

ORDINANCE NO. 09-01RECD BY  
MAY 14 2009

MAY 14 2009

**AN ORDINANCE FOR THE ANNEXATION OF CERTAIN  
PROPERTY LOCATED IN PELICAN TOWNSHIP TO  
THE CITY OF PELICAN RAPIDS, MINNESOTA**

WHEREAS, a petition signed by all the property owners, requesting that the property legally described as: That part of the Northwest 1/4 of Northwest 1/4 of Section 26, Township 136, Range 43, described as follows: Commencing at the northwest corner of said Section 26; thence running on an assumed bearing due South, along the west section line thereof, 409.5 feet; thence East at right angles from said section line 704.4 feet to the point of beginning; thence from said described point of beginning and running East 100 feet; thence North 150 feet; thence West 100 feet; thence South 150 feet to the point of beginning, and containing 0.344 of an acre more or less, together with the right of ingress and egress by a public road, all of said lands being located in Otter Tail County, Minnesota, be annexed to the City of Pelican Rapids, Minnesota, was duly presented to the Council of the City of Pelican Rapids, Minnesota, on the 3<sup>rd</sup> day of April, 2009; and

WHEREAS, said property is unincorporated and abuts the City of Pelican Rapids on said City's easterly boundary; is less than 120 acres; is not presently served by public water and sewer facilities or public water and sewer facilities are not otherwise available; and

WHEREAS, said property is not located within a flood plain or shoreland area; and

WHEREAS, said annexation is requested to facilitate the extension of city services for the residential development of the property; and

WHEREAS, the City of Pelican Rapids held a public hearing pursuant to Minn. Stat. 414.033 Subdivision 2(b) on May 11, 2009, following thirty (30) days written notice by certified mail to the Town of Pelican and to all landowners within and contiguous to the area legally described herein, to be annexed; and

WHEREAS, the petitioner and sole owner of all of the property requested to be annexed, namely Scott Craig Fox, as Personal Representative of the Estate of Chauncey Dean Fox, decedent, single at the time of death, has provided an acknowledgment and waiver, attached hereto as Exhibit "A", setting forth that he fully understands the City's obligations pursuant to Minn. Stat. 414.033 (subdivision 13), and that he voluntarily waives any opportunity or right to assert that the City failed to comply with the requirements set forth in Minn. Stat. 414.033 (subdivision 13).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PELICAN RAPIDS, MINNESOTA, HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature in that residential use is being proposed for said property, the construction of which requires or will need city services, including but not limited to public water and sewer facilities.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minn. Stat. 414.0325.
3. The corporate limits of the City of Pelican Rapids, Minnesota, are hereby extended to include the property described below, said land abutting the City of Pelican Rapids and being 120 acres or less in area, and is not presently served by public water and sewer facilities or public water and sewer facilities are not otherwise available, and the City of Pelican Rapids having received a petition for annexation from all the property owners of the land, to wit:

That part of the Northwest 1/4 of Northwest 1/4 of Section 26, Township 136, Range 43, described as follows: Commencing at the northwest corner of said Section 26; thence running on an assumed bearing due South, along the west section line thereof, 409.5 feet; thence East at right angles from said section line 704.4 feet to the point of beginning; thence from said described point of beginning and running East 100 feet; thence North 150 feet; thence West 100 feet; thence South 150 feet to the point of beginning, and containing 0.344 of an acre more or less, together with the right of ingress and egress by a public road, all of said lands being located in Otter Tail County, Minnesota.

The above described property consists of a total of 0.344 of an acres, more or less. 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 as Exhibit "B".

