

**ORDINANCE NO. 49
FIFTH SERIES**

AN ORDINANCE OF THE CITY OF LITTLE FALLS ANNEXING LAND LOCATED IN THE TOWN OF LITTLE FALLS, MORRISON COUNTY, MINNESOTA, TO THE CITY OF LITTLE FALLS, MORRISON COUNTY, MINNESOTA, PURSUANT TO MINNESOTA STATUTE 414.033, SUBDIVISION 2, PERMITTING ANNEXATION BY ORDINANCE, (GOTTWALT, ET. AL.)

WHEREAS, the City Council of the City of Little Falls has received petitions for annexation from 100% of the following property owners: Edward J. Gottwalt, Teresa M. Gottwalt, Jody Gottwalt, Michelle K. Gottwalt, Thomas Scherling, Marvin Hoheisel, and Clarence Dobmeier, by petition dated November 19, 2001; and Elaine J. Munson by petition dated December 28, 2001, described as follows:

Parcel A (Scherling, Hoheisel and Dobmeier)

That part of the Northwest Quarter of the Southeast Quarter, Section 9, Township 40 North, Range 32 West, described as follows: commencing at the northwest corner of said Northwest Quarter of the Southeast Quarter, thence North 88 degrees 52 minutes 11 seconds East, assumed bearing, 301.47 feet along the north line of said Northwest Quarter of the Southeast Quarter, thence South 0 degrees 20 minutes 58 seconds East 237.90 feet, thence North 89 degrees 39 minutes 02 seconds East 153.63 feet, thence South 0 degrees 20 minutes 58 seconds East 335.00 feet to the northerly right-of-way line of State Highway 27, thence southeasterly 66.69 feet along said northerly right-of-way line, along a nontangential curve, concave to the southwest, central angle 0 degrees 58 minutes 52 seconds, radius 3894.76 feet, and the chord of said curve bears South 80 degrees 03 minutes 13 seconds East to the point of beginning of the tract to be described; thence North 0 degrees 20 minutes 58 seconds West, not tangent to the last described curve, 200.09 feet, thence south 84 degrees 54 minutes 58 seconds East 166.63 feet, thence south 0 degrees 02 minutes 06 seconds East 213.39 feet to said northerly right-of-way line, thence northwesterly 167.28 feet, along said northerly right-of-way line, along a nontangential curve, concave to the southwest, central angle 2 degrees 27 minutes 39 seconds, radius 3894.76 feet and the chord of said curve bears north 80 degrees 20 minutes 17 seconds West to the point of beginning, being approximately 0.78 acres in size, commonly known as 15594 Highway 27; and

AND

Parcel B, (Munson)

That part of the Southwest Quarter of the Northeast Quarter and that part of the Northwest Quarter of the Southeast Quarter, all in Section 9, Township 40, Range 32, Morrison County, Minnesota, described as follows: commencing at the southwest corner of said Southwest Quarter of the Northeast Quarter; thence North 88 degrees 52 minutes 11 seconds East, assumed bearing, 301.47 feet; thence South 0 degrees 20 minutes 58 seconds East 237.90 feet; thence North 89 degrees 39 minutes 02 seconds East 153.63 feet to the point of beginning;

thence South 89 degrees 39 minutes 02 seconds West 153.63 feet; thence North 0 degrees 20 minutes 58 seconds West 547.76 feet; thence South 88 degrees 38 minutes 36 seconds West 298.77 feet to the west line of said Southwest Quarter of the Northeast Quarter; thence North 0 degrees 09 minutes 19 seconds East 669.55 feet to the south line of the north five acres of the West Half of said Southwest Quarter of the Northeast Quarter; thence North 88 degrees 55 minutes 02 seconds East 685.98 feet along said south line of the north five acres and its extension easterly; thence South 0 degrees 02 minutes 06 seconds East 1136.52 feet; thence North 86 degrees 40 minutes 35 seconds West 233.51 feet to the intersection with a line bearing North 0 degrees 20 minutes 58 seconds West from the point of beginning; thence South 0 degrees 20 minutes 58 seconds East 99.58 feet to the point of beginning. All in accordance with a survey by Kevin Festler, RLS 22702, dated November 14, 2001; less the westerly 40 feet lying easterly of the West line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, that was previously annexed to the City of Little Falls, as described in Document Numbers 372145, dated May 7, 1997, and recorded at the Morrison County Recorder's Office, Morrison County Courthouse, Little Falls, Minnesota, all being approximately 14.38 acres in size; and

AND

Parcel C, (Gottwalt)

East Half of the Southwest Quarter of the Northeast Quarter of Section 9, Township 40, Range 32, excepting therefrom the following:

Parcel C-1: That part of Clover Glen Drive lying north of the south line of the East Half of the Southwest Quarter of the Northeast Quarter.

