

ORDINANCE NO. 2012-01R**AN ORDINANCE OF THE CITY OF BATTLE LAKE, MINNESOTA ANNEXING
LAND LOCATED IN EVERTS TOWNSHIP, OTTER TAIL COUNTY, MINNESOTA
PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(1),
PERMITTING ANNEXATION BY ORDINANCE**

WHEREAS, The City of Battle Lake, Otter Tail County, Minnesota owns property located in Everts Township, Otter Tail County, Minnesota; and

WHEREAS, said property is unincorporated and abuts the City of Battle Lake on its Northern and Eastern boundaries; and

WHEREAS, the perimeter of the said area to be annexed by the City of Battle lake is not 60 percent or more bordered by the City of Battle Lake; and

WHEREAS, said property is currently used as a part of the Battle Lake Municipal Airport and as a part of a planned bike path; and

WHEREAS, pursuant to Minnesota Statute Section 414.033 Subdivision 2 (1), Subdivision 2b, and Subdivision 3, no hearing or notice is required prior to the City of Battle Lake adopting an ordinance declaring said land annexed to the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATTLE LAKE HEREBY 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 ongoing airport operations and a planned bike path and or recreational use is being proposed for said property.
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 Battle Lake, Minnesota, are hereby extended to include the following described property, said land owned by the City of Battle Lake and abutting the City of Battle Lake, as follows and legally described in Attachment A:
 - 1- Parcel #25000270165000; 6.7 acre TR in NE ¼ of Sec 27, Twp 133 Range 40
 - 2- Parcel #25000260161038; 8.3 acre TR in GL4 in NW ¼ of Sec 26 Twp 133 Range 40
 - 3- Parcel #3 approx 3.34 acres in GL 2,3, and 4, Sec 26, Twp 133, R 40

The above described property consists of a total of 18.34 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 (0).

5. To the extent that and real estate taxes are payable, the City of Battle Lake, 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 Everts in accordance with the following schedule:

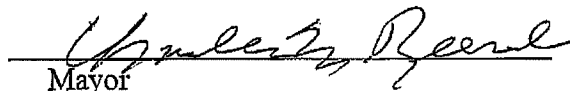
Reimbursement of the property taxes to the Town shall be based on the property taxes collected by the Town in the last year it collected taxes on the annexed area, in a total amount equivalent to that payable under the former law, but adjusted to be paid in substantially equal payments over two to eight years 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 special assessments or debt incurred by the Town on the subject area for which reimbursement is required.

7. That the City Clerk of the City of Battle Lake 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 Otter Tail County Auditor, and the Everts 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 Battle Lake, Minnesota, this 12th day of June, 2012.



Mayor

ATTEST:



City Clerk

(City Seal)

ATTACHMENT A

1- Parcel #25000270165000; (6.7 acre TR in NE ¼ of Sec 27, Twp 133 Range 40)

