

CITY OF LITCHFIELD

REC'D BY
MAB

JUL 24 2007
Amended

**ORDINANCE NO. 719
AN ORDINANCE EXTENDING THE CORPORATE LIMITS
OF THE CITY OF LITCHFIELD TO INCLUDE
CERTAIN UNINCORPORATED PROPERTY (7.27 ACRES)
OWNED BY MARKETPLACE DEVELOPMENT, LLC; AND ABUTTING UPON THE
LIMITS OF THE CITY OF LITCHFIELD IN DARWIN TOWNSHIP PURSUANT TO MINNESOTA
STATUTES 414.033, SUBD. 2(3)**

WHEREAS, a certain petition requesting that the property described as:

The East 300.00 feet of the West 1138.00 feet of the NE ¼ of Section 18, Township 119, Range 30, Meeker County, Minnesota, lying northerly of the northerly right of way line of Trunk Highway No. 12, according to the Minnesota Department Transportation Right of Way Plat No. 47-10, as of Public Record, Meeker County, Minnesota, and lying southerly of the following described line: Commencing at the southeast corner of Eastern Development Third, as of Public Record, Meeker County, Minnesota, thence on an assumed bearing North 00 degrees 08 minutes 26 seconds East along the East line of said Eastern Development Third, 967.96 feet to the point of beginning; thence North 73 degrees 11 minutes 47 seconds East, 313.61 feet to the East line of the West 1138.00 feet and there terminating. **(To be described as Eastern Development Fourth Addition upon completion of the platting process.)**

be annexed to the City of Litchfield, Minnesota, were duly presented to this Council on the 19th day of March, 2007, and

WHEREAS, said petition was signed by the owner of the property; and

WHEREAS, said property is unincorporated and abuts the City of Litchfield on its easterly boundary, and

WHEREAS, said property constitutes 7.27 acres and is unplatted, and

WHEREAS, said property is not presently served by public sewer and water facilities or public sewer and water facilities are not otherwise available, and

WHEREAS, said property is currently being used for agricultural purposes, and

WHEREAS, to facilitate development, the property owner will be extending City services to said property, and

WHEREAS, a copy of the Petition was served upon those parties specified in Minnesota Statutes 414.033, subd. 2b giving them 30 days notice by certified mail of the Public Hearing, and

WHEREAS, a Public Hearing, duly noticed, was held on the Petition for Annexation on May 7, 2007, and

WHEREAS, provisions of Minn. Statute 414.033, subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

NOW THEREFORE, THE CITY OF LITCHFIELD DOES HEREBY ORDAIN AS FOLLOWS:

1. The City Council hereby determines that the property described above is or is about to become urban in nature in that said property is being developed for commercial/industrial purposes which need or will need city services, including public sewer and water facilities, and that none of property is now included within the limits of any city.

The City Council further finds said land abuts the city of Litchfield and being 60.00 acres or less in area, not presently served by public sewer and water facilities or public sewer and water facilities are not otherwise available, and the City has received a petition for annexation from the property owner of the land.

2. Territory annexed. The corporate limits of the City of Litchfield are hereby extended to include the property identified above.

The described property identified herein consists of a total of 7.27 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and an appropriate plat map are attached hereto.

3. Population. There are presently no people residing on the above described land.
4. Property Taxes. Pursuant to Minnesota Statutes 414.033, subd. 12, the property taxes payable on annexed land in the year 2007 shall be paid to the Township of Darwin, Minnesota. Thereafter, the City of Litchfield shall make a cash payment, to the Township of Darwin, in accordance with the following schedule:
 - a. 2008 - an amount equal to ninety percent (90%) of the property taxes distributed to the town in regard to the annexed area in 2007;
 - b. 2009 - An amount equal to seventy percent (70%) of the property taxes distributed to the town in regard to the annexed area in 2007;
 - c. 2010 - an amount equal to fifty percent (50%) of the property taxes distributed to the town in regard to the annexed area in 2007;
 - d. 2011 - an amount equal to thirty percent (30%) of the property taxes distributed to the town in regard to the annexed area in 2007; and
 - e. 2012 - an amount equal to ten percent (10%) of the property taxes distributed to the town in regard to the annexed area in 2007.

