

An Equal Opportunity Employer



Phone: 296-2428

STATE OF MINNESOTA
MUNICIPAL BOARD

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

June 12, 1979

Mr. C. A. Weivoda
Albany City Clerk-Treasurer
Albany, Minnesota 56307

Re: Docket Number A-3524

Ordinance Number 1979-3

City of Albany

Dear City Clerk/Administrator:

The Minnesota Municipal Board has now processed and approved the above ordinance and filing fee in accordance with Minnesota Statutes, Chapter 414, and the Rules of Procedure.

According to law, this annexation ordinance must be filed with the Township Clerk, County Auditor, Secretary of State and the Municipal Board. (Since the ordinance has already been filed with the Municipal Board, no additional copies are required.)

The annexation is final upon the date the ordinance is approved by the Board, which is the date of this letter.

Sincerely,

MUNICIPAL BOARD

Patricia D. Lundy

Patricia D. Lundy
Assistant Executive Director

PDL:kj

cc: Secretary of State
County Auditor
Township
Attorney
Municipality

(REVISED 7/78)

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 13 1979

Joan Anderson Howe
Secretary of State

#32183
O.N.

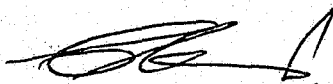
City of Albany

Albany, Minnesota 56307
1-612-845-4244

May 11, 1979

I, the undersigned, being the duly qualified and acting clerk in and for the City of Albany, Stearns County, Minnesota do hereby certify that the attached documents truly reflect all of the actions taken pursuant to the annenation of the territory described in City Odrinance Number 1979-3 and dated May 8, 1979.

Witness therefore my hand and the seal for the City of Albany, Stearns County, Minnesota this 11th day of May, 1979 at Albany, Minnesota.



C.A. Weivoda
City Clerk

(S E A L)

Wallace Wedel, Mayor
Robley Evans, Acting Mayor
Ralph Gorecki, Councilman
Robert Hanauer, Councilman
Ervin Kuper, Councilman
C.A. Weivoda, Clerk and Treasurer

PROCEEDINGS TO
AND THE ADOPTION OF
AN ORDINANCE TO
ANNEX TERRITORY OWNED BY
ALBANY INDUSTRIES, INC.
HOME OF THE FUTURE, INC.
ALBANY AGRI-SYSTEMS, INC.
BURLINGTON NORTHERN RAILROAD COMPANY, INC.

CITY OF ALBANY
COUNTY OF STEARNS
STATE OF MINNESOTA 56307

IN THE YEAR OF 1979

Albany

ORINANCE NUMBER 1979-3

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ALBANY, STEARNS COUNTY, MINNESOTA TO INCLUDE CERTAIN UNPLATTED LAND NOT EXCEEDING 200 ACRES IN AREA AND ABUTTING UPON THE CITY LIMITS.

WHEREAS, certain petitions dated January 20, 1979 and February 5, 1979 requesting annexation of the territory hereinafter described was duly presented to the council on the 19th day of February, 1979; and

WHEREAS, the petition was signed by all of the owners; and

WHEREAS, the Albany town board has waived the 90 day waiting period for adopting this ordinance; and

WHEREAS, the land described in the peitions abuts upon the city limits on its westerly boundries;

The Council of the City of Albany, Stearns County, Minnesota ordains:

SECTION I. The city counci hereby has determined

- (1) that the territory described herein abuts upon the city limits and is about to become urban or suburban in character; and
- (2) that none of the territory is now included within the limits of any city.

SECTION II. TERRITORY ANNEXED.

The corporate limits of the city are hereby extended to include the unplatted land described as follows and the same is hereby annexed to and included within the city as effectually as if had originally been a part thereof:

