

RESOLUTION 22-019

Introduced by Councilor Howland

**RESOLUTION OF ALBERT LEA TOWNSHIP AND THE CITY OF ALBERT LEA
DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION
AND CONFERRING JURISDICTION OVER SAID AREA TO THE MUNICIPAL BOUNDARY
ADJUSTMENTS OFFICE OF THE OFFICE OF ADMINISTRATIVE HEARINGS PURSUANT TO
MINN. STAT. § 414.0325**

WHEREAS, the City of Albert Lea (the "City") and the Township of Albert Lea (the "Town") designate for orderly annexation, the following described lands located within the Township of Albert Lea, County of Freeborn, Minnesota:

PARCEL 1 (PID: 08.018.0310):

That part of Government Lot 3, Section 18, Township 102 North, Range 21 West, Freeborn County, Minnesota described as follows:

Commencing at the Northwest corner of Government Lot 3; thence South 89°17'24" East, assumed bearing, 33.00 feet along the north line of Government Lot 3 to the point of beginning;

Thence continuing South 89°17'24" East 146.05 feet;

Thence South 00°05'31" East 349.07 feet;

Thence South 87°59'47" West 146.68 feet;

Thence North 00°00'00" West 355.99 feet parallel with the west line of Government Lot 3 to the point of beginning.

Subject to road easement across the northerly end of the above-described tract and other easements of record. Except any land already within the City limits.

AND

PARCEL 2 (PID: 08.018.0311):

All that part of Government Lot 3; Section 18, Township 102 North, Range 21 West, Freeborn County, Minnesota; described as follows: Commencing at the northwest corner of Government Lot 3, Section 18-T102N-R21W; thence North 89°02'17" East a distance of 586.86 feet, on an assumed bearing on the north line of said Government Lot 3, to the point of beginning;

Thence South 89°02'17" West a distance of 119.78 feet, on a reverse of the last described line, on the north line of said Government Lot 3;

Thence South 01°45'56" East a distance of 340.70 feet;

Thence South 88°14'04" West a distance of 288.00 feet;

Thence South 01°36'20" East a distance of 4.32 feet;

Thence South 86°19'23" West a distance of 146.68 feet, to a point 33.00 feet east of the west line of said Government Lot 3;

Thence South 01°41'48" East a distance of 415 feet more or less on a line parallel with and 33.00 feet east of the west line of said Government Lot 3; to a point on the northerly shoreline of Pickerel Lake;

Thence Southeasterly and Southerly a distance of 815 feet more or less, along the northerly shoreline of Pickerel Lake to a point on the south line of said Government Lot 3;

Thence North 89°02'17" East a distance of 122.69 feet, on the south line of said Government Lot 3, to the point of intersection with a line bearing South 01°36'20" East from the point of beginning, which point is 735.79 feet west of the southeast corner of said Government Lot 3; Thence North 01°36'20" West a distance of 1323.91 feet, to the point of beginning; subject to highway easement of the northerly-most side thereof. Except any land already within the City limits.

PID: 08.011.0020:

That portion of the East Half of the Northeast Quarter of Section 11, Township 102 North, Range 21 West of the Fifth Principal Meridian, described as follows: Commencing at the Northwest corner of said East Half of the Northeast Quarter of said Section 11; thence South along the West line thereof, 1320 feet; thence East Parallel with the North line thereof, 330 feet; thence North 1320 feet parallel with the West line thereof to the North line thereof; thence West along the North line thereof, 330 feet to the point of the beginning; subject to highway right-of-way and subject to easement for road purposes over a strip of land 30 feet in width lying South of and adjoining Minnesota Trunk Highway No. 16, all lying and being in the County of Freeborn, State of Minnesota. Except any land already within the City limits.

