

RESOLUTION 89-177

Introduced by Councilmember Bachtle

Seconded by Councilmember Schulte

A RESOLUTION FOR JOINT ANNEXATION WITH
TOWN OF ALBERT LEA AND THE CITY OF ALBERT LEA
DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF
ORDERLY ANNEXATION AND CONFERRING JURISDICTION
OVER SAID AREA TO THE
MINNESOTA MUNICIPAL BOARD PURSUANT TO M.S. 414.0325

WHEREAS, the Township of Albert Lea and the City of Albert Lea jointly agree that the following described area is in need of orderly annexation; now, therefore

THE CITY OF ALBERT LEA RESOLVES:

Sec. 1. That the following described area in Albert Lea Township is subject to orderly annexation pursuant to Minnesota Statutes 414.0325, and the parties hereto designate this area for orderly annexation:

SOUTH SHORE DR. ANNEXATION AREA
(Oak Knoll - Dawn Acres - Lakeview Terrace)

Beginning at the east $\frac{1}{4}$ corner of Sec. 16, T102N, R21W; thence west along the south line of the NE $\frac{1}{4}$ of said Sec. 16 to the shoreline of Albert Lea Lake; thence southeasterly along the shore of Albert Lea Lake (east line of Blk 1, Academy Addition) to the west line of the east $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 16; thence south along the west line of the east $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 16 (along the centerline of Frank Hall Dr.) to the south line of said Sec. 16; thence west along the south line of said Sec. 16 to the NE right-of-way line of TH 65 (Southeast Broadway); thence NW along the NE R/W of TH 65 to a point 330' east of the west line of the SE $\frac{1}{4}$ of said Sec. 16; thence south along a line parallel to and 330' east of the west line of the SE $\frac{1}{4}$ of Sec. 16 to the southwest R/W line of the Chicago Northwestern RR (formerly CRI&P RR); thence southeasterly along the SW right-of-way of the CN RR to the intersection with the south line of the north $\frac{1}{2}$ of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 21, T102N, R21W; thence east along the south line of the N $\frac{1}{2}$ N $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 21 to the west line of Sec. 22; thence north on the west line of Sec. 22 610' more or less to a point 50' south of the northwest corner of Sec. 22, said point begins the south right-of-way of South Shore Dr. (CSAH No. 19), thence east along the south right-of-way of said South Shore Dr. a point 325' west of the east line of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 22; thence south along a line parallel to and 325' west of the east line of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 22 a distance of 300'; thence east 653.25' along a line parallel to and 350' south of the north line of Sec. 22; thence north 77' more or less to the southwest. Right-of-way of South Shore Dr. (CSAH No. 19) thence southeast along said southwest right-of-way to a point 358' west of the east line of the NW $\frac{1}{4}$ of Sec. 22; thence south on a line parallel to and 358' west of the NW $\frac{1}{4}$ of Sec. 22 to a point 1500' south of the north line of said Sec. 22; thence east parallel to and 1500' south of the north line of said Sec. 22 a distance of 358' to the east line of the NW $\frac{1}{4}$ of Sec. 22; thence north along the east line of the NW $\frac{1}{4}$ of Sec. 22 to the south right-of-way of South Shore Dr.; thence east and south along the south and west right-of-way of South Shore Dr. (CSAH 19) to a point on the south line of Sec. 22, which point is 50' west of the east line of Sec. 22; thence west 211.4' on the south line of Sec. 22; thence south 500' on a line parallel to and 261.4' west of the east line of Sec. 27, T102N, R21W; thence east 228.4 to a point 33' west of the east line of said Sec. 27; thence south on a line parallel to and 33' west of the east line of said Sec. 27 a distance of 533.7'. Thence east on a line parallel to and 1033.7' south of the north line of Sec. 27 and Sec. 26 to the east line of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 26; thence north on the east line of the NW $\frac{1}{4}$, NW $\frac{1}{4}$ of said Sec. 26 and north along the east line of the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of Sec. 23, T102N, R21W, to the NE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 23; thence west along the north line of the SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Sec. 23 to the west line of Sec. 23; thence north to the NW corner of said Sec. 23; thence west along the south line of Sec. 15, T102N, R21W to the SW corner of the SE $\frac{1}{4}$ of Sec. 15; thence north to the center of Sec. 15; thence west to the E $\frac{1}{4}$ corner Sec. 16 (point of beginning). Containing 548 acres more or less.

Sec. 2. That the area described is in need of orderly annexation and no alteration of the stated boundaries is appropriate.

Sec. 3. That the Township of Albert Lea does, upon passage of this resolution and its adoption by the City Council of the City of Albert Lea, Minnesota, and upon acceptance by the Municipal Board, confer jurisdiction upon the Minnesota Municipal Board over the various provisions contained in this agreement.

