beginning. Excepting therefrom the East 662.76 feet of said South Half of the South Half of the Southeast Quarter of Section 3. Excepting therefrom the South 73.26 feet of said South Half of the South Half of the Southeast Quarter of Section 3 which lies West of the West line of said East 662.76 feet of said South Half of the South Half of the Southeast Quarter of Section 3 and Easterly of the centerline of said Minnesota State Highway Number 24.

Also except the following described property:

That part of the East 662.76 feet of the South Half of the South Half of the Southeast Quarter of Section 3, Township 122, Range 27, Wright County, Minnesota, which lies South of a line extending from a point on the West line of said East 662.76 feet of the South Half of the South Half of the Southeast Quarter distant 7.63 feet South from the Northwest corner of said East 662.76 feet of the South Half of the Southeast Quarter as measured along said West line of the East 662.76 feet of the South Half of the South Half of the Southeast Quarter to a point on the East line of said South Half of the South Half of the Southeast Quarter distant 4.00 feet South from the Northeast corner of said South Half of the South Half of the Southeast Quarter as measured along said East line of the South Half of the South Half of the Southeast Quarter.

Also except Parcel 88 as shown on Minnesota Department of Transportation Right-of-Way Plat No. 86-104.



Map of Parcels to be Annexed:



## **Exhibit B – Tax Reimbursement Amount**

**PID #204-100-034400**

.25 acres x \$500 per acre = \$125

**Total Amount Owed Clearwater Township = \$125**





# Orderly Annexation Map

City of Clearwater, Minnesota

August 2022

