

ORDINANCE NO 4- 2009

REC'D BY
MBA

DEC 16 2009

**AN ORDINANCE OF THE CITY OF HINCKLEY ANNEXING LAND LOCATED
IN THE TOWN OF BARRY, PINE COUNTY, MINNESOTA PURSUANT TO
MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3), PERMITTING
ANNEXATION BY ORDINANCE**

WHEREAS, a petition signed by all the property owners, requesting that property legally described (herein) be annexed to the City of Hinckley Minnesota, was duly presented to the Council of the City of Hinckley on the 1st day of December 2009; and

WHEREAS, said property is unincorporated and abuts the City of Hinckley on its north boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

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

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

WHEREAS, the City of Hinckley held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on December 1 2009, following thirty (30) days written notice by certified mail to the Town of Barry and to all landowners within and contiguous to the area legally described herein, to be annexed; and

WHEREAS, provisions of Minnesota Statutes § 414.033 Subd. 13 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 municipality;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HINCKLEY
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 public 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 Minnesota Statute § 414.0325.
3. The corporate limits of the City of Hinckley, Minnesota, are hereby extended to include the following described property, said land abutting the City of Hinckley and being 120 acres or less in area, and is not presently served by public sewer facilities or

public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land, to wit:

Section 29, Township 41N, Range 20W. That part of the South Half of the Northeast Quarter (S1/2-NE1/4), Section 29, Township 41, Range 20, Pine County, Minnesota, which lies southerly of the south line of ZHINGWAAK OODENA, according to the recorded plat thereof, on file in the Pine County Recorder's office, and its extension westerly to the west line of said S1/2-NE1/4;
AND

That part of the North Half of the Southeast Quarter (N1/2-SE1/4), said Section 29, which lies northerly of the following described line: Commencing at the North Quarter corner of said Section 29; thence South, assumed bearing, 3381.63 feet along the North-South Quarter line of said Section 29 to the point of beginning of the line to be described; thence East to the east line of said N1/2-SE1/4 and said line there terminating; EXCEPT that part of said N1/2-SE1/4 described as follows: Commencing at said North Quarter corner of Section 29; thence South 2946.63 feet along said North-South Quarter line of Section 29 to the point of beginning of the tract to be described; thence continuing South 435.00 feet along said North-South Quarter line of Section 29; thence East 500.75 feet; thence North 435.00 feet; thence West 500.75 feet to the point of beginning.

The above-described property consists of a total of 55.9 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.

4. That the population of the area legally described herein and hereby annexed is zero.

5. The City of Hinckley, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to the Town of Barry in accordance with the following schedule:

- a. In the first year following the year in which the City of Hinckley could first levy on the annexed area, an amount equal to \$136.24; and
- b. In the second and final year, an amount equal to \$136.24.

The above two-year repayment schedule is based on and equal to the total amount payable under the former law, but adjusted to be paid in two equal payments in accordance with the 2006 amendments to Minn. Stat. §414.036.

6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town 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, for the area legally described herein, there are no

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special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

7. That the City Clerk of the City of Hinckley 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, the Minnesota Secretary of State, the Pine County Auditor, and the Barry Township Clerk.

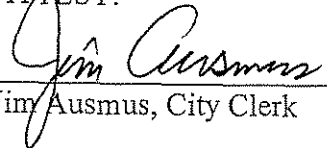
8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Hinckley, Minnesota, this 1st day of December, 2009.



Don Zeman, Mayor

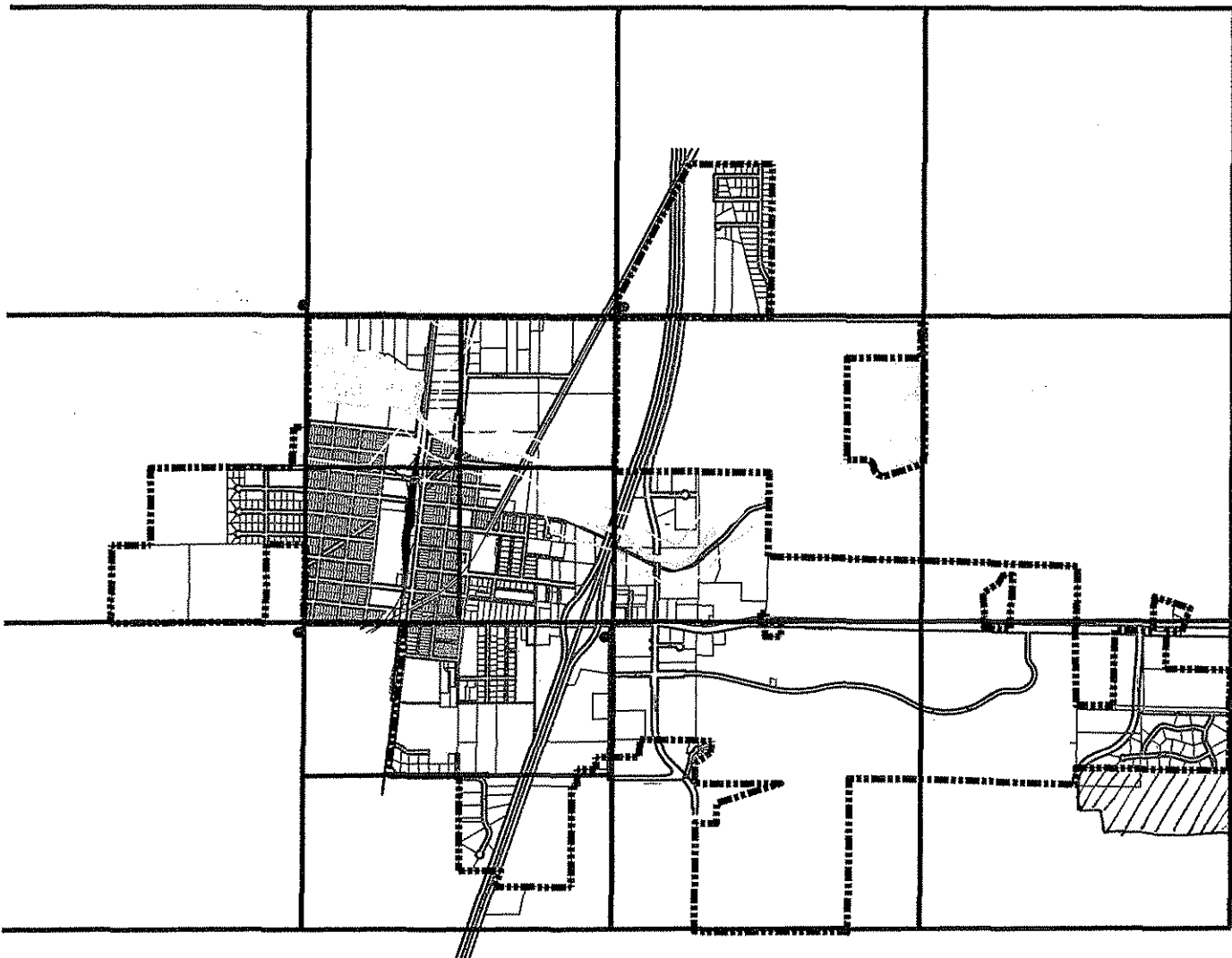
ATTEST:



Jim Ausmus, City Clerk

(City Seal)

City of Hinckley
P.O. Box 366
106 1st Street Southeast
Hinckley, MN 55037



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← Annexation
Area

