

**CITY OF NEW PRAGUE
ORDINANCE NO. 234**

REC'D BY
MMB

NOV 10 2008

**AN ORDINANCE ANNEXING CERTAIN LANDS FROM LANESBURGH
TOWNSHIP INTO THE CORPORATE LIMITS OF THE CITY OF NEW PRAGUE**

WHEREAS, the owners of the properties shown on the maps attached hereto as Exhibit A and Exhibit A1, described on the attached Exhibit B (the "Territory"), and located in Lanesburgh Township, LeSueur County (the "Township") duly presented a petition to the Council of the City of New Prague (the "City") on the 19th day of November, 2007, as well as on the 3rd day of December 2007, requesting the annexation of their properties into the City by ordinance pursuant to Minnesota Statute, section 414.033, subdivision 2(3); and,

WHEREAS, said petition was signed by all owners of the property comprising the Territory; and,

WHEREAS, the Territory is unincorporated and abuts upon the City limits at the northerly and northwesterly boundaries of the Territory, is less than 120 acres, is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and,

WHEREAS, the Territory is about to become urban or suburban in nature, currently contains residential and agricultural land uses, and the annexation is requested to facilitate the extension of municipal services for the commercial and future residential development of the property; and,

WHEREAS, the population of the area to be annexed is four (4); and,

WHEREAS, the Territory to be annexed contains 75.1 acres; and,

WHEREAS, the Territory does not lie within a designated FEMA flood plain area, nor does it lie within a designated DNR shoreland management area; and,

WHEREAS, the City held a public hearing pursuant to Minnesota Statutes, section 414.033, subdivision 2b, on November 3, 2008, following thirty (30) days written notice by certified mail to the Township and to all landowners within and contiguous to the Territory to be annexed; and,

WHEREAS, provisions of Minnesota Statutes, section 414.033, subdivision 13 were waived by the petitioners or are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the Territory to the City; and,

WHEREAS, in recognition of a separate agreement entered into between the Township and Douglas R. Pint, the Township has agreed to waive any payment of a property tax reimbursement from the City pursuant to Minnesota Statute, section 414.036; and,

WHEREAS, the City wishes to approve the annexation and withhold the formal filing of the annexation with the Chief Administrative Law Judge until a Preliminary Engineering Report and Environmental Assessment Worksheet have been completed; and,

NOW, THEREFORE, BE IT RESOLVED, that

The Council of the City of New Prague, Minnesota does hereby ordain:

Section 1. Determination. The City Council hereby determines: (i) the Territory described herein abuts upon the City limits, is unplatted and comprises an area less than 120 acres; (ii) the Territory is about to become urban or suburban in character; and (iii) that none of the Territory is now included within the limits of any city.

Section 2. Annexation of the Territory. Pursuant to Minnesota Statutes, section 414.033, subdivision 2(3) the City Council hereby annexes the Territory shown on the maps attached hereto as Exhibit A and Exhibit A1, and described on the attached Exhibit B, into the City and the boundaries of the City shall be extended to include the Territory upon the effective date of the Chief Administrative Law Judge's approval of the annexation;

Section 3. Zoning Map. The City Council hereby directs that the City's zoning map be amended to include the Territory. Until the City's zoning map is formally amended, the Territory shall be zoned as indicated in the City's comprehensive plan in effect as of the date of this ordinance (Exhibit C).

Section 4. Filing. The City Administrator shall withhold filing this Ordinance until the completion of a Preliminary Engineering Report and Environmental Assessment Worksheet. Upon the determination of favorable findings from these studies, the City Administrator is then hereby directed to file certified copies of this Ordinance with the Chief Administrative Law Judge, the Clerk of the Township, the Auditor for LeSueur County, and the Secretary of State.

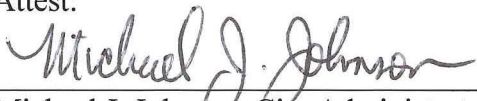
Section 5. Effective Date. This Ordinance takes effect upon its passage and 30 days after publication pursuant to the City Charter, and the annexation of the Territory shall become effective as of the date this Ordinance is approved by the Chief Administrative Law Judge.

