**ORDINANCE NO.\_\_\_\_\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF \_\_\_\_\_\_\_\_\_\_, MINNESOTA ANNEXING**

**LAND LOCATED IN \_\_\_\_\_\_\_\_\_\_ TOWNSHIP, \_\_\_\_\_\_\_\_\_\_ COUNTY, MINNESOTA PURSUANT TO MINN. STAT.** § **414.033 SUBD. 3,**

**PERMITTING ANNEXATION BY ORDINANCE**

**WHEREAS,** the following described property (or attached), located in \_\_\_\_\_\_\_\_Township, \_\_\_\_\_\_\_ County, is 60% or more bordered by the City of \_\_\_\_\_\_\_\_\_\_\_; 40 acres or less; and is not appropriate for annexation by ordinance pursuant to Minn. Stat. § 414.033, subd. 2(3):

***INSERT THE COMPLETE AND ACCURATE PROPERTY DESCRIPTION.***

 ***DO NOT USE DESCRIPTIONS FROM PROPERTY TAX STATEMENTS.***

**WHEREAS,** a notice of intent to annex was served on \_\_\_\_\_\_\_\_\_\_\_\_\_ Township and the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings.

**WHEREAS,** (the Township has submitted a waiver of objection - OR - 90 days have passed since the date of service on the Township and no objections have been served on the Municipal Boundary Adjustment Unit.)

**WHEREAS,** Minn. Stat. § 414.033, subd. 3 authorizes the annexation of land by ordinance upon fulfillment of the requirements.

**NOW, THEREFORE**, THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ HEREBY ORDAINS AS FOLLOWS:

1. The property described above (or attached), located in \_\_\_\_\_\_\_\_Township, \_\_\_\_\_\_\_ County, is 60% or more bordered by the City of \_\_\_\_\_\_\_\_\_\_\_; 40 acres or less; and is not appropriate for annexation by ordinance pursuant to Minn. Stat. § 414.033, subd. 2(3).

2. The property consists of a total of \_\_\_\_\_\_\_\_\_\_ acres, more or less; \_\_\_\_\_\_\_\_\_\_ use is proposed for the property (state the reason for the annexation).

3. Notice of intent was served on the Township and the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings.

4. The Township has submitted a waiver of objection - OR - 90 days have passed since the date of service on the Township and no objections have been served on the Municipal Boundary Adjustment Unit.

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5. The City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, pursuant to Minn. Stat. § 414.036, that with respect to the property taxes payable on the area legally described (herein or attached exhibit), hereby annexed, shall make a cash payment to the Town of \_\_\_\_\_\_\_\_\_\_\_\_\_\_in accordance with the following schedule:

 *OPTION A:*

 a. In the first year following the year in which the City of

 \_\_\_\_\_\_\_\_\_\_\_could first levy on the annexed area, an amount equal

 to $\_\_\_\_\_\_\_\_\_\_; and

 b. In the second year, an amount equal to $\_\_\_\_\_\_\_\_\_\_.

 (Or payments can extend up to 8 years.)

 *OPTION B:*

Parties may agree to other payment terms. Include written documentation of such an agreement.

6. That pursuant to Minn. Stat. § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described (herein or attached exhibit) there are [no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.] *OR* there are …..and the City will ……

7. That the City ( title ) is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the \_\_\_\_\_\_\_\_\_\_\_\_ County Auditor, and \_\_\_\_\_\_\_\_\_\_\_\_Township.

8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Minnesota , this \_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Mayor

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk