

ORDINANCE NO. 501

RECD BY
M A M B

JUN 30 2008

AN ORDINANCE AMENDING THE TITLE AND SECTION 4 OF AMENDED ORDINANCE NO. 479, ADOPTED ON SEPTEMBER 12, 2007, AND TITLED "AN ORDINANCE ANNEXING LAND OWNED BY DONOVAN GUIDA AND LYNETTE GUIDA AND RICHARD BRADOW AND CYNTHIA BRADOW TO THE CITY OF PARK RAPIDS, HUBBARD COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES 414.033, SUBD 2(1)"

WHEREAS, the City Council of the City of Park Rapids passed Ordinance No. 479 on April 26, 2007 and Amended Ordinance No. 479 on September 12, 2007, respectively, declaring certain properties in Todd Township annexed to the City of Park Rapids pursuant to Minn. Stat. § 414.033, Subd. 2(3); and

WHEREAS, said ordinances were duly filed with Minnesota Office of Administrative Hearings - Municipal Boundary Adjustments Unit, the Todd Township Clerk, the Hubbard County Auditor, and the Minnesota Secretary of State; and

WHEREAS, the title of the above-referenced ordinances incorrectly cited to "**MINNESOTA STATUTES 414.033, SUBD 2(1)**," but it should have cited to Subd. 2(3); and

WHEREAS, the Executive Director of Minnesota Office of Administrative Hearings - Municipal Boundary Adjustments Unit notified the City of Park Rapids that because said ordinances do not include a provision for dealing with reimbursement to Todd Township as required by Minn. Stat. § 414.036, the ordinances did not conform to said statute; and

WHEREAS, an email from the former City Attorney to the attorney for Todd Township indicated that Todd Township had agreed to a lump sum payment reimbursement on November 14, 2007; and

WHEREAS, the current City Attorney has corresponded with the attorney for Todd Township several times by phone, email, and letter regarding the reimbursement issue; and

WHEREAS, the City of Park Rapids offered to the attorney for Todd Township that the City of Park Rapids reimburse the township for the annexation of the affected properties by paying it \$28.58 on August 1, 2008 and \$28.58 on August 1, 2009, which reflect the taxes payable to the township from these properties for 2008; and

WHEREAS, the attorney for Todd Township responded via email on June 24, 2008 countering to the City of Park Rapids' offer that the Township would accept a lump sum of two and a half years worth of Township taxes on the property annexed; and

WHEREAS, the City of Park Rapids hereby accepts the Township's offer conveyed by the attorney for Todd Township to reimburse the Township in a lump sum

June 24, 2008

payment representing two and a half years of Township taxes on the property annexed, which amount is \$71.45.

NOW, THEREFORE, the City Council of the City of Park Rapids, Hubbard County, Minnesota ordains:

Section 1. The Title to Amended Ordinance No. 479 adopted on September 12, 2007 and titled "AN ORDINANCE ANNEXING LAND OWNED BY DONOVAN GUIDA AND LYNETTE GUIDA AND RICHARD BRADOW AND CYNTHIA BRADOW TO THE CITY OF PARK RAPIDS, HUBBARD COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES 414.033, SUBD 2(1)" is amended to read:

"AN ORDINANCE ANNEXING LAND OWNED BY DONOVAN GUIDA AND LYNETTE GUIDA AND RICHARD BRADOW AND CYNTHIA BRADOW TO THE CITY OF PARK RAPIDS, HUBBARD COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES 414.033, SUBD 2(3)"

Section 2. Section 4 of Amended Ordinance No. 479 adopted on September 12, 2007 and titled "AN ORDINANCE ANNEXING LAND OWNED BY DONOVAN GUIDA AND LYNETTE GUIDA AND RICHARD BRADOW AND CYNTHIA BRADOW TO THE CITY OF PARK RAPIDS, HUBBARD COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES 414.033, SUBD 2(1)" is amended to read:

"Section 4. In 2008, Todd Township's portion of taxes payable from the area legally described in Exhibit A and hereby annexed to the City of Park Rapids is \$28.58. With respect to the property taxes payable from the area legally described in Exhibit A, hereby annexed, the City of Park Rapids and Todd Township have agreed, pursuant to Minnesota Statutes § 414.036, that the City shall make a single cash payment to Todd Township in a lump sum, in the first year following the year in which the City of Park Rapids could first levy on the annexed area, in an amount equal to \$71.45 representing two and a half years multiplied by the Township taxes attributable on the annexed area (\$28.58) in the year of annexation.

Section 3. The City Clerk of the City of Park Rapids is hereby authorized and directed to file a copy of this ordinance with the Minnesota Office of Administrative Hearings - Municipal Boundary Adjustments Unit, the Minnesota Secretary of State, the Hubbard County Auditor, and the Todd Township Clerk.

Section 4. This ordinance becomes effective from and after its passage, publication, and approval by the Minnesota Office of Administrative Hearings - Municipal Boundary Adjustments Unit.

Passed by the City Council of the City of Park Rapids, Hubbard County, Minnesota on June 24th, 2008.

Approved:

CITY OF PARK RAPIDS

Dated: 06-26-08

Nancy J. Carroll
Nancy J. Carroll
Its Mayor

Dated: 06-26-2008

Margie M. Vik
Margie M. Vik
Its City Clerk

I certify the above ordinance to be a true and correct copy of the original ordinance on file in the office of the City Clerk of Park Rapids.

City Clerk: Margie M. Vik

Date: 06-26-08

[Seal]