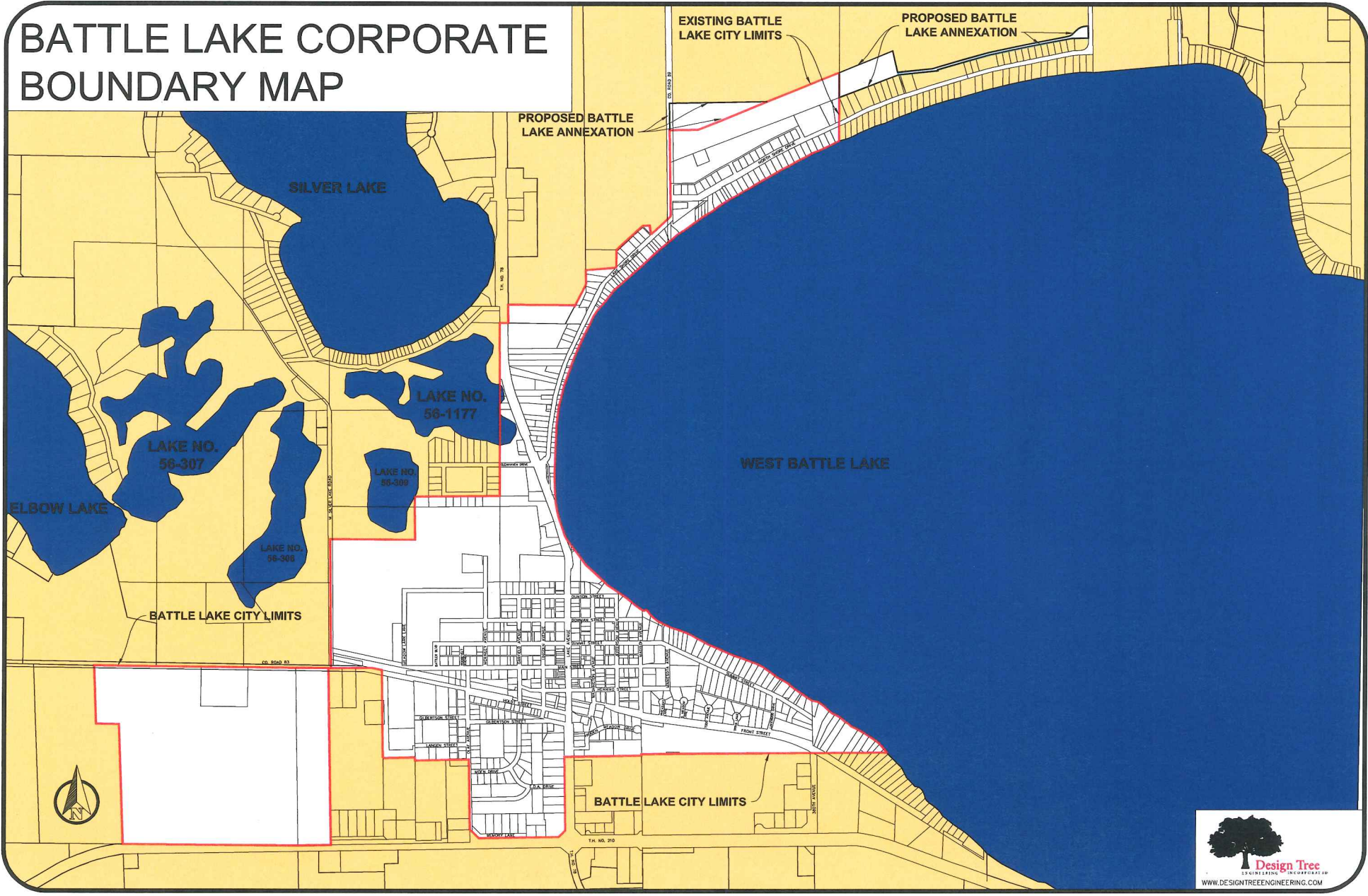
A part of the SW ¼ of NE ¼ of Section 27, and also a part of Government Lots 1 and 2 of said Section 27, all in Township 133 North, Range 40 West of the 5th P.M., and more particularly described as follows, to wit: Begin at the iron monument marking the center of said Section 27; thence South along the quarter line 182.7 feet; thence North 68 degrees 52 minutes East 2796.6 feet to the East line of said Section 27; thence North and along said East line 428.8 feet; thence South 68 degrees 52 minutes West 1259.6 feet to the West line of said SW ¼ of NE ¼; thence South along the quarter line 733.0 feet to the point of beginning, and containing 1.0 acre in said Lot 2, 14.19 acres in said Lot 1 and 19.38 acres in said SW ¼ of Ne ¼ for a total of 34.57 acres more or less.

2- Parcel #25000260161038:

A part of the NW ¼ of the NW ¼ of Section 26, and also a part of Government Lot 4 of said Section 26, all in Township 133, Range 40, Otter Tail County, Minnesota, and more particularly described as follows, to wit: To find the point of beginning commence at the iron monument marking the center of Section 27, said Township and Range, thence South 182.7 feet; thence North 68 degrees, 52 minutes East 2796.6 feet to the west line of Section 26, this to be the point of beginning; thence continuing on said bearing of North 68 degrees 52 minutes East a distance of 980.7 feet; thence North 21 degrees 08 minutes West 400 feet; thence South 68 degrees 52 minutes West 826.1 feet to the said West line of Section 26; thence South along said line a distance of 428.8 feet to the point of beginning, and containing 6.18 acres in said Lot 4, and 2.12 acres in said NW ¼ of NW ¼ for a total of 8.30 acres more or less.

