

Ordinance No. 135

AN ORDINANCE EXTENDING THE CORPORATE CITY LIMITS OF NICOLLET TO INCLUDE 0.55 ACRES OF LAND LOCATED IN THE SOUTHWEST CORNER OF SECTION No. THREE (3), IN TOWNSHIP NO. ONE HUNDRED AND NINE (109) NORTH, OF RANGE NO. TWENTY-EIGHT (28) WEST, NICOLLET COUNTY, MINNESTA

WHEREAS, Max Embacher owns the following described land and the city desires it to be annexed to and included within the City of Nicollet, Minnesota, pursuant to Minnesota Statutes, Section 414.003, Subdivision 2 (2), to-wit:

Commencing at the Southwest corner of Section No. Three, in Township No. One Hundred and Nine North, of Range No. Twenty-eight West, and running thence North on the west line of said section 712.5 feet to the place of commencement; thence running East at right angles 258 feet; thence running North at right angles 54 feet to the south right-of-way of Trunk Highway No. 14, as there now located; thence running North 61 degrees and 30 minutes West along South right-of-way line 155 feet, to a point 100 feet Southeasterly of a 33 foot parallel line on the West line of said section; thence running Southwesterly to a point on said 33 foot parallel line, 792.5 feet North of the South line of said Section 3; thence West 33 feet to the West line of said Section 3; thence South 80 feet to the point of beginning, excepting therefrom the right-of-way of existing highways, containing five ninths of an acre, more or less.

WHEREAS, pursuant to Minnesota Statutes, Section 414.033, Subdivision 2 (2), notice of a public hearing was properly served upon all required parties and a public hearing was held on January 23, 2007, at Nicollet City Hall;

WHEREAS, the area for annexation is 0.55 acres, abuts on the City's south side, is located in the Township of Nicollet, and is not included within any other municipality;

WHEREAS, the land is completely surrounded by land within the municipal limits of the City;

WHEREAS, all of the annexation area is or is about to become urban or suburban in character. None of the annexation area is presently served by public sewer facilities. The population within the area to be annexed is zero;

WHEREAS, the area for annexation is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes, Section 414.0325;

WHEREAS, the City of Nicollet and the Township of Nicollet have entered into an agreement for the reimbursement of taxes pursuant to Minnesota Statute §414.036, which requires to City of Nicollet to make a one time payment to the Township of Nicollet in the sum of \$350.00; and

WHEREAS, The City of Nicollet's Land Use Plan designates the property as Commercial for future land use;

WHEREAS, the annexation is in the best interest of the City of Nicollet, Minnesota; and

WHEREAS, Minnesota Statute §414.033, Subd. 2²(3), grants the City the authority to annex land by Ordinance.

NOW, THEREFORE, be it hereby ordained by the Nicollet City Council as follows:

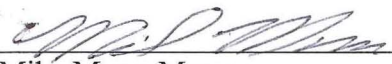
SECTION 1. The corporate limits of the City of Nicollet, Minnesota, is hereby extended to include the property described in herein above, and the same is hereby annexed to and included within the City of Nicollet, Minnesota as effectively as if it had been originally a part thereof.


SECTION 2. The property herein described above shall be zoned as Commercial.

SECTION 3. The city clerk is directed to file certified copies of this Ordinance with the Director of the Office of Strategic and Long-Range Planning, the Secretary of State, the Nicollet County Auditor and Nicollet Township Clerk, and to publish a copy of the same in the Lafayette-Nicollet *Ledger*, a legal newspaper of Nicollet County.

SECTION 4. This ordinance takes effect upon its passage and publication and the filing of certified copies as directed in Section 3.

Adopted by the City Council this the 23rd of January 2008.


Mike Mans, Mayor


Claus Peukert, City Clerk

City Seal:

The City of Nicollet

PO Box 547

Nicollet, MN 56074

Phone: 507-232-3474 Fax: 507-232-3217

REC'D BY
M M B

FEB 04 2008

CERTIFICATION

I, Claus Peukert, the duly appointed City Clerk of the City of Nicollet, Minnesota, do hereby certify that the attached document is a true and correct copy **Ordinance No. 135** of the City of Nicollet, Nicollet County, Minnesota. The original copy of said **Ordinance No. 135** is on file in the Office of the Nicollet City Clerk.

Dated: January, 29, 2008



Claus Peukert, City Clerk

Seal

Agreement on Annexation Reimbursement

The Reimbursement Agreement ("the Agreement") is made and entered into as of the 21st of January 2008, by and among the City of Nicollet, a Minnesota Municipal corporation ("City") and the Township of Nicollet ("Township"), jointly known as "the Parties."

WHEREAS, "Township" currently has the following described parcel of land owned by max Embacher in its jurisdiction:

Commencing at the Southwest corner of Section No. Three, in Township No. One Hundred and Nine North, of Range No. Twenty-eight West, and running thence North on the west line of said section 712.5 feet to the place of commencement; thence running East at right angles 258 feet; thence running North at right angles 54 feet to the south right-of-way of Trunk Highway No. 14, as there now located; thence running North 61 degrees and 30 minutes West along South right-of-way line 155 feet, to a point 100 feet Southeasterly of a 33 foot parallel line on the West line of said section; thence running Southwesterly to a point on said 33 foot parallel line, 792.5 feet North of the South line of said Section 3; thence West 33 feet to the West line of said Section 3; thence South 80 feet to the point of beginning, excepting therefrom the right-of-way of existing highways, containing five ninths of an acre, more or less.

