

City of Richmond, Minnesota  
ORD 2010-101

REC'D BY  
MBA

APR 21 2010

**An Ordinance of the City of Richmond Annexing Land  
Located in the Town of Munson, Stearns County, Minnesota  
Pursuant to Minnesota Statutes § 414.033 Subdivision 2(3),  
Permitting Annexation by Ordinance**

**WHEREAS**, all owners of the property located at 19693 State Highway 23, Richmond, MN 56368 (Property Tax PID: 23.13669.001) and legally described on the attached **Exhibit A** (the "Property") have requested that the Property described be annexed into the City of Richmond.

**WHEREAS**, the Property is unincorporated and abuts the City on its southern boundary (with only State Highway 23 between the current City boundary and the Property); is less than 120 acres; is not presently served by public sewer facilities and public sewer facilities are not otherwise available.

**WHEREAS**, the Property is located within a shoreland and floodplain area.

**WHEREAS**, the Property is currently put to a commercial use and is presently designated as B-2 General Business District in the City's future land use map.

**WHEREAS**, the City has adopted land use controls that conform with Minn.Stat. Ch. 103F, and any new development on the Property shall be subject to such land use controls.

**WHEREAS**, the property is currently used for commercial purposes and annexation is requested to facilitate the extension of city services for the further commercial development of the Property.

**WHEREAS**, the City held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on April 7, 2010, following thirty (30) days written notice by certified mail to Munson Township and to all landowners within and contiguous to the Property legally described on the attached **Exhibit A**.

**WHEREAS**, the provisions of Minn.Stat. § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from annexing the Property into the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND HEREBY  
ORDAINS AS FOLLOWS:**

1. The Council hereby determines that the Property described on the attached **Exhibit A** abuts the City limits and is or is about to become urban or suburban in nature in that the current and proposed expended commercial uses of the Property will need city services, including public sanitary sewer facilities.
2. The Property is not 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 Richmond are hereby extended to include the following described property:

**See Exhibit A**

The above described Property consists of a total of approximately 7.74 acres, more or less. A copy of the boundary map showing the Property to be annexed and its relationship to the City's corporate boundaries are attached as **Exhibit B**.

4. The Property, legally described in **Exhibit A**, is used for commercial purposes and has a population of zero (0) persons. The property shall be zoned B-2 General Business District.

5. With respect to the property taxes payable on the Property hereby annexed, and pursuant to Minn.Stat. § 414.036, the City shall make a cash payment to Munson Township equal to the property taxes collected by the Township in the last year it collected property taxes on the annexed area (2009), which total \$757.88. The payment will be made in accordance with the following schedule:


- a. In the first year following the year in which the City of Richmond could first levy on the annexed area, an amount equal to \$378.94; and
- b. In the second and final year, an amount equal to \$378.94.

6. There are no special assessments or debt incurred by the Township on the subject area for which reimbursement is required pursuant to Minn.Stat. § 414.036.

7. The City Administrator 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 Stearns County Auditor, and the Munson Township Clerk.

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

Adopted Richmond City Council this 7<sup>th</sup> day of April, 2010.

  
\_\_\_\_\_  
Jim Hemmesch, Mayor

ATTEST:

  
\_\_\_\_\_  
Dan Coughlin, City Administrator

**EXHIBIT A**  
**Legal Description**

That part of the Southwest Quarter of the Northeast Quarter (SW1/4 of NE1/4) of Section 24, Township 123, Range 31 lying South of State Highway No. 23 described as follows: Beginning at the Southwest corner of the said SW1/4 of NE1/4 of Section 24, Township 123, Range 31; thence North along the West line of the said SW1/4 of NE1/4 of Section 24, Township 123, Range 31, 165 feet to the South edge of said State Highway No. 23; thence Northeasterly along the South edge of said State Highway No. 23 a distance of 576 feet; thence due South a distance of 283 feet to the south line of said SW1/4 of NE1/4 of Section 24, Township 123, Range 31; thence West along the South edge of said SW1/4 of NE1/4 of Section 24, Township 123, Range 31 to the place of beginning.

Also: That part of the SW1/4 of NE1/4 of Section 24, Township 123, Range 31 lying South of State Highway No. 23 described as follows: Beginning at the Southwest corner of said SW1/4 of NE1/4 of said Section 24, Township 123, Range 31; thence North along the West line of said SW1/4 of NE1/4 of Section 24, Township 123, Range 31 a distance of 165 feet to the South edge of said State Highway No. 23; thence Northeasterly along the South edge of said State Highway No. 23 a distance of 576 feet to the point of beginning of the tract herein described, which point is the Northeast corner of land described in Book 308 of Deeds, page 86; thence Northeasterly along the South line of said State Highway No. 23 a distance of 400 feet; thence Southerly to a point on the South line of said SW1/4 of NE1/4, which point is 425 feet East of the Southeast corner of the tract described by deed referred to above; thence West along the South line of said SW1/4 of NE1/4 a distance of 425 feet; thence North, along the Easterly line of the tract referred to in deed above a distance of 283 feet to the point of beginning of the tract herein described.

