

AMENDED ANNEXATION ORDINANCE  
ORDINANCE NO. 71.8

AN ORDINANCE RELATING TO ANNEXATION OF LANDS:

The City Council of the City of Baxter, Minnesota, ordains:

WHEREAS, the City of Baxter has received an annexation petition from all owners or people having ownership interests in the property described below; and

WHEREAS, said land abuts the City of Baxter and the area petitioned to be annexed is approximately 56.2 acres, such that all requirements of Minnesota Statutes Section 414.033, Subd. 2(3) are met, said Annexation Petition and a map showing the area to be annexed being attached hereto as Exhibit "A", which is incorporated herein by reference; and

WHEREAS, the City has received a Waiver Agreement from the said owners as to any applicable thirty-day notice period that might apply relative to the cost impact of changes in utility services provided for under Minnesota Statutes Section 414.0325, Subd. 1(a);

WHEREAS, the City of Baxter did on May 2, 2000, adopt Ordinance No. 71.7 that did not include property identified as Parcel No. 11 owned by Lewis Smith and Evelyn C. Smith, which is the last of the parcels described in this Ordinance; and

WHEREAS, subsequent to the adoption by the City of Baxter of Ordinance No. 71.7, the said owners of Parcel No. 11, Lewis Smith and Evelyn C. Smith, have now requested that the City no longer keep their lands on hold, but proceed on their petition as well based upon the Notice and public hearing held by the City on May 2, 2000;

NOW, THEREFORE, the City of Baxter hereby amends Ordinance No. 71.7 so as to include as well the property owned by Lewis Smith and Evelyn C. Smith which is identified as Parcel No. 11 in the legal description set forth below and in the map attached hereto as Exhibit "A" and hereby declares the property described below to be

annexed to the City of Baxter pursuant to the terms of the above statute, subject to the ordinance being approved by Minnesota Planning, said land being described as follows, to-wit:

PARCEL NO. 9

That part of the Southwest Quarter of the Northeast Quarter (SW-1/4 of NE-1/4), Section Thirty-one (31), Township One Hundred Thirty-four (134), Range Twenty-eight (28), described as follows: Beginning at the Southeast corner of said Southwest Quarter of the Northeast Quarter; thence North 01 degree 48 minutes 06 seconds East, assumed bearing, 19.56 feet along the East line of said Southwest Quarter of the Northeast Quarter to the westerly right of way line for Trunk Highway #371; thence North 34 degrees 14 minutes 56 seconds West 406.87 feet along said right of way line to an iron pipe monument; thence South 55 degrees 45 minutes 04 seconds West 608.28 feet to the south line of said Southwest Quarter of the Northeast Quarter; thence South 88 degrees 56 minutes 21 seconds East 731.29 feet along said south line to the point of beginning;

AND

That part of the Southeast Quarter of the Northeast Quarter (SE-1/4 of NE-1/4), Section Thirty-one (31), Township One Hundred Thirty-four (134), Range Twenty-eight (28), which lies southwesterly of the right of way of Trunk Highway #371, more particularly described as follows: Beginning at the southwest corner of said Southeast Quarter of the Northeast Quarter; thence North 01 degree 48 minutes 06 seconds East 19.56 feet along the west line of said Southeast Quarter of the Northeast Quarter to the southwesterly right of way line of said Highway #371; thence South 34 degrees 14 minutes 56 seconds East 23.96 feet along said right of way line to the south line of said Southeast Quarter of the Northeast Quarter; thence North 88 degrees 56 minutes 21 seconds West 14.10 feet along the said south line to the point of beginning.

AND

PARCEL NO. 10

That part of the Northwest Quarter of the Northeast Quarter (NW-1/4 of NE-1/4), and part of the Southwest Quarter of the Northeast Quarter (SW-1/4 of NE-1/4), Section Thirty-one (31), Township One Hundred Thirty-four (134) North, Range Twenty-eight (28) West, Crow Wing County, Minnesota, which lies easterly of the northeasterly right of way line for Trunk Highway #371.

AND

REC'D. BY MAY 24 2000  
MMB

PARCEL NO. 11

That part of the Northeast Quarter of the Northeast Quarter (NE-1/4 of NE-1/4), Section 31, Township 134 North, Range 28 West, Crow Wing County, Minnesota, which lies westerly of the following described line: Commencing at the southwest corner of said Northeast Quarter of the Northeast Quarter; thence North 89 degrees 53 minutes 06 seconds East, bearing based on Crow Wing County Coordinate Data Base NAD 83/94, 660.09 feet along the south line of said Northeast Quarter of the Northeast Quarter to the point of beginning of the line to be described; thence North 00 degrees 54 minutes 43 seconds West 422.30 feet; thence North 35 degrees 12 minutes 40 seconds West 1100.00 feet to the northwest corner of said Northeast Quarter of the Northeast Quarter and said line there ending.

Passed and approved by the City Council of the City of Baxter, Minnesota, this 3rd day of May, 2000.

