

ORDINANCE NO. 304, THIRD SERIES

AN ORDINANCE OF THE CITY OF LUVERNE, ANNEXING LAND
LOCATED IN LUVERNE TOWNSHIP, ROCK COUNTY, MINNESOTA
TO THE CITY OF LUVERNE, ROCK COUNTY, MINNESOTA, PURSUANT
TO MINN. STAT. § 414.033, SUBD. 2(3), PERMITTING ANNEXATION BY ORDINANCE
(Rock Vet Clinic—S.294.82 Ft of E. 750 Ft. of SE¼-15-102N-45W)

THE CITY OF LUVERNE DOES HEREBY ORDAIN:

SECTION 1. That the unincorporated land legally described in Exhibit A (the "subject area"), which is attached hereto and incorporated herein by reference, located in Luverne Township, Rock County, Minnesota, is land that is contiguous to and abuts the municipal corporate limits of the City of Luverne, Rock 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 Luverne; and is land that is existing or proposed for immediate urban or suburban development.

SEC. 2. That the owner of the subject area has requested annexation for purposes of immediately connecting the existing urban or suburban commercial property to the City of Luverne's public utility system(s) and has submitted a petition to the City Council of the City of Luverne for annexation of said land.

SEC. 3. That the City of Luverne held a public hearing pursuant to Minn. Stat. § 414.033, subd. 2b, on April 14, 2009, following thirty (30) days written notice by certified mail to Luverne Township and to all landowners within and contiguous to the subject area.

SEC. 4. That the corporate limits of the City of Luverne are hereby extended to include the subject area, which is shown on the map attached hereto and incorporated herein by reference as Exhibit B, and which contains 5.076 acres, and the same is hereby annexed to be included within the City of Luverne, Rock County, Minnesota.

SEC. 5. That the population of the subject area that is hereby annexed is 0.

SEC. 6. That with respect to the property taxes payable on the subject area that is hereby annexed, the total Township taxes payable 2008 were \$229.28. The City of Luverne recommends that it be ordered to make a cash payment to Luverne Township for the period and in accordance with the following schedule:

- a. In the first year in which the City of Luverne may levy property taxes on the subject area following the annexation thereof, an amount equal to one hundred percent (100%) of the property taxes distributed to Luverne Township in regard to the subject area in the last year the property taxes from the subject area were payable to the Township (e.g. if 2010 is the first year that the City of Luverne may levy on the subject area, in 2010 the City would pay Luverne Township 100% of the property taxes from the subject area distributed to the Township in 2009);
- b. In the second and final year, an amount equal to the first year payment described in SEC. 6a above.

SEC. 7. That there are no special assessments assigned by the Township to the subject area and there is no debt incurred by the Township prior to the annexation and attributable to the subject area for which reimbursement is required.

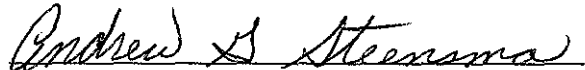
SEC. 8. That, pursuant to Minn. Stat. § 462.355, subd. 4, upon the effective date of the annexation of the subject area as established in Section 10 below, the interim zoning for the entirety of the subject area shall be "Highway/Commercial" as defined in the City's Zoning Code. This interim zoning shall remain in effect for such time period not to exceed one year or as is otherwise permitted by law until the City shall enact permanent zoning regulations for the subject area as provided for in the City's Zoning Code.

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SEC. 9. That the City Administrator of the City of Luverne 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 Rock County Auditor, and the Luverne Township Clerk.

SEC. 10. 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.

Introduced and adopted this 14th day of April, 2009.