AND EXCEPTING

Parcel C-2: Beginning at a point on the south line of the East Half of the Southwest Quarter of the Northeast Quarter, Section 9, Township 40, Range 32, which is 153.00 feet West of the southeast corner thereof; thence north parallel to the East line of said East Half of the Southwest Quarter of the Northeast Quarter a distance of 21.50 feet; thence East at right angles 6 feet; thence north at right angles 150.00 feet; thence deflect left 22 degrees 40 minutes 30 seconds a distance of 76.78 feet; thence deflect left 68 degrees 57 minutes 30 seconds a distance of 96.41 feet; thence defect left 88 degrees 22 minutes 00 seconds parallel to the east line of the Southwest Quarter of the Northeast Quarter to the south line of said East Half of the Southwest Quarter of said Section 9; thence East on said south line a distance of 120.00 feet to the point of beginning.

AND EXCEPTING

Parcel C-3: All that part of said East Half of the Southwest Quarter of the Northeast Quarter lying westerly of the easterly line of the following described parcel; that part of the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter, Section 9, Township 40, Range 32, described as follows: commencing at the southwest corner of said Southwest Quarter of the Northeast Quarter which is also the northwest corner of said Northwest Quarter of the Southeast Quarter; thence north 88 degrees 52 minutes 11 seconds East assumed bearing, 297.70 feet along the south line of said Southwest Quarter of the Northeast Quarter and the north line of said Northwest Quarter of the Southeast Quarter to the point of beginning of the tract to be described; thence north 0 degrees 20 minutes 58 seconds West 309.83 feet; thence south 88 degrees 39 minutes 36 seconds West 298.78 feet to the west line of said Southwest Quarter of the Northeast Quarter; thence north 0 degrees 09 minutes 19 seconds East 669.55 feet along said west line to the south line of the north five acres of the west half of said Southwest Quarter of the Northeast Quarter; thence North 88 degrees 55 minutes 02 seconds East 685.98 feet along said south line and its easterly projection; thence south 0 degrees 02 minutes 06 seconds East 1594.54 feet to the northerly right-of-way line of State Highway Number 27; thence northwesterly 233.97 feet along said right-of-way line on a non-tangential curve concave to the southwest; central angle 3 degrees 26 minutes 31 seconds radius 3894.76 feet, the chord of which bears north 80 degrees 49 minutes 38 seconds West; thence north 0 degrees 20 minutes 58 seconds West; not tangent to last described curve, 335.00 feet, thence South 89 degrees 39 minutes 02 seconds West 153.63 feet; thence north 0 degrees 20 minutes 58 seconds West 237.93 to the point of beginning.

AND INCLUDING

Parcel C-4: That part of Lot 1, Block 1, Clover Glen Addition lying north of the south line of said East Half of the Southwest Quarter of the Northeast Quarter as shown on plat thereof of record.

AND INCLUDING

Parcel C-5: That part of the Northwest Quarter of the Southeast Quarter of Section 9, Township 40 North, Range 32 West, described as follows: beginning at a point on the north line of the Northwest Quarter of the Southeast Quarter of said Section 9, Township 40 North, Range 32 West, which is 386.00 feet West of the northeast corner thereof; thence East on said north line 113.00 feet; thence south parallel to the east line of said Northwest Quarter of the Southeast Quarter of said Section 9 a distance of 51.5 feet; thence East parallel to said north line of the Northwest Quarter of the Southeast Quarter of said Section 9 a distance of 87.00 feet more or less, to the westerly right-of-way line of Clover Glen Drive; thence south along the westerly right-of-way line of Clover Glen Drive a distance of 100.00 feet; thence deflect right 89 degrees 39 minutes 00 seconds a distance of 200.00 feet; thence deflect right 90 degrees 21 minutes 00 seconds parallel to

said east line of the Northwest Quarter of the Southeast Quarter of said Section 9 to the point of beginning, according to the United State Government Survey, thereof.

AND INCLUDING

Parcel C-6: Lots 1 and 2, Block 1, Clover Glen Addition, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said County and State.