Adopted by the Council this 3rd day of November, 2008.



W.A. Bender, Mayor

Attest:



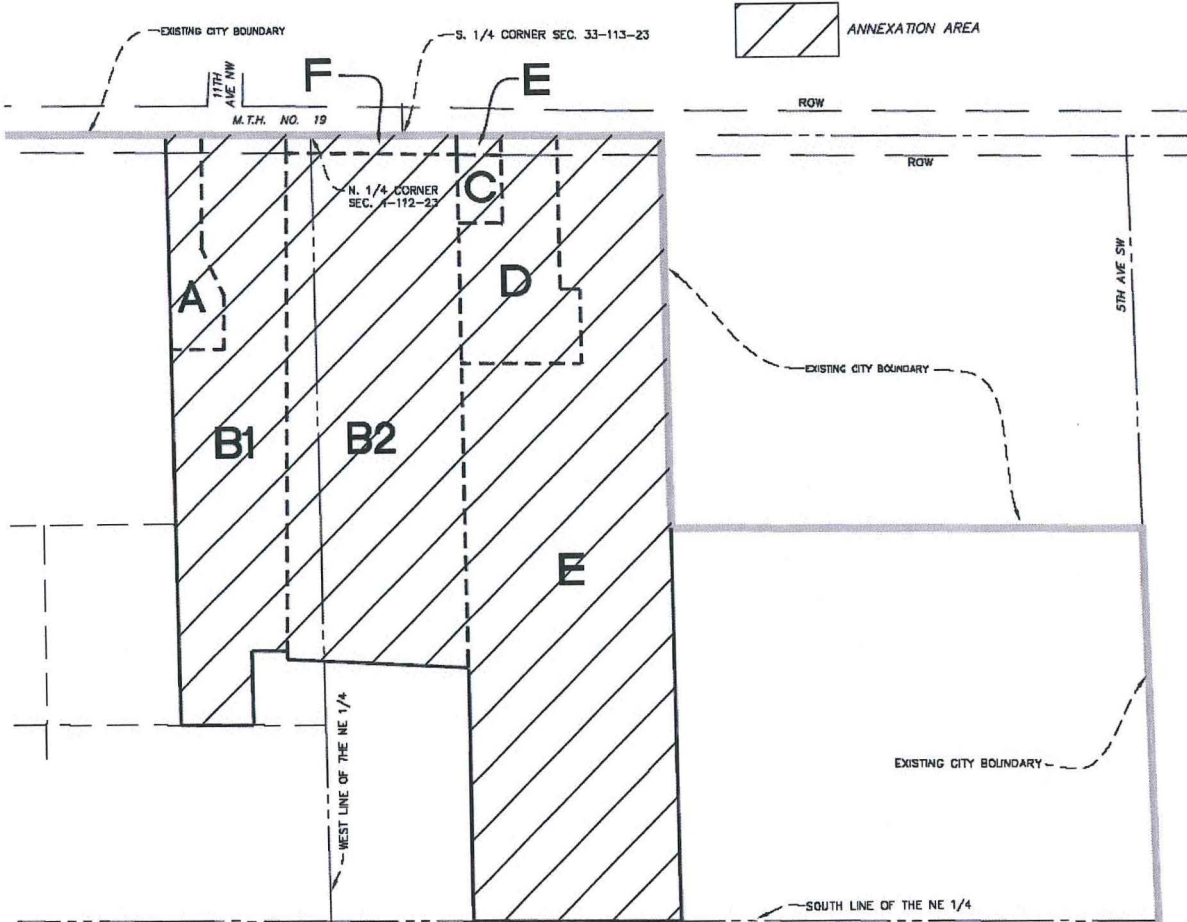
Michael J. Johnson, City Administrator

EXHIBIT A
Map of Territory Being Annexed

REC'D BY
MMA

NOV 10 2008

ANNEXATION EXHIBIT
NEW PRAGUE, MINNESOTA
10-15-07



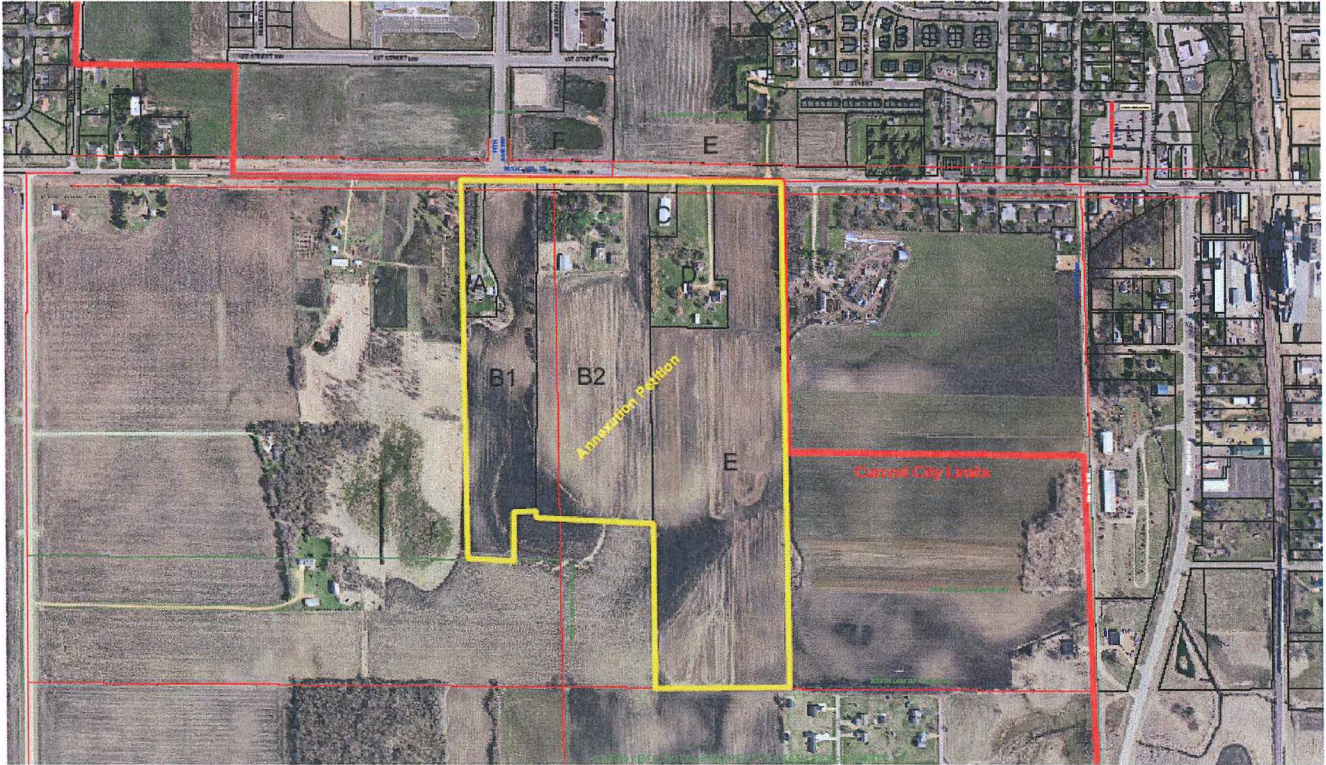
PROPERTY	AREA(ACRES)	OWNER	PID
A	±2.1	ROGER HANSON	07-004-0300
B1	±12.9	DRP ONE, INC.	07-004-0400
B2	±21.2	DOUGLAS PINT	07-710-0020 & 07-710-0010
C	±0.7	PALMER WELCOME	07-004-2900
D	±4.8	C&M KASPER CONST., INC.	07-004-3000
E	±32.6	DOUGLAS PINT	07-004-2800
F	±0.8	MINNESOTA DEPARTMENT OF TRANSPORTATION	n/a