ALL THAT PART OF THE SOUTH ONE-HALF ($S\frac{1}{2}$) OF SECTION 16, TOWNSHIP 125 NORTH, RANGE 31 WEST, STEARNS COUNTY, MINNESOTA DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD AND THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER ($SE\frac{1}{4}$ $SW\frac{1}{4}$) OF SAID SECTION 16; THENCE NORTHERLY, ALONG SAID WEST LINE AND THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER ($NE\frac{1}{4}$ $SW\frac{1}{4}$) OF SAID SECTION 16, A DISTANCE OF 884.03 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE SOO LINE RAILROAD; THENCE NORTHEASTERLY, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1511.03 FEET TO THE POINT OF INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER ($NE\frac{1}{4}$ $SW\frac{1}{4}$) OF SAID SECTION 16; THENCE SOUTHERLY, ALONG SAID EAST LINE, TO THE SOUTHEAST CORNER OF SAID $NE\frac{1}{4}$ $SW\frac{1}{4}$; THENCE EASTERLY, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER ($SW\frac{1}{4}$ $SE\frac{1}{4}$) OF SAID SECTION 16, A DISTANCE OF 300.00 FEET TO THE NORTHWEST CORNER OF HALLS HIGHVIEW ADDITION, ACCORDING TO THE PLAT ON FILE AND OF RECORD; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID ADDITION, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID BURLINGTON NORTHERN RAILROAD; THENCE SOUTHEASTERLY, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 1650 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE EXISTING CORPORATE LIMIT LINE OF THE CITY OF ALBANY; THENCE SOUTHERLY ALONG SAID CORPORATE LIMIT LINE TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID BURLINGTON NORTHERN RAILROAD; THENCE NORTHWESTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 3300 FEET, MORE OR LESS, TO THE POINT OF BEGINNING AND THERE TERMINATING. CONTAINING 51.33 ACRES, MORE OR LESS.

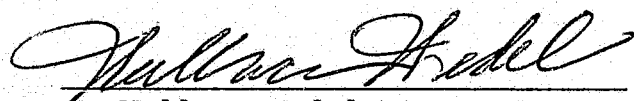
SECTION III. FILING.

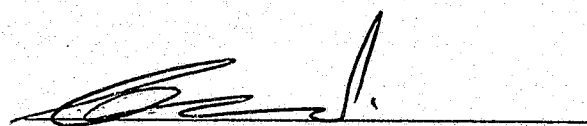
The City Clerk is hereby directed to file certified copies of this ordinance with the Minnesota Municipal Board, the Secretary of State, the Town Clerk, and the County Auditor.

SECTION IV. EFFECTIVE DATE.

This ordinance takes effect upon its passage and publication and the filing of the certified copies as directed in this section Section III, and approved by the Minnesota Municipal Board.

Adopted by the city council this 8th day
of May, 1979.


Wallace Wedel, Mayor


CAWeivoda, City Clerk

stearns county minnesota

PLANS
APPROVED BY
MAY 1964

CITY OF ALBANY
COUNTY OF STEARNS
STATE OF MINNESOTA
56307

ALBANY INDUSTRIES, INC.
30.43 A.

ALBANY FUTURE, INC.

ALBANY AGRICULTURAL SYSTEMS, INC.

ALBANY AGRICULTURAL SYSTEMS, INC.

11.4 A

BURLINGTON NORTHERN RAILROAD COMPANY

To: Minnesota Municipal Board
165 Metro Square Building
7th & Robert Streets
Saint Paul, Minnesota 55101

WAIVER

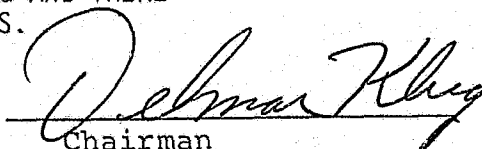
Re: MMB Docket Number _____

Proposed Annexation to the City of Albany,
Stearns County, Minnesota

Gentlemen:

The Town Board of Albany Township, Stearns County,
Pursuant to a resolution duly adopted by the town board
on the _____ of APR 30 1979 1979, hereby
states that Albany Township has no objection to the annex-
ation of the following described alnd to the City of Albany
and hereby waives the 90 days before a city ordinance can
be adopted.