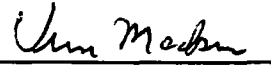
5. Filing. The Assistant City Administrator is directed to file certified copies of this ordinance with the Secretary of State, the County Auditor of the county in which the property is located, the Town Clerk of the affected township and the Minnesota Planning.

MAY 21 2007

6. Effective date of annexation. This ordinance takes effect upon its passage and Publication and the filing of certified copies as directed in paragraph 5 and approved by the Department of Administration Municipal Boundary Adjustments.

Passed and Adopted by the City Council of Litchfield, Minnesota this 21st day of May, 2007.

Approved:



MAYOR

Attest:



ASSISTANT CITY ADMINISTRATOR

First Reading: May 7, 2007
Second Reading: May 21, 2007
Publication Date: May 31, 2007
Effective Date: May 21, 2007

AGREEMENT

THIS AGREEMENT, dated this 12th day of June, 2007, by and between the City of Litchfield, hereinafter "City" and Darwin Township, hereinafter "Town";

WHEREAS, in response to a Petition for Annexation by Marketplace Development, L.L.C. for the annexation of certain lands adjacent to the City's corporate boundaries, the City passed Ordinance No. 719, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the proposed ordinance contemplates reimbursing the Town for taxes on the annexation property on a gradual reduction of payments basis over a period of six (6) years for a total of One Hundred Thirty-nine and 50/100 Dollars (\$139.50); and

WHEREAS, recent legislative amendments to Chapter 414 now require the reimbursement to be completed in substantially equal payments over not less than two (2) nor more than eight (8) years from the time of annexation, unless otherwise agreed between the City and Town;

NOW, THEREFORE, it is hereby agreed by and between the City and the Town to allow the City to reimburse the Town for taxes on a gradual reduction basis as provided in proposed Ordinance No. 719.

DARWIN TOWNSHIP

CITY OF LITCHFIELD

By: Bruce Rethlake
Bruce Rethlake
Its Chair

By: Vernon M. Madson
Vernon M. Madson
Its Mayor

**CITY OF LITCHFIELD
ORDINANCE NO. 719**

EXHIBIT "A"

**AN ORDINANCE EXTENDING THE CORPORATE LIMITS
OF THE CITY OF LITCHFIELD TO INCLUDE
CERTAIN UNINCORPORATED PROPERTY (7.27 ACRES)
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LIMITS OF THE CITY OF LITCHFIELD IN DARWIN TOWNSHIP PURSUANT TO
MINNESOTA STATUTES 414.033, SUBD. 2(3)**

WHEREAS, a certain petition requesting that the property described as:

The East 300.00 feet of the West 1138.00 feet of the NE¼ of Section 19, Township 119, Range 30, Meeker County, Minnesota, lying northerly of the northerly right of way line of Trunk Highway No.12, according to the Minnesota Department Transportation Right of Way Plat No. 47-10, as of Public record, Meeker County, Minnesota, and lying southerly of the following described line: Commencing at the southeast corner of Eastern Development Third, as of Public Record, Meeker County, Minnesota, thence on an assumed bearing North 00 degrees 08 minutes 26 seconds East along the East line of said Eastern Development Third, 967.96 feet to the point of beginning; thence North 73 degrees 11 minutes 47 seconds East, 313.61 feet to the East line of the West 1138.00 feet and there terminating. (To be described as Eastern Development Fourth Addition upon completion of the platting process).

be annexed to the City of Litchfield, Minnesota, was duly presented to this Council on the 19th day of March, 2007, and

WHEREAS, said petition was signed by all owners of the property, and

WHEREAS, said property is unincorporated and abuts the City of Litchfield on its easterly boundary, and