Also: That part of SW1/4 of NE1/4 and Government Lot One (1) of Section 24, Township 123, Range 31 lying South of State Highway No. 23 described as follows: Beginning at the Southwest corner of said SW1/4 of NE1/4 of said Section 24, Township 123, Range 31; thence North along the West line of said SW1/4 of NE1/4 of Section 24, Township 123, Range 31 a distance of 165 feet to the South edge of said State Highway No. 23; thence Northeasterly along the South edge of said State Highway No. 23 a distance of 976 feet to the point of beginning of the tract herein described, which point is the Northeast corner of the tract described in deed dated August 31, 1965; thence Northeasterly along the South line of said State Highway No. 23 a distance of 550 feet; thence Southerly to a point on the South line of said Government Lot 1, which point is 550 feet East of the Southeast corner of the tract described in deed dated August 31, 1965; thence West along the South line of said SW1/4 of NE1/4 and Government Lot 1 a distance of 550 feet; thence North, along the Easterly line of the tract described in deed referred to above a distance of 354.98 feet to the point of beginning of the tract herein described.

Less and except: That part of the SW1/4 of NE1/4 of Section 24, Township 123, Range 31 lying South of the following described line: Commencing at the center of said Section 24; thence North 00° 01' 53" West on an assumed bearing along the North-South Quarter line a distance of 44.49 feet to the point of beginning of the line to be described; thence North 88° 48' 00" East a distance of 280.16 feet; thence South 48° 07' 50" East a distance of 76.70 feet to the East-West Quarter line of said Section 24; thence South 89° 51' 31" East along said East-West Quarter line to the point at which said line intersects with the extended East line of the parcel described in deed from Joseph Roettger and Rosina Roettger to Joseph R. Theis and Irene E. Theis, dated July 21, 1972 recorded at Doc. No. 427769.

**LESS AND EXCEPT:**

That part of the Southwest Quarter of the Northeast Quarter and Government Lot 1, both in Section 24, Township 123 North, Range 31 West, shown as Parcel 324 on Minnesota Department of Transportation Right of Way Plats Numbered 73-80 and 73-81 as the same are on file and of record in the office of the County Recorder in and for Stearns County, Minnesota;

Together with :

All of Tract A described below:

Tract A. That part of the Southwest Quarter of the Northeast Quarter of Section 24, Township 123 North, Range 31 West, shown as Parcel 324 on Minnesota Department of Transportation Right of Way Plat No. 73-81 as the same is on file and of record in the office of the County Recorder in and for Stearns County, Minnesota, described as follows: Commencing at Right of Way Boundary Corner B6 as shown on said Plat No. 73-81; thence run westerly on an azimuth of 256 degrees 37 minutes 39 seconds along the boundary of said plat for 409.88 feet to Right of Way Boundary Corner B7; thence on an azimuth of 135 degrees 31 minutes 02 seconds along the boundary of said plat for 153.65 feet to the point of beginning of Tract A to be described; thence on an azimuth of 215 degrees 33 minutes 32 seconds for 84.94 feet; thence on an azimuth of 268 degrees 05 minutes 01 seconds for 263.99 feet; thence on an azimuth of 177 degrees 23 minutes 42 seconds for 33.00 feet to Right of Way Boundary Corner B15 as shown on said Plat No. 73-81; thence on an azimuth of 88 degrees 05 minutes 01 second along the boundary of said plat for 238.29 feet to Right of Way Boundary Corner B14; thence on an azimuth of 131 degrees 12 minutes 41 seconds along the boundary of said plat for 73.48 feet to Right of Way Boundary Corner B13; thence on an azimuth of 89 degrees 08 minutes 37 seconds along the boundary of said plat to Right of Way Boundary Corner B12; thence continue on an azimuth of 89 degrees 08 minutes 37 seconds for 121.40 feet to Right of Way Boundary Corner B10 as shown on said Plat No. 73-81; thence on an azimuth of 09 degrees 14 minutes 51 seconds along the boundary of said plat for 18.07 feet to Right of Way Boundary Corner B9; thence on an azimuth of 279 degrees 14 minutes 51 seconds along the boundary of said plat for 85.30 feet to Right of Way Boundary Corner B8; thence on an azimuth of 315 degrees 31 minutes 01 second along the boundary of said plat for 163.41 feet to the point of beginning;

