
AN ORDINANCE OF THE CITY OF HERMAN, MINNESOTA, EXTENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING CERTAIN LAND ABUTTING THE CITY OF HERMAN AND OWNED BY CHS INC.

WHEREAS, CHS Inc. filed a petition on June 26, 2007, requesting the annexation to the City of Herman of real property in Grant County, Minnesota, described as follows:

That part of the East Half (E½) of the Northeast Quarter (NE¼) of Section Fourteen (14), Township One Hundred Twenty-seven (127) North, Range Forty-four (44) West of the Fifth Principal Meridian for Minnesota, except railroad right-of-way, described as follows: Commencing at the east quarter corner of said Section Fourteen (14); thence North 00 degrees 00 minutes 00 seconds East, a distance of 905.30 feet to the point of beginning of the tract to be described; thence continuing North 00 degrees 00 minutes 00 seconds East a distance of 1008.29 feet to a point on the southwesterly right of way of the Great Northern Railroad main line; thence North 31 degrees 41 minutes 14 seconds West, along said southwesterly right of way, a distance of 891.91 feet to a point on the north line of the Northeast Quarter (NE¼) of said Section; thence North 89 degrees 43 minutes 37 seconds West, along said north line, a distance of 852.66 feet to the northwest corner of the East Half of the Northeast Quarter (E½NE¼) of said Section; thence South 00 degrees 15 minutes 04 seconds East, along the west line of said East Half of the Northeast Quarter (E½NE¼), a distance of 1794.00 feet; thence North 89 degrees 00 minutes 37 seconds East a distance of 1313.49 feet to the point of beginning. Said tract contains 49.74 acres more or less and is subject to easements of record,

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Covenants, conditions, restrictions, declarations, and easements of record, if any; and building, zoning and subdivision laws and regulations.

WHEREAS, CHS Inc. represents that the properties to be annexed total approximately 49.74 acres in area, that the properties abut the City limits on the north and west boundaries and none of it is presently included within the corporate limits of any incorporated City, that the properties are not included in any area that has already been designated for orderly annexation, that there is one property owner in the area proposed for annexation, that the reason for the requested annexation is to provide municipal infrastructure and possibly city utilities to an area about to become developed, that the

territory is or is about to become urban or suburban in character, and that the annexation is in the best interest of the subject area;

WHEREAS, CHS Inc. has waived any notice concerning Minnesota Statutes 414.033, Subd. 13, therein regarding utility services and costs; and

WHEREAS, Logan Township has waived any right to object pursuant to statute or otherwise, has indicated a reasonable amount for reimbursement, and has waived the 90 day period before an annexation ordinance may be adopted.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMAN, MINNESOTA, DOES HEREBY ORDAIN:

Section 1. The City Council hereby determines that the land is unplatted, that the area to be annexed does not exceed 200 acres, that the City has received a Petition for Annexation from all of the owners of the property, that the all proper parties have received notice, including the Township and County, that the Township has waived any time frames and objections, that the area needs infrastructure and perhaps other utilities provided by the municipality, that the area is appropriate for annexation by ordinance under Minnesota Statutes 414.033, Subd. 5, and that the Petition complies with all provisions of Minnesota Statutes 414.033.

Section 2. The property is urban or suburban in character or is about to become so.

Section 3. No public hearing is required for annexation under Minnesota Statutes 414.033, Subd. 5, as all property owners joined in the Petition and the Township has waived the same. Nonetheless, this Ordinance was enacted at a duly called meeting of the Herman City Council on June 28, 2007.

Section 4. The corporate limits of the City of Herman are hereby extended to include said property and the same is hereby annexed to and included in the City of Herman as if the property had originally been a part thereof.

Section 5. Pursuant to the Herman Code of Ordinances, the property annexed by this ordinance shall have a zoning classification of Commercial.


Section 6. Pursuant to Minnesota Statutes § 414, the property taxes payable on the area described herein and hereby annexed shall continue to be paid to Logan Township for the year in which the annexation becomes effective. In the first year following the year when the City of Herman could first levy on the annexed area and thereafter, property taxes on the annexed area shall be paid to the City of Herman. Pursuant to Minnesota Statutes § 414.036 and the Waiver of Logan Township, \$800.00, payable in equal installments of \$400.00 in 2008 and 2009, is fair and just reimbursement to Logan Township.

Section 7. Logan Township has waived any and all rights to object to the annexation, has further waived its rights to a 90 day waiting period before annexation by ordinance can occur and has further waived any and all additional rights at law or equity that it may have with regard to these proceedings.

Section 8. The City Clerk is directed forthwith to file certified copies of this ordinance with the Minnesota Office of Administrative Hearings, Logan Township, Grant County Auditor, and the Minnesota Secretary of State.