WHEREAS, said property constitutes 7.27 acres and is unplatted, and

WHEREAS, said property is not presently served by public sewer and water facilities or public sewer and water facilities are not otherwise available, and

WHEREAS, said property is currently being used for agricultural purposes, and

WHEREAS, to facilitate said development, the property owner will be extending City services to said property, and

WHEREAS, a copy of the Petition was served upon those parties specified in Minnesota Statutes 414.033, subd. 2b giving them 30 days notice by certified mail of the Public Hearing, and

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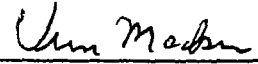
3. Population. There are presently no people residing on the above described land.
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6. Effective date of annexation. This ordinance takes effect upon its passage and Publication and the filing of certified copies as directed in paragraph 5 and approved by the Department of Administration Municipal Boundary Adjustments.

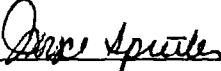
Passed and Adopted by the City Council of Litchfield, Minnesota this 21st day of May, 2007.

Approved:



MAYOR

Attest:



ASSISTANT CITY ADMINISTRATOR

First Reading: May 7, 2007

Second Reading: May 21, 2007

Publication Date: May 31, 2007

Effective Date: May 21, 2007

EXHIBIT A

Preliminary Plat of
EASTERN DEVELOPMENT FOURTH

LEGAL DESCRIPTION:

The East 300.00 feet of the West 1138.00 feet of the NE 1/4 of Section 19, Township 119, Range 30, Meeker County, Minnesota, lying westerly of the westerly right of way line of Trunk Highway No. 12, according to the MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT No. 47-10, as of Public Record, Meeker County, Minnesota, and lying westerly of the following described line. Commencing at the southeast corner of EASTERN DEVELOPMENT THIRD, as of Public Record, Meeker County, Minnesota, thence on an assumed bearing North 90 degrees 00 minutes 00 seconds East along the East line of said EASTERN DEVELOPMENT THIRD, 80.36 feet to the point of beginning; thence North 73 degrees 11 minutes 07 seconds East, 312.61 feet to the East line of the West 1138.00 feet and thence remaining.

For: C. Alvin Johnson
Litchfield, MN 55355

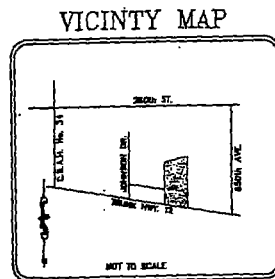
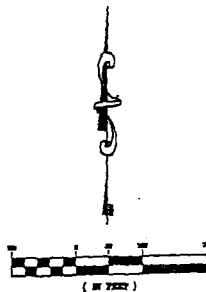
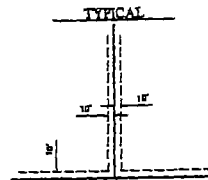
By: Northstar Surveying
310 East Depot Street
P.O. Box 458
Litchfield, MN 55355

CERTIFICATION: I hereby certify that this survey was prepared by me or under my direct supervision and that I am a Professional Licensed Surveyor under the Laws of the State of Minnesota.

Survey No. 713 2407

ORIENTATION OF THE HEARING IS ASSUMED TO HAVE A BEARING OF SOUTH 74 DEGREES 25 MINUTES 34 SECONDS EAST ALONG THE SOUTH LINE OF EASTERN DEVELOPMENT THIRD AS OF PUBLIC RECORD MECKER COUNTY MINNESOTA.

BENCHMARK FOR SITE IS MGDOT BM 47M M. IT IS LOCATED IN THE SW 1/4 OF 7-19-30, 1.25 MILE EAST OF LITCHFIELD, 0.6 MILES NORTH ALONG CLASH SA FROM JUNCTION OF OLSON HWY 13 AND CLASH SA. IT IS ASSUMED TO HAVE AN ELEVATION OF = 1343.0 PROPERTY IS CURRENTLY FENCED AGRICULTURE.



RECD BY
M M B
2007 1 18 2007