PID: 08.018.0230:

That part of Government Lot 3, Section 18, Township 102 North, Range 21 West, Freeborn County, Minnesota, described as follows: Commencing at the Northwest Corner of Government Lot 3; thence easterly 179.05 feet along the north line of Government Lot 3 to the point of the beginning; thence continuing easterly 288.03 feet along the north line of Government Lot 3; thence southerly deflecting right 89 degrees 11 minutes 53 seconds 340.70 feet; thence westerly deflecting right 90 degrees 00 minutes 00 seconds 288.00 feet; thence northerly deflecting right 90 degrees 00 minutes 00 seconds 344.74 feet to the point of beginning. Subject to a road easement across the northerly end of the above described tract and other easements of record. Except any land already within the City limits.

WHEREAS, the City of Albert Lea and the Township of Albert Lea are in agreement as to the orderly annexation of unincorporated land described; that both believe it will be to their mutual benefit and to that of their respective residents; and

WHEREAS, the City of Albert Lea and the Township of Albert Lea agree that there is a public need for the coordinated, efficient and cost-effective extension of municipal water and sewer services to promote the public health, safety, and welfare of the entire community. The City of Albert Lea is capable of providing water, sewer, and other public services within a reasonable time; and

WHEREAS, Minn. Stat. § 414.0325 provides a procedure whereby the Township of Albert Lea and the City of Albert Lea may agree on a process of orderly annexation of a designated area; and

WHEREAS, the City of Albert Lea and the Township of Albert Lea have agreed to all the terms and conditions for annexation of the above-described lands within this document and the signatories hereto agree that no consideration by the Office of Administrative Hearings – Municipal Boundary Adjustments is necessary; that the Office may review and comment, but shall within thirty (30) days order the annexation in accordance with the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED, jointly by the City Council of the City of Albert Lea and the Town Board of the Town of Albert Lea as follows:

Sec. 1. That the following described area in Albert Lea Township is subject to orderly annexation pursuant to Minn. Stat. § 414.0325, and the parties hereto designate this area for immediate orderly annexation. The area to be annexed is approximately 19.92 acres.

Sec. 2. That no alteration of the area is appropriate, that this resolution provides for annexation of a designated area, and no consideration by the Municipal Boundary Adjustments Office of the Office of Administrative Hearings is necessary, no alteration of the agreed upon boundaries is appropriate, all conditions for annexation have been stated in this resolution and the Municipal Boundary Adjustments Office of the Office of Administrative Hearings may review and comment, but shall, within 30 days of receipt of the joint resolution, order the annexation.

Sec. 3. Planning throughout the orderly annexation area shall be pursuant to Minn. Stat. § 414.0325. The City of Albert Lea and the Township of Albert Lea agree the City of Albert Lea shall have planning and zoning authority within the annexed area.

Sec. 4. That the City of Albert Lea agrees to pay the Township of Albert Lea an amount equal to 5 years of existing taxes derived from the area subject to annexation pursuant to Minn. Stat. § 414.036.

Sec. 5. After annexation of the area occurs, pursuant to the terms of this Joint Resolution, the City shall be responsible for providing municipal governmental services thereto.

Sec. 6. The City has installed municipal water and sewer services to the properties within the annexed area.

Sec. 7. The property owner(s) provided with municipal water and sewer service within the annexed area will be fairly assessed for the costs of providing municipal water and sewer services into said area.

Sec. 8. Deferred assessments for providing municipal water and sewer service within the annexed area shall be payable in equal annual installments extending over ten (10) years, beginning in 2023, and shall bear interest at the rate of three point zero one percent (3.01%) per annum from the date of the order of annexation, unless a written agreement providing for payments and interest of the assessments is executed by the City and the property owner(s). To each subsequent installment when due interest for one (1) year on all unpaid assessments shall be added.

Sec. 9. Assessments for costs of any road improvements within the annexed area will be assessed to the benefited properties.

Sec. 10. The owner(s) of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property or may make partial payments pursuant to the ordinance providing therefor, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and may, at any time

thereafter, pay to the County Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made.

Sec. 11. The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future exhibits and attachments, 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 City and Township.

Sec. 12. This Joint Resolution shall not be modified, amended, or altered except upon the written joint resolution of the City of Albert Lea and the Township of Albert Lea duly executed and adopted by the City Council and the Township Board.

