

SPECIAL ORDINANCE 230
ORDINANCE ANNEXING PROPERTY
(Hesse and Ray's Construction of Cold Spring Property)

RECITALS

WHEREAS, the City of Cold Spring has received a Petition for Annexation by Ordinance from Ray's Construction of Cold Spring for the annexation of 14.93 acres into the City of Cold Spring, and from Gene Hesse and Gordon A. Hesse, Contract for Deed vendees, and Herbert Hesse and Lorraine Hesse, Contract for Deed vendors, for the annexation of 36.19 acres into the City of Cold Spring, and from Gene Hesse and Patricia J. Hesse, Contract for Deed vendees, and Frederick Drontle, George Drontle and Joyce Drontle, Contract for Deed vendors, for the annexation of 8.14 acres into the City of Cold Spring.

WHEREAS, the property is described and owned as follows:

Petitioner Ray's Construction of Cold Spring, Inc., is the owner of Outlot "A", Boulder View Addition, in Section 23, Township 123, Range 30, Stearns County, Minnesota, consisting of 14.93 acres.

Petitioners Gene Hesse and Patricia J. Hesse, Contract for Deed vendees, and Frederick Drontle, George Drontle and Joyce Drontle, Contract for Deed vendors, are the owners of Section 23, Township 123, Range 30 Beginning at the Northwest corner of said SE $\frac{1}{4}$; thence East; along the North line of said SE $\frac{1}{4}$; 305.14 feet; thence South 09 degrees, 56 minutes 54 seconds West; 816.57 feet; thence south 89 degrees 22 minutes 50 seconds West; parallel to said North line; 154.19 feet; to the West line of Said SE $\frac{1}{4}$; thence North 274.72 feet to the point of beginning. ALSO that part of the Northeast Quarter of the Southwest Quarter, (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-three (23), Township One Hundred Twenty-three (123) North, of Range (30) West, described as follows, to-wit: Beginning at the Northeast corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence running South on the East line of Said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, 32 rods; thence running North 75° west a distance of 3 rods; thence running east a distance of 2 $\frac{1}{2}$ rods; thence running North 75° West; a distance of 3 rods; thence running Northwesterly to a point on the North line of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, 21 $\frac{1}{2}$ rods West of the point of beginning; thence running East along the North line of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, 21 $\frac{1}{2}$ rods to the point of beginning. Said tract contains 8.14 acres.

Petitioners Gene Hesse and Gordon A. Hesse, Contract for Deed vendees, and Herbert Hesse and Lorraine Hesse, Contract for Deed vendors, are the owners of The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Less 4.21 acres in the northeast corner thereof and less 0.5 acres along the northerly edge of the property, all in Section 23, Township 123, Range 30, containing 36.19 acres.

WHEREAS, the City Council by Resolution ordered the City Clerk/Coordinator to publish notice of a public hearing on the Request for Annexation by Ordinance and to give notice by certified mail of the affected township and all property owners within and contiguous to the area to be annexed.

WHEREAS, all appropriate notices have been given pursuant to statute.

WHEREAS, the matter came on before the Cold Spring City Council by public hearing at 8:00 p.m. on January 25, 2000.

FINDINGS OF FACT

Based upon the information contained in the Petition and presented at the public hearing, the Cold Spring City Council makes the following FINDINGS OF FACT:

1. Petitioner Ray's Construction of Cold Spring, Inc., is the owner of Outlot "A", Boulder View Addition, in Section 23, Township 123, Range 30, Stearns County, Minnesota, consisting of 14.93 acres.

