

AUG 16 2012

**ORDINANCE NO. 177.30**

**AN ORDINANCE OF THE CITY OF SPICER, MINNESOTA, ANNEXING  
LAND LOCATED IN GREEN LAKE TOWNSHIP, KANDIYOHI COUNTY,  
MINNESOTA, PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 3,  
PERMITTING ANNEXATION BY ORDINANCE**

**WHEREAS**, the City served Green Lake Town Board and the Chief Administrative Law Judge of the Municipal Boundary Adjustment Unit with a notice of intent to annex by certified mail on April 6, 2012, in the form attached as **Exhibit A**;

**WHEREAS**, the property identified in the notice of intent to annex includes the property legally described in **Exhibit B** (the "Property");

**WHEREAS**, the City and Green Lake Township agreed on annexation terms, including the reimbursement of taxes and differential taxation for property owners;

**WHEREAS**, the Property is unincorporated and abuts the City of Spicer on its western boundary; is 60 percent or more bordered by the City; is less than 40 acres; is presently served by city water and city sewer will become available upon completion of an upcoming street improvement project;

**WHEREAS**, the Property is located within a shoreland area; and the City has adopted land use controls that conform with chapter 103F, as required by Minnesota Statutes § 414.033, Subd. 11;

**WHEREAS**, the Property is currently residential and annexation is necessary to facilitate the extension of city services for further development; 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 SPICER HEREBY  
ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the Property as hereinafter described abuts the City limits, is 40 acres or less, is 60 percent or more bordered by the City, and is or is about to become urban or suburban in nature.
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 Statutes § 414.0325.
3. The corporate limits of the City of Spicer, Minnesota, are hereby extended to include the Property, said land abutting the City of Spicer and being 40 acres or less in area, being 60

percent or more bordered by the City of Spicer, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available.

The Property consists of a total of approximately 11.48 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 in **Exhibit B** and hereby annexed is approximately 8 people.

5. The City of Spicer, pursuant to Minnesota Statutes § 414.036, shall make a cash payment to the Town of Green Lake in accordance with the following schedule:

- a. In the first year following the year in which the City of Spicer could first levy on the annexed area, an amount equal to \$ 572.66;
- b. In the second year, an amount equal to \$ 458.13;
- c. In the third year, an amount equal to \$ 343.61;
- d. In the fourth year, an amount equal to \$ 229.05;
- e. In the fifth year, an amount equal to \$ 114.53; and
- f. In the sixth and final year, an amount equal to \$ 57.27.

6. The tax rate for the Property shall be incrementally increased over four years, pursuant to Minnesota Statutes § 414.035, with the following schedule:

- a. In the first year following the year in which the City of Spicer could first levy on the annexed area, the tax rate for the Property shall be equal to the Township tax rate plus 25% of the difference between the City tax rate and the Township tax rate = Township tax rate + ((City tax rate - Township tax rate) x 25%);
- b. In the second year following the year in which the City of Spicer could first levy on the annexed area, the tax rate for the Property shall be equal to the Township tax rate plus 50% of the difference between the City tax rate and the Township tax rate = Township tax rate + ((City tax rate - Township tax rate) x 50%);
- c. In the third year following the year in which the City of Spicer could first levy on the annexed area, the tax rate for the Property shall be equal to the Township tax rate plus 75% of the difference between the City tax rate and the Township tax rate = Township tax rate + ((City tax rate - Township tax rate) x 75%); and

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d. In the fourth year following the year in which the City of Spicer could first levy on the annexed area, the tax rate for the Property shall be equal to 100% of the City tax rate.

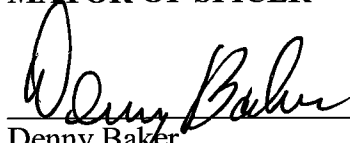
7. There are no special assessments or debt incurred by the Township on the Property for which reimbursement is required, pursuant to Minnesota Statutes § 414.036.

8. That the City Clerk of the City of Spicer is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Kandiyohi County Auditor, and the Green Lake Township Clerk.

