

RESOLUTION NO. 5-04

**RESOLUTION OF THE CITY OF HINCKLEY PETITIONING THE
MINNESOTA DEPARTMENT OF ADMINISTRATION FOR ANNEXATION
OF CERTAIN PORTIONS OF BARRY TOWNSHIP TO THE CITY OF
HINCKLEY PURSUANT TO MINNESOTA STATUTES, SECTION 414.031 AND
RESCINDING CITY OF HINCKLEY RESOLUTION NO. 4-04**

WHEREAS, the City of Hinckley (the "City"), Pine County, Minnesota, passed Resolution No. 4-04 Petitioning the Minnesota Department of Administration for Annexation of Certain Portions of Barry Township to the City of Hinckley on February 3, 2004; and

WHEREAS, the Department of Administration determined that Resolution No. 4-04 contained several technical errors and requested a new resolution be submitted rescinding Resolution No.4-04, dated February 3, 2004, and referenced as Department of Administration File No. A-7027, and re-filing the City's contested case annexation request pursuant to Minnesota Statutes, Section 414.031; and

WHEREAS, the City abuts Barry Township (the "Township"), Pine County, Minnesota on its east side; and

WHEREAS, a property owner with property located within the Township and legally described herein has approached the City requesting annexation to the City and extension of City services; and

WHEREAS, the property owner, Brian Weidendorf, seeks to develop this property for a commercial airport to serve the community and surrounding area (said property is hereinafter referred to as the "Weidendorf Property"); and

WHEREAS, the Weidendorf Property does not currently abut the City but is in close proximity to the City and is in need of municipal services available from the City; and

WHEREAS, the City additionally currently owns, operates and maintains a wastewater treatment facility located in the Township on City-owned property (said property is hereinafter referred to as the "City-owned Property"); and

WHEREAS, the City-owned Property does not currently abut the City, but is in close proximity to the City; and

WHEREAS, a county road, Pine County Highway No. 140, currently serves both of the above-referenced properties and a strip of land constituting the county road right-

of-way is proposed to be annexed making both the Weidendorf Property and the City-owned Property contiguous to the City; and

WHEREAS, the City has the professional staff and the capacity to provide municipal services to the Township areas that are proposed to be annexed; and

WHEREAS, the area of the Township proposed to be annexed, as described herein, is urban or suburban in character or about to become so based on existing and anticipated commercial and governmental development; and

WHEREAS, extension of municipal services from the City to the Weidendorf Property is desired by the property owner, is not available from the Township, and is necessary for the public, health, safety and welfare; and

WHEREAS, extension of municipal services from the City and the annexation of the area legally described herein is in the best interests of the property owners in the area proposed for annexation; and

WHEREAS, the City has attempted to resolve these annexation issues with the Township over the past four months by repeatedly requesting that the Township adopt a joint resolution for orderly annexation for the same area proposed for annexation as legally described herein, which the Township has to date failed to adopt; and

WHEREAS, it is the intent and desire of the City to finally resolve the above-mentioned annexation and service issues with the Township for the betterment of the community and property owners by initiating a legal proceeding under state law for the annexation of certain areas of the Township, legally described herein, with the Minnesota Department of Administration Municipal Boundary Adjustments Office; and

WHEREAS, the City Council of the City of Hinckley hereby supports the filing of this Resolution with the above-mentioned state agency for a hearing regarding the annexation of the areas of Barry Township described herein to the City and hereby supports the petition of the owner of the Weidendorf Property, Brian Weidendorf, to seek annexation of his property to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF COUNCIL OF THE CITY OF HINCKLEY, PINE COUNTY, MINNESOTA, THAT;

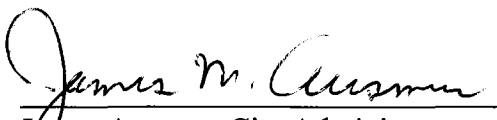
1. City of Hinckley Resolution No. 4-04, dated February 3, 2004, is hereby rescinded and the City requests that the filing fee for Resolution No. 4-04 be transferred from Department of Administration File No. A-7027 to this Resolution No. 5-04.
2. The Minnesota Department of Administration Municipal Boundary Adjustments Office is hereby requested to hold a public hearing pursuant to Minnesota Statutes, Section 414.09, on the question of annexation of certain portions of

Barry Township, Pine County, Minnesota, legally described herein, to the City of Hinckley, Pine County, Minnesota, pursuant to Minnesota Statutes, Section 414.031.