Parcel C all being approximately 20.20 acres in size; and.

WHEREAS, the petitioners represent that they are the only owners of the property, with a population of three; the property is unincorporated and lies entirely within Little Falls Township; abuts the City of Little Falls on its easterly and northerly corporate limits; is not included in any boundary adjustment proceeding pending before the Minnesota Planning Agency, Municipal Boundary Adjustments; has an area of approximately 35.98 acres, is not presently served by public sewer facilities; and is or about to become urban or suburban in character; and

WHEREAS, in accordance with Minnesota Statutes 414.0325, Subdivision 1(a) regarding electric utility service notice, the City of Little Falls, notified Minnesota Power Company on November 30, 2001 and April 1, 2002, of our intent to annex said territory and requested notification if there is a change in the cost of electric utility service as a result of this annexation. No change is anticipated, since said territory is and will remain within the Minnesota Public Utilities Commission's Service Area of Minnesota Power.

NOW, THEREFORE, THE CITY OF LITTLE FALLS ORDAINS:

Section 1 – The City Council of the City of Little Falls hereby determines and finds: 1) that the property abuts the City of Little Falls at its easterly and northerly corporate limits; 2) that the area to be annexed is sixty (60) acres or less, (i.e. 35.98 acres more or less); 3) that the area to be annexed is not presently served by public sewer facilities; 4) that the City of Little Falls has received a properly prepared petition for annexation from all of the owners of the property; 5) that the petition complies with all the provisions of Minnesota Statute 414.033; 6) that the property is urban or suburban in nature or about to become so; 7) that the City of Little Falls, notified Minnesota Power on November 30, 2001 and April 1, 2002, of our intent to annex said territory, and requested notification if there is a change in the cost of electric utility service as a result of this annexation and no change is anticipated, since said territory is and will remain within the Minnesota Public Utilities Commission's Service Area of Minnesota Power; 8) that pursuant to law, a public hearing was scheduled, with 30 day written notice by certified mail to the Little Falls Town Board and notice sent to all landowners within and contiguous to the area to be annexed, with said public hearing held on April 1, 2002, prior to City Council consideration of this ordinance; 9) that the area to be annexed does not lie within a flood plan or shoreland area; and 10) that the area is appropriate for annexation by ordinance under M.S. 414.033, Subd, 2, Section (3).

Section 2 - Property taxes payable on said annexed land shall continue to be paid to Little Falls Township for payable 2002. Property taxes payable in 2003 shall be levy and collect by the City.

Section 3 - The City of Little Falls shall make a cash payment to Little Falls Township based on the property taxes payable to Little Falls Township in 2002, (i.e. \$545.77), as follows: for year 2003, @ 90%, \$491.19; for year 2004, @ 70%, \$382.03; for year 2005, @ 50%, \$272.89; for year 2006, @ 30%, \$163.73; and for year 2007, @ 10%, \$54.58.

Section 4 - The corporate limits of the City of Little Falls are hereby extended to include the aforementioned property and the same is hereby annexed to and included within the City of Little Falls as if the aforementioned property had originally been part thereof.

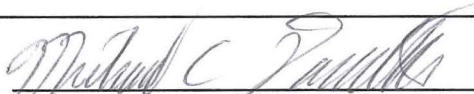
Section 5 - The City Administrator is hereby directed to file certified copies of this ordinance with: the Minnesota Planning Agency, Municipal Boundary Adjustments; Little Falls Township; Morrison County Treasurer, Morrison County Recorder, Morrison County Auditor, Morrison County Assessor, and the Minnesota Secretary of State.

Section 6 - This Ordinance shall be in full force and effect on the date it is approved by the Minnesota Planning Agency.

Adopted by the City Council of the City of Little Falls, Minnesota, this 15th day of April, 2002, by the following vote:

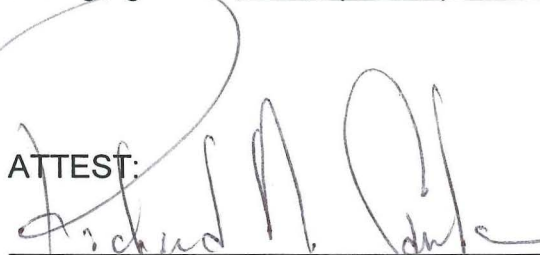
Voting in favor: Otremba, Zyvoloski, Hinnenkamp, Doucette, Sobiech, Kimman, and Klinker

Voting against: Sauer (absent)



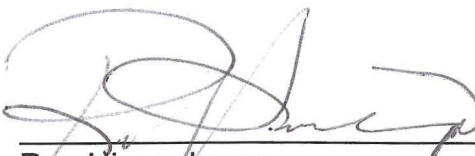
Michael C. Doucette
Council President

ATTEST:



Richard N. Carlson
City Administrator

Approved this 15th day of April, 2002.



