

ORDINANCE NUMBER 157**AN ORDINANCE OF THE CITY OF AVON ANNEXING UNINCORPORATED LAND IN THE TOWN OF AVON, STEARNS COUNTY, MINNESOTA, TO THE CITY OF AVON, PURSUANT TO MINN. STAT. §414.033, SUBD. 2(3) AND SUBD. 2b., PERMITTING ANNEXATION BY ORDINANCE**

The City Council of the City of Avon, Stearns County, Minnesota, hereby ordains:

SECTION I. All of the owners and parties in interest of the lands to be annexed herein executed and submitted to the City of Avon, a Petition for Annexation of certain unincorporated land not included within any municipality, currently located within the Town of Avon, Stearns County, Minnesota, and legally described on attached Exhibit "A".

SECTION II. Said lands abut the existing corporate limits of the City of Avon, are unplatted, and consist of approximately 53.01 acres.

SECTION III. Said lands are urban or suburban in character or are about to become so.

SECTION IV. Said lands are not presently served by public sewer facilities, and public sewer facilities are not otherwise available. Said lands are in the process of being developed for intensive use for residential purposes and will require municipal services that the Town of Avon cannot provide.

SECTION V. Two persons reside on said lands, and the annexation will result in an addition to the population of the City of Avon of two persons.

SECTION VI. Petitioners conducted their own investigation into the cost of electric utility service to said lands after annexation, and Petitioners waived in their Petition the electric utility notice requirements contained in Minn. Stat. §414.033, Subd. 13.

SECTION VII. Said lands are not within a floodplain and are not included in any area that has already been designated for orderly annexation pursuant to Minn. Stat. §414.0325.

SECTION VIII. A public hearing on the proposed annexation was duly held by the City of Avon on April 11, 2005, that was preceded by at least 30 days written notice by certified mail to the Town of Avon and to all of the land owners within and contiguous to the area to be annexed.

SECTION IX. Municipal government in said lands is required to protect the public health, safety and welfare.

SECTION X. Annexation is in the best interest of the subject area.

SECTION XI. Following annexation, the remainder of the Town of Avon can continue to carry on the functions of government without undue hardship, and is unlikely to be incorporated separately or annexed to another municipality.

SECTION XII. The City of Avon will be able to provide needed governmental services to the subject area, and is better able to do so through annexation than another type of boundary adjustment.

SECTION XIII. The annexation will not negatively impact the delivery of governmental services being provided by the City of Avon.

SECTION XIV. The proposed development is consistent with the City of Avon's comprehensive plan and existing land use controls.

SECTION XV. The increase in revenues for the City of Avon bears a reasonable relation to the monetary value of benefits conferred upon the annexed area.

SECTION XVI. There are no existing or potential environmental problems that the annexation is likely to affect.

SECTION XVII. In making its determination to annex said lands, the City of Avon has also considered the following factors:

1. Past, present and projected population growth of the subject area and adjacent units of local government;
2. The quantity and natural terrain of land within the subject area and adjacent units of local government;
3. The degree of contiguity of the boundaries between the City of Avon and the subject area;
4. The development, planning and intended uses in the subject area and the City of Avon, and the impact of the annexation on those land uses;
5. Transportation issues;
6. An analysis of the fiscal impact on the City of Avon, the subject area, and adjacent units of local government; and
7. The effect of annexation of the subject area on affected adjacent school districts and communities.

SECTION XVIII. The property taxes payable on the lands annexed herein shall continue to be paid to the Town of Avon in the year in which this annexation becomes effective. Thereafter, property taxes shall be paid to the City of Avon and the City of Avon shall make a cash payment to the Town of Avon in an amount equal to 90% of the property taxes distributed to the Town of Avon in regard to the annexed area in the last year the property taxes from the annexed area were payable to the Town of Avon; in the second year an amount equal to 70%; in the third year an amount equal to 50%; in the fourth year an amount equal to 30%; and in the fifth year an amount equal to 10%.

SECTION XIX. The lands described on attached Exhibit "A" are hereby duly annexed to the City of Avon.

SECTION XX. The City Clerk-Administrator is hereby directed to immediately deliver a copy of this Annexation Ordinance to the Stearns County Auditor, and file copies of the Ordinance with the Director of the Office of Municipal Boundary Adjustments, the Secretary of State, and the Town of Avon.

SECTION XXI. This Ordinance shall become effective and said land duly annexed to the City of Avon upon the due passage and enactment hereof, approval by the Director of the Office of Municipal Boundary Adjustments, and publication of this Ordinance according to law.

Adopted by the Avon City Council this 11th day of April, 2005.