3. The subject area of the Township proposed for annexation to the City including the Weidendorf Property, the City-owned Property, and the Pine County Highway No. 140 right-of-way, (hereinafter referred to as the "Subject Area") is legally described in Exhibit A, which is attached hereto and incorporated herein by reference. A map showing the Subject Area is attached hereto as Exhibit B and incorporated herein by reference.
4. The Subject Area is unincorporated and abuts the City on the City's easterly boundary and none of the Subject Area is presently a part of any incorporated city.
5. The total acreage of the Subject Area is approximately 221.6 acres.
6. The following parties are entitled to notice pursuant to Minnesota Statutes, section 414.09;
 - a. Barry Township, as the township presently governing the area proposed to be annexed.
 - b. Pine County, as the county in which the area proposed to be annexed is located.
 - c. The Pine County Planning Commission and Barry Township Planning Commission, as planning agencies with jurisdiction over the area proposed to be annexed.
7. City staff is hereby directed to file this Resolution No. 5-04 with the Minnesota Department of Administration Municipal Boundary Adjustments Office for annexation of the Subject Area pursuant to Minnesota Statutes, Section 414.031. City staff is further directed to mail a copy of this Resolution No. 5-04 with corresponding exhibits to Barry Township.

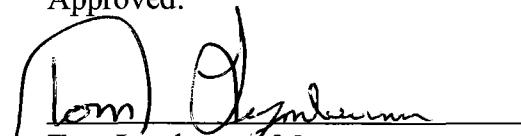
Passed, adopted, and approved by the City Council of the City of Hinckley, this 3rd day of March 2004.

Attest:



 James Ausmus, City Administrator

Approved:



 Tom Lymburner, Mayor

EXHIBIT A**Legal Description of Subject Area Proposed for Annexation to the City of Hinckley**

The Subject Area of Barry Township, Pine County, Minnesota, proposed for annexation by the City of Hinckley, Pine County, Minnesota, as referenced in the attached Resolution, is legally described as follows:

City-owned Property

That part of the Northeast Quarter of Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Nineteen (19), Township Forty-one (41), Range Twenty (20), described as follows: All that portion lying between the East line of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$) of said Section Nineteen (19), Township Forty-one (41), Range Twenty (20), and a line parallel to said East line and twenty (20) feet West thereof; and,

All that part of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) lying North of the Grindstone River, Section Nineteen (19), Township Forty-one (41), Range Twenty (20); and,

South Half of the Northeast Quarter of Northeast Quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Nineteen (19), Township Forty-one (41), Range Twenty (20), less that portion of the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ described as follows: All that portion lying between the East line of the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 19, Township 41, Range 20, and a line parallel to said East line and 20 feet West thereof.

And Also the Weidendorf Property

The east 60 acres of the East Half of the Northwest Quarter of Section 20, Township 41, Range 20, Pine County, Minnesota, except the west 525 feet thereof, and except the north 309 feet thereof.

AND

The Northeast Quarter of Section 20, Township 41, Range 20, Pine County, Minnesota, except the following 3 described parcels:

1. That part of the Southeast Quarter of the Northeast Quarter of Section 20, Township 41, Range 20, Pine County, Minnesota lying north of the south 660 feet of said Southeast Quarter of the Northeast Quarter.
2. The west 418 feet of the north 309 feet of the Northwest Quarter of the Northeast Quarter of Section 20, Township 41, Range 20, Pine County, Minnesota.
3. The east 330 feet of the Northeast Quarter of the Northeast Quarter of Section 20, Township 41, Range 20, Pine County, Minnesota

Subject to Pine County Highway No. 140 along the north and east lines thereof.

And Also Pine County Highway No. 140

All of that part of Pine County Highway No. 140, Pine County, Minnesota, extending easterly from the eastern corporate limits line of the existing City of Hinckley from a point of beginning at the eastern edge of the Southwest Quarter of Section 18, Township 41, Range 20, Pine County, Minnesota, and the eastern edge of the Northwest Quarter of Section 19, Township 41, Range 20, Pine County, Minnesota, then continuing generally easterly to a point ending 418.01 feet east of the west edge of the Northeast Quarter of Section 20, Township 41, Range 20, Pine County, Minnesota.

REC'D BY
MMB

MAR 05 2004

EXHIBIT B **Boundary Map**

The municipal boundary map referenced in the attached Joint Resolution, showing the current City of Hinckley and its relation to the area proposed to be annexed, legally described in Exhibit A, is attached hereto.

EXHIBIT B
City of Hinckley Boundary Map