3- That part of GL 2,3, and 4, Sec 26, Twp 133, R 40, Otter Tail Co, Mn described as: commencing at NW corner of Hanson's Addition to Beverly Beach, according to recorded plat ; thence on assumed bearing N 84 degrees 02 min 49 sec E, along N line of said Hanson's Addition to Beverly Beach, 612.16 ft to the NE corner of Hanson's Addition to Beverly Beach; thence N 17 degrees 28 min 50 sec W, 14.40 ft; thence N 73 degrees 36 min 51 sec E, 413.84 ft to NW corner of Lot 1, Block 1, Hustad's Addition to Beverly Beach, according to recorded plat; thence N 74 degrees 29 min 13 sec E, along northerly line of Hustad's Addition to Beverly Beach, 422.14 ft; thence N 78 degrees 00 min 13 sec E, along N line of Hustad's Addition to Beverly Beach, 422.14 ft; thence N 78 degrees, 00 min, 13 sec E along N line, 569.79 ft; thence N 78 degrees 43 min, 13 sec E along said N line, 716.11 ft; thence N 89 degrees 23 min 13 sec E, along the N line of Hustad's Addition to Beverly Beach, 252.17 ft to the NE corner of Lot 18; said Block 1, said point also being on west ROW line of North Shore Drive; thence N 00 degrees 36 min 47 sec W, along said west ROW line, 185.66 ft, thence S 89 degrees 56 min 42 sec W, 24.42 ft, thence SW 177 feet along a tangential curve concave to the SE having a radius of 222 ft and central angle of 45 degrees 40 min 54 sec; thence S 44 degrees 15 min 48 sec W, tangent to said curve, 60 feet; thence SW 107.69 ft along a tangential curve concave to the NW having a radius of 181.76 feet and central angle of 33 degrees 56 min 46 sec thence S 78 degrees 43 min 13 sec W, tangent to said curve, 655.08 ft; thence S 78 degrees 00 min 13 sec W, 571.27 ft; thence S 74 degrees 29 min 13 sec W, 423.67 ft; thence S 73 degrees 36 min 51 sec W, 488.41 ft; thence S 84 degrees 02 min 49 sec W, 539.80 ft to intersection with line that bears N 21 degrees 04 min 10 sec W from beg; thence S 21 degrees 04 min 10 sec E, 41.43 ft to point of beg.

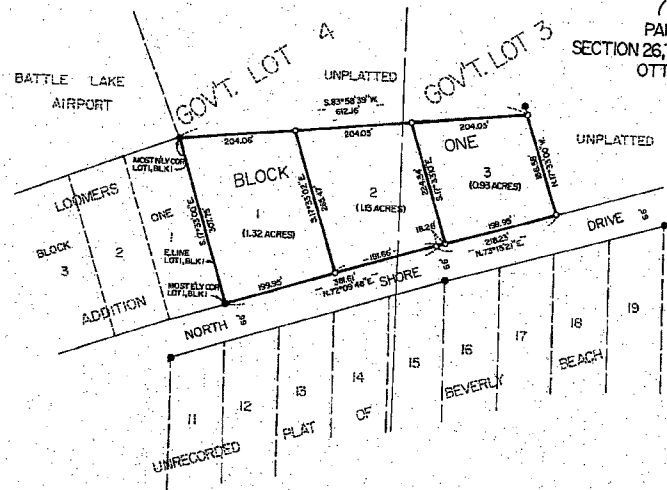
BATTLE LAKE CORPORATE BOUNDARY MAP



576

HANSON'S ADDITION TO BEVERLY BEACH

(An Unrecorded Plat)
PART OF GOV'T. LOTS 3 AND 4
SECTION 26, TOWNSHIP 133 NORTH, RANGE 40 WEST
OTTER TAIL COUNTY, MINNESOTA



KNOW ALL MEN BY THESE PRESENTS: That Evelage G. Hanson, a widow and unmarried, is the owner of the following described property situated in the County of Otter Tail, State of Minnesota to wit:

That part of Government Lots 3 and 4, Section 26, Township 133 North, Range 40 West, Otter Tail County, Minnesota beginning at the iron monument at the west northerly corner of Lot 1, Block 1, LOOMERS ADDITION according to the plat on file in the office of the County Recorder, Otter Tail County, Minnesota, thence South 19 degrees 23 minutes 30 seconds East, assumed bearing along the easterly line of said lot 1, Block 1, a distance of 78.12 feet to an iron monument; thence South 73 degrees 12 minutes 30 seconds East, a distance of 78.12 feet to an iron pipe monument; thence North 73 degrees 12 minutes 30 seconds East, a distance of 78.12 feet to an iron pipe monument; thence South 19 degrees 23 minutes 30 seconds West 612.16 feet to the point of beginning containing

Subject to easements, restrictions or reservations of record, if any.