2. Petitioners Gene Hesse and Patricia J. Hesse, Contract for Deed vendees, and Frederick Drontle, George Drontle and Joyce Drontle, Contract for Deed vendors, are the owners of Section 23, Township 123, Range 30 Beginning at the Northwest corner of said SE $\frac{1}{4}$; thence East; along the North line of said SE $\frac{1}{4}$; 305.14 feet; thence South 09 degrees, 56 minutes 54 seconds West; 816.57 feet; thence south 89 degrees 22 minutes 50 seconds West; parallel to said North line; 154.19 feet; to the West line of Said SE $\frac{1}{4}$; thence North 274.72 feet to the point of beginning. ALSO that part of the Northeast Quarter of the Southwest Quarter, (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-three (23), Township One Hundred Twenty-three (123) North, of Range (30) West, described as follows, to-wit: Beginning at the Northeast corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence running South on the East line of Said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, 32 rods; thence running North 75° west a distance of 3 rods; thence running east a distance of 2 $\frac{1}{2}$ rods; thence running North 75° West; a distance of 3 rods; thence running Northwesterly to a point on the North line of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, 21 $\frac{1}{2}$ rods West of the point of beginning; thence running East along the North line of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, 21 $\frac{1}{2}$ rods to the point of beginning. Said tract contains 8.14 acres.

3. Petitioners Gene Hesse and Gordon A. Hesse, Contract for Deed vendees, and Herbert Hesse and Lorraine Hesse, Contract for Deed vendors, are the owners of The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Less 4.21 acres in the northeast corner thereof and less 0.5 acres along the northerly edge of the property, all in Section 23, Township 123, Range 30, containing 36.19 acres.

4. The total amount of acreage for all three properties comprises 59.26 acres.

5. The three parcels of property are contiguous to one-another and abut the city limits of the City of Cold Spring. See Exhibits A and B (maps of City of Cold Spring and area annexed).

6. The area to be annexed is not presently served by public sewer facilities, or public sewer facilities are not otherwise available.

7. Ray's Construction of Cold Spring, Gordon A. Hesse and Patricia J. Hesse, Gene E. Hesse, Herbert Hesse and Lorraine Hesse, Frederick Drontle and Joyce Drontle, submitted a Petition to the City of Cold Spring on or about December 14, 1999 seeking the property's annexation to the City of Cold Spring by ordinance.

8. All owners of the Property subject to the Petition for Annexation have requested that the City of Cold Spring annex the Property by ordinance. See Exhibit C (Petition for Annexation by Ordinance).

9. The Town of Wakefield's annual tax revenue which will be lost if the Property is annexed will be about \$ 1,932.35.

10. The Property's annexation would result in an increase in the Property's value.

11. The Property's annexation will not create a burden on the City of Cold Spring.

12. Proper notice of the public hearing was given in accordance with Minn. Stat. § 414.033, Subd. 2b. See Exhibit D (Resolution ordering public hearing and mailing by certified mail and publication of the notice of hearing); Exhibit E (Affidavit of certified mailing to Township, affected property owners, and property owners who are contiguous to the area to be annexed); and Exhibit F (Printer's affidavit of publication with notice of public hearing).

13. In accordance with Minn. Stat. § 414.033, Subd. 2(3), the Property is deemed about to become urban or suburban in character.

THEREFORE, the City Council of the City of Cold Spring hereby ORDAINS:

That the real property, legally described as follows:

Outlot "A", Boulder View Addition, in Section 23, Township 123, Range 30, Stearns County, Minnesota, consisting of 14.93 acres and owned by Ray's Construction of Cold Spring, Inc.

Section 23, Township 123, Range 30 Beginning at the Northwest corner of said SE $\frac{1}{4}$; thence East; along the North line of said SE $\frac{1}{4}$; 305.14 feet; thence South 09 degrees, 56 minutes 54 seconds West; 816.57 feet; thence south 89 degrees 22 minutes 50 seconds West; parallel to said North line; 154.19 feet; to the West line of Said SE $\frac{1}{4}$; thence North 274.72 feet to the point of beginning. ALSO that part of the Northeast Quarter of the Southwest Quarter, (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-three (23), Township One Hundred Twenty-three (123) North, of Range (30) West, described as follows, to-wit: Beginning at the Northeast corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence running South on the East line of Said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, 32 rods; thence running North 75° west a distance of 3 rods; thence running east a distance of 2 $\frac{1}{2}$ rods; thence running North 75° West; a distance of 3 rods; thence running Northwesterly to a point on the North line of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, 21 $\frac{1}{2}$ rods West of the point of beginning; thence running East along the North line of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, 21 $\frac{1}{2}$ rods to the point of beginning, consisting of 8.14 acres, and owned by Gene Hesse and Patricia L. Jesse, Contract for Deed vendees, and Frederick Drontle, George Drontle and Joyce Drontle, Contract for Deed vendors,