WHEREAS, "City" wishes to annex in above said property pursuant to Minnesota Statutes, Section 414.003, Subdivision 2 (2).

WHEREAS, Minnesota Statutes, Section 414.036, requires a one-time reimbursement of taxes by the "City" to the "Township."

WHEREAS, the 2007 tax dollars that the "Township" received for above said property was \$105.23.

WHEREAS, the "Parties" agree that the "City" will be annexing the land described above and agree that the "Township" is entitled to a one-time compensation for the permanent loss of tax revenue from the property in order to adjust in the near future budgeting.

NOW, THEREFORE, the "Parties" agree to the considerations below, intending to be legally bound:

- 1.1 The "City" and the "Township" agree that the reimbursement of taxes pursuant to Minnesota Statute §414.036, which requires to City of Nicollet to make a one time payment to the Township of Nicollet is the sum of \$350.
- 1.2 By agreeing to the reimbursement, the Parties acknowledge that they have fulfilled the legal requirement set for in Minnesota State Statutes 414.036 and that the obligations by the "City" are fulfilled.

REC'D BY
A.M.B

FEB 04 2008

Judith B. Hendrych
Nicollet Township Clerk

1-14-08

Date

Michael Bultus
Nicollet Mayor

1-26-08

Date

Judith Hendrych
Nicollet Township Chair

1/14/08

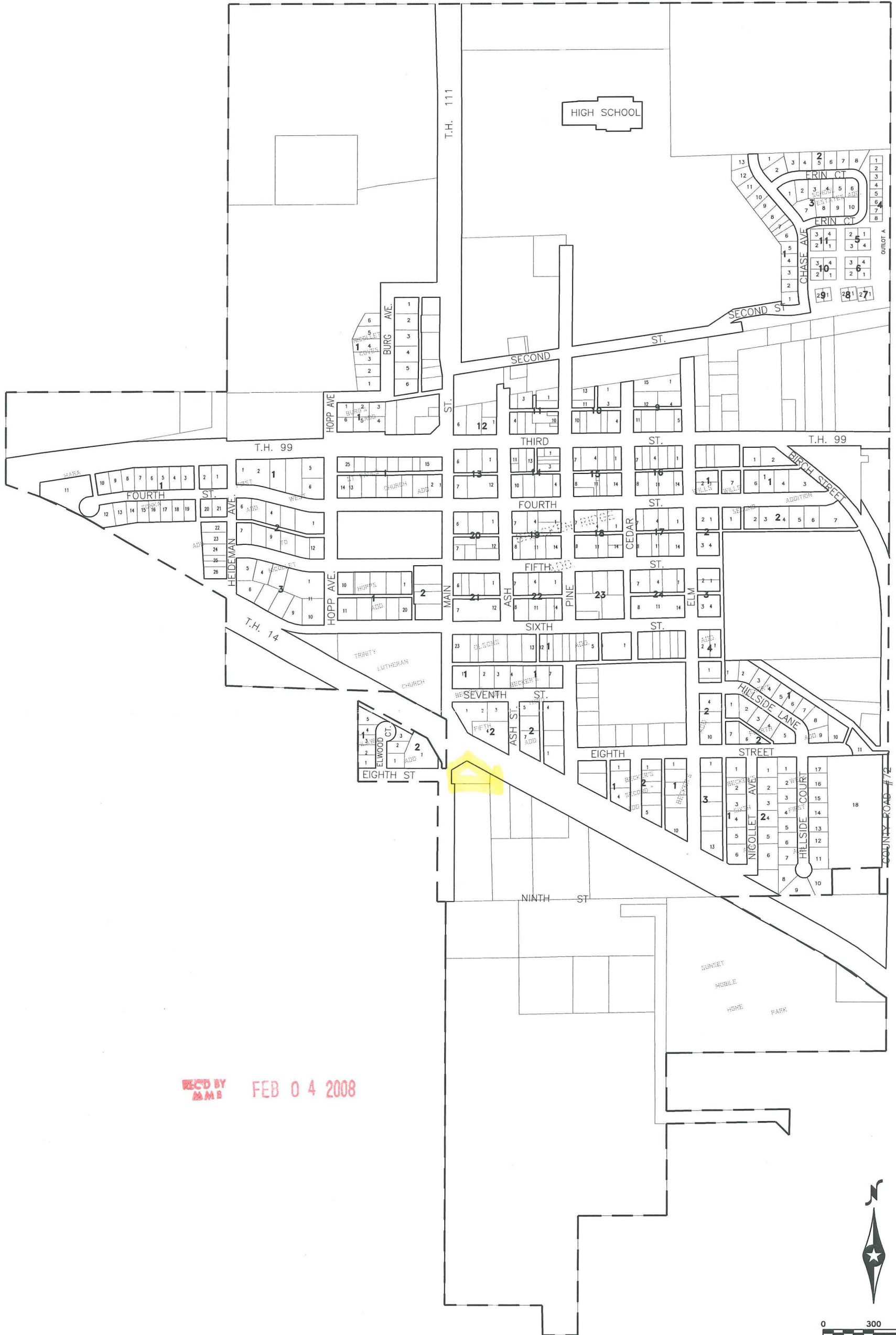
Date

Michael Bultus
Nicollet Administrator

1-26/08

Date

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REC'D BY MMB FEB 04 2008

BOLTON & MENK, INC



CONSULTING ENGINEERS & SURVEYORS

MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN WILLMAR, MN
BURNSVILLE, MN CHASKA, MN AMES, IA LIBERTY, MO

CITY OF NICOLLET
LOT AND BLOCK MAP

JANUARY, 2006

FIGURE NO. 1