Have caused the same to be surveyed and platted as HANSON'S ADDITION TO BEVERLY BEACH and do hereby donate and dedicate to the public for public use forever, the Drainage and Utility Easements as shown on this plat, for drainage and utility purposes only.

In witness whereof said Evelage G. Hanson, a widow and unmarried, has hereunto set my hand this 9 day of June, 1933.

OWNER
Evelage G. Hanson

STATE OF MINNESOTA
COUNTY OF OTTER TAIL

The foregoing instrument was acknowledged before me this 9 day of June, 1933 by Evelage G. Hanson, a widow and unmarried.

I hereby certify that I have surveyed and platted the property described on this plat as HANSON'S ADDITION TO BEVERLY BEACH that said plat is a true and correct representation of said survey, that all distances are correctly shown in ground as shown on the plat, that the outside boundary lines are correctly designated, and that there are no sections And I further certify that I have verified this plat and found it to be in compliance with the surveying requirements of the Subdivision Control Ordinance of Otter Tail County, Minnesota and Chapter 100 Minnesota Statutes.

JAMES W. FOWLER, Registered Land Surveyor
Minnesota Registration Number 18164

STATE OF MINNESOTA
COUNTY OF OTTER TAIL

The foregoing surveyors certificate was acknowledged before me this 20 day of June, 1933 by James W. Fowler, Minnesota Registration Number 18164.

I hereby attest to the fact that there are no mortgages outstanding against any of the property in this subdivision.

Subj: JAMES W. FOWLER

I hereby certify that proper evidence of title has been presented to and examined by me and I hereby approve this plat as to form and substance.

Approved by the Everts Township Board this 9 day of June, 1933.

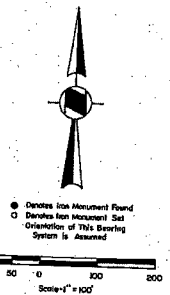
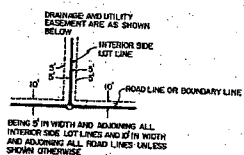
Comparison with preliminary plat made this 22nd day of June, 1933.

Accepted and approved by the Board of County Commissioners of Otter Tail County, Minnesota this 22 day of June, 1933.

I hereby certify that the taxes for the year 1933 and of the year prior for the land described within have been paid.

No delinquent taxes and transfer entered this 25th day of June, 1933.

I hereby certify that the within instrument was filed in this office for record on the 25th day of June, 1933 of Block 1, and was duly recorded in Book 8 of Plats on Page 576.

