

RESOLUTION 2022-31
JOINT RESOLUTION FOR ORDERLY ANNEXATION
AGREEMENT BETWEEN THE TOWN OF ALBANY
AND THE CITY OF ALBANY
PURSUANT TO MINNESOTA STATUTES §414.0325

WHEREAS, a request from all of the property owners of the area proposed for designation and immediate annexation was received.

WHEREAS, the Board of Supervisors of the Town of Albany (hereinafter referred to as the "Town") passed a resolution on August 1, 2022, approving the annexation to the City of Albany of certain land owned by Lucky of Albany, LLC designated as legally described in the attached Exhibit A.

WHEREAS, the City Council of the City of Albany (hereinafter referred to as the "City"), agreed to the annexation of the above-described parcel of land at its July 20, 2022 meeting; and

WHEREAS, a request from all of the property owners of the area proposed for designation and immediate annexation was received; and

WHEREAS, the Town and the City have determined that the annexation of a portion of the Township with the City is of mutual benefit to both parties and the residents thereof;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual terms and conditions, the City and Town enter into this Joint Resolution of Orderly Annexation (the "joint resolution")

1. Designation of Orderly Annexation Area. The Town and City designate the area set forth on the map attached as Exhibit B and legally described in the attached Exhibit A both of which are incorporated herein by reference for immediate orderly annexation under and pursuant to Minnesota Statutes Section 414.0325. For purposes of this Joint Resolution, this area shall be referred to as the "OAA Property".
2. Office of Administrative Hearing, Municipal Boundary Adjustments Unit. Upon approval by the Town Board and the City Council, this Joint Resolution shall confer jurisdiction upon the Office of Administrative Hearings, Municipal Boundary Adjustments Unit (hereinafter referred to as "OAH") to accomplish said orderly annexations in accordance with the terms of this Joint Resolution. In the event that the OAH is abolished, the authority will be transferred to the department or person(s) assigned that duty.
3. No Alterations of Boundaries. The Town and City mutually agree and state that no alterations the stated boundaries OAA Property is appropriate.
4. No Hearing Required. Pursuant to Minnesota Statute Section 414.0325, the Town and City mutually agree that this Joint Resolution and Agreement sets forth all the conditions for annexation of the areas designated, and that no consideration by the chief administration law judge is necessary. Upon the execution and filing of this Joint Resolution and Agreement, the chief administrative law judge may review and comment thereon, but shall, within thirty (30) days, order annexation(s) of the OAA Property in accordance with the terms of this Joint Resolution.
5. Reimbursement to Town In Lieu of Taxes. The City agrees to pay the Town the following as full payment for 2022 as a result of this annexation:

2022:	\$637.00
2023:	\$1,274.00
2024:	\$1,274.00

2025: \$1,274.00
2026: \$1,274.00

6. Planning and Land Use Control Authority. The Town and City mutually agree that upon annexation, the property shall be zoned C-3, Highway Commercial District.
7. Character of the Property. The OAA Property abuts the City and is presently urban or suburban in nature or is about to become so. Furthermore, the OAA property is served by municipal water and sanitary sewer.
8. Acreage. The designated property consists of 25+/- acres.
9. Population. The Town and City state that the population of the annexed area is two (2) persons. Therefore, following the annexation, the estimated population of the City will increase.
10. Authorization. The Town and City have authorized the appropriate officers to carry this Joint Resolution's terms into effect.
11. Roads. The OAA Property does not border a Township Road.
12. Severability and Repealer. A determination that a provision of this Joint Resolution is unlawful or unenforceable shall not affect the validity or enforceability of the other provisions herein.
13. Effective Date. This Joint Resolution shall be effective upon adoption by the governing bodies of the City and Town and approval by the Office of Administrative Hearings, Municipal Boundary Adjustments Unit.
14. Governing Law. Minnesota law will govern this Agreement.

Approved the 1st day of August, 2022, by the Town Board of the Town of Albany.


John Greer, Chairman


Diane Noll, Clerk

Approved the 20th day of July, 2022, by the City Council of the City of Albany.


Tom Kasner, Mayor


Tom Schneider, Clerk/Adm.

EXHIBIT A

That part of the West Half of the Northwest Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$) of Section 22, Township 125, Range 31 Stearns County, Minnesota lying South of Interstate Highway No. 94, less and except the following described property:

That part of said W $\frac{1}{2}$ of NW $\frac{1}{4}$ of said Section 22, described as follows: Beginning at a point on the West line 900 feet North of the Southwest corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 22; thence due East 330 feet; thence due South 50 feet; thence due East 430 feet; thence due North to the South line of Interstate Highway No. 94; thence Northwesterly along the South line of Interstate Highway No. 94 to the West line of said W $\frac{1}{2}$ of NW $\frac{1}{4}$; thence South along said West line to the point of beginning.