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The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Less 4.21 acres in the northeast corner thereof and less 0.5 acres along the northerly edge of the property, all in Section 23, Township 123, Range 30, containing 36.19 acres, and owned by Gene Hesse and Gordon A. Hesse, Contract for Deed vendees, and Herbert Hesse and Lorraine Hesse, Contract for Deed vendors,

is annexed to the City of Cold Spring pursuant to Minn. Stat. § 414.033, Subd. 2(3).

Adopted unanimously by the Cold Spring City Council on January 25, 2000

CITY OF COLD SPRING

By 
Mayor

By 
City Clerk/Coordinator

REC'D. BY
MMB JUN 01 2000

**ADDENDUM TO SPECIAL ORDINANCE 230
ORDINANCE ANNEXING PROPERTY
(Hesse and Ray's Construction of Cold Spring Property)**

**THIS ADDENDUM SHALL BE ATTACHED TO SPECIAL
ORDINANCE 230 - ORDINANCE ANNEXING PROPERTY
FOR PURPOSES OF PROVIDING THE LEGAL DESCRIPTION
OF THE PROPERTY TO BE ANNEXED**

RECITALS

WHEREAS, the City of Cold Spring passed Special Ordinance 230 annexing property owned by Gene Hesse, Gordon A. Hesse, Patricia Hesse, and Ray's Construction of Cold Spring, Minnesota on January 25, 2000.

WHEREAS, Special Ordinance 230 was filed with the Executive Director of the Municipal Boundary Adjustments, Office of Strategic and Long Range Planning.

WHEREAS, Jeff Saholt of MNDOT had questions regarding the legal description and the plat of Boulder View Addition.

WHEREAS, the City of Cold Spring has addressed these questions by having the property owner prepare a survey of the property which was annexed.

WHEREAS, Special Ordinance 230 identified property to be annexed.

WHEREAS, the Hesse property has been surveyed by Engelmeyer Surveying and redescribed. The Engelmeyer Surveying survey is identified as Job No. 14-00, Date: 4/10/2000, P-3-1088 FB: 75-53, Engelmeyer Surveying prepared for Gene Hesse.

BE IT RESOLVED BY THE CITY OF COLD SPRING:

This Addendum to Special Ordinance 230 is to be attached to Ordinance 230 for purposes of providing the legal description of the property annexed.

The Office of Strategic and Long Range Planning is to use the following legal description for purposes of identifying the property subject to annexation under Special Ordinance 230 - Ordinance Annexing Property:

Outlot "A", Boulder View Addition, in Section 23, Township 123, Range 30, Stearns County, Minnesota, consisting of 14.93 acres.

The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 23, Township 123 North, Range 30 West, Stearns County, Minnesota.

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ALSO: That part of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 23, Township 123 North, Range 30 West, Stearns County, Minnesota described as follows: Beginning at the Northwest corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$; thence North 89 degrees 22 minutes 50 seconds East (assumed bearing) along the North line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, a distance of 305.14 feet to the northwest corner of BOULDER VIEW, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Stearns County, Minnesota; thence South 09 degrees 56 minutes 54 seconds West, along the West line of said BOULDER VIEW, a distance of 816.57 feet; thence South 89 degrees 22 minutes 50 seconds West, along the northerly line of said BOULDER VIEW, parallel with the North line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$; a distance of 154.19 feet to the West line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$; thence North 00 degrees 42 minutes 15 seconds West, along said West line, a distance of 802.72 feet to the point of beginning.

Containing 43.83 acres, more or less.

Adopted unanimously by the Cold Spring City Council on May 23, 2000.

