

ORDINANCE NO. 593, SECOND SERIES

AN ORDINANCE OF THE CITY OF MARSHALL ANNEXING LAND
LOCATED IN THE TOWN OF FAIRVIEW, LYON COUNTY, MINNESOTA
TO THE CITY OF MARSHALL, LYON COUNTY, MINNESOTA, PURSUANT
TO MINNESOTA STATUTES, SECTION 414.033, SUBDIVISION 2(3),
PERMITTING ANNEXATION BY ORDINANCE

THE CITY OF MARSHALL 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 Fairview, Lyon County, Minnesota, is land that is contiguous to and abuts the municipal corporate limits of the City of Marshall, Lyon County, Minnesota; is land that is 120 acres or less in size; is land that is not presently served by public sewer facilities, and for which public sewer facilities are not otherwise available than through the City of Marshall; and is land that is existing or proposed for immediate urban or suburban development.

Section 2. That the owner of the property legally described in Exhibit A has requested annexation for purposes of immediately developing the land for additional urban or suburban commercial uses needing municipal services, and has submitted a petition to the City Council of the City of Marshall for annexation of said land.

Section 3. That the City of Marshall held a public hearing pursuant to Minnesota Statutes, Section 414.033, Subdivision 2b, on May 5, 2008, following thirty (30) days' written notice by certified mail to the Town of Fairview 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 Marshall 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 5.617 acres, and the same is hereby annexed to be included within the City of Marshall, Lyon County, Minnesota.

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

Section 6. The City of Marshall and the Town of Fairview have agreed, pursuant to Minnesota Statutes, Section 414.036, that with respect to property taxes payable on the area legally described in Exhibit A, hereby annexed, the City of Marshall shall make a cash payment to the Town of Fairview for the period and in accordance with the following section:

- a. In the first year following the year the City of Marshall could first levy on the annexed area, an amount equal to \$10.48; and
- b. In the second and final year, an amount equal to \$10.48.

Section 7. That pursuant to Minnesota Statutes, Section 414.036 with respect to any special assessments assigned by the Township to the annexed property and any portion of debt incurred by the Township prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described in Exhibit A,


there are no special assessments or debt incurred by the Township on the subject area for which reimbursement is required.

Section 8. That the Finance Director/City Clerk of the City of Marshall 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 Lyon County Auditor, and the Fairview Township Clerk.

Section 9. 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 this 5th day of May, 2008.

CITY OF MARSHALL

By: 
Robert J. Byrnes, Mayor

ATTEST:

By: 
Thomas M. Meulebroeck, City Clerk

Introduced: march 25, 2008
Adopted: May 5, 2008
Published: May 17, 2008

EXHIBIT A

REC'D BY
MAM B

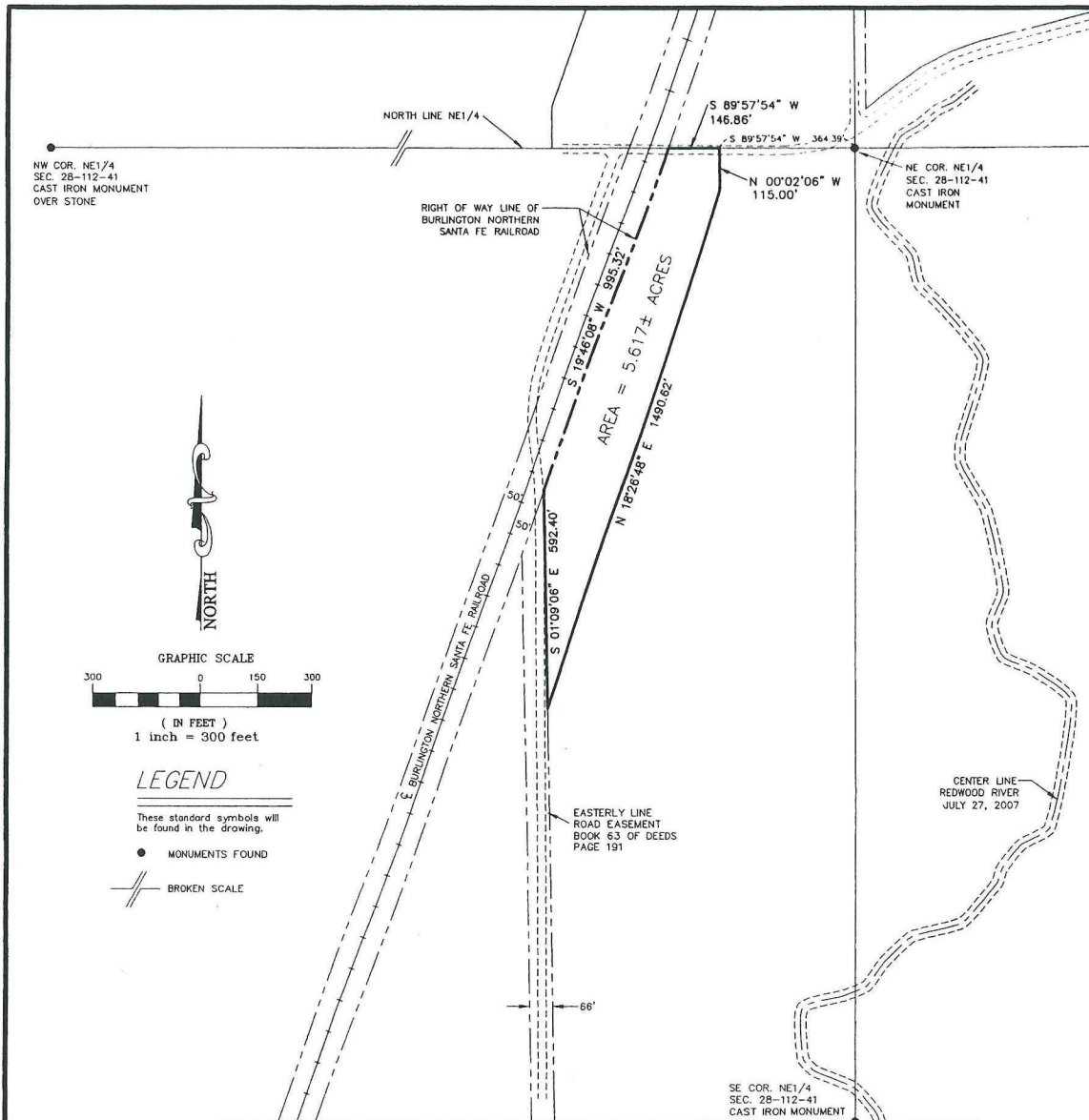
JUL 16 2008

All that part of the Northeast Quarter of Section 28, Township 112 North, Range 41 West, Lyon County, Minnesota, being more particularly described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence South 89 degrees 57 minutes 54 seconds West, bearing based on Minnesota State Plane Coordinate System Lyon County Datum, along the north line of said Northeast Quarter; a distance of 364.39 feet, to the point of beginning; thence continuing South 89 degrees 57 minutes 54 seconds West, along said north line, a distance of 146.86 feet, to a point on the easterly right of way line of the Burlington Northern Santa Fe Railroad; thence South 19 degrees 46 minutes 08 seconds West, along said easterly right of way line, a distance of 995.32 feet, to a point on the easterly line of a roadway easement described in Book 63 of Deeds, Page 191, as filed and recorded in the office of the County Recorder in and for said Lyon County; thence South 01 degrees 09 minutes 06 seconds East, along said easterly line of roadway easement, a distance of 592.40 feet; thence North 18 degrees 26 minutes 48 seconds East a distance of 1490.62 feet; thence North 00 degrees 02 minutes 06 seconds West a distance of 115.00 feet, to the point of beginning.

Said tract is subject to any existing roadways or easements.

EXHIBIT B



LAND DESCRIPTION FOR ANNEXATION

All that part of the Northeast Quarter of Section 28, Township 112 North, Range 41 West, Lyon County, Minnesota, being more particularly described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence South 89 degrees 57 minutes 54 seconds West, bearing based on Minnesota State Plane Coordinate System Lyon County Datum, along the north line of said Northeast Quarter; a distance of 364.39 feet, to the point of beginning; thence continuing South 89 degrees 57 minutes 54 seconds West, along said north line, a distance of 146.86 feet, to a point on the easterly right of way line of the Burlington Northern Santa Fe Railroad; thence South 19 degrees 46 minutes 08 seconds West, along said easterly right of way line, a distance of 995.32 feet, to a point on the easterly line of a roadway easement described in Book 63 of Deeds, Page 191, as filed and recorded in the office of the County Recorder in and for said Lyon County; thence South 01 degrees 09 minutes 06 seconds East, along said easterly line of roadway easement, a distance of 592.40 feet; thence North 18 degrees 26 minutes 48 seconds East a distance of 1490.62 feet; thence North 00 degrees 02 minutes 06 seconds West a distance of 115.00 feet, to the point of beginning.

Said tract is subject to any existing roadways or easements.

SURVEYOR'S CERTIFICATION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

DANIEL L. BUELTEL

[Signature of Daniel L. Bueltel]

LICENSE NO: 43844

DATE: March 11, 2008



RECD BY
ADM B

JUL 16 2008

ADM SURVEY FOR ANNEXATION

Prepared by
**Bueltel-Moseng
Land Surveying**
Lyle Moseng - Licensed Land Surveyor
Daniel Bueltel - Licensed Land Surveyor
Marshall, MN 56258 Ph. 507-532-9043

DRAWN BY JGJ SCALE 1" = 300' PROJECT NO. 08-2817