

**CITY OF WINTHROP  
ORDINANCE NUMBER  
270**

RECEIVED  
CITY CLERK

NOV 27 2005

**AN ORDINANCE OF THE CITY OF WINTHROP  
ANNEXING LAND LOCATED IN THE TOWN OF TRANSIT,  
SIBLEY COUNTY, MINNESOTA  
TO THE CITY OF WINTHROP, SIBLEY COUNTY,  
MINNESOTA PURSUANT TO  
MINN. STAT. § 414.033, SUBD. 2 (3), PERMITTING  
ANNEXATION BY ORDINANCE  
(LAWRENCE CONKLIN JR.)**

**WHEREAS**, A CERTAIN PETITION DATED OCTOBER 29<sup>TH</sup>, 2004, HEREINAFTER DESCRIBED WAS DULY PRESENTED TO THE CITY COUNCIL ON THE FIRST (1<sup>ST</sup>) DAY OF NOVEMBER, 2004; AND

**WHEREAS**, THE PETITION WAS SIGNED BY ALL OWNERS SEEKING PUBLIC SEWER FACILITIES, WHICH ARE NOT NOW AVAILABLE; AND

**WHEREAS**, PURSUANT TO MINN. STAT. § 414.033, SUBD. 13, THE PETITIONER(S) WERE DULY NOTIFIED OF ANY CHANGES IN THEIR ELECTRIC UTILITY COSTS; AND

**WHEREAS**, ON DECEMBER 6<sup>TH</sup>, 2004 A HEARING WAS DULY HELD BY THE GOVERNING BODY OF THE CITY OF WINTHROP, MINNESOTA, ON THE PROPOSED ANNEXATION AFTER AT LEAST 30 DAYS' MAILED NOTICE BY CERTIFIED MAIL TO THE TOWN AND ALL LANDOWNERS WITHIN AND CONTIGUOUS TO THE AREA TO BE ANNEXED; AND

**WHEREAS**, THE LAND DESCRIBED IN THE PETITION ABUTS UPON THE CITY LIMITS AT THE WEST BOUNDARY THEREOF; THE AREA TO BE ANNEXED IS 60 ACRES OR LESS; THE AREA TO BE ANNEXED IS NOT PRESENTLY SERVED BY THE PUBLIC SEWER FACILITIES; THE PROPERTY IS UNINCORPORATED UNPLATTED LAND, 1.494 ACRES IN AREA, AND DOES NOT LIE IN A FLOOD PLAIN OR SHORE LAND AREA.

**NOW, THEREFORE, THE CITY COUNCIL ORDAINS:**

**SECTION I.** THE CITY COUNCIL HEREBY DETERMINES THAT THE TERRITORY DESCRIBED HEREIN ABUTS UPON THE CITY LIMITS AND IS (IS ABOUT TO BECOME) URBAN OR SUBURBAN IN CHARACTER DUE TO COMMERCIAL AND RESIDENTIAL EXPANSION .

**SECTION II.** THE POPULATION OF THE TERRITORY IS ZERO (0).

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APPROVED JUL 27 2005

**SECTION III. TERRITORY ANNEXED.** THE CORPORATE LIMITS OF THE CITY ARE HEREBY EXTENDED TO INCLUDE THE PLATTED (UNPLATTED) LAND DESCRIBED IN ATTACHMENT "A", AND THE SAME IS HEREBY ANNEXED TO AND INCLUDED WITHIN THE CITY AS EFFECTUALLY AS IF IT HAD ORIGINALLY BY A PART THEREOF.

**SECTION IV. FILING.** THE CITY CLERK IS HEREBY DIRECTED TO FILE CERTIFIED COPIES OF THIS ORDINANCE WITH A) MINNESOTA PLANNING (OFFICE OF STRATEGIC AND LONG RANGE PLANNING)/MUNICIPAL BOUNDARIES ADJUSTMENT SECTION, B) THE SECRETARY OF STATE, C) THE TRANSIT TOWN CLERK, AND D) THE SIBLEY COUNTY AUDITOR.

**SECTION V. EFFECTIVE DATE.** THIS ORDINANCE TAKES EFFECT UPON ITS PASSAGE AND PUBLICATION AND THE FILING OF THE CERTIFIED COPIES AS DIRECTED IN SECTION 3, AND APPROVAL OF THE ORDINANCE BY THE MINNESOTA PLANNING.

