

ORDINANCE NO. 221, THIRD SERIES

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LUVERNE
TO INCLUDE CERTAIN LANDS OWNED BY GLENN R. BURMEISTER, WALTER
DEUTSCH AND BETTY DEUTSCH AND ABUTTING THE CITY OF LUVERNE
(8.3 Acres So. of I-90 Drive-In Theatre Area)

WHEREAS, Glenn R. Burmeister, Walter Deutsch and Betty Deutsch have filed a Petition dated September 20, 1999, requesting the annexation to the City of Luverne of that certain real estate located in the County of rock, State of Minnesota, described as follows:

Commencing at the southwest corner of Section Fourteen (Sec. 14), Township One Hundred-two North (T102N), Range Forty-five West (R45W) of the Fifth Principal Meridian (5th P.M.), Rock County, Minnesota; thence due North on the west line of said Sec. 14, three hundred nineteen feet (319.0') to the point of beginning; thence North 87o51' East, two hundred eighteen and eight/tenths feet (218.8'); thence North 62o46' East, four hundred thirty and six/tenths feet (430.6'); thence North 0o03' West, three hundred seventy-one and three/tenths feet (371.3'); thence North 89o08' West, six hundred one feet (601.0') to the west line of said Sec. 14; thence due South, five hundred eighty-five and seven/tenths feet (585.7') to the point of beginning.

The above described tract contains seven and seven/hundredths acres (7.07 A.) The bearing of the west line of said Sec. 14 is assumed to be due North.

-AND-

Commencing at the southwest corner of Section Fourteen (Sec. 14), Township One Hundred-two North (T102N), Range Forty-five West (R45W) of the Fifth Principal Meridian (5th P.M.), Rock County, Minnesota; thence due North on the west line of said Sec. 14, three hundred nineteen feet (319.0'); thence North 87o51' East, two hundred eighteen and eight/tenths feet (218.8'); thence North 62o46' East, four hundred thirty and six/tenths feet (430.6'), to the point of beginning; thence North 0o03' West three hundred seventy-one and three/tenths feet (371.3'); thence South 89o08' East, one hundred sixty-nine and seven/tenths feet (169.7') to the centerline of former Chicago, Saint Paul, Minneapolis and Omaha Railroad right-of-way; thence South 6o26' East, along said right-of-way centerline, three hundred fifty feet (350.0'); thence South 84o16' West, two hundred nine and six/tenths feet (209.6') to the point of beginning, containing one and fifth-seven/hundredths acres (1.57 A.) The bearing of the west line of Sec. 14 is assumed due North

-EXCEPT-

That part of the Southwest Quarter of Section 14, Township 102 North, Range 45 West of the Fifth Principal Meridian, Rock County, Minnesota, described as follows:

Commencing at the Southwest Corner of Section 14; thence North 00 degrees 00 minutes 00 seconds East (assumed bearing) along the West line of the Southwest Quarter of said Section 14, a distance of 319.00 feet to the point of beginning; thence North 87 degrees 51 minutes 00 seconds East a distance of 218.80 feet to a 4"x4" wood post; thence North 62 degrees 46 minutes 00 seconds East a distance of 83.36 feet to an iron stake; thence South 87 degrees 12 minutes 32 seconds West a distance of 68.20 feet to an iron stake; thence South 90 degrees 00 minutes 00 seconds West a distance of 150.00 feet to an iron stake; thence continuing South 90 degrees 00 minutes 00 seconds West a distance of 74.64 feet to said West line; thence South 00 degrees 00 minutes 00 seconds West along said West line a distance of 43.03 feet to said point of beginning.

