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ADMINISTRATIVE
HEARINGS

City of Big Lake Ordinance No. 2009-07

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF BIG LAKE TO INCLUDE CERTAIN UNINCORPORATED UNPLATTED LAND NOT EXCEEDING 120 ACRES IN AREA ABUTTING UPON THE CITY

SB22, LLC, and AL1, LLC, (9234 State Highway 25 NE, Monticello, MN, 55362) submitted a petition to the City of Big Lake to annex approximately 10.74 acres of land to the City; and

The petition was signed by the owner(s) of said territory; and

The City of Big Lake and the Town of Big Lake have held a Joint Public Informational Meeting to review the annexation petition and inform the public about the proposed annexation and associated development at this site; and

The petition requesting annexation of the territory hereinafter described was duly presented to the Big Lake City Council on the October 22, 2008 and May 27, 2009; and

Minnesota Statutes 414.033 Subd. 2b. specify that a municipality must hold a public hearing and give 30 days written notice by certified mail to the town affected by the proposed ordinance and to all landowners within and contiguous to the area to be annexed before it may adopt an ordinance annexing land; and

Minnesota Statutes 414.033 Subd. 12. specify that when a municipality annexes land under subdivision 2, clause (2), (3), or (4), property taxes payable on the annexed land shall continue to be paid to the affected town or towns for the year in which the annexation becomes effective. If the annexation becomes effective on or before August 1 of a levy year, the municipality may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the town may continue to levy on the annexed area for that levy year, and the municipality may not levy on the annexed area until the following levy year; and

Minnesota Statutes 414.036 states that unless otherwise agreed to by the annexing municipality and the affected town, when an order or other approval under this chapter

annexes part of a town to a municipality, the order or other approval must provide a reimbursement from the municipality to the town for all or part of the taxable property annexed as part of the order. The reimbursement shall be completed in substantially equal payments over not less than two nor more than eight years from the time of annexation. The municipality must reimburse the township for all special assessments assigned by the township to the annexed property, and any portion of debt incurred by the town prior to the annexation and attributable to the property to be annexed but for which no special assessments are outstanding, in substantially equal payments over a period of not less than two or no more than eight years; and

Minnesota Statutes 414.033 Subd. 13. specify that at least 30 days before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), the petitioner must be notified by the municipality that the cost of electric utility service to the petitioner may change if the land is annexed to the municipality. The notice must include an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation; and

The Big Lake City Council held a public hearing to consider said annexation petition on the October 22, 2008 and May 27, 2009; and

The quality of land within the area described in the petition and bounded as described is 10.74 acres more or less of unplatted land, no part of which is included within the limits of an incorporated city or statutory city; and

The land described in the petition abuts upon the City limits at the easterly boundary thereof.

THE CITY COUNCIL OF BIG LAKE, MINNESOTA ORDAINS:

SECTION 1. The City Council hereby determines (1) that the annexation will be to the best interests of the City and of the territory affected; (2) that the territory described herein abuts upon the city limits; (3) that none of said territory is now included within the limits of any city or statutory city; and (4) said territory will be zoned B-3 General Business/PUD Planned Unit Development.

SECTION 2. TERRITORY ANNEXED. The corporate limits of the City of Big Lake are hereby extended to include the unplatted land described in Exhibit A, attached hereto, and the same is hereby annexed to and included within the City as effectually as if it had originally been a part thereof; the territory to be annexed consists entirely within the town of Big Lake, County of Sherburne, State of Minnesota, and the description of such lands is attached hereto as Exhibit A.

SECTION 3. FILING. The City Clerk is hereby directed to file certified copies of this ordinance with the chief administrative law judge, the township, the county auditor and the secretary of state and is final on the date the ordinance is approved by the chief administrative law judge.

SECTION 4. This ordinance is to take effect upon its passage and summary publication, along with the filing of the certified copies as directed in Section 3, and the approval of the Department of Administration.

Approved by the Big Lake City Council this 27th day of May, 2009.

CITY OF BIG LAKE

By: Lori Kampa
Lori Kampa, Mayor

ATTEST:

By: Gina Wolbeck
Gina Wolbeck, City Clerk

Drafted By:
City of Big Lake
160 Lake Street North
Big Lake MN 55309

STATE OF MINNESOTA }
COUNTY OF Sherburne } SS.

The foregoing instrument was acknowledged before me this 27th day of May, 2009, by the Mayor and City Clerk of the City of Big Lake, a Minnesota municipal corporation, on behalf of the corporation.

Beatrice Lindberg
Notary Public



EXHIBIT A-1**LEGAL DESCRIPTION: PARCEL TO BE ANNEXED**

Subject Site: Northeast corner of U.S. Highway 10 and County Road 43
Big Lake, Minnesota

Acreage: 10.74 Acres

Parcel ID(s): 10-120-3100 and 10-120-3101

Legal Description: That part of the South 548.50 feet, as measured at right angles, of the Northeast Quarter of the Southwest Quarter of Section 20, Township 33, Range 27, Sherburne County, Minnesota, lying west of the West line of the East 462.00 feet (28 rods), as measured at right angles, thereof also lying east of the westerly 250 feet of that part of said South 548.50 feet.