EXHIBIT A1
Aerial Map of Territory Being Annexed

REC'D BY
M.M.B

NOV 10 2008



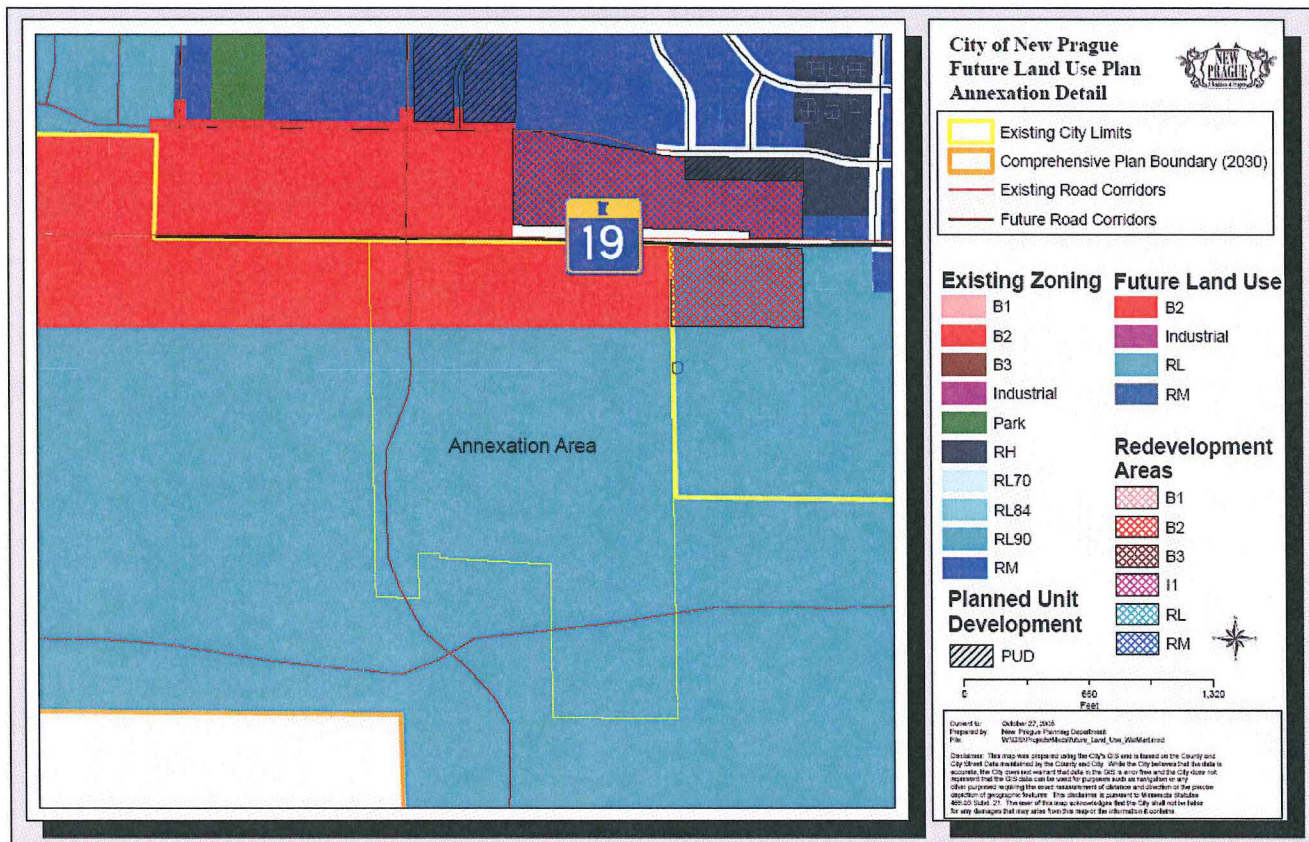
REC'D BY
A M B

NOV 10 2008

EXHIBIT B
Description of Territory Being Annexed

The plat of Prairie Estates; the West ten (10) acres of the East twenty (20) acres of the North three-quarters of the Northwest Quarter; the North one-hundred (100) rods of the East ten (10) acres of the East twenty (20) acres of the North three-quarters of the Northwest quarter; and the East forty (40) acres of the West sixty-five (65) acres of the Northeast Quarter; all in Section 4, Township 112 North, Range 23 West of the 5th Principal Meridian, LeSueur County, Minnesota.