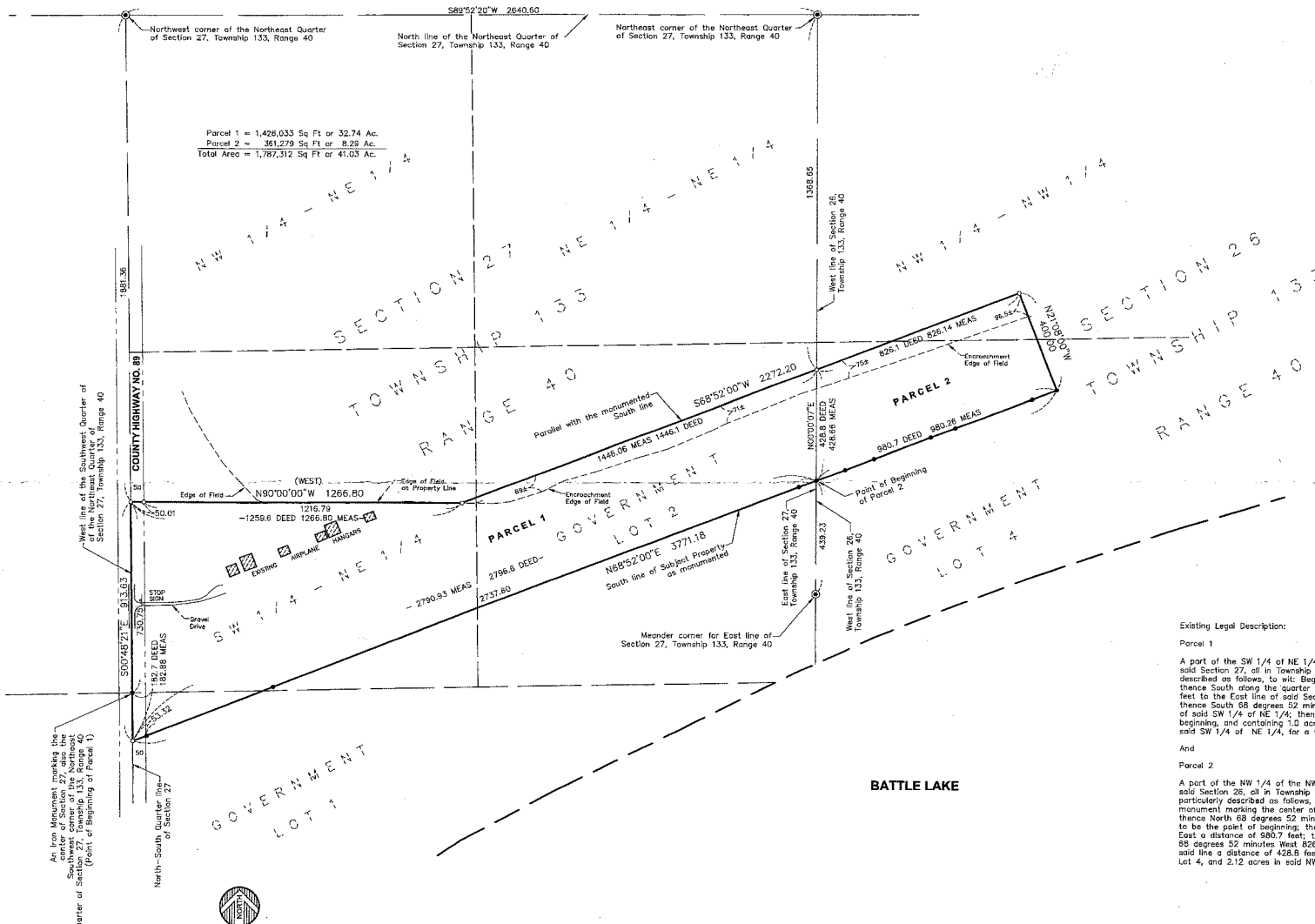


● Denotes Iron Monument Found
○ Denotes Non Monument Set
Orientation of This Bearing System is Assumed

State of Minnesota, County of Otter Tail
I am the duly qualified and authorized County Recorder of the County of Otter Tail, State of Minnesota, and do hereby certify that the within instrument was duly recorded in Book 8 of Plats on Page 576.

W. W. WOODRUFF
County Recorder

CERTIFICATE OF SURVEY



Parcel 1 = 1,426,033 Sq Ft or 32.74 Ac.
Parcel 2 = 361,279 Sq Ft or 8.28 Ac.
Total Area = 1,787,312 Sq Ft or 41.03 Ac.

Existing Legal Description:

Parcel 1

A part of the SW 1/4 of NE 1/4 of Section 27, and also a part of Government Lots 1 and 2 of said Section 27, all in Township 133 North, Range 40 West of the 5th P.M., and more particularly described as follows, to wit: Begin at the iron monument marking the center of said Section 27, thence South along the quarter line 182.7 feet; thence North 88 degrees 52 minutes East 2796.6 feet to the East line of said Section 27; thence North and along said East line 428.8 feet; thence South 68 degrees 52 minutes West 1446.1 feet; thence West 1259.8 feet to the West line of said SW 1/4 of NE 1/4; thence South along the quarter line 733.0 feet to the point of beginning, and containing 1.0 acre in said Lot 2, 14.19 acres in said Lot 1, and 19.38 acres in said SW 1/4 of NE 1/4, for a total of 34.57 acres more or less.