**SECTION VI. TAXATION.** (1) IF THE ANNEXATION BECOMES EFFECTIVE ON OR BEFORE AUGUST 1<sup>ST</sup> OF A LEVY YEAR, THE CITY OF WINTHROP MAY LEVY ON THE ANNEXED AREA BEGINNING (WITH THIS SAME LEVY YEAR); OR (2) IF THE ANNEXATION BECOMES EFFECTIVE AFTER AUGUST 1<sup>ST</sup> OF A LEVY YEAR, TRANSIT TOWNSHIP MAY LEVY CONTINUE TO LEVY ON THE ANNEXED AREA FOR THIS LEVY YEAR. IN THE FIRST YEAR FOLLOWING THE YEAR IN WHICH THE CITY OF WINTHROP CAN FIRST LEVY ON THE ANNEXED AREA, AND THEREAFTER, PROPERTY TAXES SHALL BE PAID TO THE CITY, WHICH SHALL THEN MAKE CASH PAYMENTS TO TRANSIT TOWNSHIP FOR THE PERIOD AND IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

- I. IN THE FIRST YEAR FOLLOWING THE YEAR THE CITY OF WINTHROP CAN FIRST LEVY ON THE ANNEXED AREA, AN AMOUNT EQUAL TO 90% OF THE PROPERTY TAXES DISTRIBUTED TO TRANSIT TOWNSHIP IN REGARD TO THE ANNEXED AREA IN THE LAST YEAR THE PROPERTY TAXES FROM ANNEXED AREA WERE PAYABLE TO TRANSIT TOWNSHIP;
- II. IN THE SECOND YEAR, AN AMOUNT EQUAL TO 70%;
- III. IN THE THIRD YEAR, AN AMOUNT EQUAL TO 50%;
- IV. IN THE FOURTH YEAR, AN AMOUNT EQUAL TO 30%; AND
- V. IN THE FIFTH YEAR, AN AMOUNT EQUAL TO 10%

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**ADOPTED** BY THE CITY COUNCIL OF THE CITY OF WINTHROP,  
MINNESOTA, THIS EIGHTEENTH (18<sup>TH</sup>) DAY OF JANUARY 2005.

**AYES:** ROIGER, TREBELHORN, MACHAIEK

**NAYS:** NONE

**PRESENT-NOT VOTING:** NONE

**ABSENT:** O'CONNOR, MUTH

  
MAYOR

ATTEST:

  
CITY CLERK

FIRST READING: NOVEMBER 15<sup>TH</sup>, 2004

SECOND READING/ADOPTION: JANUARY 18<sup>TH</sup>, 2005

PUBLICATION: FEBRUARY 2<sup>ND</sup>, 2005

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SEAL 11 27 2005

**EXHIBIT "A"**

THAT PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION No. 32 IN TOWNSHIP 113 NORTH OF RANGE 29 WEST, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 50 FEET NORTH AND 605 FEET EAST OF THE SOUTHWEST CORNER OF SECTION No. 32, TOWNSHIP 113, RANGE 29, SAID POINT ALSO BEING 50 FEET NORTH OF THE CENTER LINE OF THE CONCRETE PAVING OF TRUNK HIGHWAY No. 19, AS IT IS NOW LOCATED, THENCE RUNNING NORTH AND AT RIGHT ANGLES TO TRUNK HIGHWAY No. 19 FOR A DISTANCE OF 217.8 FEET, THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SECTION No. 32 AND TRUNK HIGHWAY No. 19 FOR A DISTANCE OF 300 FEET, THENCE SOUTH AND AT RIGHT ANGLES TO TRUNK HIGHWAY No. 19 FOR A DISTANCE OF 217.8 FEET, THENCE WEST AND PARALLEL TO TRUNK HIGHWAY No. 19 FOR A DISTANCE OF 300 FEET TO A POINT OF BEGINNING. .

SUBJECT TO ANY RIGHTS ACQUIRED BY THE STATE OF MINNESOTA FOR HIGHWAY PURPOSES.

A-7234

100'  
150'  
WIBCO  
23.3212.000  
15000 #  
100'

300'  
217.8'  
LARRY W. + BARBARA JO CONKLIN  
23.3213.000  
A-7233  
W/HIGHWAY EXCEPTIONS (50.33')  
300'

50'

CENTERLINE TRUNK HIGHWAY 19

605'

SW CORNER  
32 113 29

REC'D BY  
MMB

NOV 04 2004

REC'D BY  
M.M.B  
NOV 04 2004

[illegible]

NOV 04 2004