EXHIBIT C



REC'D BY
MAMB NOV 10 2008

RESOLUTION #08-05-05-01

**JOINT RESOLUTION AS TO
AMENDMENT TO
ORDERLY ANNEXATION AGREEMENT
LANESBURGH TOWNSHIP AND CITY OF NEW PRAGUE**

REC'D BY
M M B

NOV 10 2008

WHEREAS, the Township of Lanesburgh (the "Township") and the City of New Prague (the "City") on the 19th day of June 1978 passed and adopted that certain Joint Resolution as to the Orderly Annexation with orderly annexation and joint planning agreement attached (the "Orderly Annexation Agreement"); and

WHEREAS, the Town Board, contrary to the City's position, considers this Orderly Annexation Agreement null and void; and

WHEREAS, the City of New Prague wishes to annex certain lands located within the orderly annexation area and described on the attached Exhibit "A" (the "Property") and the Township has no objection to such annexation provided the annexation is accomplished through an annexation by Ordinance under Minnesota Statutes 414.033 Subdivision 2 rather than pursuant to the terms of the Orderly Annexation Agreement;

WHEREAS, the City of New Prague wishes to approve the annexation and withhold the formal filing of the annexation with the Office of Strategic and Long Range Planning until a Utility Feasibility Study and Environmental Assessment Worksheet have been completed with favorable findings;

NOW THEREFORE, BE IT RESOLVED that this amendment shall become effective as of the date on which the City's ordinance annexing the Property is approved by the Office of Strategic and Long Range Planning as successor to the Minnesota Municipal Board.

BE IT FURTHER RESOLVED that in lieu of agreement between Lanesburgh Township and Douglas R. Pint the Township agrees to waive payment of the property tax allocation payable to the City of New Prague pursuant to Minnesota Statute Section 414.033 Subd. 12.


BE IT FURTHER RESOLVED that the Town Board's action on this joint resolution shall be without prejudice to the Township's position that the Orderly Annexation Agreement is null and void.

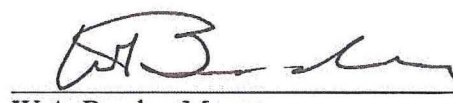
BE IT FURTHER RESOLVED that the City of New Prague has approved this annexation and that the City will withhold the filing of the annexation documents with the Office of Strategic and Long Range Planning until the completion of a Utility Feasibility Study and Environmental Assessment Worksheet with favorable findings.

City of New Prague

Passed and adopted by the City Council of the City of New Prague on this 5th day of May, 2008.

Attest:


City Administrator


W.A. Bender, Mayor

REC'D BY
M M B

NOV 10 2008

Lanesburgh Township

Passed and adopted by the Town Board of Lanesburgh Township on this 22nd day of September, 2008.

Attest:

Lila Korb
Town Clerk

Amy J. Huber
Chairman

REC'D BY
MAB

NOV 10 2008

Exhibit "A"

Legal Description for Douglas R. Pint Annexation Petition

The plat of Prairie Estates; the West ten (10) acres of the East twenty (20) acres of the North three-quarters of the Northwest Quarter; the North one-hundred (100) rods of the East ten (10) acres of the East twenty (20) acres of the North three-quarters of the Northwest quarter; and the East forty (40) acres of the West sixty-five (65) acres of the Northeast Quarter; all in Section 4, Township 112 North, Range 23 West of the 5th Principal Meridian, LeSueur County, Minnesota.

City of New Prague Street Map November, 2008 (WITH ANNEXATION AREA)



Population (2000 Census) - 4,557
 Households (2000 Census) - 1,735
 Population (2007 Estimate) - 7,003
 Households (2006 Estimate) - 2,747
 Square Miles (10/05) - 3.68

- Parks
- Schools
- Hospital
- Church
- Water
- City Limits
- Future Trail
- Existing Trail
- City Streets
- County Roads
- State Highways
- Railroad

