

**CITY OF WILTON**  
**COUNTY OF BELTRAMI**  
**STATE OF MINNESOTA**  
**ORDINANCE NO. 2010 - 30**

REC'D BY  
MBA

FEB 16 2010

**AN ORDINANCE ANNEXING CERTAIN LANDS FROM ECKLES TOWNSHIP**

The City Council of the City of Wilton hereby ordains as follows:

**WHEREAS**, municipalities may annex unincorporated property pursuant to Minnesota Statutes, Section 414.033, subdivision 2 (3) in certain circumstances involving 120 acres or less of land;

**WHEREAS**, the owner of the two properties within Eckles Township ("Township") described in Exhibit A, and shown on the map contained in Exhibit B (the "Property"), which are attached and made a part of this Ordinance, has petitioned the City requesting annexation of such Property into the corporate limits of the City of Wilton;

**WHEREAS**, on December 14, 2009 and February 8, 2010, the City conducted a hearing on the proposed annexation after providing at least 30 days written notice by certified mail to the Township, the Property owner, and the contiguous property owners;

**WHEREAS**, the City Council hereby finds, determines and deems the Property: is urban or suburban in character or about to become so; abuts the City boundary; the parcels included in the Property to be annexed, including those previously annexed under Minnesota Statutes, Section 414.033, subdivision 2 (3), do not cumulatively exceed 120 acres per owner; the Property is not presently served by public wastewater facilities and such services are not otherwise available; and all of the owners of the Property signed the petition requesting annexation; and

**WHEREAS**, the petitioning owners received notice of the cost of electric utility service or waived the notice requirement.

**NOW, THEREFORE, BE IT RESOLVED, THAT**

**THE CITY COUNCIL OF THE CITY OF WILTON HEREBY ORDAINS:**

Section 1. Pursuant to Minnesota Statutes Section 414.033, subdivision 2(3), the City Council hereby annexes the Property described in Exhibit A and shown in Exhibit B into the City.

Section 2. As the Township did not disclose the existence of any special assessments on, or any portion of debt attributable to, the Property, the City will not make any reimbursement payments to the Township for such purposes.

Section 3. Pursuant to Minnesota Statutes Section 414.033, subdivision 12, because the annexation will become effective on or before August 1, 2010, the City shall be the levying authority in 2010 for the Property (for taxes assessed in 2010 and payable in 2011). The Town remains the levying authority for 2009 (for taxes assessed in 2009 and payable in 2010).

Section 4. Because the Town remains the levying authority for 2009, property taxes payable on the annexed properties shall continue to be paid to the Town for 2010. The City shall make reimbursement payments to the Town for the Property in 2011 and 2012. The payments shall be based upon the amount of property taxes payable to the Town from the Property in 2010 ("Township Taxes"). The City shall make two annual payments to the Township, each payment totaling 50 percent of the Township Taxes. The City shall make its payment to the Town by September 1 of each year.

Section 5. The City Clerk-Treasurer is hereby authorized and directed to take the steps necessary to complete and implement this annexation including, but not limited to, the following: promptly filing a copy of this Ordinance with the Chief Administrative Law Judge, the Eckles Township Clerk, the Beltrami County Auditor and the Minnesota Secretary of State; pay the required filing fees to file the ordinance with the office of the Chief Administrative Law Judge; and to work with the Secretary of State's Office as needed to adjust the City's election precinct to include the annexed territory.

Section 6. This Ordinance is effective immediately and the annexation is final on the date of approval by the Chief Administrative Law Judge.

Adopted by the City Council of the City of Wilton on the 8th day of February, 2010.

**BY THE CITY COUNCIL**

Sherry Baker

Mayor

Attest: Louane Beyer

Clerk

**EXHIBIT A**

**Legal Descriptions of the Properties to Be Annexed**

Parcel A (PID 120035600)

The West Half of the Southeast Quarter of Section 28, Township 147, Range 034, County of Beltrami, State of Minnesota less that part thereof lying Northeasterly of abandoned Soo Line Railway and less Railway and Highway 2.

Consisting of 55.32 acres (deeded)/50.72 acres (calculated)

AND

Parcel B (PID 120035400)

The Southeast Quarter of the Southwest Quarter of Section 28, Township 147, Range 34, County of Beltrami, State of Minnesota, less Highway 2.

Consisting of 29.56 acres (deeded)/34.36 acres (calculated)

REC'D BY  
MBA

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### EXHIBIT B

### Map of Properties to be Annexed