Ron Hinnenkamp
Mayor of Said City

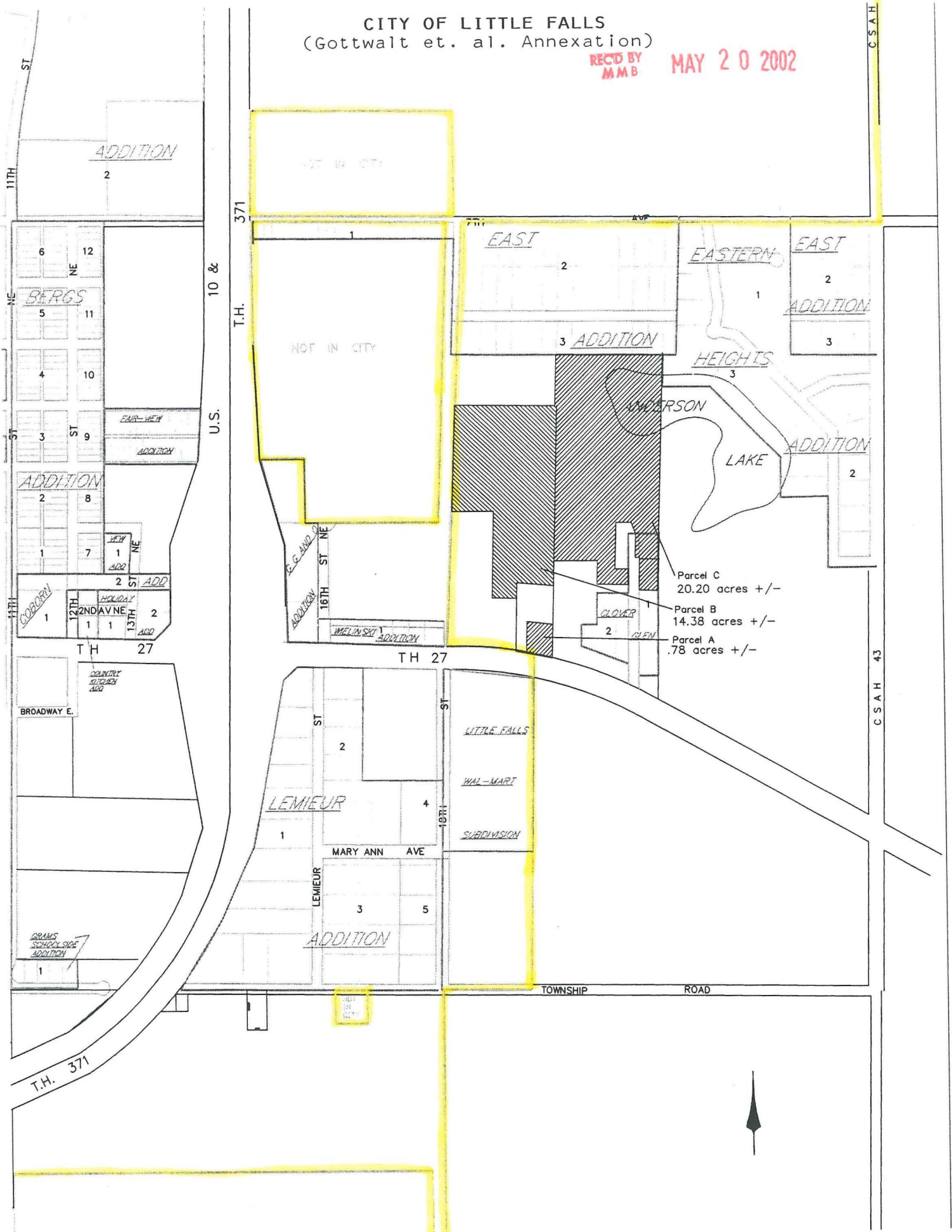
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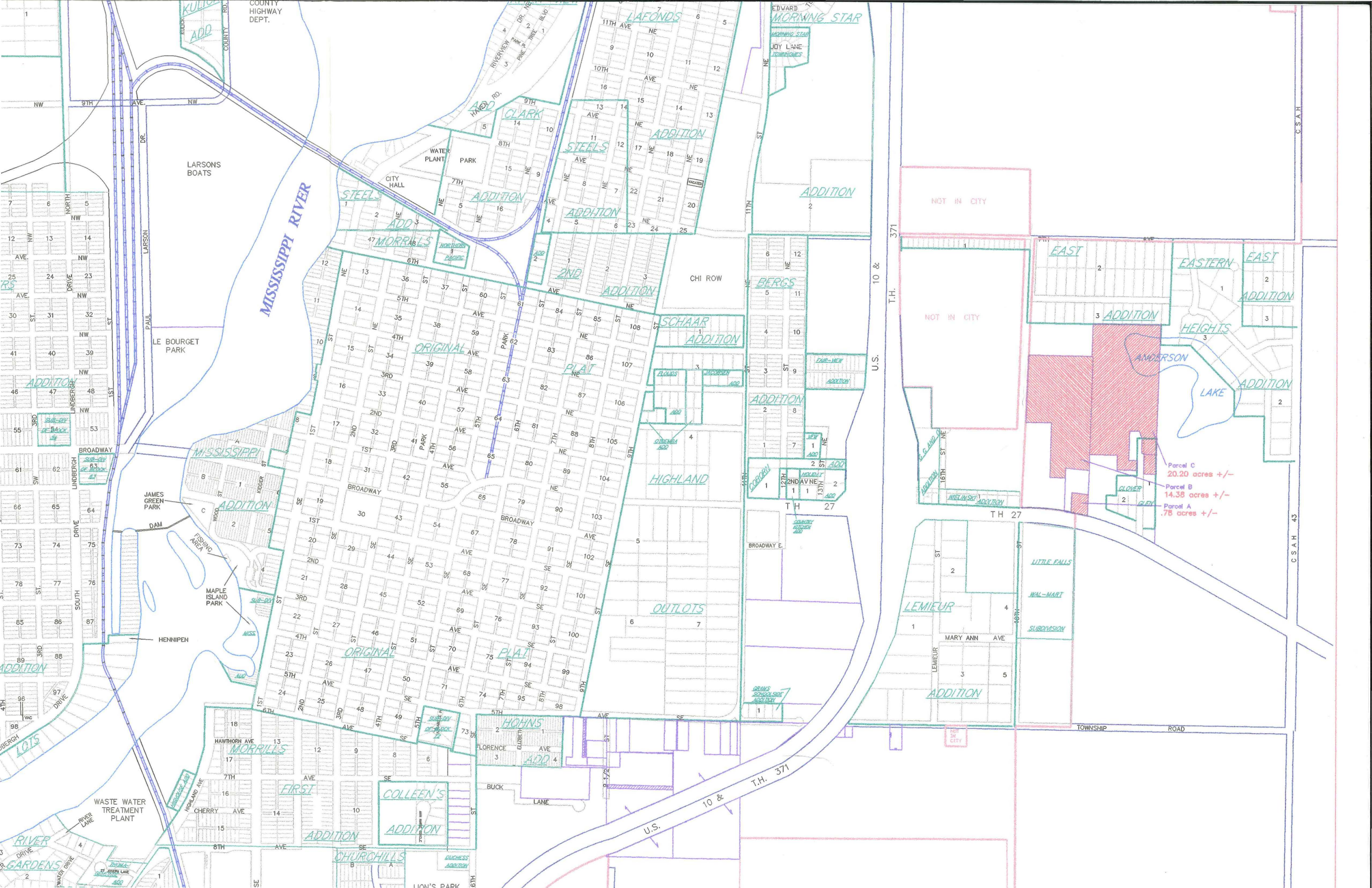
Publish: May 19, 2002

CITY OF LITTLE FALLS
(Gottwalt et. al. Annexation)

REC'D BY
MMB

MAY 20 2002





LARSON'S BOATS

LE BOURGET PARK

JAMES GREEN PARK

HENNIPEN

WASTE WATER TREATMENT PLANT

MISSISSIPPI RIVER

MISSISSIPPI

MAPLE ISLAND PARK

HAWTHORN AVE

CHERRY AVE

8TH AVE

COUNTY HIGHWAY DEPT.

ADD

KULICK

PAUL

DR.

9TH AVE

NW

1ST ST

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