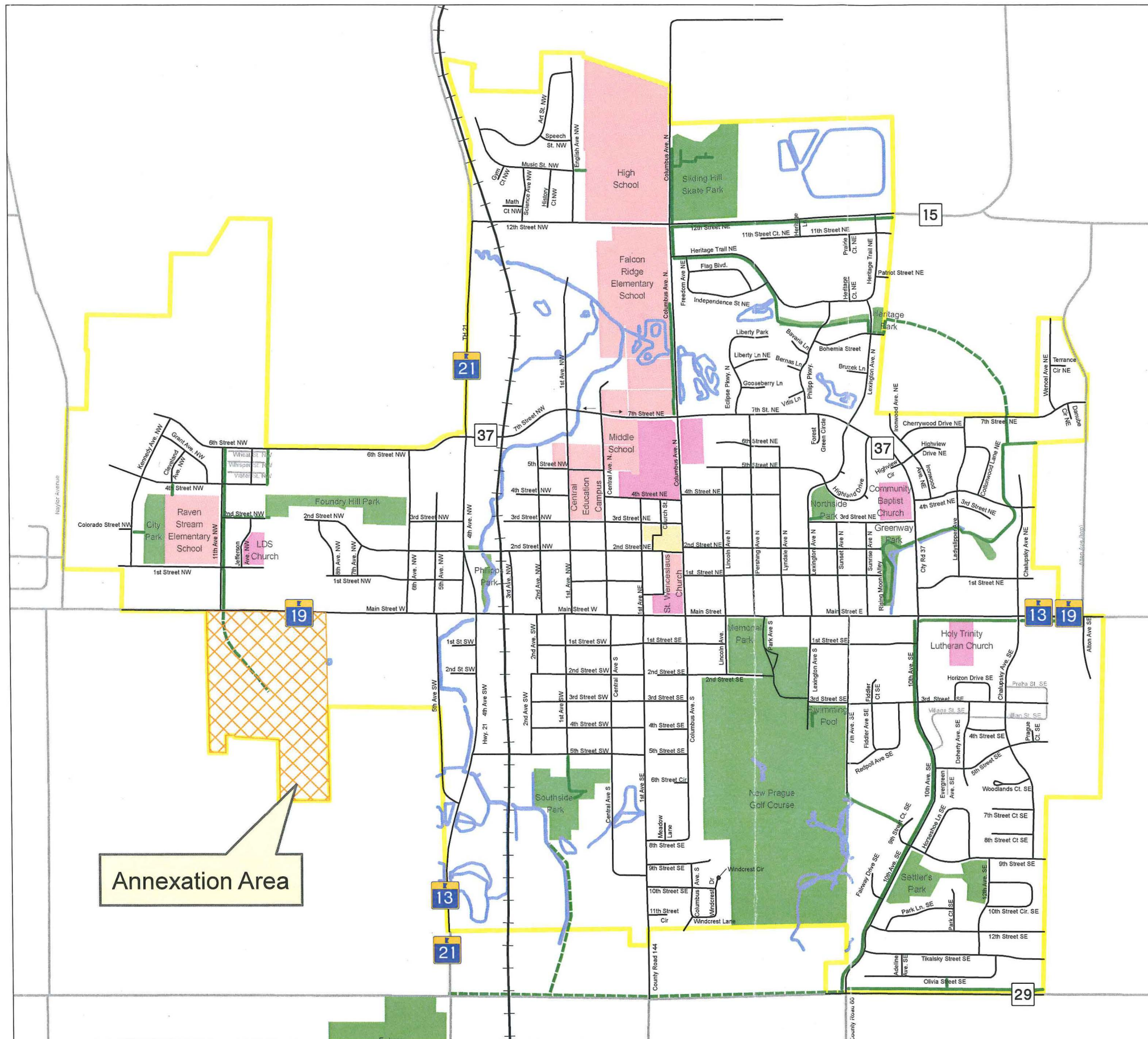
REC'D BY
MAB NOV 10 2008



0 0.25 0.5 Miles

Current to: November 5, 2008
 Prepared by: New Prague Planning Department
 File: W:\GIS\Projects\Mxds\CityStreetMapNov2008.mxd

Disclaimer: This map was prepared using the City's GIS and is based on the County and City Street Data maintained by the County and City. While the City believes that the data is accurate, the City does not warrant that data in the GIS is error free and the City does not represent that the GIS data can be used for purposes such as navigation or any other purposed requiring the exact measurement of distance and direction or the precise depiction of geographic features. This disclaimer is pursuant to Minnesota Statutes 466.03 Subd. 21. The user of this map acknowledges that the City shall not be liable for any damages that may arise from this map or the information it contains.



Annexation Area