9. 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 Spicer, Minnesota, this 7th day of August, 2012.

**MAYOR OF SPICER**

  
Denny Baker

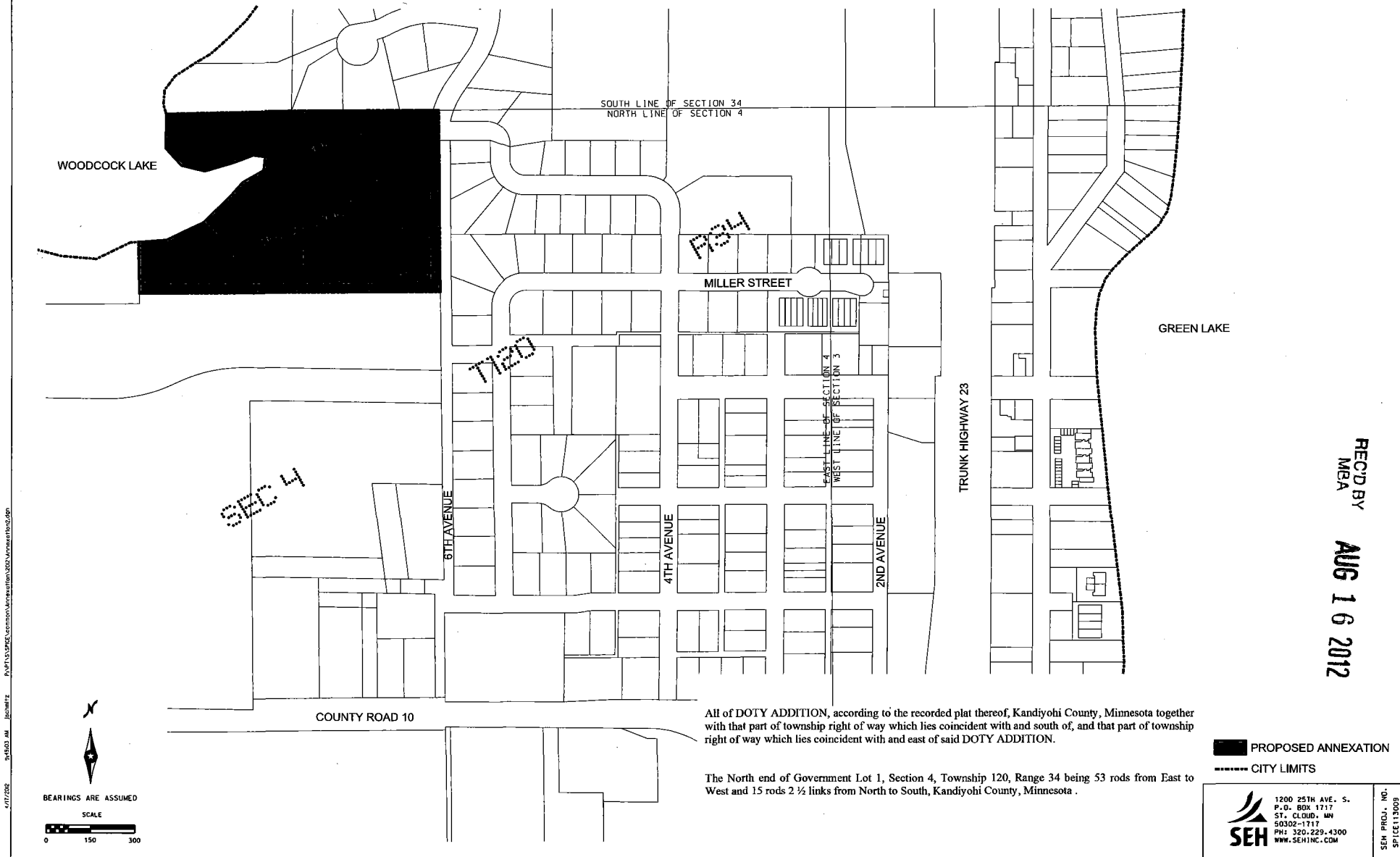
**ATTEST:**

  
City Clerk/Administrator

(City Seal)

