

ORDINANCE NO. 2006-25

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, all or part of the property extends into an area covered by a memorandum of understanding between the City of Moorhead and the City of Dilworth; 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

WHEREAS, the memorandum of understanding is not authorized by Chapter 414, and if given effect would supersede State law and deprive landowners of their rights granted by the legislature; and

WHEREAS, the Moorhead City Council is thus not bound by the memorandum of understanding which is contrary to Minnesota State law;

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 August 21, 2006, 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 40 acres, and the same is hereby annexed to be included within the City of Moorhead, Clay County, Minnesota.

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 \$445.
- b. In the second year, an amount equal to \$445.

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.

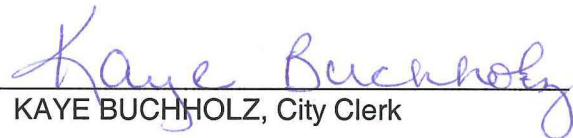
Section 8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Minnesota Office of Administrative Hearings.

PASSED and adopted by the City Council of the City of Moorhead this 20th day of November, 2006.

CITY OF MOORHEAD

By: 
MARK VOXLAND, Mayor

ATTEST:

By: 
KAYE BUCHHOLZ, City Clerk

1st Consideration: November 6, 2006
2nd Consideration: November 20, 2006
Date of Publication: December 11, 2006

Drafted by: Community Services Dept., City of Moorhead

REC'D BY
M M B

MAR 27 2008

EXHIBIT A
Legal Description

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

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14,
TOWNSHIP 139 NORTH, RANGE 48 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CLAY
COUNTY, MINNESOTA.

EXHIBIT B
Boundary Map

REC'D BY
M M B

MAR 27 2008

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.

City of Moorhead, MN General Location Map

REC'D BY
M M B

MAR 27 2008

