

ORDINANCE NO. 282 - 3RD SERIES

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, ANNEXING PARTS OF GOVERNMENT LOT ONE (1) AND GOVERNMENT LOT SEVEN (7), AND PARTS OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4 NW1/4) AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NE1/4), SECTION SEVEN (7), TOWNSHIP ONE HUNDRED FIFTY-ONE (151) NORTH, RANGE FORTY-NINE (49) WEST OF THE 5TH PRINCIPAL MERIDIAN, HUNTSVILLE TOWNSHIP, POLK COUNTY, MINNESOTA.

THE CITY OF EAST GRAND FORKS ORDAINS:

Section 1. This annexation ordinance is being passed and adopted pursuant to the provisions of Minnesota Statute §414.033, Subd. 2, clause 2.

Section 2. The real property which is the subject and object of this annexation ordinance (hereinafter referred to as the "Subject Real Property") is completely surrounded by land within the limits of the City of East Grand Forks, Minnesota (hereinafter referred to as the "City"), is situated in Huntsville Township, Polk County, Minnesota, and is legally described as follows:

JACK HANGSLEBEN WAREHOUSE

That part of Government Lot One (1), Section Seven (7), Township One Hundred Fifty-one (151) North of Range Forty-nine (49) West of the Fifth Principal Meridian, described as follows:

Beginning at the point where section line common to Section 6 & 7 of said Township and Range intersect the Southerly boundary of Great Northern Railroad right of way, said point being 50 feet at right angles from center of main track, thence southeasterly along said right of way line a distance of 460.4 feet; thence deflecting southerly 64°41' for 160.0 feet; thence deflecting northwesterly 115°19' on a line parallel with said right of way for 540.0 feet; thence deflecting 64°41' northerly for 124.2 feet to a point on section line common to Sections 6 & 7; thence Easterly along section line 72.2 feet to point of beginning,

AND

JACK HANGSLEBEN ACCESS ROAD

That part of the Government Lot 1 of Section 7, Township 151 North, Range 49 West of the 5th Principal Meridian, Polk County, Minnesota described as follows:

Commencing at the northwest corner of said Section 7; thence easterly along the north line of said Section having a grid bearing of North 87 degrees 00 minutes 02 seconds East a distance of 548.70 feet to the southwesterly line of the Burlington Northern and Santa Fe Railway Company right of way; thence South 66 degrees 20 minutes 24 seconds East along said southwesterly line a distance of 460.36 feet to the northeast corner of a tract of land conveyed to Jack and Madeline Hangsleben by a Warranty Deed Document Number 387235 in Book 391 of Deeds, page 271, Polk County Recorders Office and the point of beginning; thence continuing South 66 degrees 20 minutes 24 seconds East along said southwesterly line a distance of 92.83 feet to the west line of a tract of land conveyed to Gregor J. Useldinger by a Quitclaim Deed Document Number 526501 in said Polk County Recorder's Office; thence South 01 degrees 39 minutes 24 seconds East along said west line a distance of 331.84 feet to the

southwest corner of said conveyed tract of land; thence North 67 degrees 40 minutes 59 seconds West a distance of 207.55 feet; thence North 29 degrees 46 minutes 46 seconds West a distance of 268.97 feet to the southerly line of said tract of land conveyed to Jack and Madeline Hangsleben by Document Number 387235; thence South 66 degrees 20 minutes 24 seconds East along said southerly line a distance of 257.22 feet to the southeast corner of said conveyed tract of land; thence North 01 degrees 39 minutes 24 seconds West along the east line of said conveyed tract of land a distance of 159.98 feet to the point of beginning. Containing 1.33 acres or 57,765 square feet more or less,

All bearings and distances are grid based on the North Dakota State Plane Coordinate System North Zone of 1983 (NAD83),

AND

GREGOR J. USELDINGER

That portion of Government Lot 1 and the NE1/4NW1/4 of Section 7, Township 151 North, Range 49 West of the Fifth Principal Meridian, Polk County, Minnesota described as follows, to-wit:

Commencing at a point on Burlington Northern Railroad Company's (formerly Great Northern Railway Company) Main Track centerline, as now located and constructed, distant 430.0 feet Southeasterly of, as measured along said Main Track centerline, from the North line of said Section 7; thence South, at an angle of 64 degrees 41 minutes from said Main Track centerline 53.10 feet to a point being 48.0 feet Southwesterly of, as measured at right angles from said Main Track centerline and the True Point of Beginning; thence Southeasterly parallel with said Main Track centerline 453.29 feet; thence Southwesterly at right angles from said Main Track centerline 302.0 feet to a point being 350.0 feet Southwesterly of, as measured at right angles from said Main Track centerline; thence Northwesterly parallel with said Main Track centerline 310.43 feet; thence North 334.09 feet to the True Point of Beginning,

AND

JEFFREY - GEDDES FARMS

That portion of Government Lot 1 and the NE1/4NW1/4 of Section 7, Township 151 North, Range 49 West of the Fifth Principal Meridian, Polk County, Minnesota described as follows, to-wit:

Commencing at a point on Burlington Northern Railroad Company's (formerly Great Northern Railway Company) Main Track centerline, as now located and constructed, distant 430 feet Southeasterly, measured along said Main Track centerline, from the North line of said Section 7; thence South, at an angle of 64 degrees 41 minutes, as measured from East to South from said Main Track centerline 53.10 feet to a point being 48.0 feet Southwesterly of, as measured at right angles to said Main Track centerline, said point also being 9.0 feet Southwesterly of, as measured at right angles to Grantor's most Southwesterly Siding Track, as now located and constructed; thence Southeasterly parallel with said Main Track centerline 453.29 feet and the True Point of Beginning; thence continuing Southeasterly parallel with said Main Track centerline 300.0 feet; thence Southwesterly at right angles from said Main Track centerline 302 feet to a point being 350.0 feet Southwesterly, measured at right angles from said Main Track centerline; thence Northwesterly parallel with said Main Track centerline 300.0

feet; thence Northeasterly along a line drawn at right angles to said Main Track centerline 302.0 feet to the True Point of Beginning,

AND

LUMBER MART, INC.

That portion of the NE1/4NW1/4 of Section 7, Township 151 North, Range 49 West of the 5th Principal Meridian, Polk County, Minnesota described as follows, to-wit:

Commencing at a point on Burlington Northern Railroad Company's (formerly Great Northern Railway Company) Main Track centerline, as now located and constructed, distant 430.0 feet Southeasterly of, as measured along said Main Track centerline, from the North line of said Section 7; thence South, at an angle of 64 degrees 41 minutes from said Main Track centerline 53.10 feet to a point being 48.0 feet Southwesterly of, as measured at right angles from said Main Track centerline; thence Southeasterly parallel with said Main Track centerline 753.29 feet and the True Point of Beginning; thence continuing Southeasterly parallel with said Main Track centerline 190.0 feet; thence Southwesterly at right angles from said Main Track centerline 302.0 feet to a point being 350.0 feet Southwesterly of, as measured at right angles from said Main Track centerline; thence Northwesterly parallel with said Main Track centerline 190.0 feet; thence Northeasterly along a line drawn at right angles to said Main Track centerline 302.0 feet to the True Point of Beginning,

AND

GUY A. USELDINGER

That portion of the NE1/4NW1/4 of Section 7, Township 151 North, Range 49 West of the Fifth Principal Meridian, Polk County, Minnesota described as follows, to-wit:

Commencing at a point on Burlington Northern Railroad Company's Main Track centerline, as now located and constructed, distant 430.0 feet Southeasterly of, as measured along said Main Track centerline, from the North line of said Section 7; thence South, at an angle of 64 degrees 41 minutes from said Main Track centerline, a distance of 53.10 feet to a point being 48.0 feet Southwesterly of, as measured at right angles to said Main Track centerline; thence Southeasterly parallel with said Main Track centerline a distance of 943.29 feet to the point of Beginning; thence continuing Southeasterly parallel with said Main Track centerline a distance of 150.0 feet; thence Southwesterly at right angles from said Main Track centerline a distance of 302.0 feet to a point being 350.0 feet Southwesterly of, as measured at right angles to said Main Track centerline; thence Northwesterly parallel with said Main Track centerline a distance of 150.0 feet; thence Northeasterly along a line drawn at right angles to said Main Track centerline a distance of 302.0 feet to the Point of Beginning,