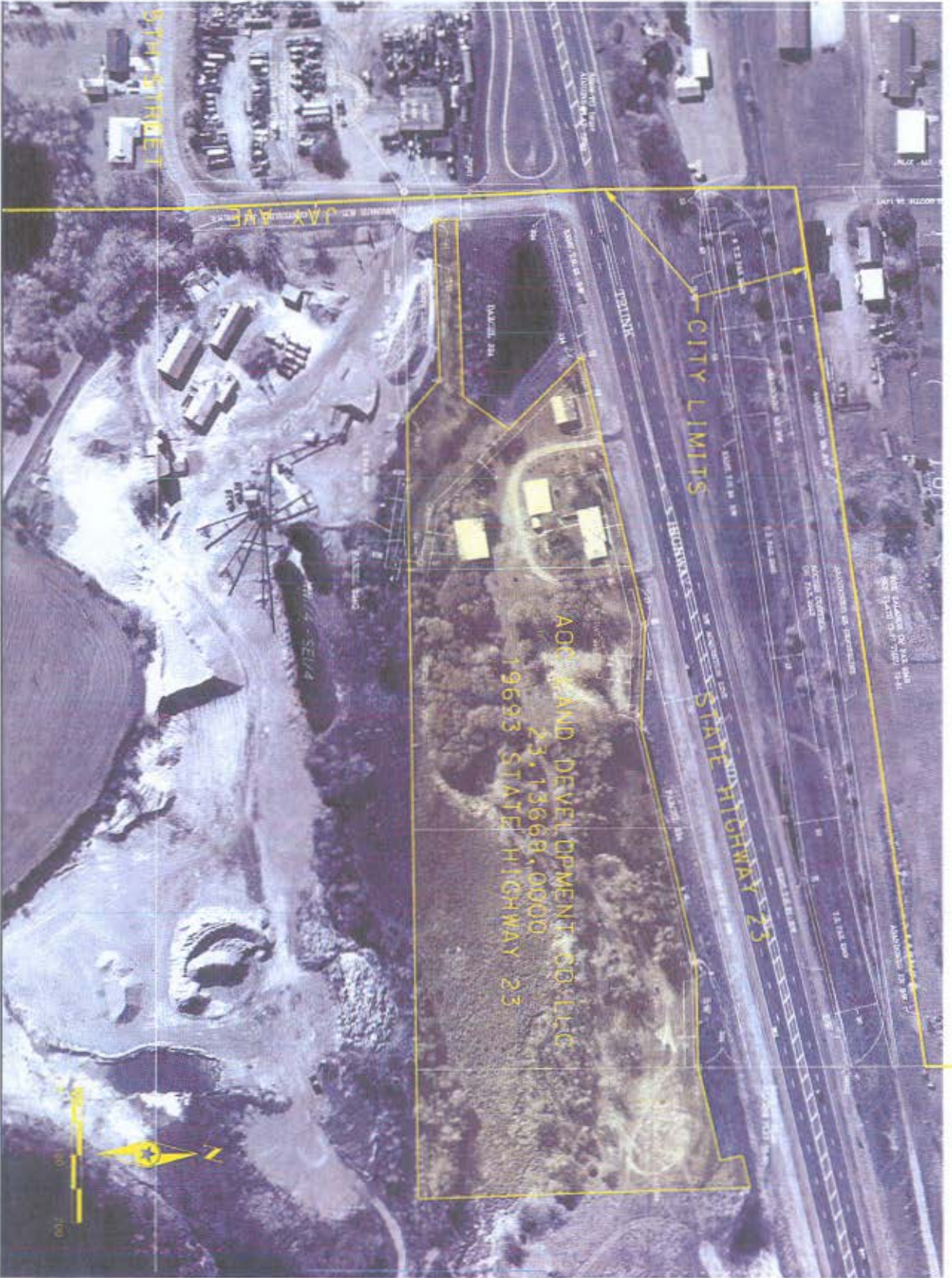
as described in the Quit Claim Deed from the State of Minnesota dated February 3, 2006, and recorded as Document No. 1185632 with the Stearns County Recorder.

# CITY OF RICHMOND

STEARNS COUNTY, MINNESOTA

ANNEXATION AREA





AOC LAND DEVELOPMENT CO LLC  
RICHMOND, MINNESOTA

REC'D BY  
MBA  
APR 21 2010