Said tract is subject to easements of record, if any; and

WHEREAS, Glenn R. Burmeister, Walter Deutsch and Betty Deutsch represent that they are the sole owners of the property, that the population of the area is zero, and that the property is unincorporated, abuts on the southerly boundary of the City of Luverne, is not included with any other municipality, is not included in any boundary adjustment proceedings pending before Minnesota Planning Municipal Boundary Adjustments, has a property area of less than 200 unplatted acres, is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and is or about to become urban or suburban in character; and

WHEREAS, said property is currently served by the municipality's electric utility service, and the property owners have their right to receive notice pursuant to M.S. 4145.033, 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 the City of Luverne, Minnesota, does hereby ordain:

SECTION 1. That the City Council hereby determines and finds that the property described herein abuts the municipality, that the property is unplatted and less than 200 acres, 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. 5, and that the Petition complies with all the provisions of Minnesota Statutes 414.933.

SEC. 2. That the property is urban or suburban in nature or about to become so.

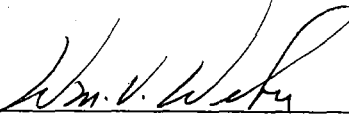
SEC. 3. That the property is currently served by the municipality's electric utility service and the property owners have waived their right to receive notice pursuant to M.S. 414.033, Subd. 13, regarding an estimate of the cost impact of any change in electric utility services, including rate changes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

SEC. 4. That 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 a part thereof.

SEC. 5. That the City Clerk is directed to file certified copies of this ordinance with Minnesota Planning Municipal Boundary Adjustments, Luverne Township, the Rock County Auditor-Treasurer, and the Minnesota Secretary of State.

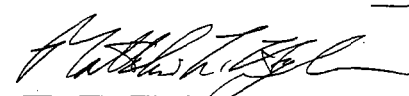
SEC. 6. That the area should be zoned B-2, Highway Service.

SEC. 7. This ordinance takes effect upon its passage and publication and approval by Minnesota Planning Municipal Boundary Adjustments.



William V. Weber, Mayor

ATTEST:


Matthew L. Hylen, City Administrator

Introduced: November 8, 1999

Passed: November 8, 1999

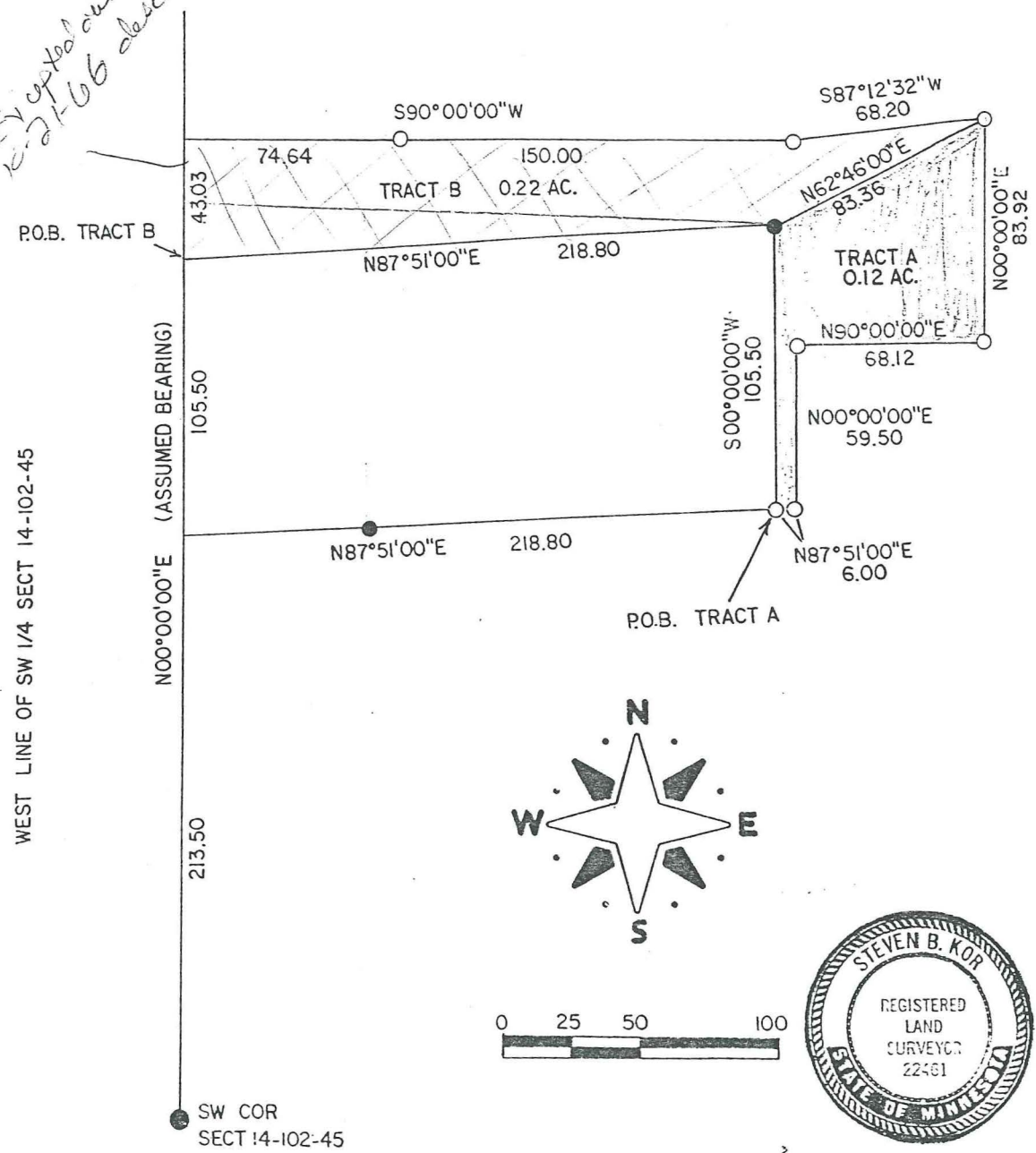
Published: November 11, 1999

Effective: _____

Minnesota Planning Municipal
Boundary Adjustments Approval: _____

REC'D. BY OCT 28 1999
M.A.B.

*By opt'd out of
12-21-66 description*



DESCRIPTIONS

TRACT A

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 102 NORTH, RANGE 14 WEST OF THE FIFTH PRINCIPAL MERIDIAN, ROCK COUNTY, MINNESOTA. DESCRIBED FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING) ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, A DISTANCE OF 213.50 FEET; THENCE NORTH 87 DEGREES 51 MINUTES 00 SECONDS EAST A DISTANCE OF 218.80 FEET TO THE POINT OF BEGINNING CONTINUING NORTH 87 DEGREES 51 MINUTES 00 SECONDS EAST A DISTANCE OF 6.00 FEET TO AN IRON STAKE; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 68.12 FEET TO AN IRON STAKE; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 83.92 FEET TO AN IRON STAKE; THENCE SOUTH 62 DEGREES 46 MINUTES 00 SECONDS WEST A DISTANCE OF 83.36 FEET TO A 4"x4" WOOD POST; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 105.50 FEET TO SAID POINT OF BEGINNING.

SAID TRACT IS SUBJECT TO EASEMENTS OF RECORD, IF ANY.

TRACT B

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 102 NORTH, RANGE 14 WEST OF THE FIFTH PRINCIPAL MERIDIAN, ROCK COUNTY, MINNESOTA. DESCRIBED FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING) ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, A DISTANCE OF 319.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 51 MINUTES 00 SECONDS EAST A DISTANCE OF 218.80 FEET TO A 4"x4" WOOD POST; THENCE NORTH 62 DEGREES 46 MINUTES 00 SECONDS EAST A DISTANCE OF 83.36 FEET TO AN IRON STAKE; THENCE SOUTH 87 DEGREES 12 MINUTES 32 SECONDS WEST A DISTANCE OF 68.20 FEET TO AN IRON STAKE; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 150.00 FEET TO AN IRON STAKE; THENCE CONTINUING NORTH 87 DEGREES 51 MINUTES 00 SECONDS WEST A DISTANCE OF 74.64 FEET TO SAID WEST LINE; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 43.03 FEET TO SAID POINT OF BEGINNING.

SAID TRACT IS SUBJECT TO EASEMENTS OF RECORD, IF ANY.

