

**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, January 8, 2024.

The following Council Members were present: Lawrence, Luhmann, Vazquez, Winkelman, and Schwinghammer.

The following Council Members were absent: None.

A motion to adopt the following resolution was made by Lawrence and seconded by Schwinghammer.

**RESOLUTION 2024-04
APPROVING ANNEXATION PETITION**

WHEREAS, MR III, LLC ("Owner") owns Wright County PID #204-100-121403, 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 from a property owner, the OAA authorizes the City to approve and submit a resolution to the Minnesota Office of Administrative Hearings ("OAH") for annexation of the territory covered within the OAA, including the Property; and

WHEREAS, by petition dated December 14, 2023, 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 hereby requests immediate annexation of the Property into the City following proper notice to the Township, all 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 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. Upon annexation, the Property's zoning designation shall be UR-Urban Reserve pursuant to the City's zoning regulations.

Council members voting in favor: Lawrence, Luhmann, Vazquez, Winkelman, and Schwinghammer.

Opposed or Abstained: None.

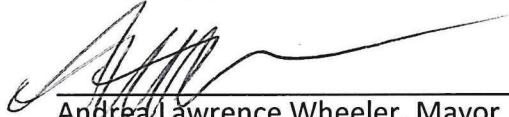
Adopted by the City Council this 8th day of January, 2024.

ATTEST:



Annita M. Smythe, City Administrator

APPROVED BY:



Andrea Lawrence Wheeler, Mayor

Exhibit A – Property to be Annexed

That part of the South One-half of the Northeast Quarter (S ½ NE ¼) 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 ½ of the NE ¼; thence West (assumed bearing of due West), along the South line of said S ½ of the NE ¼ 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; thence 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 ½ of the NE ¼; thence East for 183.88 feet to the point of beginning, according to the recorded plat thereof, Wright County, Minnesota.

Map of Parcel to be Annexed:

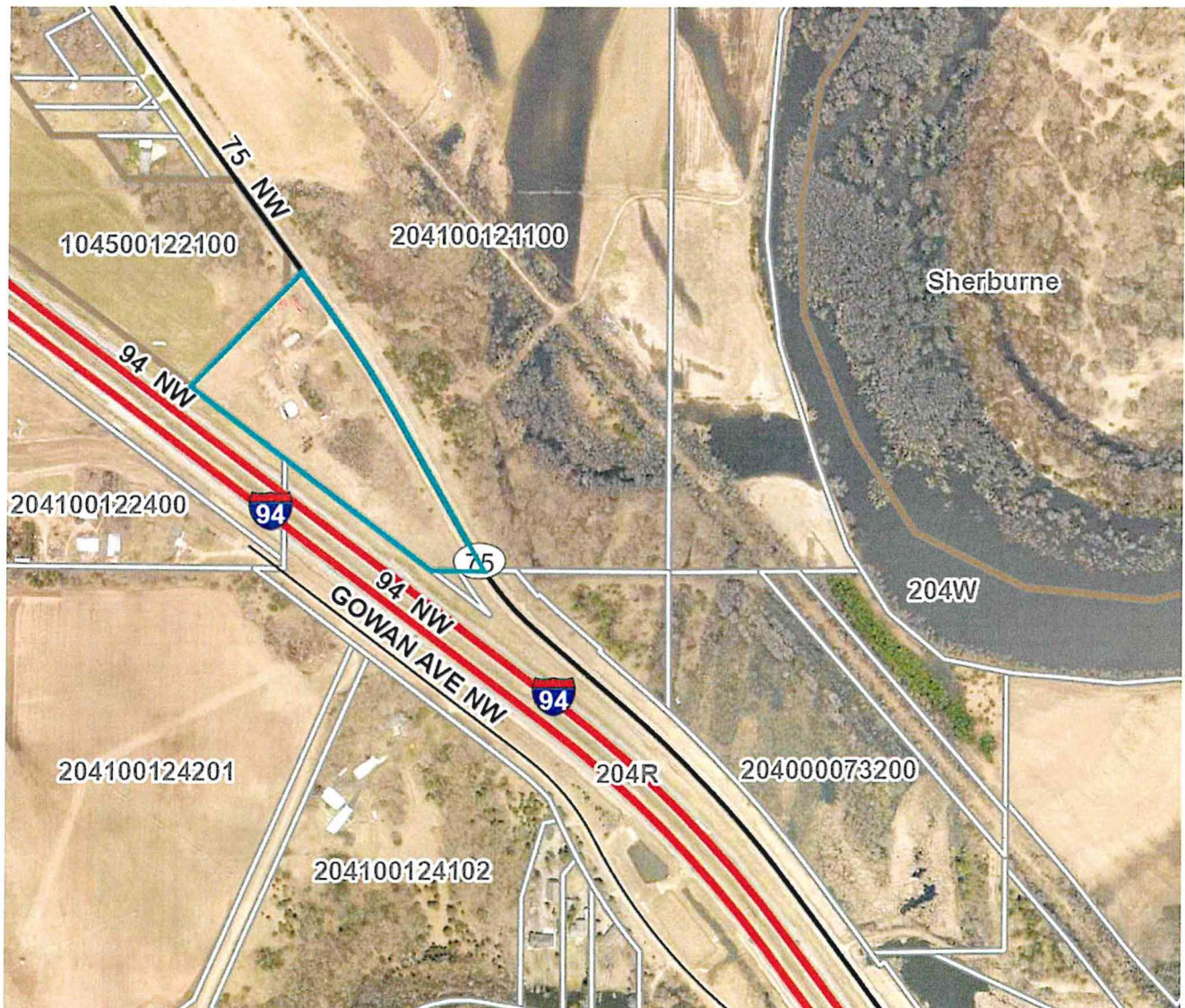




Exhibit B – Tax Reimbursement Amount

PID #204-100-121403

9.21 acres x \$500 per acre = \$4,605

Total Amount Owed Clearwater Township = \$4,605