And

Parcel 2

A part of the NW 1/4 of the NW 1/4 of Section 26, and also a part of Government Lot 4 of said Section 26, all in Township 133 North, Range 40, Otter Tail County, Minnesota, and more particularly described as follows, to wit: To find the point of beginning commence at the iron monument marking the center of Section 27, said Township and Range, thence South 182.7 feet; thence North 68 degrees 52 minutes East 2796.6 feet to the west line of said Section 26, this thence North 68 degrees 52 minutes East 2796.6 feet to the west line of said Section 26, this thence North 21 degrees 08 minutes West 400 feet; thence South 98 degrees 52 minutes West 826.1 feet to the said West line of Section 26; thence South along said line a distance of 428.8 feet to the point of beginning, and containing 6.18 acres in said Lot 4, and 2.12 acres in said NW 1/4 of NW 1/4 for a total of 8.30 acres more or less.

LEGEND

- DENOTES EXISTING BUILDINGS
- DENOTES EXISTING BOUNDARY SURFACE
- DENOTES EXISTING TRAFFIC SIGN
- DENOTES FOUND IRON MONUMENT
- DENOTES 1/2 INCH DIAMETER BY 18 INCH LONG IRON PIPE MONUMENT SET AND MARKED P.L.S. # 45352
- DENOTES A FOUND SECTION CORNER MONUMENT

SCALE (IN FEET)
0 200 400

DEFINITION OF THE BEARING SYSTEM IS BASED ON AN ASSUMED DATUM

DATE:	5/28/12	DATE:		AMENDMENTS:		BY:	
SCALE:	AS SHOWN						
DRAWN BY:	S.M.K.						
CHECKED BY:	J.D.S.						
FILE NUMBER:	4804584						

PREPARED FOR: BATTLE LAKE AIRPORT
I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

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ENGINEERS ALEXANDER
ARCHITECTS WENDEL
LAND SURVEYORS PROCTOR
ENVIRONMENTAL SERVICES BRUNNEN
www.wsn.com

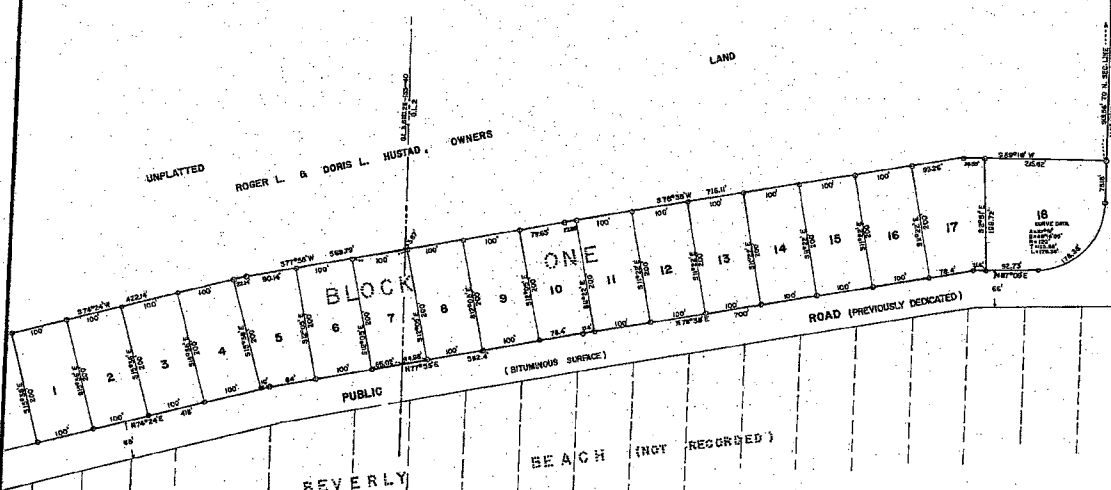
HUSTAD'S ADDITION TO BEVERLY BEACH

A PART OF GOVERNMENT LOTS 2 AND 3, SECTION 26, TOWNSHIP 133 NORTH, RANGE 40 WEST, OTTER TAIL COUNTY, MINNESOTA

GOVERNMENT LOT 2 = 46.33 TOTAL ACRES
THIS PLAT = 5.64 ACRES

GOVERNMENT LOT 3 = 56.60 TOTAL ACRES
THIS PLAT = 3.15 ACRES

SCALE: FEET
INDICATES IRON MONUMENT
NUMBERS ARE ARABIC
SOME MARK CLASS. 10448-SPIN W/SPHERE/PEE
A EDGE OF ROAD W/ OF SW COR. OF LOT IS
WITH SLAY WATTLE LINE 100' WIDE
ALL LOTS ARE 20,000 SQUARE FEET OR MORE