Sec. 13. The City of Albert Lea and the Township of Albert Lea agree as follows:

A. When an agreement over interpretation of any provision of this Joint Resolution shall arise, the City and the Township will direct staff members as they deem appropriate to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiations.

B. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to binding arbitration.

C. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to binding arbitration, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

Sec. 14. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota. In the event any provision of this Joint Resolution is determined or adjudged to be unconstitutional, invalid, illegal, or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect.

Sec. 15. Any notices required under the provisions of this Joint Resolution shall be in writing, and deemed sufficiently given if delivered in person or sent by certified or registered mail, return receipt requested, postage prepaid, to the following:

If to the City of Albert Lea:
City Manager

221 East Clark Street

If to the Township of Albert Lea:
Town Clerk

1508 South Broadway Avenue

Albert Lea, MN 56007

Albert Lea, MN 56007

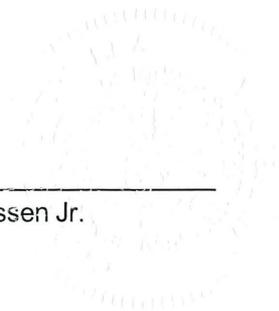
That the motion for the adoption of the foregoing resolution was duly seconded by Councilor Rasmussen, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, and Mayor Rasmussen Jr.;

And, the following voted against the same: None. Councilor Brooks was absent.

Introduced and passed this 24th day of January, 2022



Mayor Vern Rasmussen Jr.



Filed and attested this 25th day of January, 2022

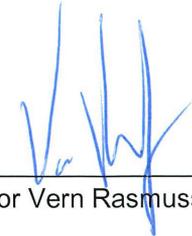


Secretary of the Council

CITY OF ALBERT LEA

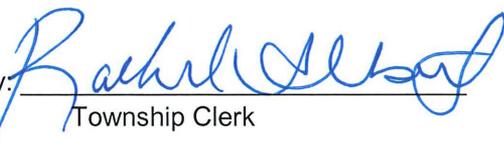
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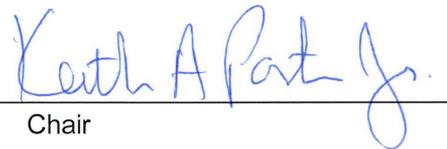
By: 
City Clerk