CITY OF BAXTER, MINNESOTA

By Gary Muehlhausen  
Gary Muehlhausen, Its Mayor

ATTEST:

Larry R. Kruse  
Larry R. Kruse  
City Administrator/Clerk

THIS DOCUMENT DRAFTED BY:

John W. Person  
BREEN AND PERSON, LTD.  
510 Laurel Street, Box 472  
Brainerd, Minnesota 56401  
(218) 828-1248



PETITION FOR ANNEXATION

The undersigned property owners, collectively being all of the owners of the property located in Crow Wing County, Minnesota, legally described as follows:

(SEE EXHIBIT A ATTACHED HERETO AND MADE A PART  
HEREOF.)

hereby petition the City of Baxter, Minnesota, for annexation by ordinance pursuant to the provisions of Minnesota Statutes Section 414.033, Subd. 2(3), as follows, to-wit:

- 1) That the land hereinabove described is depicted on the attached map marked Exhibit "B", which is incorporated herein by reference.
- 2) That said land is located in Unorganized Territory and is unincorporated property abutting the City of Baxter, Minnesota, and is an area of less than sixty (60) acres in size. Said land is furthermore not presently served by public water or sewer facilities and said facilities are not otherwise available at this time if the said property remains a part of Unorganized Territory.
- 3) That the undersigned owners hereby waive any requirement for a thirty-day notice relative to the cost impact of changes in utility services provided under Minnesota Statutes Section 414.0325, Subd. 1(a).

NAME OF OWNER

- 1) Lewis Smith
- 2) Evelyn C. Smith
- 3) Merril K. Cragun, Jr.
- 4) William J. Frank
- 5) Gregory I. Frank
- 6) Loren A. Morey
- 7) Cabot Holding LLC

SIGNATURE OF OWNER

*L. Smith*  
*Evelyn C. Smith*  
*Merril Kragun +*  
*William J. Frank*  
*Gregory I. Frank*  
*Loren A. Morey*  
 By *[Signature]*  
 Its *Managing Partner*

## EXHIBIT "A"

**PART OF THE SW1/4-NE1/4 and PART OF THE SE1/4-NE1/4, SECTION 31, T. 134, R. 28**

Document No: 555588 (Parcel 9: William and Gregory Frank and Loren Morey)

That part of the Southwest Quarter of the Northeast Quarter (SW1/4-NE1/4) Section Thirty-one (31), Township One Hundred Thirty Four (134), Range Twenty Eight (28), described as follows: Beginning at the southeast corner of said SW1/4-NE1/4; thence North 01 degree 48 minutes 06 seconds East, assumed bearing, 19.56 feet along the east line of said SW1/4-NE1/4 to the westerly right of way line for Trunk Highway #371; thence North 34 degrees 14 minutes 56 seconds West 406.87 feet along said right of way line to an iron pipe monument; thence South 55 degrees 45 minutes 04 seconds West 608.28 feet to the south line of said SW1/4-NE1/4; thence South 88 degrees 56 minutes 21 seconds East 731.29 feet along said south line to the point of beginning,

AND

That part of the Southeast Quarter of the Northeast Quarter (SE1/4-NE1/4) of Section 31, Township 134, Range 28, which lies southwesterly of the right of way of Truck Highway #371, more particularly described as follows: Beginning at the southwest corner of said SE1/4-NE1/4; thence North 01 degree 48 minutes 06 seconds East 19.56 feet along the west line of said SE1/4-NE1/4 to the southwesterly right of way line of said Highway #371; thence South 34 degrees 14 minutes 56 seconds East 23.96 feet along said right of way line to the south line of said SE1/4-NE1/4; thence North 88 degrees 56 minutes 21 seconds West 14.10 feet along the said south line to the point of beginning.

**PART OF THE NW1/4-NE1/4 and PART OF THE SW1/4-NE1/4, SECTION 31, T. 134, R. 28**

(Parcel 10: Merrill K. Cragun, Jr.)

That part of the Northwest Quarter of the Northeast Quarter (NW1/4-NE1/4) and part of the Southwest Quarter of the Northeast Quarter (SW1/4-NE1/4) Section 31, Township 134 North, Range 28 West, Crow Wing County, Minnesota, which lies easterly of the northeasterly right of way line for Trunk Highway #371.

**PART OF THE NE1/4-NE1/4, SECTION 31, T. 134, R. 28**

(Parcel 11: Lewis and Evelyn C. Smith)

That part of the Northeast Quarter of the Northeast Quarter (NE1/4-NE1/4) Section 31, Township 134 North, Range 28 West, Crow Wing County, Minnesota, which lies westerly of the following described line: Commencing at the southwest corner of said NE1/4-NE1/4; thence North 89 degrees 53 minutes 06 seconds East, bearing based on Crow Wing County Coordinate Data Base NAD 83/94, 660.09 feet along the south line of said NE1/4-NE1/4 to the point of beginning of the line to be described; thence North 00 degrees 54 minutes 43 seconds West 422.30 feet; thence North 35 degrees 12 minutes 40 seconds West 1100.00 feet to the northwest corner of said NE1/4-NE1/4 and said line there ending.

*Containing 56.2 Total acres*



# ANNEXATION SKETCH

PART OF SECTION 31,  
T.134 N., R.28 W.  
CROW WING COUNTY, MN.