Andrew G. Steensma, Mayor

ATTEST: 
John M. Call, City Administrator

Public Hearing: April 14, 2009

Introduced: April 14, 2009

Passed: April 14, 2009

Published: April 23, 2009

Minnesota
Planning Order: _____

Effective: _____

EXHIBIT A
Legal Description

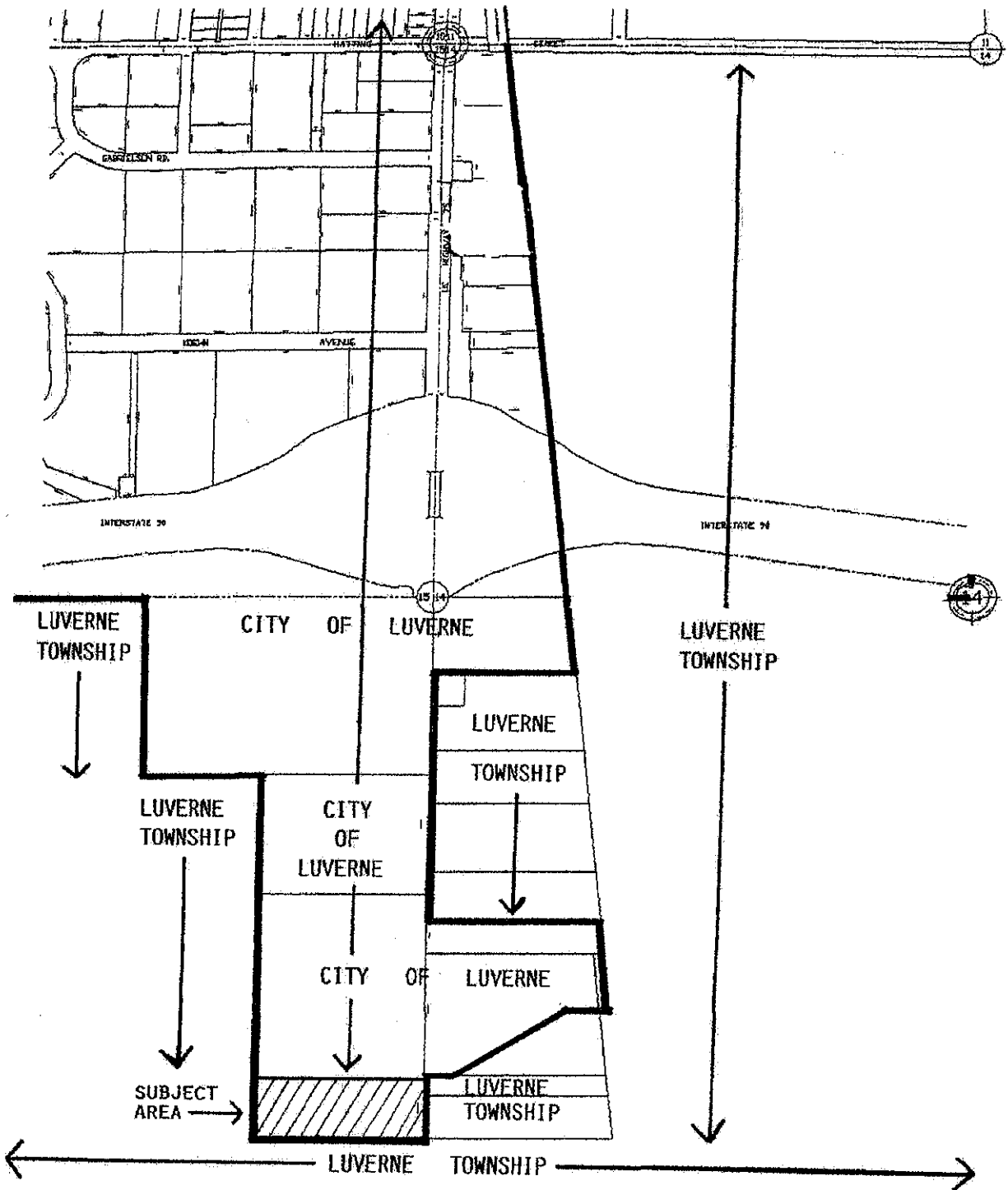
The Subject Area to be annexed in the attached Ordinance is legally described as follows:

The South Two Hundred Ninety-four and eighty-two one-hundredths (S. 294.82) feet of the East Seven Hundred Fifty (E. 750) feet of the Southeast Quarter (SE ¼) of Section Fifteen (15), in Township One Hundred Two (102) North, of Range Forty-five (45) West of the 5th P.M., Rock County, Minnesota; subject to highway and utility easements of record, if any.

EXHIBIT B
Boundary Map

The municipal boundary map referenced in the attached Ordinance, showing the current City of Luverne and its relation to the Subject Area to be annexed, legally described in Exhibit A, is attached hereto.

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"EXHIBIT A"