4. That the current population of the area described above is zero, as said area is currently bare land and currently unoccupied, although owned by said petitioner.
5. That the City of Pelican Rapids, pursuant to Minn. Stat. 414.036, shall provide a reimbursement to the town of Pelican for all of the taxable property annexed as part of this action, said reimbursement to be made by the City to said Town in the total amount of \$150.00, and said \$150.00 shall be paid by the City to said Town in the following manner: \$50.00 on or before August 1, 2009, but no earlier than July 1, 2009; \$50.00 on or before August 1, 2010, but no earlier than July 1, 2010; and \$50.00 on or before August 1, 2011, but no earlier than July 1, 2011. The \$150.00 total reimbursement as set forth above in this provision is sufficient to meet the requirements set forth in Minn. Stat. 414.036, and verification that said \$150.00 is sufficient is reflected in the 2009 property



tax statement, a copy of which is attached hereto as Exhibit "C", said property tax statement reflecting that the total taxes with respect to Pelican Township for 2009 is \$29.04 for the entire year.

6. That there are no special assessments or debt incurred by the Town of Pelican on the subject property for which reimbursement is required. The foregoing statement is based on the information contained in the 2009 property tax statement attached hereto as Exhibit "A". This provision is intended to address the special assessment and debt reimbursement matters set forth in Minn. Stat. 414.036.

7. That the City Clerk of the City of Pelican Rapids 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, and if necessary, the Minnesota Secretary of State, the Otter Tail County Auditor, and the Pelican Township Clerk, and any other entities or departments that are required to receive a copy of said Ordinance.

8. That 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 Pelican Rapids, Minnesota, this 11<sup>th</sup> day of May, 2009.

ATTEST:

Sherry Ehlert  
City Clerk

SIGNED:  
[Signature]  
Mayor

## EXHIBIT "A"

## Acknowledgment and Waiver

I, Scott Craig Fox, as personal representative of the Estate of Chauncey Dean Fox, decedent, single at the time of death, am the Petitioner with respect to the annexation of certain property located in Pelican Township to the City of Pelican Rapids, Minnesota; and

Said property requested to be annexed is legally described as follows:

That part of the Northwest 1/4 of Northwest 1/4 of Section 26, Township 136, Range 43, described as follows: Commencing at the northwest corner of said Section 26; thence running on an assumed bearing due South, along the west section line thereof, 409.5 feet; thence East at right angles from said section line 704.4 feet to the point of beginning; thence from said described point of beginning and running East 100 feet; thence North 150 feet; thence West 100 feet; thence South 150 feet to the point of beginning, and containing 0.344 of an acre more or less, together with the right of ingress and egress by a public road, all of said lands being located in Otter Tail County, Minnesota.

I understand that, pursuant to Minn. Stat. 414.033, Subdivision 13, the City of Pelican Rapids was to provide me notice that the cost of electric utility service to me may change if the land is annexed to the City, and that such notice was also to include, but not be limited to, an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation.

I have been provided the opportunity to review Minn. Stat. 414.033 in order to fully understand the obligations of the City; and I have been advised to seek my own independent attorney to determine my rights set forth in Minn. Stat. 414.033, Subdivision 13, and that by signing this document, I am verifying that I have discussed this matter with my own attorney, or have decided to sign this document without the advice of my own attorney; and

By signing this Acknowledgment and Waiver, I hereby state that either the City has provided the notice as contemplated by Minn. Stat. 414.033, Subdivision 13, or that I waive the requirement that the City provide such notice as contemplated in Minn. Stat. 414.033, Subdivision 13.

