

ORDINANCE # 2008-1

REC'D BY
MAM B

JUN 03 2008

AN ORDINANCE OF THE CITY OF SWANVILLE ANNEXING LAND LOCATED IN THE
TOWN OF BURNHAMVILLE, TODD COUNTY, MINNESOTA.
ANNEXATION BY ORDINANCE - MINN. STAT. §414.033 SUBD. 2(3)

WHEREAS, a Petition, signed by all property owners, requesting the Property legally described in paragraph 3 of this Ordinance be annexed into the City was presented to the Swanville City Council on March 4, 2008; and

WHEREAS, the Property is unincorporated and abuts the City of Swanville generally on its southern boundary; is surrounded by property owned by the City of Swanville; is less than 120 acres; and, is not presently served by public sewer facilities or are not otherwise available; and

WHEREAS, the Property is located within a shoreland area and the City shall adopt or amend its land use controls to conform with Minn. Stat. Chapter 103F; and

WHEREAS, the Property is currently land use only and annexation is requested to facilitate the extension of City services for the residential development of the Property; and

WHEREAS, the City of Swanville held a public hearing pursuant to Minn. Stat. §414.033 Subd. 2b, on April 8, 2008, following 30 days written notice by certified mail to the Town of Burnhamville and to all contiguous landowners; and

WHEREAS, the provisions of Minn. Stat. §414.033 Subd. 13 are not applicable, in that, there is no change in the electric utility service provider resulting from the annexation of the Property into the City.

NOW, THEREFORE, the City Council of the City of Swanville hereby ordains as follows:

1. The City Council determines that the Property abuts the City limits and is or is about to become urban or suburban in nature in that residential use is being proposed for the Property, the construction of which requires or will need City services, including public sewer facilities.
2. None of the Property is now included within the limits of any City, nor in any area that has already been designated for orderly annexation.
3. The corporate limits of the City of Swanville, Minnesota, are hereby extended to include the following described property, to-wit:

Property:

That part of the Northeast Quarter (NE $\frac{1}{4}$), Section 12, Township 128 North, Range 32 West, Todd County, Minnesota, described as follows:

Commencing at the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$); thence Westerly, along the South line of said Northeast Quarter (NE $\frac{1}{4}$), to the west right-of-way line of State Highway No. 28, a distance of 70.00 feet; thence northerly, along said right-of-way line, a distance of 300.00 feet; thence Westerly and parallel with the South line of said Northeast Quarter (NE $\frac{1}{4}$), a distance of 295.00 feet; thence Southerly and parallel to said right-of-way line, a distance of 300.00 feet; thence Easterly and parallel with the South line of said Northeast Quarter (NE $\frac{1}{4}$), a distance of 295.00 feet, to the point of beginning. AND

That part of the Northeast Quarter (NE $\frac{1}{4}$), Section 12, Township 128 North, Range 32 West, Todd County, Minnesota, described as follows:

Commencing at the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$); thence Westerly, along the South line of said Northeast Quarter (NE $\frac{1}{4}$), to the west right-of-way line of State Highway No. 28, a distance of 70.00 feet; thence northerly, along said right-of-way line, a distance of 300.00 feet, to the point of beginning; thence Westerly and parallel with the South line of said Northeast Quarter (NE $\frac{1}{4}$), a distance of 485.00 feet; thence Northerly and parallel to said right-of-way line, a distance of 170.00 feet; thence Easterly and parallel with the South line of said Northeast Quarter (NE $\frac{1}{4}$), a distance of 485.00 feet, to the said right-of-way line; thence Southerly along said right-of-way line a distance of 170.00, to the point of beginning.

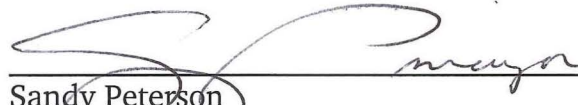
The Property consists of a total of 4.03 acres. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto.

4. The population of the property annexed is zero.
5. Pursuant to Minn. Stat. §414.036, with respect to the property taxes payable on the Property hereby annexed, shall make a cash payment to the Town of Burnhamville in accordance with the following schedule:
 - a. In the first year following the year in which the City of Swanville could first levy on the annexed area, a payment of \$13.74.
 - b. In the second and final year, a payment of \$13.74.

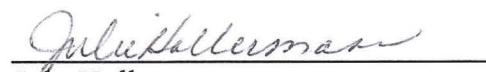
which payments represent the amount of property taxes received by the Town in the last year it collected taxes on the annexed area.

6. Pursuant to Minn. Stat. §414.036, there are no special assessments assigned by the Town and there are no special assessments or debt incurred by the Town on the Property for which reimbursement is required.
7. The City Clerk of the City Swanville is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Minnesota Office of Administrative Hearings, the Minnesota Secretary of State, the Todd County Auditor, and the Burnhamville Township Clerk.
8. This Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Swanville, Minnesota, this 6 day of May, 2008.


Sandy Peterson
Mayor

ATTEST:


July Hollerman
City Clerk