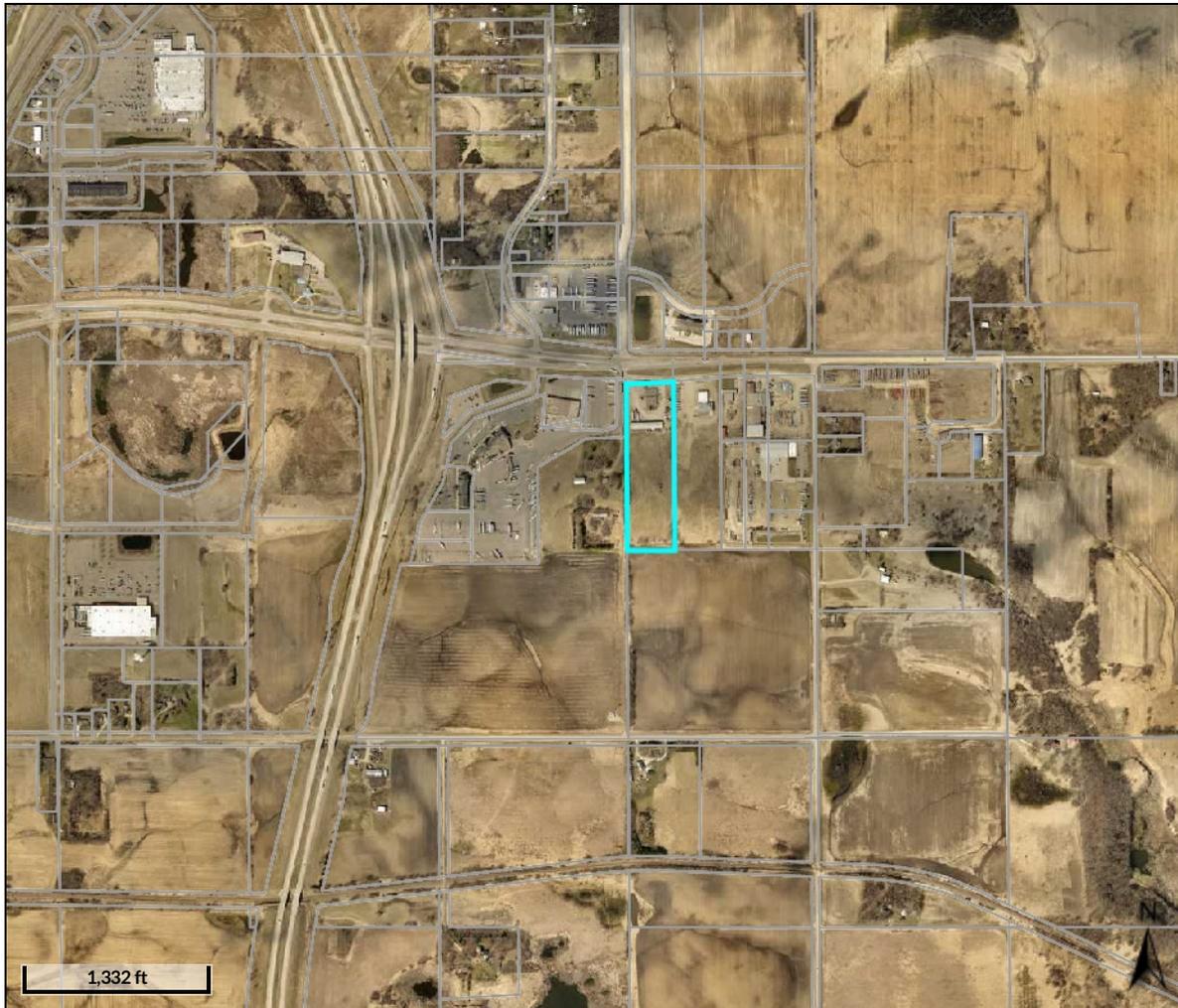
By: 
Mayor Vern Rasmussen Jr.

TOWNSHIP OF ALBERT LEA

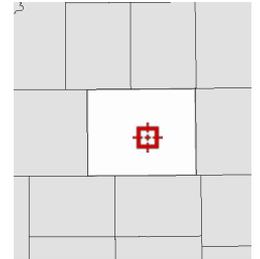
Attest:

By: 
Township Clerk

By: 
Chair



Overview



Legend

-  Parcels
-  County Limits
-  Lot Lines-Albert Lea
-  Townships

Parcel ID	080110020	Alternate ID	n/a	Owner Address	TRAILS TRUCK & TRAVEL PLAZA
Sec/Twp/Rng	11-102-021	Class	233 - (NON-HSTD) COMM LAND & BLDGS		P O BOX 1043
Property Address	77783 209TH ST	Acreage	7.6		ALBERT LEA, MN 56007
	ALBERT LEA				

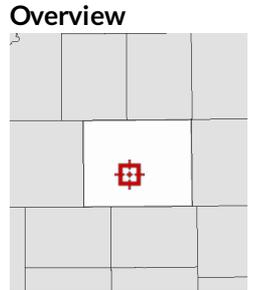
District A LEA TWP 241 SRRW

Brief Tax Description Sect-11 Twp-102 Range-021 7.60 AC BEG NW COR E1/2 NE1/4 TH S 1320 FT TH E 330 FT TH N 1320 FT TH W 330 FT TO POB EXC 1.49 ACRES ON N SIDE FOR ROADWAY 11-102-21 7.60 ACRES

(Note: Not to be used on legal documents)

Date created: 11/17/2021
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Developed by  **Schneider**
 GEOSPATIAL