ALL THAT PART OF THE SOUTH ONE-HALF ($S\frac{1}{2}$) OF SECTION 16, TOWNSHIP
125 NORTH, RANGE 31 WEST, STEARNS COUNTY, MINNESOTA DESCRIBED AS
FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY
RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD AND THE WEST
LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER ($SE\frac{1}{4} SW\frac{1}{4}$)
OF SAID SECTION 16; THENCE NORTHERLY, ALONG SAID WEST LINE AND
THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER
($NE\frac{1}{4} SW\frac{1}{4}$) OF SAID SECTION 16, A DISTANCE OF 884.03 FEET TO THE
SOUTHERLY RIGHT OF WAY LINE OF THE SOO LINE RAILROAD; THENCE
NORTHEASTERLY, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1511.03
FEET TO THE POINT OF INTERSECTION WITH THE EAST LINE OF THE
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER ($NE\frac{1}{4} SW\frac{1}{4}$) OF SAID
SECTION 16; THENCE SOUTHERLY, ALONG SAID EAST LINE, TO THE SOUTH-
EAST CORNER OF SAID $NE\frac{1}{4} SW\frac{1}{4}$; THENCE EASTERLY, ALONG THE NORTH
LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER ($SW\frac{1}{4} SE\frac{1}{4}$)
OF SAID SECTION 16, A DISTANCE OF 300.00 FEET TO THE NORTHWEST
CORNER OF HALLS HIGHVIEW ADDITION, ACCORDING TO THE PLAT ON FILE
AND OF RECORD; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID
ADDITION, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID BURLINGTON
NORTHERN RAILROAD; THENCE SOUTHEASTERLY, ALONG SAID NORTHERLY
RIGHT OF WAY LINE, 1650 FEET, MORE OR LESS, TO THE POINT OF
INTERSECTION WITH THE EXISTING CORPORATE LIMIT LINE OF THE CITY OF
ALBANY; THENCE SOUTHERLY ALONG SAID CORPORATE LIMIT LINE TO THE
SOUTHERLY RIGHT OF WAY LINE OF SAID BURLINGTON NORTHERN RAILROAD;
THENCE NORTHWESTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE,
3300 FEET, MORE OR LESS, TO THE POINT OF BEGINNING AND THERE
TERMINATING. CONTAINING 51.33 ACRES, MORE OR LESS.


Chairman

April 30, 1979

Albany Industries, Inc.
Albany, Minnesota 56307

April 5, 1979

Mayor Wallace Wedel
City of Albany
Albany, Minnesota

Honorable Mayor Wedel:

This letter is to advise you that the Board of Directors at their last meeting voted to accept the conditions for annexation expressed by the City Council at their meetings of February 19, 1979 and March 14, 1979.

We thank the City Council for its considerations in our behalf.

Very truly yours,

Ervin H. Sand

Ervin H. Sand
President
Albany Industries, Inc.

April 9, 1979

City of Albany
County of Stearns
State of Minnesota
56307

I, the under signed, being the duly qualifed and acting clerk in and for the City of Albany, Stearns County, Minnesota do hereby certify the the following excertps for the council meetings of February 19, 1979 and March 14, 1979 as it relates to matters for an annexation to the city are a true and exact copy of the original on file in my office in the official minute book.
February 19, 1979

The following exerpt is from a duly called regular meeting held on the 19th day of February, 1979 at 6:30 o'clock p.m. in the city councilroom. Present for the meeting were Mayor Wallace Wedel and Councilmembers: Ralph Gorecki, Robley Evans and Robert Hanauer; Ervin Kuper was absent.

"The Council took note of petitions for annexation from Albany Agri Systems, Inc.; Albany Industries, Inc. and Home Of The Future, Inc., to annex the territory known as the Industrial Park concicting of approximately 39.43 acres and lying due west of the westerly city limits between the right-of-ways south of the SooLine Railroad Tracks and north of the Burlington Northern Railroad tracks. After due discussion a motion was made by Robley Evans and seconded by Ralph Gorecki to accept the petitions for annexation with the following stipulations:

- 1) Albany Industries shall make available to the City a site for the construction of a water tower at no cost to the City
- 2) Albany Industries shall provide the city with the use of its land for the construction of a water tower by granting the City a construction easement at no cost
- 3) Albany Industries shall provide for the City a permanent access easement to the water tower and a utility easement for the trunk (line) water distribution line from the tower to the rest of the distribution system.

As soon as Albany Industries agrees to the stipulations the clerk is directed to proceed with the annexation. All voted for the motion and it carried."

(end Page 1 - continued on Page 2)

Page 2

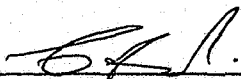
March 14, 1979

The following exerpt is from a duly called special meeting held on the 14th day of March, 1979 in the council room at 7:30 o'clock p.m.; as it relates to matters for an annexation to the city and stipulations set forth at the meeting of February 19, 1979. Present for the meeting were: Mayor Wallace Wedel and Council members: Ralph Gorecki, Robley Evans and Robert Hanauer; Ervin Kuper was absent.