Also LESS AND EXCEPT that part of the W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 22, Township 125, Range 31, Stearns County, Minnesota described as follows: Commencing at the Southwest corner of said W $\frac{1}{2}$ of NW $\frac{1}{4}$; thence North 00 degrees 05 minutes 03 seconds West (assumed bearing) along the West line thereof a distance of 900.00 feet; thence North 89 degrees 54 minutes 57 seconds East a distance of 330.00 feet; thence South 00 degrees 05 minutes 03 seconds East a distance of 50.00 feet to the point of beginning of the land to be described; thence North 89 degrees 54 minutes 57 seconds East a distance of 430.00 feet; thence North 00 degrees 05 minutes 03 seconds West a distance of 218.63 feet to the Southwesterly right of way line of Interstate Highway No. 94; thence South 64 degrees 29 minutes 33 seconds East along said right of way line a distance of 103.84 feet; thence continue South 53 degrees 10 minutes 57 seconds East along said right of way line a distance of 203.96 feet; thence continue South 64 degrees 28 minutes 44 seconds East along said right of way line a distance of 72.00 feet; thence leaving said right of way line South 85 degrees 36 minutes 53 seconds West a distance of 322.59 feet; thence South 89 degrees 54 minutes 57 seconds West a distance of 430.00 feet to its intersection with a line which bears South 00 degrees 05 minutes 03 seconds East from the point of beginning; thence North 00 degrees 05 minutes 03 seconds West along said line a distance of 4.00 feet to the point of beginning.

CITY OF ALBANY, MN
FUTURE LAND USE MAP

5/3/2022

Future Land Use Designations

- Low Density Residential - Up To 5 Units Per Net Acre
- Medium Density Residential - Up To 16 Units Per Net Acre
- Public / Semi-Public
- Commercial
- Industrial