UNPLATTED
ROGER L. & DORIS L. HUSTAD OWNERS

BEVERLY BEACH (NOT RECORDED)

OWNERS CERTIFICATE
KNOW ALL PERSONS BY THESE PRESENTS: That we, ROGER L. HUSTAD and DORIS L. HUSTAD, do hereby certify that we are the owners in fee and proprietors of the real property described herein, and being a part of GOVERNMENT LOTS 2 AND 3 OF SECTION 26, TOWNSHIP 133 NORTH, RANGE 40 WEST of Otter Tail County, Minnesota; and do hereby certify that in order to correctly represent the same and for the best utilization of the property involved we have caused the following described parcel to be surveyed, recorded and subdivided into lots and roadways, and that we do hereby designate as shown on the plat herein and that we do hereby designate said plat for future reference and identification as: HUSTAD'S ADDITION TO BEVERLY BEACH, with its boundary lines described as follows:
BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 26 A DISTANCE OF 2165.51 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 26; THENCE NORTH 89°57'18\"/>

IN TESTIMONY WHEREOF we have hereunto set our hand this 21st day of February, 1978
In presence of
[Signatures]
State of Minnesota
County of Otter Tail

On this 21st day of February, 1978, before me personally appeared Roger L. Hustad and Doris L. Hustad, known to me to be the persons described in and who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.
[Signature]
Notary Public
My Commission Expires 12/31/78

SURVEYORS CERTIFICATE
I, FRANK S. BISHOP, a duly Registered Land Surveyor under the laws of the State of Minnesota do hereby certify that this plat is a correct representation of the survey of BEVERLY BEACH located in Otter Tail County, Minnesota as surveyed and platted by me in the month of October, 1975; and that all distances are correctly shown on the plat and that monuments for guidance of future surveys have been correctly placed in the ground as shown and that there are no wet lands or public lands except as shown on the plat; and that the utility boundary lines are correctly designated.
Dated at Fargo, Minn. this 21st day of February, 1978.
In presence of:
[Signatures]
Registered Land Surveyor NO. 6178

State of Minnesota }
County of Otter Tail }
On this 21st day of February, 1978, A. D. before me a Notary Public in and for said county personally appeared FRANK S. BISHOP, to me well known to be the person who executed the foregoing certificate and that he acknowledged that he executed the same as his free act and deed.
Subscribed and sworn before me:
[Signature]
Notary Public
MY COMMISSION EXPIRES AUGUST 27, 1978

CHECKED AND APPROVED THIS 21st DAY OF FEB 1978
[Signature]
SHERMAN MANAGER

CHECKED AND APPROVED THIS 22nd DAY OF February 1978 AD.
[Signature]
COUNTY ATTORNEY

I HEREBY CERTIFY THAT THE MINN. INSTRUMENT WAS FILED IN THIS OFFICE FOR THE RECORD OF THE 5th DAY OF March 1978 A. D. AT 10:00 A. M. O'GROGAN, AND WAS DUPLICATED BY BOOK 86 PAGE 542 20-24.
ACCEPTED AT THE BOARD OF COUNTY COMMISSIONERS OF OTTER TAIL COUNTY MINNESOTA THIS 27th DAY OF Feb. 1978
[Signature]
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS
ATTN: *[Signature]*
COUNTY AUDITOR OTTER TAIL COUNTY MINNESOTA

ACCEPTED BY THE COUNTY RECORDS OFFICE OF OTTER TAIL COUNTY MINNESOTA
ACCEPTED BY THE EVENTS TOWNSHIP BOARD THIS 21st DAY OF February 1978
[Signature]

I HEREBY CERTIFY THAT TAXES FOR THE YEAR 1978 ON THE LANDS DESCRIBED HEREIN ARE PAID.
OFFICE OF COUNTY COMMISSIONERS
County of Otter Tail, Minnesota
I hereby certify that I have compared this plat with the original instrument and find it correct in all respects and that it is a true and correct copy of the same and of the whole thereof.
Dated: March 9 1978
[Signature]
COUNTY TREASURER