"Ervin Sand and Dr. R. C. Schwegler appeared before the Council as officers fo Albany Industries, Inc. to discuss the stipulations for annexation as set forth in the minutes of the council meeting dated February 19, 1979.

After due discussion a motion was made by Robley Evans and seconded by Robert Hanauer to defer the special assessments against Albany Industries, Inc. that will result from the construction of a water tower in the industrial park until such property is conveyed to another holder with such deferred assessments to accrue interest at the rate assigned to the (bond) issue so deferred. All of the other specifications listed in the minutes of the council meeting dated February 19, 1979 shall remain in place. All voted for the motion and it carried."

Witness my hand and the seal for the City of Albany, Stearns County, Minnesota this 9th day of April, 1979 at Albany, Minnesota.



(CAWeivoda - City Clerk)

(S E A L)

PETITION FOR ANNEXATION

January 20, 1979
Albany, Minnesota 56307

To: The City Council of the City of Albany, Stearns County,
Minnesota.

Albany Agri-Systems, Inc. *SA*
~~XXXXXXXXXXXXXXXXXXXX~~, the Undersigned, being
the 100% owners of the territory described below; hereby
request the City of Albany to annex the said territory and
to extend the City boundaries to include the same for the
purpose respectfully stated:

1. The territory abuts the City limits on its
Westerly boundaries and is presently not within
the limits of any incorporated city.
2. The territory is urban in character

The following is the territory to be annexed:

"All that part of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 16, Township
125 North, Range 31 West lying northerly of the Burlington
Northern Railroad and described as follows: beginning at the
northwest corner of the said SW $\frac{1}{4}$ of SE $\frac{1}{4}$, then north 89 degrees
46 minutes 55 seconds east along the north line of said SW $\frac{1}{4}$ of
SE $\frac{1}{4}$, a distance of 300.00 feet to the Northwest corner of Hall's
Highview Addition, according to the plat on file and of record,
thence south 00 degrees 13 minutes 05 seconds east, along the
west line of said addition, 602.48 feet to the southwest corner
of said addition and to the northerly right-of-way of the
Burlington Northern Railroad, thence north 82 degrees 59 minutes
35 seconds west along said right-of-way line 299.15 feet to a
point of intersection with the west line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$, thence
north 00 degrees 32 minutes 43 seconds west along said west line
565.22 feet to the point of beginning and there terminating, containing
4.00 acres, Stearns County, Minnesota.

Glen Doering
Glen Doering - President
Albany Agri-Systems, Inc.
~~XXXXXXXXXXXXXXXXXXXX~~
~~Albany Agri-Business, Inc.~~
Albany, Minnesota 56307
Jan 17, 1979

Witness Thereto :

Cecile Hoyer & *Blair R.*

PETITION FOR ANNEXATION

February 5, 1979
Albany, Minnesota 56307

To: The City Council of the City of Albany, Stearns
County, Minnesota

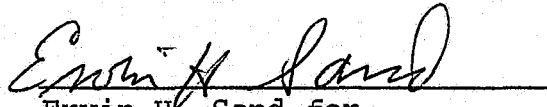
We the undersigned, being 100% of the property owners
of the territory described below hereby request the City
of Albany to annex the said territory and extend the City
boundries to include the same for the purpose respectfully
stated:

1. The territory abuts the City limits on its
Westerly boundries and presently not within
the limits of any incorporated city.
2. The territory is urban in nature and character.

The following is the territory to be annexed:


"That part of the East Half of the Southwest Quarter of
Section 16, Township 125, Range 31, Stearns County,
Minnesota lying South of the southerly right-of-way-line
of the Soo Line Rail Road and North of the northerly
right-of-way-line of the Burlington Northern Rail Road,
less that part of the East 330.00 feet thereof lying
South of a line drawn West at right angles to the east
line of said East Half of the Southwest Quarter from a
point thereon distant 1487.90 feet North of the southeast
corner thereof, containing 30.43 acres.

Subject to the right of way of County Road Number 157 and
easements of record."


Ervin H. Sand for

Albany Industries, Inc.

