

REC'D BY
MBA

MAY 21 2012

ORDINANCE NO. 177.20

**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 2(3), PERMITTING
ANNEXATION BY ORDINANCE**

WHEREAS, a petition signed by all the property owners, requesting that property legally described in **Exhibit A** (the "Property") be annexed to the City of Spicer, Minnesota, was duly presented to the Council of the City of Spicer on the 29th day of March, 2012; and

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

WHEREAS, the Property is not located within a flood plain or shoreland area; and

WHEREAS, the Property is currently vacant and annexation is requested to facilitate the extension of city services for the future development of the Property; and

WHEREAS, the City of Spicer held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on May 15, 2012, following thirty (30) days written notice by certified mail to the Town of Green Lake and to all landowners within and contiguous to the Property legally described in **Exhibit A**, 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 SPICER HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the Property abuts the city limits and is or is about to become urban or suburban in nature, which requires 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 Spicer, Minnesota, are hereby extended to include the Property, said land abutting the City of Spicer 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 Property.

The Property consists of a total of approximately 23.18 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 as **Exhibit B**.

4. The City of Spicer, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the Property, hereby annexed, shall make a cash payment to the Town of Green Lake equal to the property taxes collected by the Township in the last year it collected property taxes on the Property (2011) which total \$77.48. The payment will be made 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 \$38.74; and
 - b. In the second and final year, an amount equal to \$38.74.
5. There are no special assessments or debt incurred by the Township on the Property for which reimbursement is required pursuant to Minn. Stat. § 414.036.
6. 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.
7. 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 15th day of May, 2012.



Dennis Baker, Mayor

ATTEST:



Leslie M. Valiant, City Administrator

(City Seal)

This instrument Drafted by:
Rinke Noonan (AAR)
1015 W. St. Germain St., Suite 300
P.O. Box 1497
St. Cloud, MN 56302-1497
(320) 251-6700
File No. 19274.024

EXHIBIT A

Tract of land lying and being in the County of Kandiyohi, State of Minnesota, described as follows, to-wit:

That part of the NE 1/4 of Section 10, Township 120, Range 34, Kandiyohi County, Minnesota, described as follows: Commencing at the Northeast corner of said Section 10; thence on an assumed bearing of S 00°22'05" W, along the East line of said Section 10, a distance of 498.17 feet to the point of beginning of the tract herein described; thence on a bearing of N 00°22'05" E, 66.17 feet; thence on a bearing of N 85°31'36" W, 705.29 feet; thence on a bearing of N 07°57'39" E, 369.46 feet to the North line of said Section 10; thence on a bearing of S 89°01'48" W along last said line, 2008.53 feet to the Northwest corner of said NE 1/4; thence on a bearing of S 00°18'29" E along the West line of said NE 1/4, a distance of 600.94 feet; thence on a bearing of N 89°01'48" E, 1335.75 feet; thence on a bearing of N 27°56'43" E, 193.96 feet; thence on a bearing of N 89°01'48" E, 527.05 feet to a point on the West line of the East 703.48 feet of the NE 1/4 of said NE 1/4, said point being at the intersection of the last said line and a line bearing N 85°31'36" W from the point of beginning; thence on a bearing of S 85°31'36" E, 705.29 feet to the point of beginning.

Subject to easements of record.