Dated: 5/17/, 2009

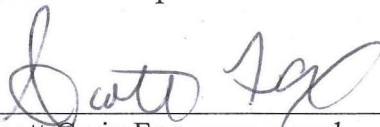
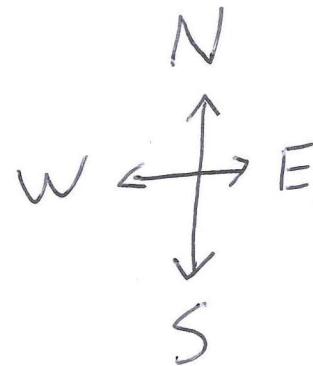
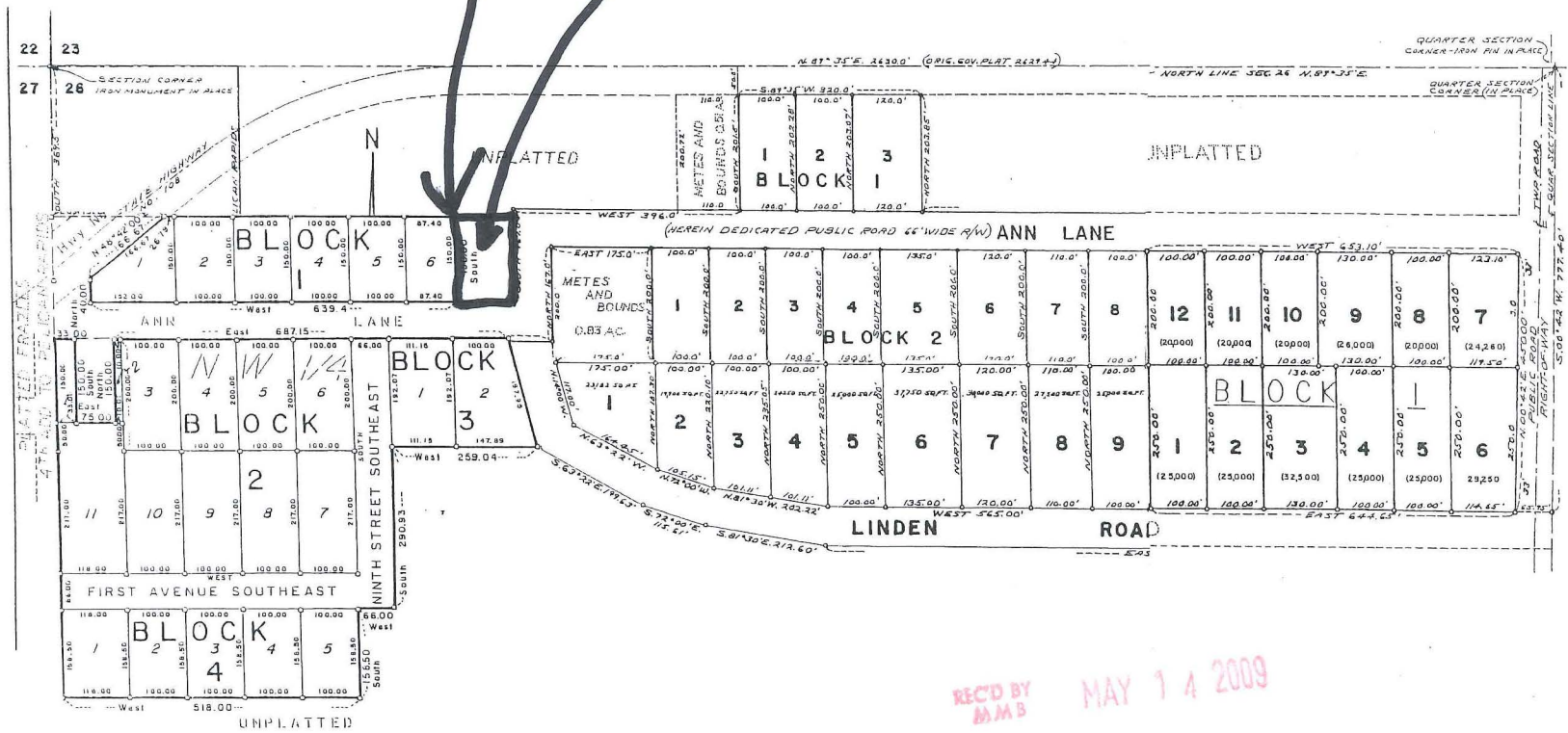
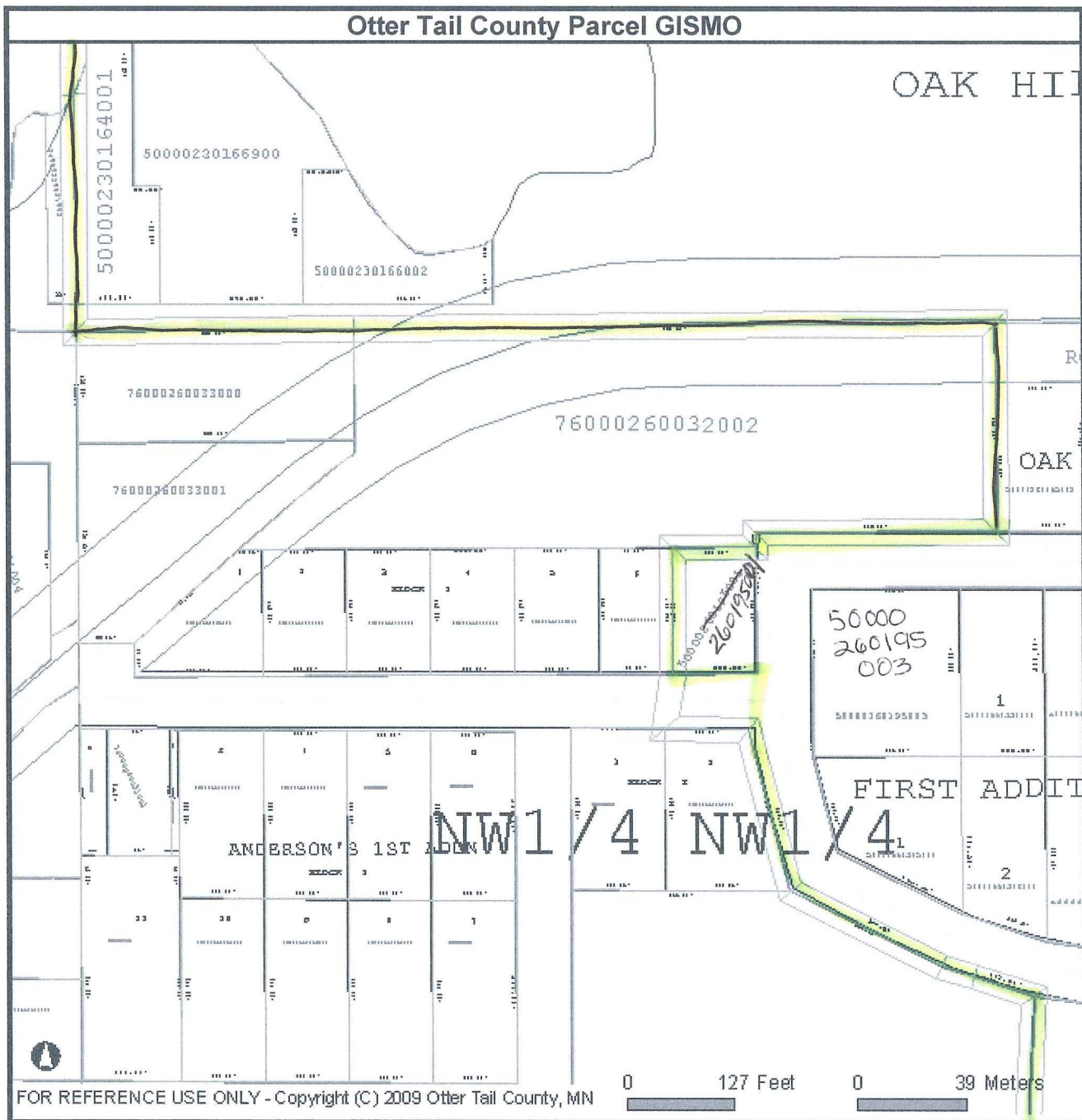
  
\_\_\_\_\_  
Scott Craig Fox, as personal  
representative of the Estate of  
Chauncey Dean Fox, decedent,  
single at the time of death

EXHIBIT B







Beg 409.5' S & 704.4' E of NW COR SEC 26;  
E 100' N 150', W 100', S 150' to BE 6.

REC'D BY  
MMP

MAY 14 2009