

ORDINANCE NO. 205, THIRD SERIES

REC'D BY  
MJB FEB 26 1998

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LUVERNE TO INCLUDE CERTAIN LAND OWNED BY FAGEN, INC., WHICH LAND IS SURROUNDED BY LAND WITHIN THE CITY OF LUVERNE'S MUNICIPAL LIMITS.

WHEREAS, Fagen, Inc., has filed a Petition dated January 6, 1998, requesting the annexation to the City of Luverne of that certain real estate located within the County of Rock, State of Minnesota, described as follows:

Those tracts of land in the Southwest Quarter (SW ¼) of Section Ten (10), in Township One Hundred Two (102) North, of Range Forty-five (45) West of the 5th P.M., described as follows:

Commencing at a point where the centerline of township road intersects with the South line of the Chicago and Northwestern Railroad right-of-way, thence South along the centerline of said township road a distance of 20 feet, thence Southwesterly and parallel with said South line of said railroad property a distance of 70 feet to the point of beginning, thence Southwesterly parallel to said South line of railroad property a distance of 250 feet, thence South and parallel with the centerline of said township road a distance of 350 feet, thence Northeasterly and parallel with the said south line of railroad property a distance of 250 feet, thence North and parallel with the centerline of said township road a distance of 350 feet to the point of beginning. According to the U.S. Government survey thereof, Rock County, Minnesota.

That part of the Southwest Quarter of Section 10, Township 102 North, Range 45 West, Rock County, Minnesota described as:

Commencing at a point where the North-South Quarter line of Section 10 (also being the centerline of a township road) intersects the South right-of-way line of the Chicago and Northwestern Railroad; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) along the North-South Quarter line of Section 10, a distance of 42.47 feet to the point of beginning; thence South 62 degrees 53 minutes 30 seconds West along a line southerly and parallel to the South right-of-way line of the Chicago and Northwestern Railroad, a distance of 70.00 feet; thence South 00 degrees 00 minutes 00 seconds East, 327.53 feet; thence South 62 degrees 53 minutes 30 seconds West, 84.47 feet; thence North 90 degrees 00 minutes 00 seconds East, 137.50 feet to the North-South Quarter line of Section 10; thence North 00 degrees 00 minutes 00 seconds West along the North-South Quarter line of Section 10, a distance of 397.92 feet to the point of beginning.

EXCEPTING therefrom the following described tract:

That part of the Southwest Quarter of Section 10, Township 102 North, Range 45 West, Rock County, Minnesota, described as:

Commencing at a point where the North-South Quarter line of SECTION 10 (also being the centerline of a township road) intersects the South right-of-way line of the Chicago and Northwestern Railroad; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) along the North-South Quarter line of Section 10, a distance of 20.00 feet; thence South 62 degrees 53 minutes 30 seconds West along a line southerly and parallel to the South right-of-way line of the Chicago and Northwestern Railroad, a distance of 70.00 feet to the point of beginning; thence continuing South 62 degrees 53 minutes 30 seconds West, along said line, 250.00 feet; thence South 00 degrees 00 minutes 00 seconds East, 350.00 feet; thence North 62 degrees 53 minutes 30 seconds East, 165.53 feet; thence South 90 degrees 00 minutes 00 seconds West, 138.35 feet; thence North 00 degrees 00 minutes 00 seconds West, 256.71 feet; thence North 62 degrees 53 minutes 30 seconds East, along a line southerly and parallel to the South right-of-way line of

the Chicago and Northwestern Railroad, 239.89 feet; thence North 00 degrees 00 minutes 00 seconds West, 22.47 feet to the point of beginning.

Together with an easement for the purpose of maintaining a sign in Document No. 129894 dated October 9, 1991 and filed October 16, 1991.

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and

**WHEREAS**, Fagen, Inc., represents that it is are the only owner of the property, that the population of the property area is zero, and that the property is unincorporated, is surrounded by land within the municipal limits, is not included with any other municipality, is not included in any boundary adjustment proceeding pending before the Minnesota Municipal Board, has a property area of 2.29 acres, is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and is or is about to become urban or suburban in character.

**WHEREAS**, Said property is currently served by the municipality's electric utility service and the property owner has waived its right to receive notice pursuant to M.S. 414.033, Subd. 13, regarding an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation.

**NOW THEREFORE**, The City Council of Luverne, Minnesota, does hereby ordain:

Section 1. The City Council hereby determines and finds that the property is completely surrounded by land within the municipal limits, that the area to be annexed is sixty (60) acres or less, that the area to be annexed is not presently served by public sewer facilities or public sewer facilities are not otherwise available, that the municipality has received a properly prepared Petition for Annexation from all of the owners of the property, that the area is appropriate for annexation by ordinance under M.S. 414.033, Subd. 2, clause (3), and that the Petition complies with all the provisions of M.S. 414.033.

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

Section 3. The property is currently served by the municipality's electric utility service and the property owner has waived its right to receive notice pursuant to M.S. 414.033, Subd. 13, regarding an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation.

Section 4. The City Council waives the requirement that the Petitioner notify the municipality of the Petitioner's intention to file a petition for annexation at least sixty (60) days prior to filing same, pursuant to M.S. 414.033, Subd. 13.

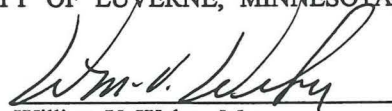
Section 5. The corporate limits of the City of Luverne are hereby extended to include the property and the same is hereby annexed to and included within the City of Luverne as if the property had originally been part thereof.

Section 6. For purposes of zoning and in particular Luverne City Code, Chapter 11, and notwithstanding any provisions to the contrary contained therein, the property annexed by this ordinance shall be zoned as "I-2, General Industry District".

Section 7. The City Clerk is directed to file certified copies of this ordinance with the Minnesota Municipal Board, Luverne Township, the Rock County Auditor-Treasurer, and the Minnesota Secretary of State.

Section 8. This ordinance takes effect upon its passage and publication and filing of the certified copies as directed in Section 7, and approval of the Ordinance by the Minnesota Municipal Board.

ADOPTED BY THE CITY COUNCIL, CITY OF LUVERNE, MINNESOTA,  
THIS 23RD DAY OF FEBRUARY, 1998.

  
\_\_\_\_\_  
William V. Weber, Mayor

ATTEST:   
\_\_\_\_\_  
Matthew L. Hylan, City Administrator

REC'D. BY FEB 26 1998  
MVB

Public Hearing: February 23, 1998

Introduced: February 23, 1998

Passed: February 23, 1998

Published: February 26, 1998

Effective: \_\_\_\_\_

Municipal Board Passage: \_\_\_\_\_

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AREA PROPOSED FOR  
ANNEXATION

**Corporate Limits south of I-90**

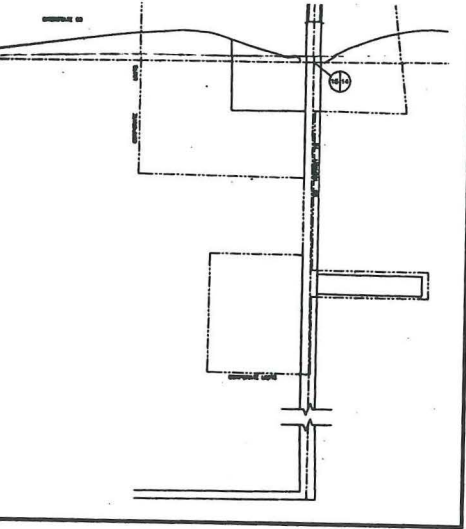


EXHIBIT "A"