AND

JOHNSON FARMS

That portion of the NE1/4NW1/4 of Section 7, Township 151 North, Range 49 West of the Fifth Principal Meridian, Polk County, Minnesota described as follows, to-wit:

Commencing at a point on Burlington Northern Railroad Company's (formerly Great Northern Railway Company) Main Track centerline, as now located and constructed, distant 430

feet Southeasterly, measured along said Main Track centerline, from the North line of said Section 7; thence South, at an angle of 64 degrees 41 minutes from said Main Track centerline as measured from East to South, 53.10 feet to a point being 48.0 feet Southwesterly, measured at right angles from said Main Track centerline, said point also distant 9.0 feet Southwesterly of measured at right angles to Grantor's most Southwesterly siding track as now located and constructed; thence Southeasterly parallel with said Main Track centerline 1,093.29 feet and the True Point of Beginning; thence continuing Southeasterly parallel with said Main Track centerline 528.0 feet; thence southwesterly, measured at right angles to said Main Track centerline, 302.0 feet to a point being 350.0 feet Southwesterly, measured at right angles to said Main Track centerline; thence Northwesterly parallel with said Main Track centerline 528.0 feet; thence Northeasterly along a line drawn at right angles to said Main Track centerline 302.0 feet to the True Point of Beginning,

AND

DAVID AND KIMBERLY POLRIES

That portion of the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE1/4NE1/4NW1/4) of Section Seven (7), Township One Hundred Fifty-one (151) North, Range Forty-nine (49) West of the Fifth Principal Meridian, Polk County, Minnesota, being a portion of that same parcel of land described in Warranty Deed from Walter G. Hangsleben and Viola V. Hangsleben to the Great Northern Railway Company, predecessor of Burlington Northern Railroad Company, recorded February 24, 1960 in Book 331 of Deeds, Page 469-470 as Document No. 341837, in the Office of the County Recorder, Polk County, Minnesota, described as follows:

Commencing at a point on Burlington Northern Railroad Company's (formerly Great Northern Railway Company) Main Track centerline, as now located and constructed, distant 430.0 Southeasterly, as measured along said Main Track centerline, from the North line of said Section 7; thence South, deflecting an angle of 64 41' from said Main Track centerline, as measured from East to South, 53.10 feet to a point being 48.0 feet Southwesterly, as measured at right angles from said Main Track centerline, said point also being 9.0 feet Southwesterly, as measured at right angles from said Railroad Company's most Southwesterly siding track, as now located and constructed; thence Southeasterly, parallel with said Main Track centerline 1,621.29 feet to the most Easterly corner of that certain parcel of land described in Quitclaim Deed from Burlington Northern Railroad Company to Johnson Farms, filed for record on December 30, 1994 as Document No. 534571 in and for said county and the true point of beginning; thence continuing Southeasterly, parallel with said Main Track centerline, 198.5 feet to the centerline of a public road, as now located and constructed; thence Southwesterly, at right angles to said Main Track centerline 302.0 feet to a point being 350.0 feet Southwesterly, as measured at right angles from said Main Track centerline; thence Northwesterly parallel with said Main Track centerline and along the Southwesterly line of that certain parcel of land described in said Warranty Deed filed as Document No. 341837, a distance of 198.5 feet to the most Southerly corner of that certain parcel of land described in Quitclaim Deed filed as Document No. 534571; thence Northeasterly along the Southeasterly line of that certain parcel of land described in Quitclaim Deed filed as Document No. 534571 a distance of 302.0 feet to the true point of beginning,

AND

DRISCOLL FARMS

That portion of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) and Government Lot Seven (7) of Section Seven (7), Township One Hundred Fifty One (151) North, Range Forty Nine (49) West, Fifth Principal Meridian, County of Polk, State of Minnesota, described as follows:

Commencing at the point of intersection of the North-South center line of said Section 7 with the center line of the Burlington Northern Inc.'s main line track; thence Easterly along said track center line a distance of 351 feet, more or less, to Railway Survey Station 653+50; thence Southwesterly at right angles to said track center line 50 feet to the point of beginning; thence Southeasterly along a line parallel with said track center line and distant 50 feet Southwesterly a distance of 400 feet; thence Southwesterly at right angles a distance of 300 feet; thence Northwesterly at right angles a distance of 400 feet; thence Northeasterly at right angles a distance of 300 feet to the point of beginning together with a nonexclusive roadway easement for ingress to and egress from the premises herein conveyed, upon and over the following described premises: That portion of the NW1/4NE1/4 and Government Lots 6 and 7 of Sec. 7, Twp. 151, N. of R. 49 W., County of Polk, State of Minnesota, described as follows: Commencing at the point of intersection of Burlington Northern Inc.'s main track center line and the center line of a public grade crossing located at Railway Survey Station 656+98.5; thence Northwesterly along said track center line a distance of 15 feet to the point of beginning; thence Northeasterly at right angles to said track center line a distance of 50 feet; thence Southeasterly at right angles a distance of 30 feet; thence Southwesterly at right angles a distance of 350 feet; thence Southeasterly at right angles a distance of 330 feet, more or less, to the West line of the premises herein conveyed; thence Southwesterly along said West line a distance of 50 feet; thence Northwesterly at right angles a distance of 345 feet; thence Northeasterly at right angles a distance of 350 feet to the point of beginning,

AND

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

That part of the Government Lot 1, Government Lot 6, Government Lot 7, the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 7, Township 151 North, Range 49 West of the 5th Principal Meridian, Polk County, Minnesota described as follows:

Commencing at the northwest corner of said Section 7; thence easterly along the north line of said Section having a grid bearing of North 87 degrees 00 minutes 02 seconds East a distance of 548.70 feet to the southwesterly line of the Burlington Northern and Santa Fe Railway Company right of way being 50.00 feet southwesterly of and parallel with the main track center line and the point of beginning; thence South 66 degrees 20 minutes 24 seconds East along said southwesterly right of way and parallel line a distance of 553.19 feet to the west line of a tract of land conveyed to Gregor J. Useldinger recorded in a Quit Claim Deed, Document Number 526501 in Book 527 of Deeds, pages 101-106, Polk County Recorders Office; thence North 01 degrees 39 minutes 24 seconds West along said west line a distance of 2.21 feet to the northwest corner of a said conveyed tract of land being 48.00 feet southwesterly of and parallel with said main track center line; thence South 66 degrees 20 minutes 24 seconds East along said parallel line and the northerly line of said conveyed tract of land and extending southeasterly a distance of 1819.62 feet to the northeasterly corner of a tract of land described

in a Contract for Deed to Kelly W. Johnson recorded in Document Number 562279 in said Polk County Records Office; thence South 23 degrees 39 minutes 36 seconds West along the easterly line of said described tract of land a distance of 301.97 feet to the southeasterly corner of said described tract of land and a line being 349.97 feet southeasterly of and parallel with the main track center line; thence South 66 degrees 20 minutes 24 seconds East along said parallel line a distance of 271.30 feet to the southwesterly corner of a tract of land conveyed to Driscoll Farms, a Minnesota Partnership recorded in a Warranty Deed, Document Number 578403, Polk County Records Office; thence North 23 degrees 39 minutes 36 seconds East along the westerly line of said conveyed tract of land a distance of 299.97 feet to the northwesterly corner of said conveyed tract of land and a line being 50.00 feet southwesterly of and parallel with the main track center line; thence South 66 degrees 20 minutes 24 seconds East along the northerly line of said conveyed tract of land and extending southeasterly along said parallel line a distance of 972.79 feet; thence southeasterly a distance of 166.66 feet continuing along said parallel line and a curve not tangent to the last described line concave to the southwest having a radius of 5914.50 feet, and a central angle of 01 degrees 36 minutes 52 seconds, and the chord of said curve bears South 65 degrees 38 minutes 16 seconds East to the east line of said Government Lot 7, thence North 02 degrees 25 minutes 54 seconds West along said east line a distance of 112.58 feet to a line being 50.00 northeasterly of and parallel with the main track center line; thence northwesterly a distance of 117.32 feet along said parallel line and a curve not tangent to the last described line concave to the southwest having a radius of 6014.50 feet and a central angle of 01 degrees 07 minutes 04 seconds, and the chord of said curve bears North 65 degrees 53 minutes 14 seconds West; thence North 66 degrees 20 minutes 24 seconds West continuing along said parallel line a distance of 3416.61 feet to the north line of said Section 7; thence South 87 degrees 00 minutes 02 seconds West along said north line a distance of 222.85 feet to the point of beginning. Containing 10.18 acres more or less.