# ANNEXATION EXHIBIT

PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 120, RANGE 34, KANDIYOHI COUNTY, MINNESOTA



**EXHIBIT A**

**NOTICE OF INTENT FOR ANNEXATION**

IN THE MATTER OF THE NOTICE OF INTENT FOR THE ANNEXATION  
OF CERTAIN LAND TO THE CITY OF SPICER, MINNESOTA  
PURSUANT TO MINNESOTA STATUTES § 414.033, SUBD. 3

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TO: Green Lake Town Board; and

Office of Administrative Hearings  
Municipal Boundary Adjustment Unit  
P. O. Box 64620  
St. Paul, MN 55164-0620

WHEREAS, the territory described below is not presently within the corporate limits of any incorporated city, and

WHEREAS, the area proposed for annexation is 40 acres or less in size, is 60% or more bordered by land already within the corporate limits of the City of Spicer, and is not appropriate for annexation by ordinance pursuant to Minnesota Statutes § 414.033, Subd. 2(3); and

WHEREAS, the area proposed for annexation is described as follows:

See attached **Exhibit A**; and

WHEREAS, the area proposed for annexation abuts upon the corporate limits of the City of Spicer, Minnesota; and

WHEREAS, the area proposed for annexation is unincorporated; is almost completely surrounded by the corporate limits of the City of Spicer except for that portion of the area adjacent to Woodcock Lake; and is not included within any other municipality; and

WHEREAS, the area proposed for annexation is approximately 11.48 acres in size; and

WHEREAS, the area is currently served by City water and City sewer will available upon completion of an upcoming street improvement project; and

WHEREAS, the reason for the proposed annexation is to eliminate what is essentially an "island" of township within the City of Spicer so that there is continuity of land use regulations, city utilities, and city road right-of-way; and

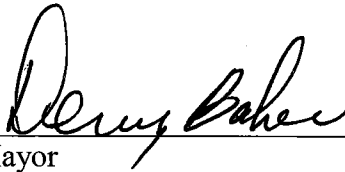
WHEREAS, the nature of the area proposed for annexation is residential consisting of 5 existing single family residential homes, surrounded by other single family homes, commercial uses, and publicly owned property; and

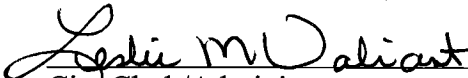
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WHEREAS, the area proposed for annexation is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes § 414.0325, nor in any other proceeding currently pending before the Office of Administrative Hearings - Municipal Boundary Adjustment Unit.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF SPICER, MINNESOTA that the City hereby serves a Notice of Intent to annex the above-described property into the corporate limits of the City of Spicer, Minnesota on:  
Green Lake Township in Kandiyohi County; and the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings.

Adopted this 7th day of August 2012

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk/Administrator

**EXHIBIT B**

**(Doty Addition and Johnson Legal Description)**

Lot 1, Block 1, Doty Addition, Kandiyohi County, Minnesota (Jennifer and Jamison Doty, PID: 18-245-0110, approximately 1.55 acres)

Lot 2, Block 1, Doty Addition, Kandiyohi County, Minnesota (Dorothy and Calvin Quimby, PID: 18-245-0120, approximately 1.55 acres)

Lot 3, Block 1, Doty Addition, Kandiyohi County, Minnesota (Patricia and James Doty, PID: 18-245-0130, approximately 2.02 acres)

Lot 4, Block 1, Doty Addition, Kandiyohi County, Minnesota (Christian A. and Suzanne Knight, PID: 18-245-0140, approximately 1.36 acres)

The North End of Government Lot 1, Section 4, Township 120, range 34, being 53 rods from East to West and 15 rods 2 ½ links from North to South, Kandiyohi County, Minnesota (Calvin L. Johnson, PID: 18-004-0100, approximately 5.0 acres)