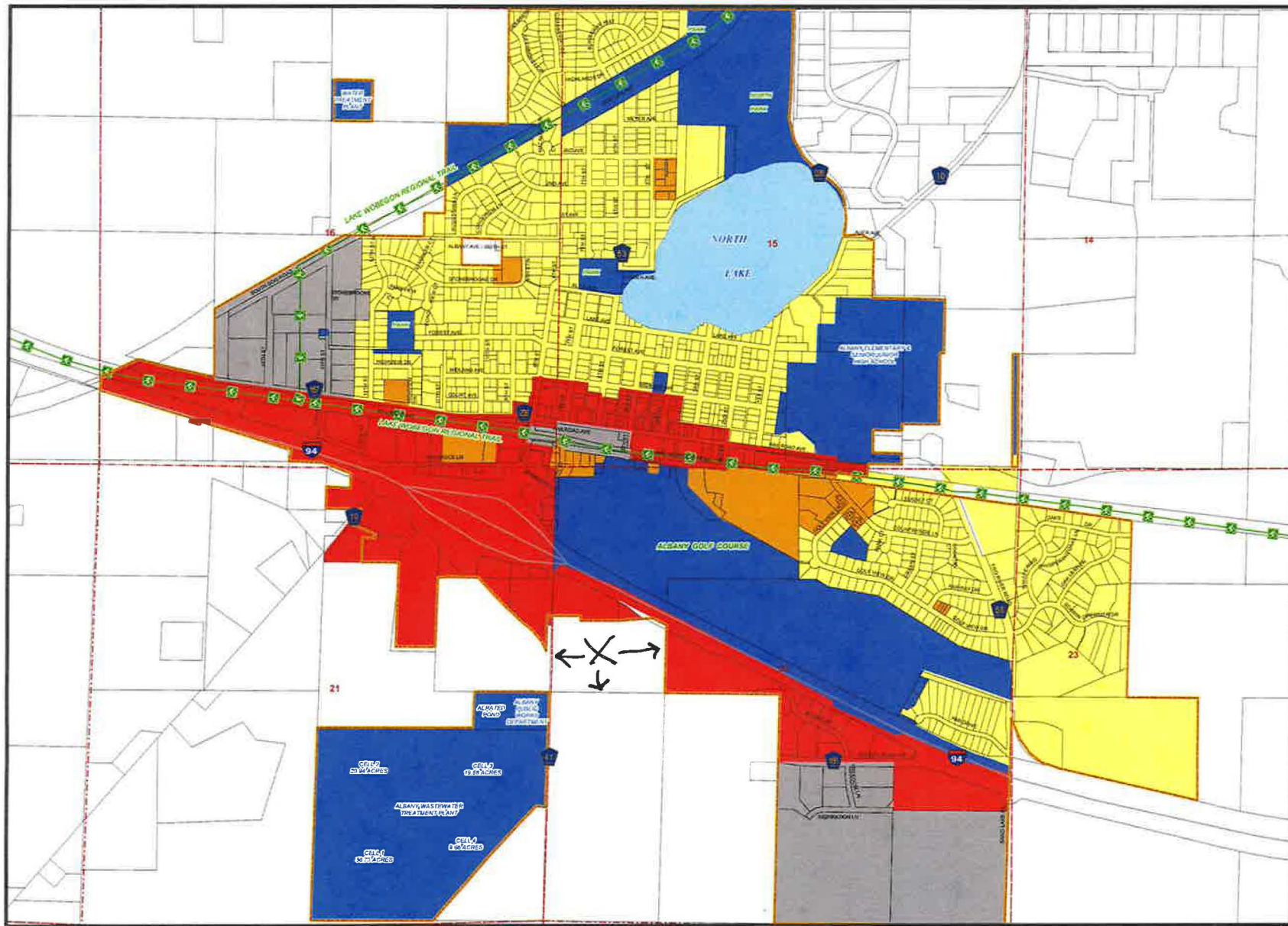
Feet
0 500 1,000

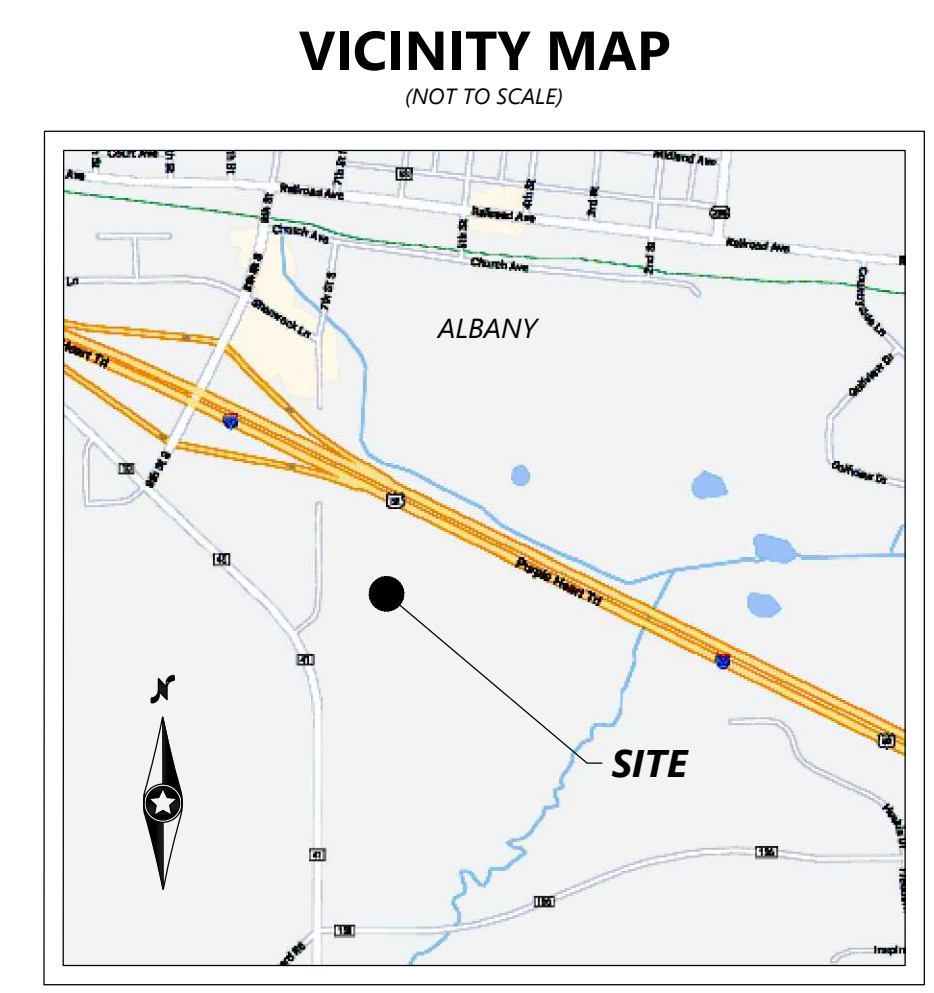
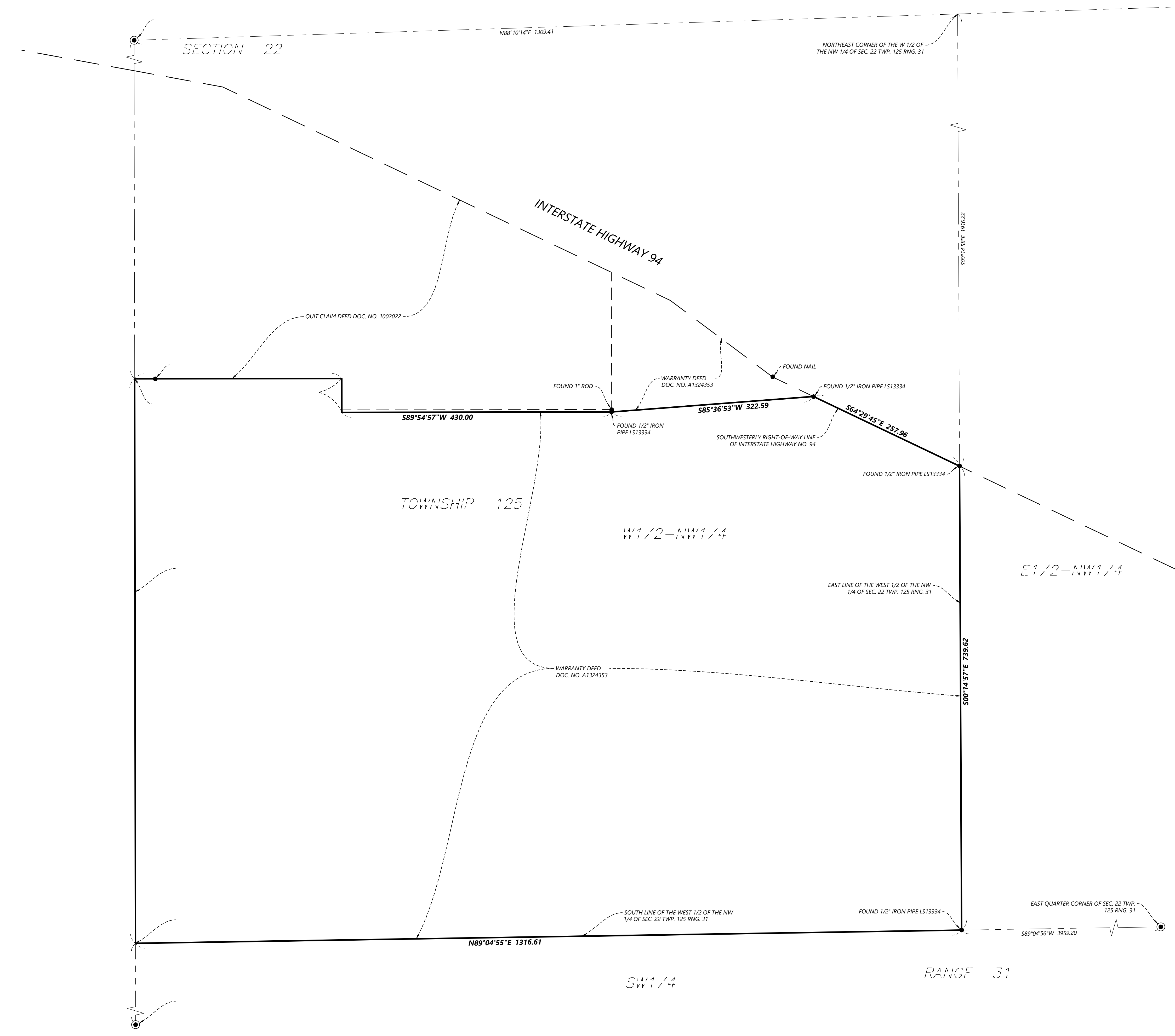
Legend

- City Boundary
- Parcels - Albany Twp
- Right of Way
- Vacated ROW
- Section
- Water
- Lake Wobegon Regional Trail