APPROVED:

Margaret Evers
Mayor

ATTEST:

Jodi Austintraut
City Clerk-Administrator

REC'D BY
MMB

APR 15 2005

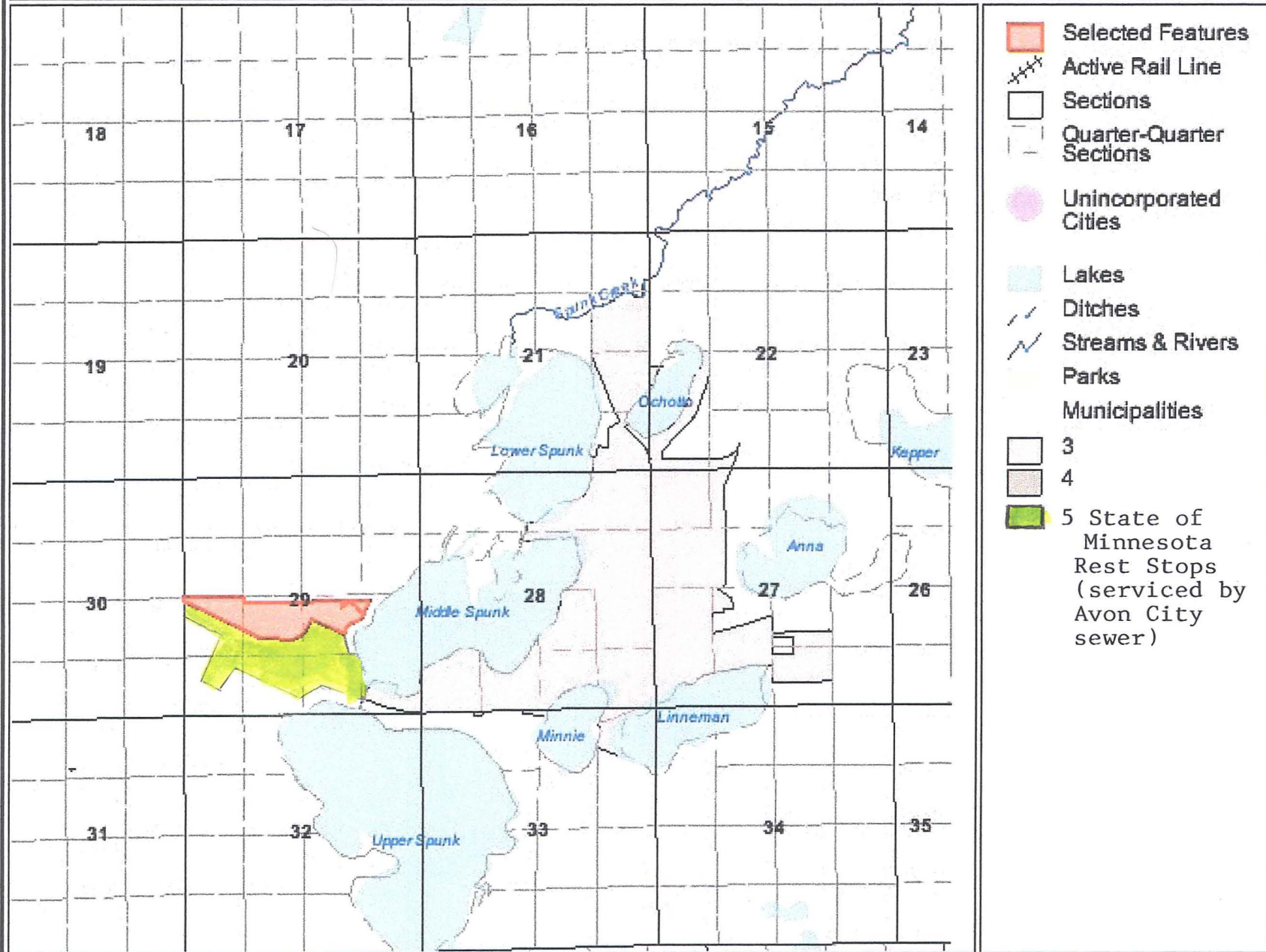
EXHIBIT "A"

That part of the NE1/4SW1/4 of Section 29, Township 125 North, Range 30 West, Stearns County, Minnesota bounded on the north by the south line of the north 136.00 feet thereof and on the south by the northerly right of way line of Interstate 94 according to the description thereof contained in Document No. 450749 in the office of the Stearns County Recorder, together with that part of Government Lot No. 2 of said Section 29 bounded on the south by said right of way line and on the north by the south line of the north 136.00 feet of said Government Lot No. 2 and on the east by the west line of Shorewood Drive of SHOREWOOD according to the recorded plat thereof on file and of record in the office of the County Recorder, Stearns County, Minnesota.
Containing 40.24 ACRES, more or less.

AND

That part of the NW1/4SW1/4 of Section 29, Township 125 North, Range 30 West, Stearns County, Minnesota lying northerly of the right of way of Interstate 94 according to the description thereof contained in Document No. 450749 in the office of the Stearns County Recorder.
Containing 12.77 Acres, more or less.

City of Avon



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Stearns County, Plansight LLC



31 SCALE: 0 100 200 300 AVON SEC. 30-125-30 3 MILNER W. CARLEY & ASSOC 32 SCALE: 0 100 200 300 AVON SEC. 29-125-30

Melton State City

REC'D BY MMB APR 15 2005