Sec. 4. That the certain properties abutting the City of Albert Lea are presently urban or suburban in nature or are about to become so. Further, the City of Albert Lea is capable of providing services to this area within a reasonable time and the existing township form of government is not adequate to protect the public health, safety or welfare and the annexation would be in the best interest of the area proposed for annexation. Therefore, these properties would be immediately annexed to the City of Albert Lea. This area is described as follows:

SOUTH SHORE DR. ANNEXATION AREA
(Oak Knoll - Dawn Acres - Lakeview Terrace)

Beginning at the east $\frac{1}{4}$ corner of Sec. 16, T102N, R21W; thence west along the south line of the NE $\frac{1}{4}$ of said Sec. 16 to the shoreline of Albert Lea Lake; thence southeasterly along the shore of Albert Lea Lake (east line of Blk 1, Academy Addition) to the west line of the east $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 16; thence south along the west line of the east $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 16 (along the centerline of Frank Hall Dr.) to the south line of said Sec. 16; thence west along the south line of said Sec. 16 to the NE right-of-way line of TH 65 (Southeast Broadway); thence NW along the NE R/W of TH 65 to a point 330' east of the west line of the SE $\frac{1}{4}$ of said Sec. 16; thence south along a line parallel to and 330' east of the west line of the SE $\frac{1}{4}$ of Sec. 16 to the southwest R/W line of the Chicago Northwestern RR (formerly CRI&P RR); thence southeasterly along the SW right-of-way of the CN RR to the intersection with the south line of the north $\frac{1}{2}$ of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 21, T102N, R21W; thence east along the south line of the N $\frac{1}{2}$ N $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 21 to the west line of Sec. 22; thence north on the west line of Sec. 22 610' more or less to a point 50' south of the northwest corner of Sec. 22, said point begins the south right-of-way of South Shore Dr. (CSAH No. 19), thence east along the south right-of-way of said South Shore Dr. a point 325' west of the east line of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 22; thence south along a line parallel to and 325' west of the east line of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 22 a distance of 300'; thence east 653.25' along a line parallel to and 350' south of the north line of Sec. 22; thence north 77' more or less to the southwest. Right-of-way of South Shore Dr. (CSAH No. 19) thence southeast along said southwest right-of-way to a point 358' west of the east line of the NW $\frac{1}{4}$ of Sec. 22; thence south on a line parallel to and 358' west of the NW $\frac{1}{4}$ of Sec. 22 to a point 1500' south of the north line of said Sec. 22; thence east parallel to and 1500' south of the north line of said Sec. 22 a distance of 358' to the east line of the NW $\frac{1}{4}$ of Sec. 22; thence north along the east line of the NW $\frac{1}{4}$ of Sec. 22 to the south right-of-way of South Shore Dr.; thence east and south along the south and west right-of-way of South Shore Dr. (CSAH 19) to a point on the south line of Sec. 22, which point is 50' west of the east line of Sec. 22; thence west 211.4' on the south line of Sec. 22; thence south 500' on a line parallel to and 261.4' west of the east line of Sec. 27, T102N, R21W; thence east 228.4 to a point 33' west of the east line of said Sec. 27; thence south on a line parallel to and 33' west of the east line of said Sec. 27 a distance of 533.7'. Thence east on a line parallel to and 1033.7' south of the north line of Sec. 27 and Sec. 26 to the east line of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 26; thence north on the east line of the NW $\frac{1}{4}$, NW $\frac{1}{4}$ of said Sec. 26 and north along the east line of the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of Sec. 23, T102N, R21W, to the NE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 23; thence west along the north line of the SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Sec. 23 to the west line of Sec. 23; thence north to the NW corner of said Sec. 23; thence west along the south line of Sec. 15, T102N, R21W to the SW corner of the SE $\frac{1}{4}$ of Sec. 15; thence north to the center of Sec. 15; thence west to the E $\frac{1}{4}$ corner Sec. 16 (point of beginning). Containing 548 acres more or less.

Sec. 5. That the City agrees to investigate the possibility of sharing facilities, equipment, and personnel within the township to fore-stall the duplication of facilities and to reduce the overall costs of government in the area.

The City agrees to pay Albert Lea Township \$ 18,500.00 as compensation for the sewer line currently serving residents along South Shore Drive to and including the Oak Knoll Subdivision.

Sec. 6. That the effect of annexations on population shall be resolved whenever possible by agreement of parties. If there is failure to reach such agreement, the question shall be resolved by the Minnesota Municipal Board.

Sec. 7. That planning throughout the orderly annexation area shall be pursuant to Minnesota Statutes 414.0325: Planning and Zoning for the area above described shall be provided by the City of Albert Lea.

Sec. 8. That any person owning lands annexed to the City pursuant to this agreement shall have all rights provided by statute and Resolution 87-46 of the City of Albert Lea governing special assessments. That the customary hookup charges approved for property in the City shall be used for connection to city utilities. The City will begin planning for utility extensions into the annexation area upon the effective date of annexation.

Sec. 9. That no consideration of the terms of this joint resolution by the Board is necessary.

Sec. 10. Notwithstanding any other provision of this agreement, any lands annexed to the City which may be identified as "rural" under M.S. 272.67, consisting of fifteen (15) acres or more, shall be classified by the City as rural and shall be taxed only 40 percent of the City's tax capacity rate until such time as the land is no longer rural as defined in M.S. 272.67.

CITY OF ALBERT LEA

Passed and adopted by the City Council of the City of Albert Lea this 28th day of August, 1989.

Attest:

Sandi Behrens
City Clerk

By: Harlan M. Nelson
Mayor

TOWNSHIP OF ALBERT LEA

Passed and adopted by the Town Board of the Town of Albert Lea this 1st day of September, 1989.

Attest:

Harlan A. Bang
Town Clerk

By: Herschel W. Bakken
Its: Chairman