ANNEXATION EXHIBIT

PART OF SECTION 10, TOWNSHIP 120, RANGE 34, KANDIYOHI COUNTY, MINNESOTA

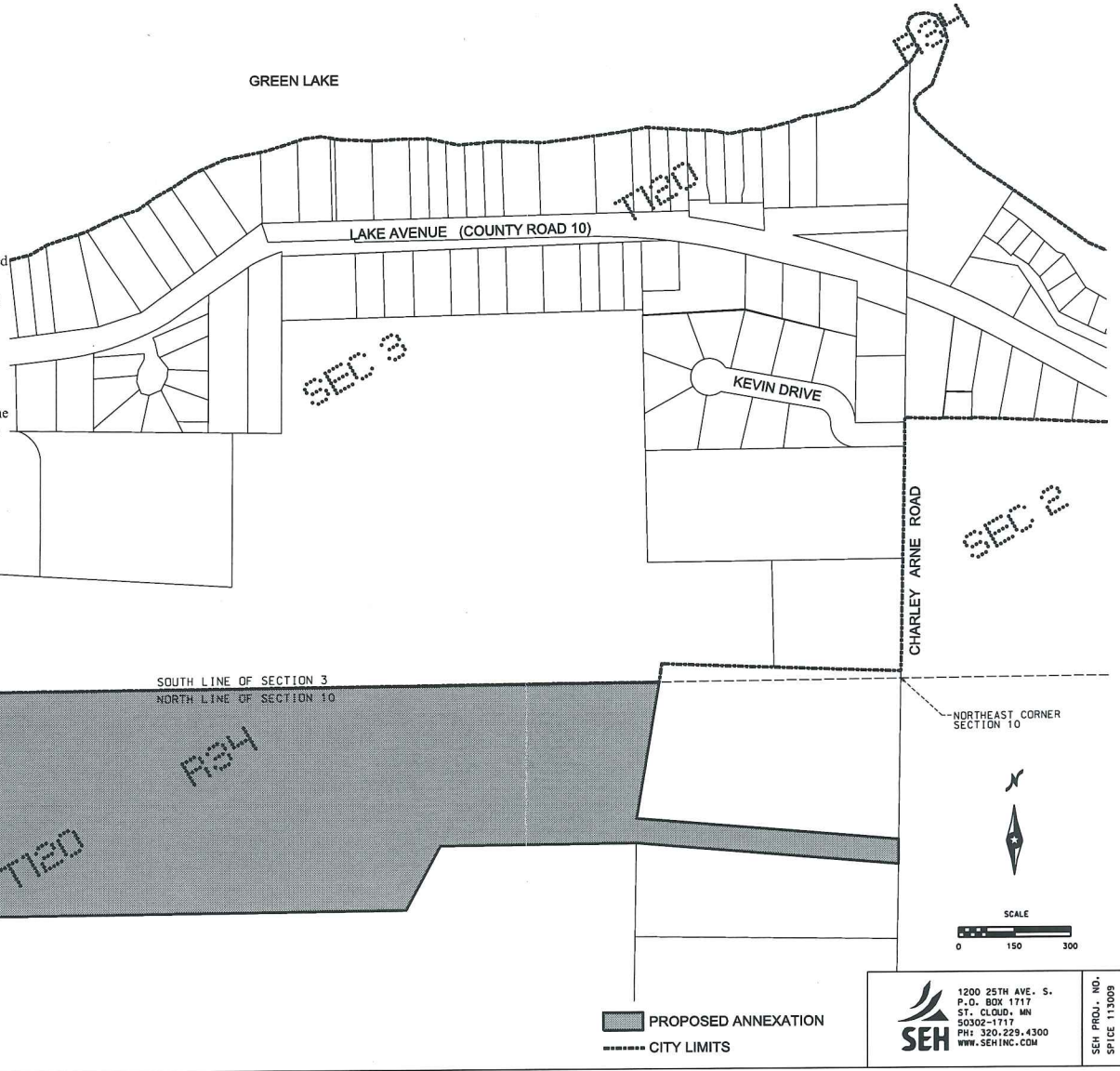
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Subject to easements of record.



NORTHEAST CORNER SECTION 10



■ PROPOSED ANNEXATION
- - - - - CITY LIMITS

SEH
1200 25TH AVE. S.
P.O. BOX 1717
ST. CLOUD, MN
56302-1717
PH: 320.229.4300
WWW.SEHINC.COM

SEH PROJ. NO.
SPICE 113009

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