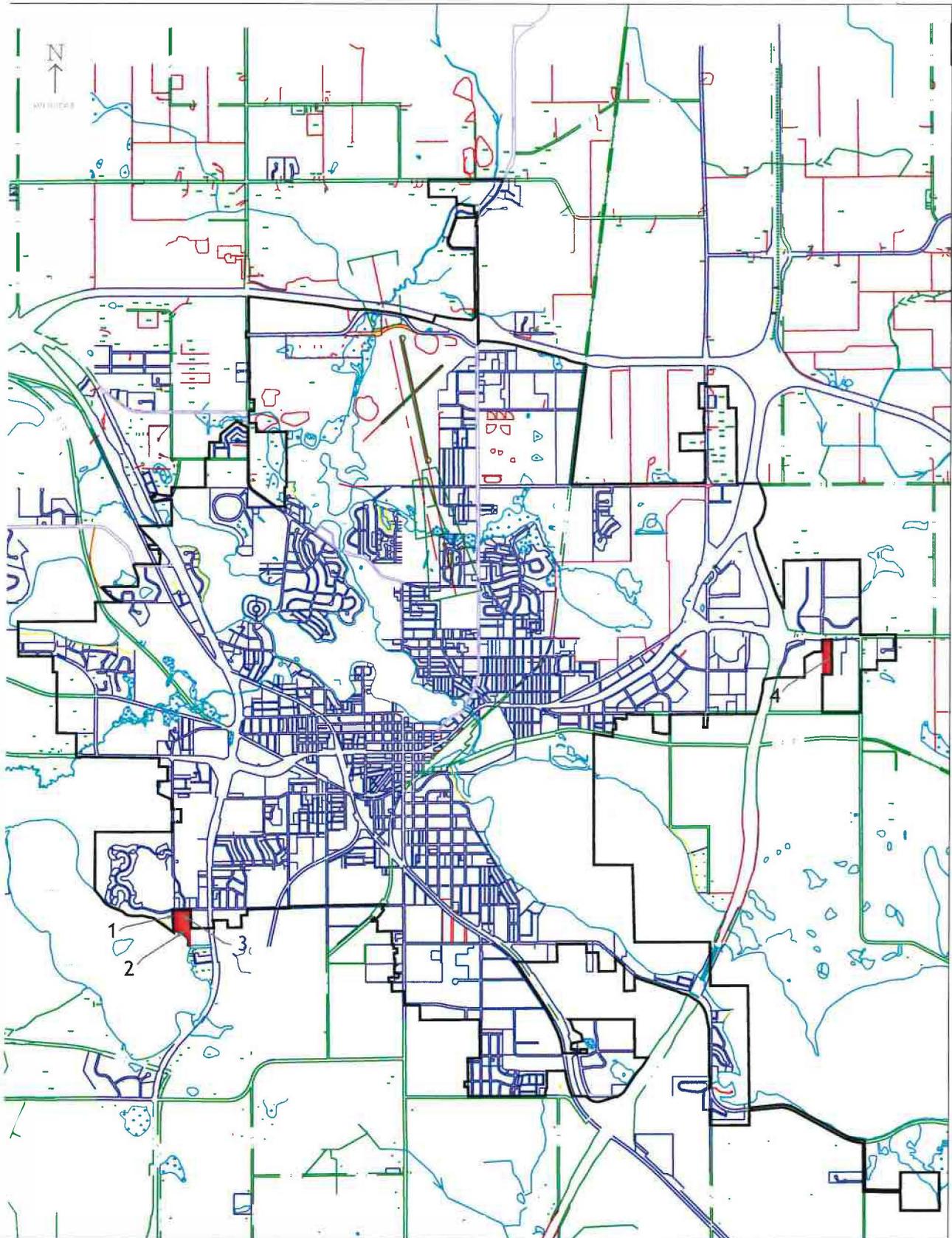


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GEO SPATIAL

City of Albert Lea



ANNEXATED PROPERTIES

- | | | | |
|---|---|---|--|
| 1 | Rodney Williams
2017 W. 9th Street
080180310 | 3 | Lawrence & Mary Tuohy
2009 W. 9th Street
080180230 |
| 2 | Andreich Properties, LLC
2017 W. 9th Street
080180311 | 4 | Trails Truck & Plaza
77783 209th Street
080110020 |

CITY OF ALBERT LEA
2021 ANNEXATION MAP