Section 9. This ordinance takes effect upon its passage and publication and filing of the certified copies as directed in Section 8 and approval of the ordinance by the Minnesota Office of Administrative Hearings - Municipal Boundary Adjustments.

CITY OF HERMAN


Linden Churchill, Mayor

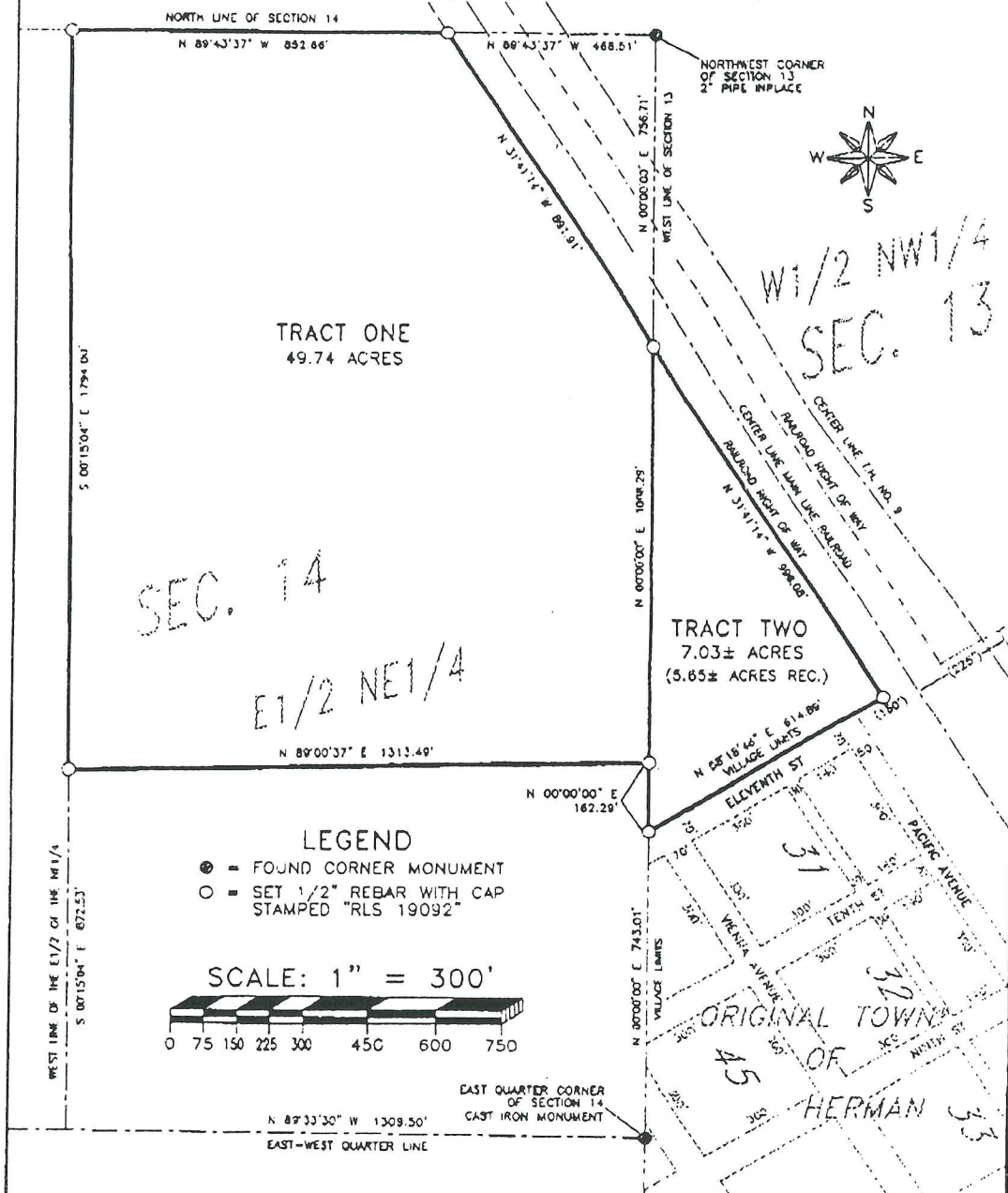
ATTEST:


City Clerk

Adopted by the City Council of the City Herman, Minnesota this 28th day of June, 2007.

CERTIFICATE OF SURVEY

Part of the West Half of the Northwest Quarter of Section 13,
and part of the East Half of the Northeast Quarter of Section 14,
Township 127 North, Range 44 West, Grant County, Minnesota



Surveyors Certificate

I, Roy Marinhart, do hereby certify that this survey and drawing was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the Laws of the State of Minnesota.

Roy Marinhart
Roy Marinhart - MN Reg. No. 19092
Marinhart Surveying, P.A.

4-11-07
Date

