PUBLICATION NO.

ORDINANCE NO. 09-0522

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HUTCHINSON TO INCLUDE CERTAIN LAND THAT ABUTS THE MUNICIPALITY AND IS LESS THAN 120 ACRES PURSUANT TO MINNESOTA STATUES 414.033, SUBDIVISION 2 (3) AND 2b

WHEREAS, Marvin Hackbarth and Rebecca Moehnke, property owners, are requesting that certain land be annexed to the City of Hutchinson, as legally described below, and:

That part of the West Half of the Northeast Quarter and that part of the East Half of the Northwest Quarter, all in Section 5, Township 116 North, Range 29 West, McLeod County, Minnesota described as:

"The West half of the Northeast Quarter except the North 50 feet thereof; also excepting that part of the West Half of the Northeast Quarter of Section 5 lying south of Township Road;
And, that part of the East half of the Northwest Quarter described as beginning at the Northeast corner of the said East half of the Northwest Quarter; thence south 2,220 feet to the center line of the Glencoe and Hutchinson Road; thence along the center of said road North 66 degrees West 114 feet; thence North 724.2 feet; thence West 495 feet; thence North 1,443 feet to the North line of said East Half of the Northwest Quarter; thence East 600 feet to the point of beginning, except the North 50 feet thereof, all in Section 5, Township 116 North, Range 29 West, subject to existing railroad right of way and existing highways and easements of record. Also excepting therefrom the following described tract of land: That part of the West Half of the Northeast Quarter of Section 5, Township 116, Range 29 McLeod County, Minnesota, and that part of Lot 7 of the Auditor's Plat of the West half of and Section 5 described as beginning at the Northeast corner of Lot 8 of said Auditor's Plat; thence on an assumed bearing of South along the East line of said Lot 8 a distance of 719.75 feet to the centerline of a township road; thence South 64 degrees 04 minutes East along said centerline a distance of 944.21 feet; thence North a distance of 1142.40 feet to a point bearing east from the point of beginning; thence West a distance of 849.13 feet to the point of beginning, all located in McLeod County, Minnesota.

AND EXCEPTING

That part of the West Half of the Northeast Quarter of Section 5, Township 116, Range 29 McLeod County, Minnesota described as commencing at the Northeast corner of Lot 8 of the Auditor's Plat of the West half of Section 5, Township 116, Range 29; thence on an assumed bearing of South along the East line of said Lot 8 to the centerline of a township road; thence South 64 degrees 04 minutes East along said centerline a distance of 944.21 feet to the point of beginning of the parcel herein described; thence continuing South 64 degrees 04 minutes East along said centerline a distance of 81.18 feet; thence North a distance of 1177.90 feet to a point bearing East from the Northeast corner of said Lot 8; thence West a distance of 73.00 feet to a point bearing North from the point of beginning; thence South a distance of 1142.40 feet to the point of beginning."

Lying north of the northerly line of McLeod County Highway Right of Way Plat No. 47, according to the recorded plat thereof.

WHEREAS, said property is unincorporated and abuts the City of Hutchinson on its eastern boundary, is approximately 68 acres in size, and is not presently served by public water or sewer facilities; and

WHEREAS, Marvin Hackbarth and Rebecca Moehnke are the sole owners of the property, the property is not included within any other municipality, and is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statues 414.0325, and

WHEREAS, the City of Hutchinson held a public hearing on February 24, 2009, and

NOW, THEREFORE, the City Council of Hutchinson, Minnesota does hereby ordain:

SECTION 1. The City Council hereby determines and finds that the property abuts the municipality and is less than 120 acres, that the area to be annexed is approximately 68 acres, that the property is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statues 414.0325, and that the request complies with all of the provisions of Minnesota Statutes 414.033 Subd. 2 (3) and 2b and

SECTION 2. The property abuts the city limits and is about to become urban or suburban in nature and that the property is about to be developed by the City of Hutchinson Economic Development Authority for the purpose of industrial development with municipal services, and

SECTION 3. The corporate limits of the City of Hutchinson are hereby extended to include the Property and the same is hereby annexed to and included within the City of Hutchinson as if the property had originally been part thereof.

SECTION 4. The population of the area legally described within and hereby annexed is zero.

SECTION 5. The City of Hutchinson, pursuant to Minn. Stat. 414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to Hassan Valley Township in accordance with the following schedule:

a. In the first year following the year in which the City of Hutchinson could first levy on the annexed area, an amount equal to $ 361.39

b. In the second and final year, an amount equal to $ 361.39

SECTION 6. That pursuant to Minn. Stat. 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 property legally described herein, there are no special assessments or debt incurred by the township on the subject area for which reimbursement is required.

SECTION 7. The City Administrator is directed to file copies of this ordinance with the Office of Administrative Hearings - Municipal Boundary Adjustments, Hutchinson Township, the McLeod County Auditor, and the Minnesota Secretary of State.

SECTION 8. This ordinance takes effect upon its passage and publication and the filing of the copies as directed in Section 7 and approval of the Ordinance by the Office of Administrative Hearings - Municipal Boundary Adjustments.