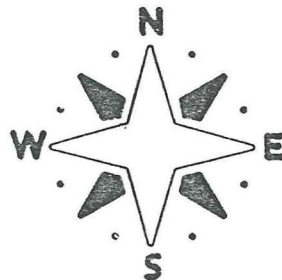
LEGEND

MONUMENTS FOUND

MONUMENTS PLACED, 5/8" x 30" IRON STAKE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Steven B. Kor DATE



WEST LINE OF SW 1/4 SECT 14-102-45

N00°00'00"E (ASSUMED BEARING)

213.50

105.50

43.03

SW COR
SECT 14-102-45

N87°51'00"E 218.80

N87°51'00"E 218.80

S90°00'00"W

TRACT B
0.22 AC.

74.64

150.00

S00°00'00"W
105.50

N87°51'00"E 6.00

P.O.B. TRACT A

N00°00'00"E
59.50

N90°00'00"E
68.12

TRACT A
0.12 AC.

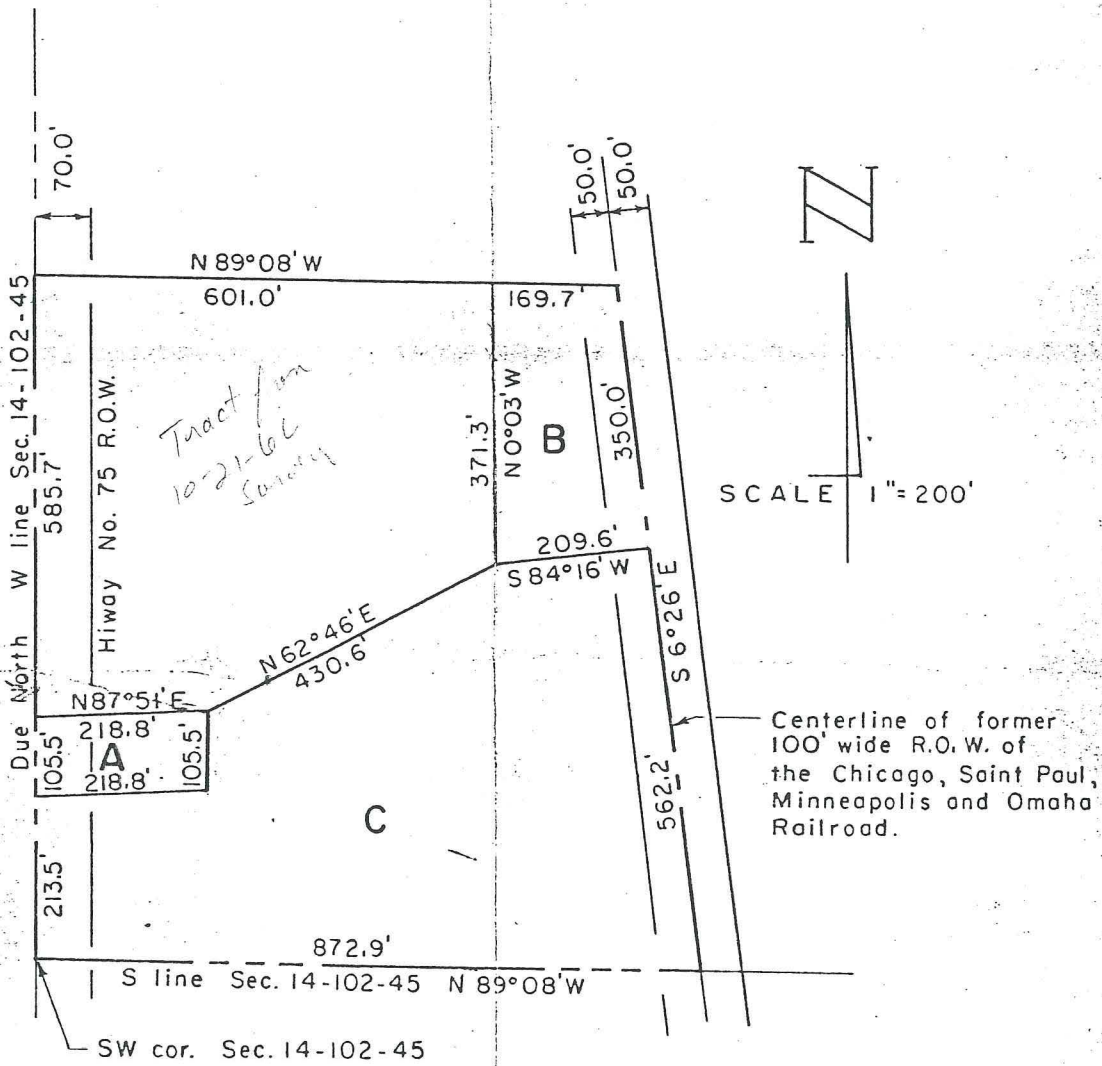
N62°46'00"E
83.36

S87°12'32"W
68.20

N00°00'00"E
83.92

LAND PLAT IN SW 1/4-SW 1/4 SECTION 14-102-45

REC'D BY OCT 28 1999
M.M.B.



Centerline of former
100' wide R.O.W. of
the Chicago, Saint Paul,
Minneapolis and Omaha
Railroad.

DESCRIPTION TRACT A:

"Commencing at the southwest corner of Section Fourteen One Hundred-two North (T102N), Range Forty-five West (R45W Meridian (5th P.M.), Rock County, Minnesota; thence Due North said Sec. 14, two hundred thirteen and five/tenths feet (213.5'); thence North 87°51' East, two hundred eighteen (218.8'); thence Due North, one hundred five and five/tenths (105.5') to the point of beginning, containing fifty three and subject to easements if any. The bearing of the west line assumed Due North.

DESCRIPTION TRACT B:

"Commencing at the southwest corner of Section Fourteen One Hundred-two North (T102N), Range Forty-five West (R45W Meridian (5th P.M.), Rock County, Minnesota; thence Due North said Sec. 14, three hundred nineteen feet (319.0'); thence North hundred eighteen and eight/tenths feet (218.8'); thence North hundred thirty and six/tenths feet (430.6'), to the point North 0°03' West, three hundred seventy-one and three/tenths (371.3') East, one hundred sixty-nine and seven/tenths centerline of former Chicago, Saint Paul, Minneapolis and way; thence South 6°26' East, along said right-of-way centerline fifty feet (350.0'); Thence South 84°16' West, two hundred (209.6') to the point of beginning, containing one and fifty (1.57 A.) The bearing of the west line of Sec. 14 is assumed Due North.

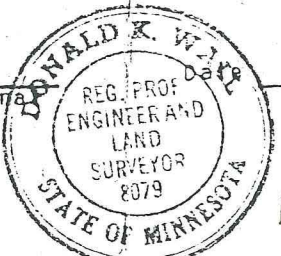
DESCRIPTION TRACT C:

"Commencing at the southwest corner of Section Fourteen One Hundred-two North (T102N), Range Forty-five West (R45W Meridian (5th P.M.), Rock County, Minnesota; thence Due North said Sec. 14, two hundred thirteen and five/tenths feet (213.5'); thence North 87°51' East, two hundred eighteen and eight/tenths feet (218.8') one hundred five and five/tenths feet (105.5'); thence North hundred thirty and six/tenths feet (430.6'); thence North nine and six/tenths feet (209.6'), to the centerline of former Minneapolis and Omaha Railroad right-of-way; thence South right-of-way centerline, five hundred sixty two and two/tenths south line of said Sec. 14; thence North 89°08' West, along hundred seventy two and nine/tenths feet (872.9'), to the containing seven and ninety seven hundredths acres (7.97 A.) west line of Sec. 14 is assumed Due North.

