

CITY OF FRAZEE

REC'D BY
M M B

MAR 19 2008

ORDINANCE NUMBER 138

AN ORDINANCE OF THE CITY OF FRAZEE ANNEXING LAND LOCATED IN THE TOWN OF BURLINGTON, BECKER COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.044 SUBDIVISION 3, PERMITTING ANNEXATION BY ORDINANCE

THE CITY COUNCIL OF THE CITY OF FRAZEE, MINNESOTA DOES ORDAIN:

SECTION 1: Findings. Minnesota State Statutes 414.033 allow for annexation by ordinance.

- 1) The City of Frazee has served notice of intent to annex upon the Township of Burlington, Becker County board and the directors; and the Office of Administrative Hearings on December 13, 2007. No objections have been forthcoming within the said 90-day period.
- 2) The Frazee City Council hereby determines (1) that the territory described in the attached Exhibit A is 40 acres or less in size, is 60 percent or more bordered by land already within the corporate limits of the City of Frazee, Minnesota, and (2) that the territory described is not presently within the corporate limits of any incorporated city.

SECTION 2: Property Annexation. The corporate limits of the city are hereby extended to include the land described in the attached Exhibit A and the same is hereby annexed to be included within the city as effectually as if it had originally been a part thereof.

SECTION 3: Reimbursement. Reimbursement of the property taxes to the Town shall be based on the property taxes collected by the Town in the last year it collected taxes on the annexed area, in a total amount equivalent to that payable under the former law, but adjusted to be paid in substantially equal payments over two years in accordance with the 2006 amendments to Minn. Stat. §414.036. The two equal payments will be made in fiscal years 2009 and 2010 (See Exhibit B for payment breakdown).

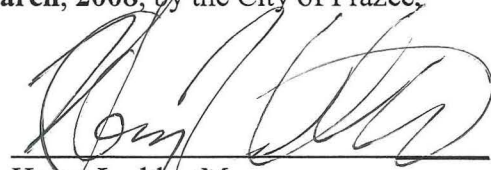
SECTION 4: Notification. The City Clerk of the City of Frazee is hereby authorized and directed to file copy of this Ordinance with the Municipal Boundary Adjustments Unit of the Minnesota Office of Administrative Hearings, the Minnesota Secretary of State, the Becker County Auditor, and the Burlington Township Clerk.

SECTION 5: Effective Date. This Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.


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PASSED AND ADOPTED THIS 10th DAY OF March, 2008, by the City of Frazee,
Minnesota.


Henry Ludtke, Mayor

ATTEST:


Kenneth R. Bucholz, Administrator/Clerk/Treasurer

(City Seal)

Exhibit A

That part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) and Government Lot 6 of Section 27, and that part of Government Lot 1 (fractional NE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 34, all in Township 138 North, Range 40 West of the 5th P.M. in Becker Co., Minn., described as follows:

Beginning at the southwesterly corner of the land now owned by Daggett Investment Properties, LLC, as described in document 532239 and in Book 256 of Deeds, page 353 in the office of the Becker County Recorder; thence North 13° 22' East 550 feet, more or less, on and along the northwesterly line of said Daggett Investment Properties, LLC land to the southwesterly right of way line of former U.S. Highway No. 10, (now County State Aid Highway No. 10), said point is the point of beginning of the tract herein described; thence South 13° 22' West 550 feet, more or less, to the southwesterly corner of said Daggett Investment Properties, LLC land; thence southeasterly on and along the southwesterly boundary line of said Daggett Investment Properties, LLC land to the southeast corner of said land; thence North 21° 32' East on and along the easterly line of said Daggett Investment Properties, LLC land and its extension 550 feet, more or less, to the southwesterly right of way line of former U.S. Highway No. 10, (now County State Aid Highway No. 10); thence southeasterly on and along the southwesterly right of way line of former U.S. Highway No. 10, (now County State Aid Highway No. 10) to the east line of said Section 27; thence North 00° 31' 50" West on an assumed bearing along the east line of said Section 27 to an iron monument on the northerly line of the Burlington Northern Inc. Railroad; thence northwesterly along the northerly line of said Burlington Northern Inc. Railroad on a curve, concave to the south, having a central angle of 08° 22' 32" and a radius of 5829.65 ft., for a distance of 852.18 ft. (chord bearing N. 71° 35' 34" W.) to an iron monument; thence North 75° 46' 50" West 540.86 ft. continuing along the northerly line of said Burlington Northern Inc., Railroad to an iron monument on the west line of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of said Section 27; thence South 00° 27' 14" East on and along the west line of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of said Section 27 to the southwesterly right of way line of former U.S. Highway No. 10, (now County State Aid Highway No. 10); thence northwesterly on and along the southwesterly right of way line of former U.S. Highway No. 10, (now County State Aid Highway No. 10) to the point of beginning. Subject to any and all easements of record.

Exhibit B

Township payment schedule is as follows:

Two payments will be made to Burlington Township:

The City of Frazee's 1st payment to Burlington Township in fiscal year 2009 will be for an amount of \$5,145 by June 1st.