Exhibit B





LEGAL DESCRIPTION AS PROVIDED BY THE CLIENT

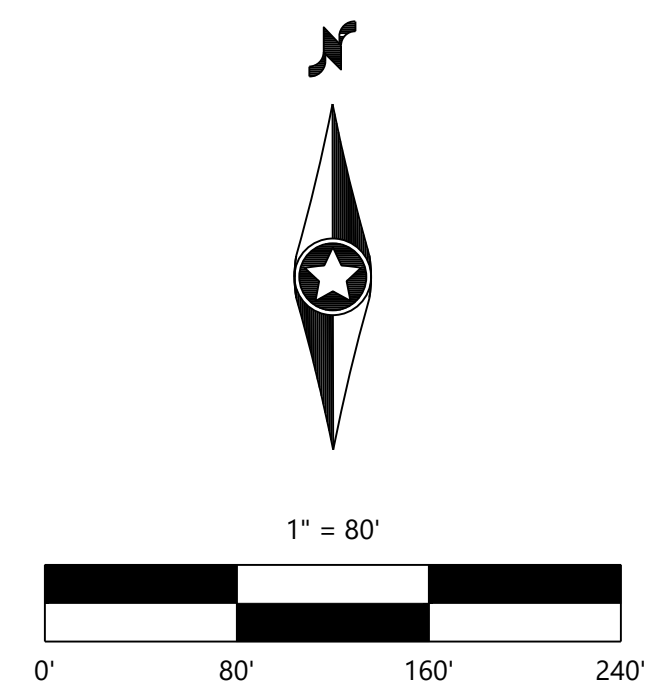
That part of the West Half of the Northwest Quarter (W1/2 of NW1/4) of Section 22, Township 125, Range 31 Stearns county, Minnesota lying South of Interstate Highway No. 94, less and except the following described property: That part of said W1/2 of NW 1/4 of said Section 22, described as follows: Beginning at a point on the West line 900 feet North of the Southwest corner of the SW1/4 of NW1/4 of said Section 22; thence due East 330 feet; thence due South 50 feet; thence due East 430 feet; thence due North to the South line of Interstate Highway No. 94; thence Northwesterly along the South line of Interstate Highway No. 94 to the West line of said W1/2 of NW1/4; thence South along said West line to the point of beginning. Also LESS AND EXCEPT that part of the W1/2 of NW 1/4 of Section 22, Township 125, Range 31, Stearns County, Minnesota described as follows: Commencing at the Southwest corner of said W1/2 of NW 1/4; thence North 00 degrees 05 minutes 03 seconds West (assumed bearing) along the West line thereof a distance of 900.00 feet; thence North 89 degrees 54 minutes 57 seconds East a distance of 330.00 feet; thence South 00 degrees 05 minutes 03 seconds East a distance of 50.00 feet to the point of beginning of the land to be described; thence North 89 degrees 54 minutes 57 seconds East a distance of 430.00 feet; thence North 00 degrees 05 minutes 03 seconds West a distance of 218.63 feet to the Southwesterly right of way line of Interstate Highway No. 94; thence South 64 degrees 29 minutes 33 seconds East along said right of way line a distance of 103.84 feet; thence continue South 53 degrees 10 minutes 57 seconds East along said right of way line a distance of 203.96 feet; thence continue South 64 degrees 28 minutes 44 seconds East along said right of way line a distance of 72.00 feet; thence leaving said right of way line South 85 degrees 36 minutes 53 seconds West a distance of 322.59 feet; thence South 89 degrees 54 minutes 57 seconds West a distance of 430.00 feet to its intersection with a line which bears South 00 degrees 05 minutes 03 seconds East from the point of beginning; thence North 00 degrees 05 minutes 03 seconds West along said line a distance of 4.00 feet to the point of beginning.

GENERAL NOTES

- This survey was prepared without the benefit of a title commitment. No search for easements or restrictions was made by the Surveyor.
- Bearings shown are based upon the Stearns County Coordinate System, NAD 83, 1996 Adjustment.
- Total area = 1,114,526 SQ. FT. or 25.59 acres.

LEGEND

- BOUNDARY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- SECTION LINE
- FOUND MONUMENT (SEE LABEL)
- FOUND CAST IRON MONUMENT



PREPARED FOR:

LUCKY OF ALBANY, LLC

ALBANY, MN

I HEREBY CERTIFY THAT THIS PLAN 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

MATHEW J. WELINSKI
 DATE: 07/27/2022 LICENSE NO. 53596

LUCKY ALBANY 2021 COMMERCIAL

ALBANY, MN

Westwood

Phone (320) 253-9495 1900 Medical Arts Ave S, Suite 100
 Fax (320) 358-2001 Sartell, MN 56377
 Toll Free (800) 270-9495 westwoodps.com
 Westwood Professional Services, Inc.

CERTIFICATE OF SURVEY

SHEET NUMBER:
1 OF 1

DATE: 00/27/2022

PROJECT NUMBER: 0032982.00

Matthew J. Welinski