All bearings and distances are grid based on the North Dakota State Plane Coordinate System - North Zone of 1983 (NAD83).

Section 3. The Subject Real Property contains approximately 31.5 acres, more or less, and is not presently served by public sewer facilities.

Section 4. A public hearing to discuss the annexation of the Subject Real Property was held by the City Council commencing at 7:00 o'clock p.m. on February 15, 2005, in the City Council Chambers in City Hall, East Grand Forks, Minnesota, notice of such hearing being mailed via United States Certified Mail to Huntsville Township and to all landowners within and contiguous to the Subject Real Property more than 30 days prior to the hearing date, thereby satisfying the notice requirements of Minnesota Statute §414.033, Subd. 2b.

Section 5. Notice of the City's Intent to Annex the Subject Property was mailed via United States Certified Mail to Huntsville Township, Polk County, Minnesota, more than 90 days prior to the hearing date, thereby satisfying the notice requirements of Minnesota Statute §414.033, Subd. 3. No objections to the annexation were received from Huntsville Township prior to the said hearing.

Section 6. Portions of the Subject Real Property are populated.

Section 7. The City hereby annexes the Subject Real Property.

Section 8. The City Administrator is hereby directed to file certified copies of this ordinance with the Director of Minnesota Municipal Boundary Adjustments, Huntsville Township, the Polk County Auditor, and the Minnesota Secretary of State.

Section 9. City Code Chapter 1 entitled "Definitions and General Provisions Applicable to Entire City Code Including Penalty for Violation" is hereby adopted in its entirety, by reference, as though repeated verbatim herein.

Section 10. This ordinance shall take effect and be in force from and after its passage and publication and be given the Number **282, 3rd Series**, and after its approval by the Director of Minnesota Municipal Boundary Adjustments.

VOTING AYE: Grassel, Tweten, Driscoll, Gander, Holy, Trembath, and Vetter

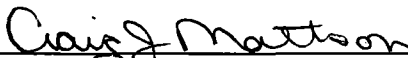
VOTING NAY: None

ABSENT: None

The President declared the Ordinance passed.

ATTEST:

PASSED: March 1, 2005.