The City of Frazee's 2nd payment to Burlington Township in fiscal year 2010 will be for an amount of \$5,145 by June 1st.

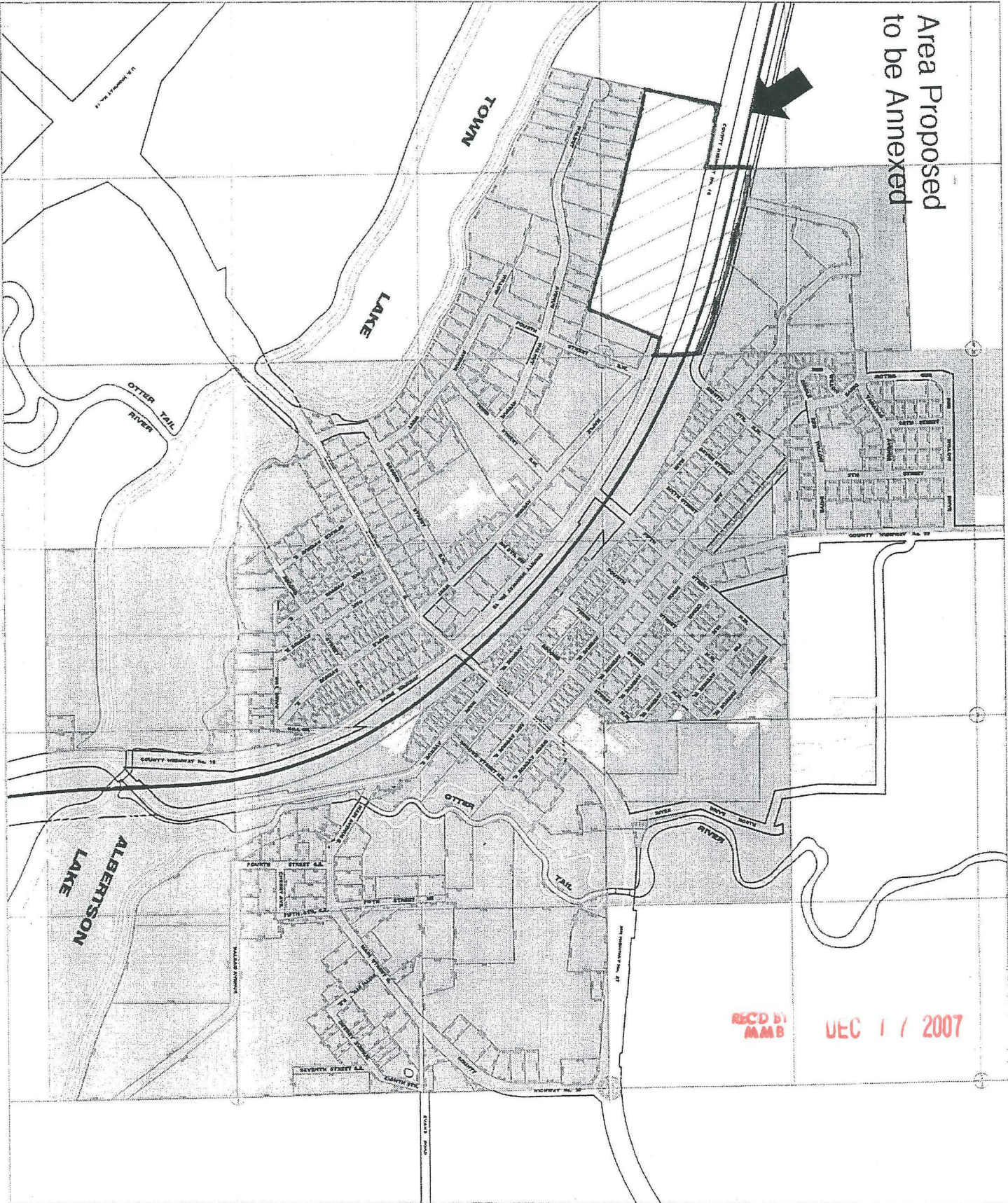
*The following table was used to calculate the total amount of reimbursement payment

Fiscal year 2008 township tax payment from Becker County = \$4,116.02

- 1st year - 90% of \$4,116 = \$3,704
- 2nd year - 70% of \$4,116 = \$2,881
- 3rd year - 50% of \$4,116 = \$2,058
- 4th year - 30% of \$4,116 = \$1,235
- 5th year - 10% of \$4,116 = \$ 412

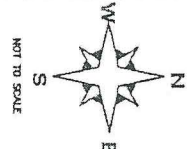
Total= \$10,290/2 year = two payments of \$5,145

Area Proposed
to be Annexed



RECD BY
MAM UEC 1 / 2007

FRAZEE, MINNESOTA



Official City Map of
FRAZEE, MN.
Original Revision:
06/06/2005
Drawn by
S.M. Timson