

ORDINANCE NO. 2007-13

AN ORDINANCE OF THE CITY OF MOORHEAD ANNEXING LAND
LOCATED IN THE TOWN OF MOORHEAD, CLAY COUNTY, MINNESOTA
TO THE CITY OF MOORHEAD, CLAY COUNTY, MINNESOTA, PURSUANT TO MINN. STAT.
§ 414.033, SUBD. 2(3), PERMITTING ANNEXATION BY ORDINANCE

WHEREAS, the City of Moorhead has received a petition for annexation from all landowners of the property to be annexed; and

WHEREAS, under state law the landowner has the right to request annexation into the City of Moorhead, and the City of Moorhead has authority to annex such property; and

WHEREAS, under the law of the State of Minnesota cities have no authority outside the provisions of Chapter 414 to regulate annexation of land in Minnesota; and

NOW THEREFORE THE CITY OF MOORHEAD DOES HEREBY ORDAIN:

Section 1. That the unincorporated land legally described in Exhibit A, which is attached hereto and incorporated herein by reference, located in the Town of Moorhead, Clay County, Minnesota, is land that is contiguous to and abuts the municipal corporate limits of the City of Moorhead, Clay County, Minnesota; is land that is 120 acres or less in size; is land that is not presently served by public wastewater facilities, and for which public wastewater facilities are not otherwise available than through the City of Moorhead; and is land that is existing or proposed for immediate urban or suburban development.

Section 2. That the property-owner of the property legally described in Exhibit A has requested annexation for purposes of immediately redeveloping the land for additional urban or suburban commercial uses and has submitted a petition to the City Council of the City of Moorhead for annexation of said land.

Section 3. That the City of Moorhead has, or will, hold a public hearing pursuant to Minn. Stat. § 414.033, subd. 2b, on July 16, 2007, following thirty (30) days written notice by certified mail to the Town of Moorhead and to all landowners within and contiguous to the area, legally described in Exhibit A, to be annexed.

Section 4. That the corporate limits of the City of Moorhead are hereby extended to include the land legally described in Exhibit A, and shown on the map attached hereto and incorporated herein by reference as Exhibit B, containing approximately 9.09 acres, and the same is hereby annexed to be included within the City of Moorhead, Clay County, Minnesota.

AUG 16 2007

Section 5. That the population of the area legally described in Exhibit A, and hereby annexed is 0.

Section 6. That with respect to the property taxes payable on the area legally described in Exhibit A, hereby annexed, the City of Moorhead shall make a cash payment to the Town of Moorhead for the period and in accordance with the following schedule:

- a. In the first year following the year the City of Moorhead could first levy on the annexed area, an amount equal to \$9.46.
- b. In the second year, an amount equal to \$9.46.

Section 7. That the City Manager of the City of Moorhead is hereby authorized and directed to file a copy of this Ordinance with the Minnesota Office of Administrative Hearings Municipal Boundary Adjustments Office, the Minnesota Secretary of State, the Clay County Auditor, and the Moorhead Township Clerk.

Section 8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Minnesota Office of Administrative Hearings.

PASSED and adopted by the City Council of the City of Moorhead this 6th day of August, 2007.

CITY OF MOORHEAD

By: /s/ Mark Voxland
MARK VOXLAND, Mayor

ATTEST:

By: /s/ Kaye Buchholz
KAYE BUCHHOLZ, City Clerk

First Consideration: July 16, 2007
Second Consideration: August 6, 2007
Date of Publication: August 20, 2007

Drafted by: Community Services, City of Moorhead

STATE OF MINNESOTA }
COUNTY OF CLAY } SS
CITY OF MOORHEAD }

I do hereby certify that the foregoing document is a true and correct copy of said document presented to and adopted by the City Council of the City of Moorhead, Minnesota at a duly authorized meeting thereof held on the 6 day of Aug, 2007.
I further certify that this document has not been rescinded or modified and is still in force and effect.

Dated this 8 day of Aug, 2007.

Kaye Buchholz
City Clerk

REC'D BY
M M B

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EXHIBIT A
Legal Description

The Subject Area to be annexed in the attached Ordinance is legally described as follows:

West 150' of the East 250' of Section 28, Township 139 North, Range 48
West of the Fifth Principal Meridian, Clay County, Minnesota, less any
railroad right-of-way. (±9.09 acres)

REC'D BY
MMB

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EXHIBIT B
Boundary Map

The municipal boundary map referenced in the attached Ordinance, showing the current City of Moorhead and its relation to the Subject Area to be annexed, legally described in Exhibit A, is attached hereto.

General Location Map