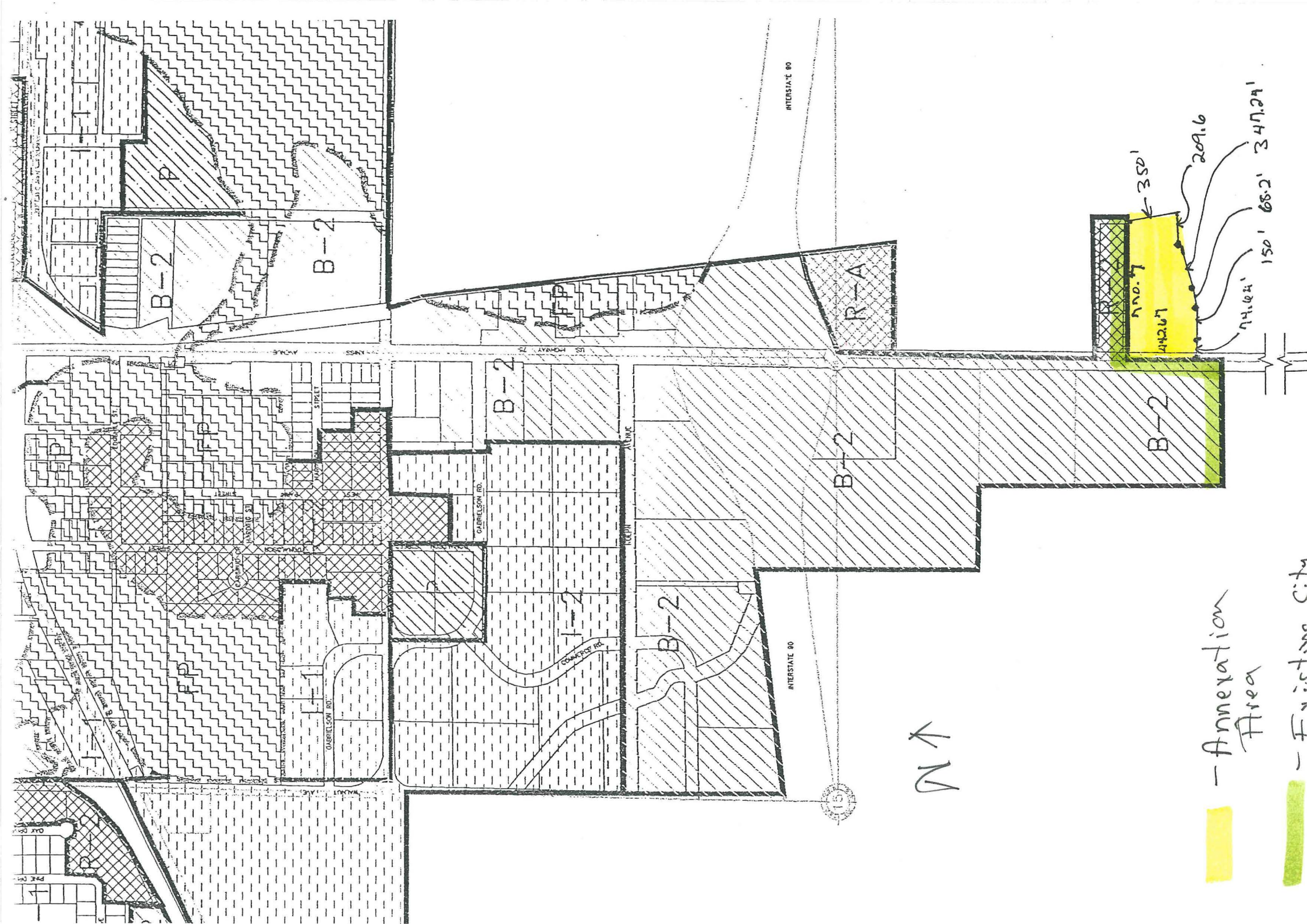
SURVEYOR'S CERTIFICATION:

I hereby certify that the above plat and descriptions are under my direct supervision and that I am a duly registered Land Surveyor in the State of Minnesota.

Donald K Wall
Donald K. Wall, Minnesota Professional
Engineer and Land Surveyor No. 3079



1-712-472-2531



↑ N

- Annexion Area

- Existing City

350'
209.6
14.621
150' 68.2' 347.24'