CITY OF COLD SPRING

By 
Mayor

By Verena M. Weber
City Clerk/Coordinator

Area To Be Annexed =

Midland Atlas Co., Inc. Copyright 1997

RANGE: 30 W

CODE: WA



REC'D BY MAIL JAN 31 2000

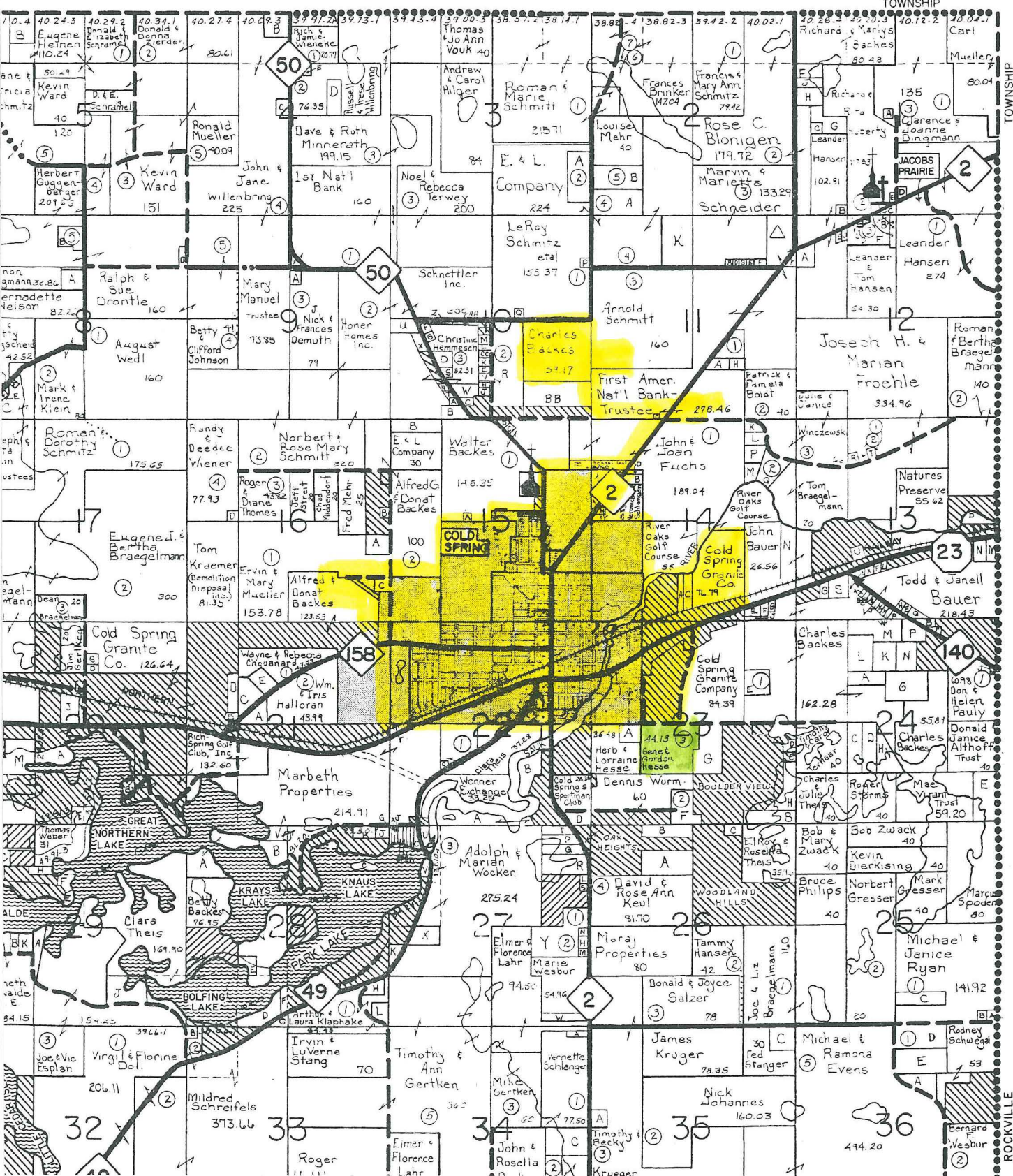


EXHIBIT A.

EXHIBIT B



RECORDED JAN 31 2000
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CITY OF COLD SPRING =
AREA TO BE ANNEXED =