Purchasers on Contract For Deed


Hildegard Nett

Fee Owner

PETITION FOR ANNEXATION

February 5, 1979
Albany, Minnesota 56307

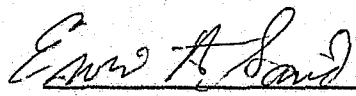
To: The City Council of the City of Albany, Stearns
County, Minnesota

Home Of The Future, Inc., the undersigned, being the
100% owners of the territory described below; hereby
request the City of Albany to include the said territory
in an annexation along with Albany Industries, Inc., and
Albany Agri Systems, Inc. to extend the city boundries
to include the same for the purpose respectfully stated:


1. The territory abuts other territories which
have peitioned for annexation; which abut
the city limits on its westerly boundries and
is presently ont within the limits of any
incorporated city.
2. The territory is urban in character.

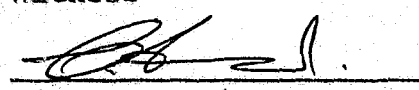
The following is the territory to be annexed:

"The East 330.00 feet of that part of the East Half of
the Southwest Quarter of Section 16, Township 125, Range 31,
Stearns County, Minnesota lying North of the northerly
right of way line of the Burlington Northern Rail Road
and lying South of a line drawn West at right angles
to the east line of said East Half of the Southwest Quarter
from a point thereon distant 1487.90 feet North of the
southeast corner thereof, containing 5.50 acres."


Ervin H. Sand, President

Home of the Future, Inc.
Albany, Minnesota 56307


Witness


Witness

City of Albany

Albany, Minnesota 56307

1-612-845-4244

January 16, 1979

Mr. H. D. Shane
Director of Property Management
Brulington Northern, Inc.
Room 1018
1176 East 5th Street
St. Paul, Minnesota 55101

RE: ANNEXATION OF RAILROAD PROPERTY

Dear Mr. Shane:

This letter is to confirm our telephone conversation of this date.

The City of Albany is in the process on annexing land that lies due North of the BN in Albany.

At the present time about 900 feet of BN property juts into the City as rural property and this causes some problems with the enforcement of our zoning ordinance.

With the new annexation the BN property that would remain rural will be a half mile or more. The City would like to incorporate this property into the city limits.

The least bothersome way to accomplish this as far as the BN property is concerned is to annex the other parcel of land and then let the city exercise its power to annex the said land by simple ordinance at a later date. In this manner there is no paper work on your part and we will send you a copy of the ordinance after the fact.

Wallace Wedel, Mayor
Robley Evans, Acting Mayor
Ralph Gorecki, Councilman
Robert Hanauer, Councilman
Ervin Kuper, Councilman
C.A. Weivoda, Clerk and Treasurer

January 16, 1979

The BN property that we are talking about lies due South of a County Road and North of the Northern States sub-station and a mobile home park. There is no property that could benefit from any city improvements as we see them now. In other words the land use is such that it will not change for the next decade or more.

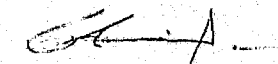
Please note the attached map. The blue shading shows the lands to be annexed and the green the BN property that would be annexed.

The property to be annexed is for an industrial park so no homes will be built in the area.

The City would like a letter from your company saying that BN has no objection to the annexation. I can assure that the annexation can take place at no time or money cost to you.

With the sincere hope that we find ourselves in agreement on this matter, I remain;

Very truly yours,



CA Weivoda
City Clerk

Enclosure:

map of annexation zone; and
copy of city authority to annex from
Minnesota League of Cities Handbook.

**City of
Albany**
Albany, Minnesota 56307
1-612-845-4244



BURLINGTON NORTHERN

INDUSTRIAL DEVELOPMENT AND
PROPERTY MANAGEMENT DEPARTMENT

Room 1018
176 East Fifth Street
St. Paul, Minnesota 55101
Telephone (612) 298-2121

Mr. C. A. Weivoda
City Clerk
City of Albany
Albany, Minnesota 56307

February 8, 1979

Dear Mr. Weivoda:

Referring to your letter of January 16, 1979, relating to annexation of approximately 900 feet of Burlington Northern right of way adjacent to a tract of land on the westerly edge of the city which is to be annexed to Albany.

Burlington Northern Inc. has no objection to the annexation of the right of way as shown by green color on the map sent with your letter on the subject. A copy of the City's ordinance applicable to this annexation should be sent to us for our records.

Very truly yours,

H. D. Shane
Director-Property Management

File BN 5400-Albany, Minnesota

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