

**RECEIVED**

By: OAH on May 20, 2022

RESOLUTION 22-079

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:

**PID: 08.040-0250**

**OWNER: Thomas M. Norby and Betty A. Norby**

That part of the NE1/4 SW1/4 of Section 10-T102N-R21W, Freeborn County, Minnesota, described as follows:

Commencing at the northeast corner of Lot 9, Block 4 Morningside Addition, as the same is platted and recorded in the Office of the Freeborn County Recorder; thence North 89°38'00" East a distance of 110.00 feet on an assumed bearing parallel with the north line of said NE1/4 SW1/4; THENCE South 00°26'18" East a distance of 213.00 feet parallel with the east line of said Block 4 to the point of beginning;

thence South 89°38'00" West a distance of 110.00 feet to the east line of said Block 4;

thence South 00°26'18" East a distance of 106.70 feet to the southeast corner of Lot 8, in said Block 4;

thence South 80°21'40" East a distance of 111.72 feet on the easterly extension of the north line of Neale Street, as dedicated in said Morningside addition;

thence North 00°26'18" West a distance of 126.11 feet to the point of beginning. Except any land already within the City limits; and

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 land 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 0.29 acres.

Sec. 2. That the Notice of Intent was published on March 26, 2022 in the Albert Lea Tribune.

Sec. 3. 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 thirty (30) days of receipt of the Joint Resolution, order the annexation.

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

Sec. 6. 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. 7. The City has installed municipal water and sewer services to the properties within the annexed area.

Sec. 8. The property was provided with municipal water and sewer service within the annexed area in 1990, Job 9013.

Sec. 9. There are no deferred or other assessments on the property at the time of connection to City Services.

Sec. 10. Assessments for costs of any road improvements within the annexed area will be assessed to the property.

Sec. 11. The owners of the 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 thirty (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. 12. 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. 13. 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. 14. 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 mediation or arbitration prior to seeking civil remedies.

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 mediation or 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. 15. 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. 16. 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:

If to the Township of Albert Lea:

City Manager  
221 East Clark Street  
Albert Lea, MN 56007

Town Clerk  
1508 South Broadway Avenue  
Albert Lea, MN 56007

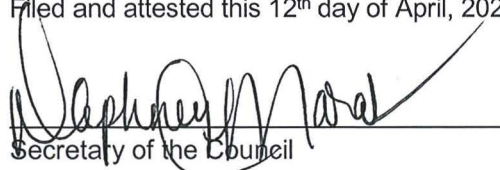
That the motion for the adoption of the foregoing Resolution was duly seconded by Councilor Murray, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, and Mayor Rasmussen Jr.;

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

Introduced and passed this 11<sup>th</sup> day of April, 2022

  
\_\_\_\_\_  
Mayor Vern Rasmussen Jr.

Filed and attested this 12<sup>th</sup> day of April, 2022

  
\_\_\_\_\_  
Secretary of the Council

**CITY OF ALBERT LEA**

Attest:

Daphney Mars 4/12/2022  
City Clerk Date

By: V. Rasmussen Jr. 4/12/2022  
Mayor Vern Rasmussen Jr. Date

**TOWNSHIP OF ALBERT LEA**

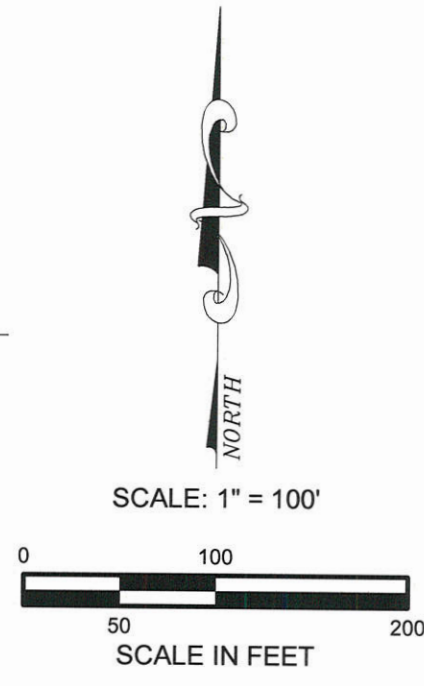
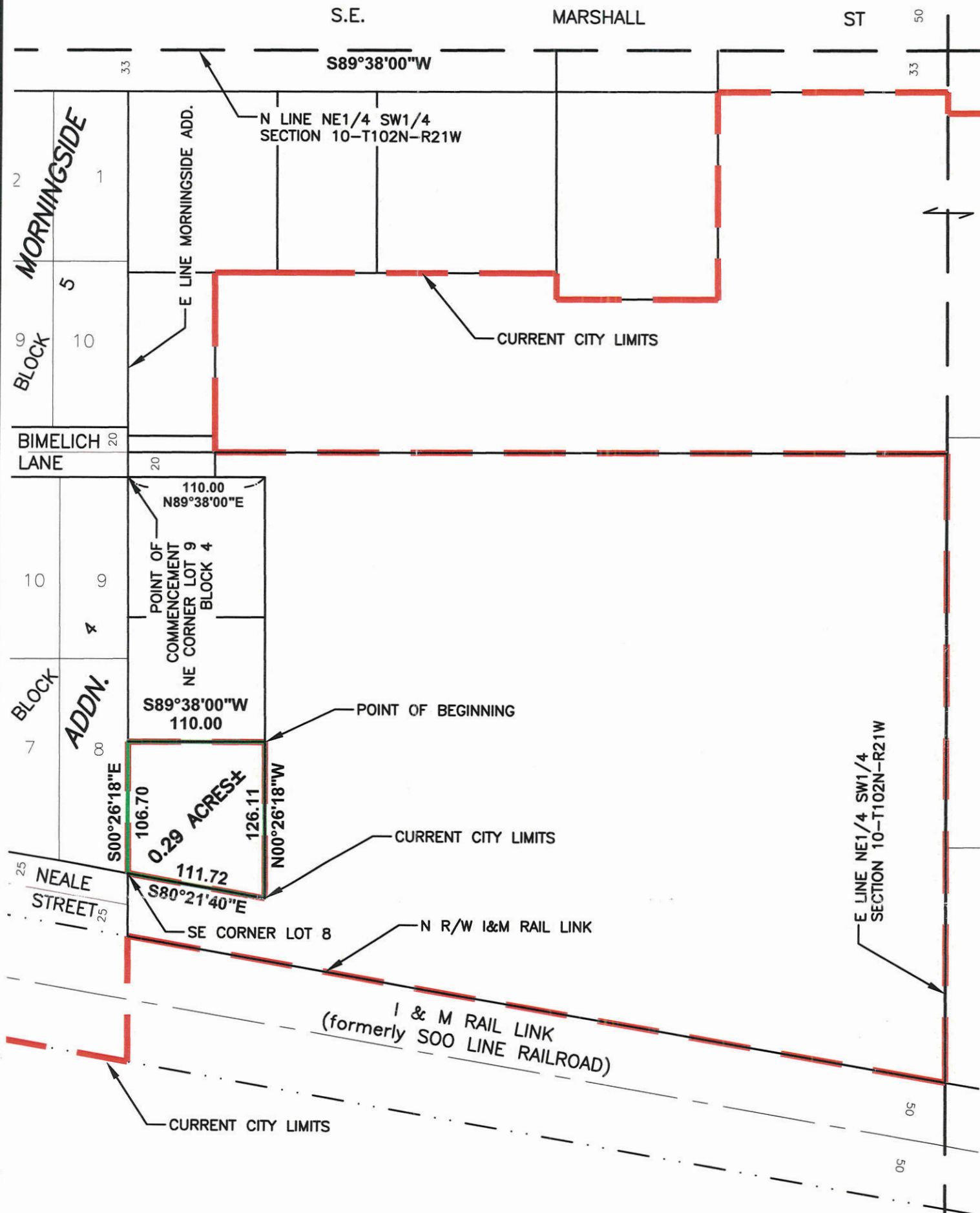
Attest:

Cheri Chapek 4-13-22  
Township Clerk Date

By: X [Signature] 5-10-22  
Chair Date

# ANNEXATION DRAWING

IN NE1/4 SW1/4 SECTION 10-T102N-R21W  
CITY OF ALBERT LEA, FREEBORN COUNTY, MINNESOTA



## PREPARED LEGAL DESCRIPTION

That part of the NE1/4 SW1/4 of Section 10-T102N-R21W, Freeborn County, Minnesota, described as follows:

Commencing at the northeast corner of Lot 9, Block 4 Morningside Addition, as the same is platted and recorded in the Office of the Freeborn County Recorder; thence North 89°38'00" East a distance of 110.00 feet on an assumed bearing parallel with the north line of said NE1/4 SW1/4; thence South 00°26'18" East a distance of 213.00 feet parallel with the east line of said Block 4 to the point of beginning;

thence South 89°38'00" West a distance of 110.00 feet to the east line of said Block 4;

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thence South 80°21'40" East a distance of 111.72 feet on the easterly extension of the north line of Neale Street, as dedicated is said Morningside Addition;

thence North 00°26'18" West a distance of 126.11 feet to the point of beginning.

### FOR: CITY OF ALBERT LEA



Date: 3/10/22  
Revised date: 5/11/22  
Drawn by: SJT  
Survey: 1/6/22  
Coord-System: MNDOT CO. NAD83 1996  
Page 1 of 1  
Job No: 22-005 ANNEX NORBY REV.DWG  
File No./Tab Layout:

#### COPYRIGHT

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I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Steven J. Thompson* 5-11-22  
Steven J. Thompson, L.S. No. 22705 Date



**JONES HAUGH SMITH**  
Engineers + Surveyors

515 South Washington Ave.  
Albert Lea, MN 56007  
507-373-4876  
415 West North Street  
Owatonna, MN 55060  
507-451-4598