AND

The westerly 250 feet of that part of the South 548.50 feet, as measured at right angles, of the Northeast Quarter of the Southwest Quarter of Section 20, Township 33, Range 27, Sherburne County, Minnesota, lying west of the West line of the East 462.00 feet (28 rods), as measured at right angles, thereof.

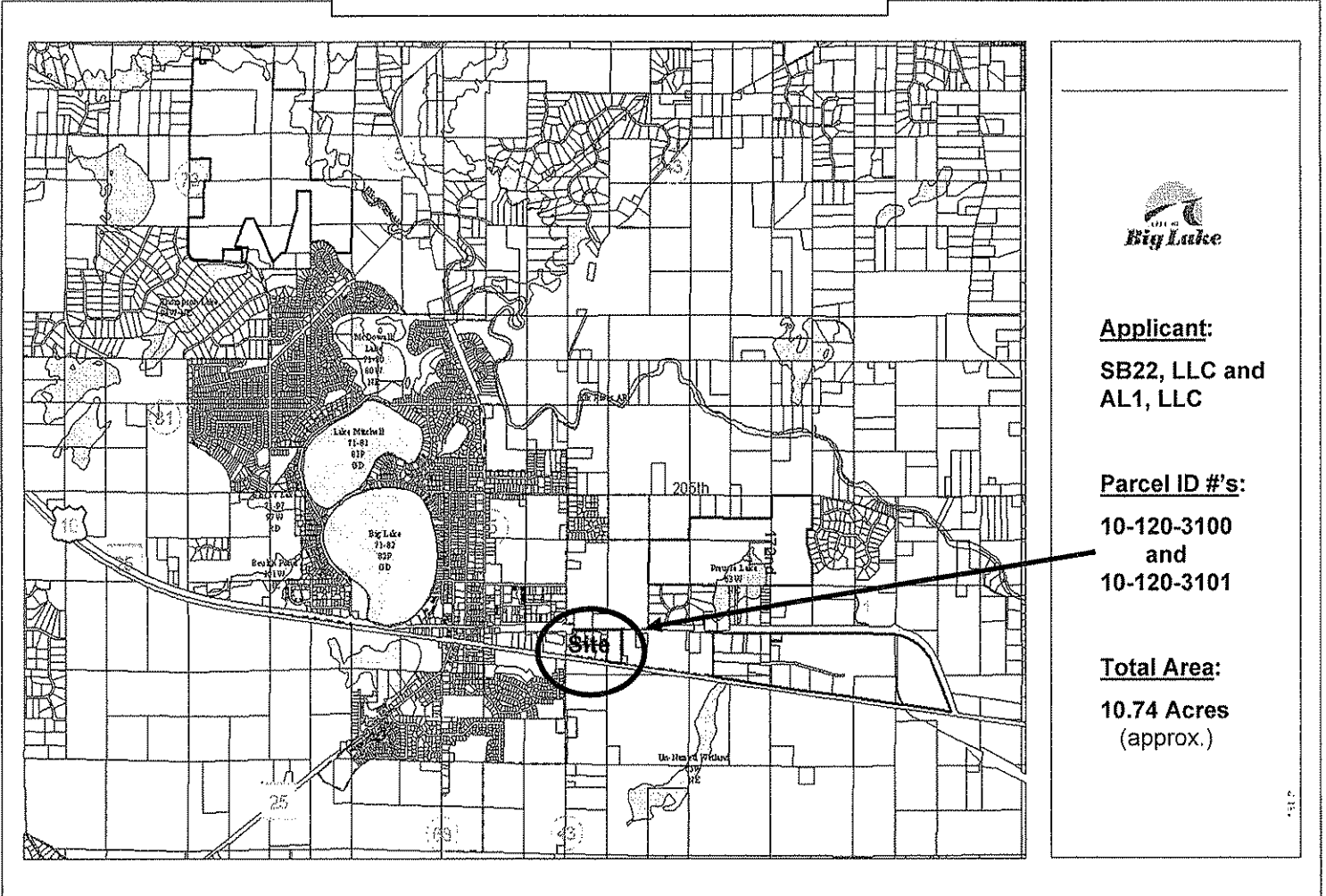
Excepting

That part of said Northeast Quarter of the Southwest Quarter, shown as Parcel 253 on Minnesota Department of Transportation Right of Way Plat Numbered 71-20 as the same is on file and of record in the office of the County Recorder in and for Sherburne County, Minnesota.

Total Area: approximately 10.74 acres (or 467,973 S.F.)

EXHIBIT A-3
SITE LOCATION MAP

ANNEXATION REQUEST



Applicant:
SB22, LLC and
AL1, LLC

Parcel ID #'s:
10-120-3100
and
10-120-3101

Total Area:
10.74 Acres
(approx.)

268
569