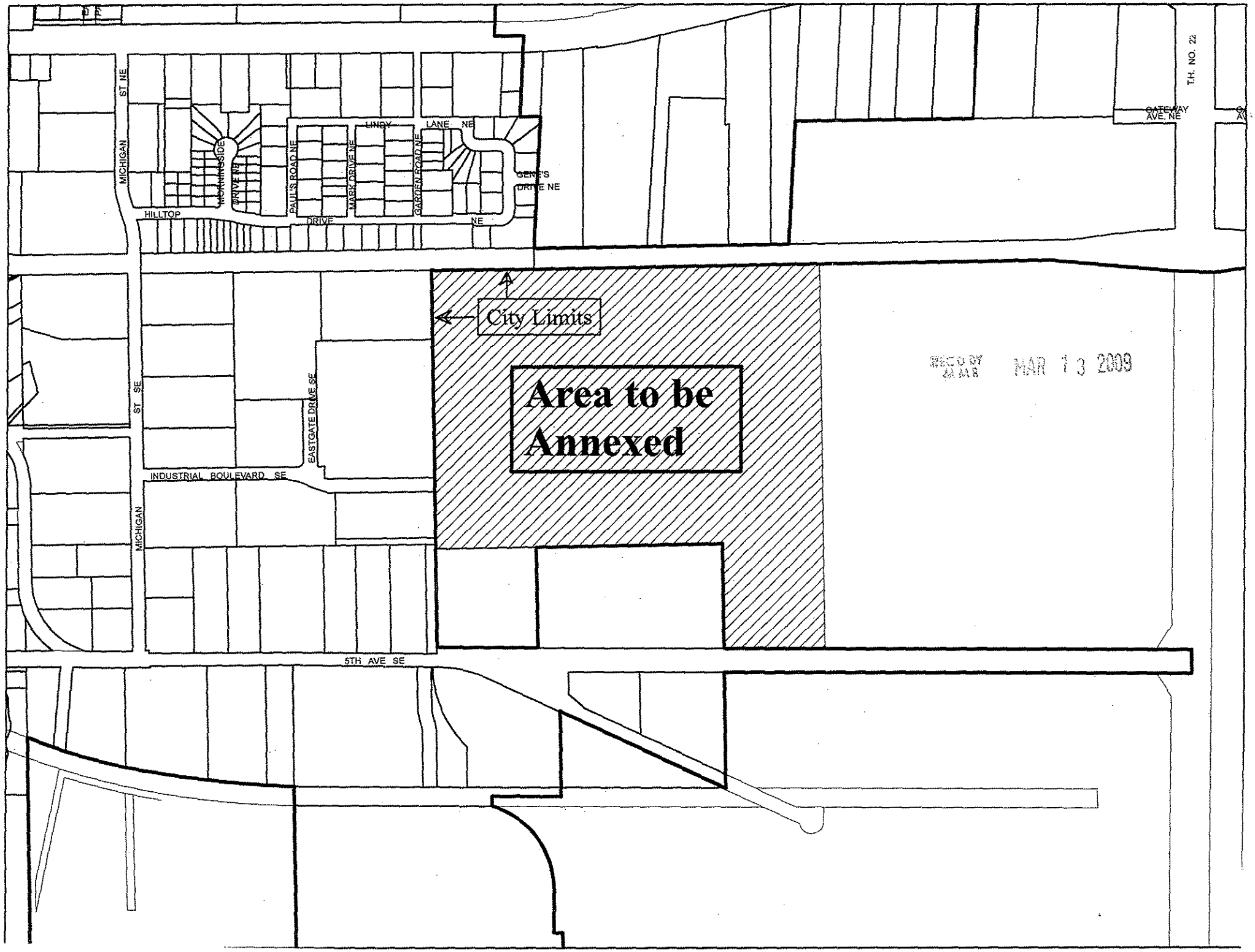
First Reading: February 24, 2009
Final Reading and Passed: March 10, 2009

Adopted by the City Council this10th day of March, 2009.

ATTEST:

Daniel T. Hatten
Acting City Administrator

Steven W. Cook
Mayor


MICHIGAN ST NE
MORNINGSIDE DRIVE NE
PAUL'S ROAD NE
LINDY LANE NE
MARK DRIVE NE
GARDEN ROAD NE
GENE'S DRIVE NE
HILLTOP DRIVE NE
GATEWAY AVE NE
T.H. NO. 22
City Limits
Area to be Annexed
EASTGATE DRIVE SE
MICHIGAN ST SE
INDUSTRIAL BOULEVARD SE
5TH AVE SE
MAR 13 2009

Legal description for annexation of Hackbarth property:

That part of the West Half of the Northeast Quarter and that part of the East Half of the Northwest Quarter, all in Section 5, Township 116 North, Range 29 West, McLeod County, Minnesota described as:

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And, that part of the East half of the Northwest Quarter described as beginning at the Northeast corner of the said East half of the Northwest Quarter; thence south 2,220 feet to the center line of the Glencoe and Hutchinson Road; thence along the center of said road North 66 degrees West 114 feet; thence North 724.2 feet; thence West 495 feet; thence North 1,443 feet to the North line of said East Half of the Northwest Quarter; thence East 600 feet to the point of beginning, except the North 50 feet thereof, all in Section 5, Township 116 North, Range 29 West, subject to existing railroad right of way and existing highways and easements of record. Also excepting therefrom the following described tract of land: That part of the West Half of the Northeast Quarter of Section 5, Township 116, Range 29 McLeod County, Minnesota, and that part of Lot 7 of the Auditor's Plat of the West half of and Section 5 described as beginning at the Northeast corner of Lot 8 of said Auditor's Plat; thence on an assumed bearing of South along the East line of said Lot 8 a distance of 719.75 feet to the centerline of a township road; thence South 64 degrees 04 minutes East along said centerline a distance of 944.21 feet; thence North a distance of 1142.40 feet to a point bearing east from the point of beginning; thence West a distance of 849.13 feet to the point of beginning, all located in McLeod County, Minnesota.

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