City Administrator/Clerk Treasurer



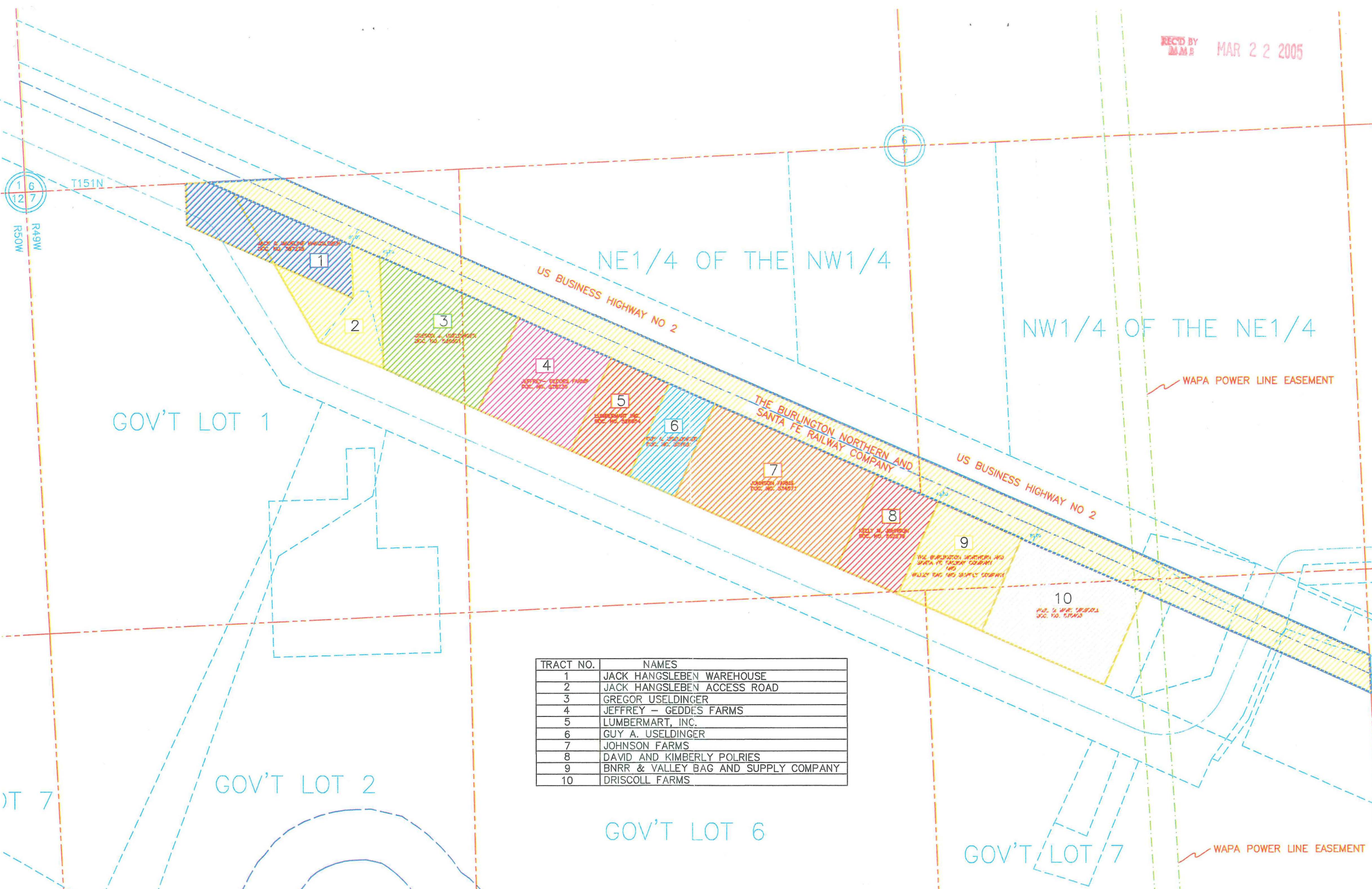
President of Council

I hereby approve the foregoing Ordinance on March 1, 2005.



Mayor

REC'D BY M.A.B. MAR 22 2005



TRACT NO.	NAMES
1	JACK HANGSLEBEN WAREHOUSE
2	JACK HANGSLEBEN ACCESS ROAD
3	GREGOR USELDINGER
4	JEFFREY - GEDDES FARMS
5	LUMBERMART, INC.
6	GUY A. USELDINGER
7	JOHNSON FARMS
8	DAVID AND KIMBERLY POLRIES
9	BNRR & VALLEY BAG AND SUPPLY COMPANY
10	DRISCOLL FARMS

GOV'T LOT 1

GOV'T LOT 2

GOV'T LOT 6

GOV'T LOT 7

NE1/4 OF THE NW1/4

NW1/4 OF THE NE1/4

US BUSINESS HIGHWAY NO 2

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

US BUSINESS HIGHWAY NO 2

WAPA POWER LINE EASEMENT

WAPA POWER LINE EASEMENT

16
127

6

1

2

3

4

5

6

7

8

9

10

T151N

R49W
R50W

T 7