



ORDINANCE NO. 166

AN ORDINANCE ANNEXING A 1.54 ACRE PARCEL
OF LAND IN BENTON TOWNSHIP, CARVER COUNTY, MINNESOTA,
PURSUANT TO MINNESOTA STATUTES SECTION 414.033, SUBDIVISION 2 (3)
PERMITTING ANNEXATION BY ORDINANCE

COMES NOW THE CITY COUNCIL OF THE CITY OF COLOGNE, MINNESOTA:

FINDINGS OF FACT

A. Al Boehning, the sole owner of the property as described below (the "Property Owner") did execute on May 8, 2012, a Property Owner petition to the City of Cologne requesting annexation by ordinance of a 1.54 acre parcel of land adjacent and contiguous to the easterly border of the City of Cologne as further described on **Exhibit "A"** attached hereto (the "Property").

B. The Property is subject to a Joint Resolution of the City and Benton Township for the Orderly Annexation of Property (the "Orderly Annexation Resolution") adopted by the City on August 20, 1999, and by Benton Township on March 9, 2000.

C. Pursuant to applicable statute, the City of Cologne did conduct a public hearing on June 25, 2012, on the subject matter of the annexation of the Property with certified mail notice being given to the Property Owner and the surrounding property owners.

D. The Property is not in a shoreland or a flood plain.

E. Benton Township has been given notice of the proposed annexation and the public hearing, and Benton Township has indicated that it does not object to the annexation of the Property.

F. The Property is contiguous to the easterly boundary of the city limits of the City of Cologne as depicted on the Certificate of Survey attached hereto as **Exhibit "A."** The gross size of the Property is 1.54 acres, and no other property has been annexed by ordinance into the City of Cologne within the last twelve months.

G. The Property is not presently served by public sewer facilities or public sewer facilities are not otherwise available.

H. The Property is currently in agricultural use and annexation is requested to facilitate extension of City of Cologne services for the commercial development of the Property.

I. The provisions of Minn. Stat. § 414.033, Subd. 13, are not applicable and there will be no change in the electric utility service provided or resulting from the annexation of the Property to the City of Cologne.

J. The City Council of the City of Cologne determines that the Property as described hereto on **Exhibit "A"** abuts the City of Cologne limits and is, or is about to become, urban or suburban in nature in that commercial uses are being proposed for said Property, the construction of which requires or will need City services including public sewer facilities.

K. The population of the area described on **Exhibit "A"** hereby annexed is zero.

L. None of the Property is now included within the limits of any city.

NOW, THEREFORE, the City Council of the City of Cologne, Minnesota, hereby ordains as follows:

1. The corporate limits of the City of Cologne are hereby extended to include the Property described on **Exhibit "A,"** said Property being 120 acres or less in area.
2. The City of Cologne, pursuant to Minn. Stat. § 414.036, shall reimburse Benton Township property taxes based on the property taxes collected by Benton Township in the last year it collected taxes on the Property in the total amount equivalent to that payable under the former law, but adjusted to be paid in substantially equal installments over two to eight years in accordance with the current version of Minn. Stat. § 414.036.
3. This Ordinance shall be submitted by the City Clerk to the Municipal Boundary Adjustment Office of the State of Minnesota for processing and approval. A copy of this Ordinance and the transmittal letter to the State of Minnesota shall be provided to the Clerk of Benton Township.
4. Following approval of the State of Minnesota, this Ordinance shall be effective upon publication.

REC'D BY
MBA

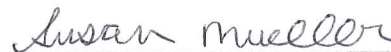
OCT 17 2012

Adopted by the City Council of the City of Cologne, this 1ST day of OCT, 2012.



Bernie Shambour, Mayor

Attest:



Susan Mueller, Deputy Clerk

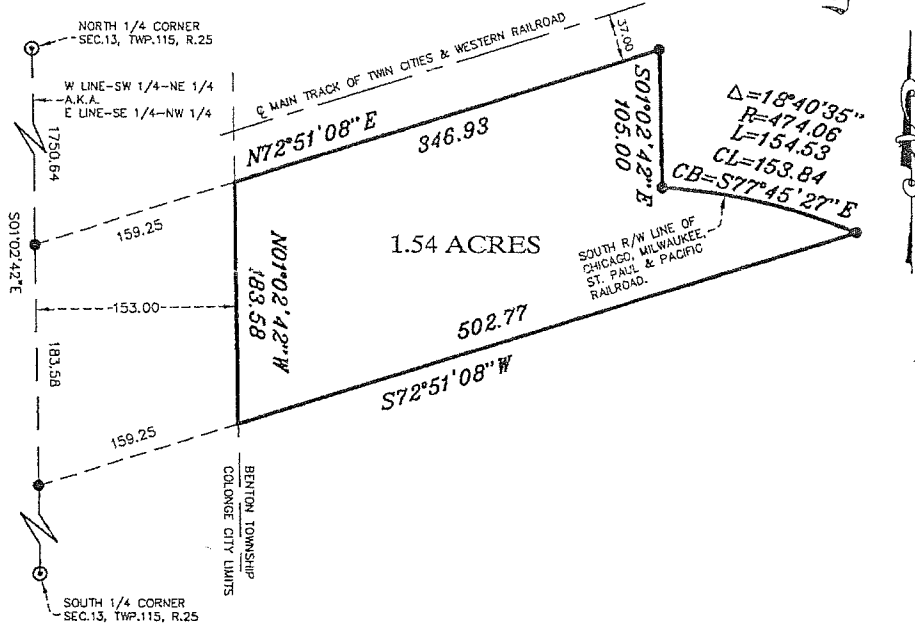
<http://clients.intranet.mhslaw.com/6/32537/draft documents/ordinance annexation.doc>

REC'D BY
MBA

OCT 17 2012

EXHIBIT "A"

CERTIFICATE OF SURVEY



PROPOSED ANNEXATION DESCRIPTION

Part of the Southwest Quarter of the Northeast Quarter of Section 13, Township 115, Range 25, Carver County, Minnesota, described as follows: Commencing at the northwest corner of said Northeast Quarter of Section 13; thence on an assumed bearing of South 01 degrees 02 minutes 42 seconds East along the West line of said Northeast Quarter 1750.64 feet; thence North 72 degrees 51 minutes 08 seconds East 159.25 feet to a point on the East line of the West 153.00 feet of said Northeast Quarter, said point being the point of beginning of the tract to be described; thence continuing North 72 degrees 51 minutes 08 seconds East 346.93 feet; thence South 01 degrees 02 minutes 42 minutes East 105.00 feet; thence southeasterly along a nontangential curve that is concave to the southwest, said curve having a central angle of 18 degrees 40 minutes 36 seconds, a radius length of 474.06 feet, and arc length of 154.53 feet, said curve having a chord bearing of South 77 degrees 45 minutes 27 seconds East and a chord length of 153.84 feet; thence South 72 degrees 51 minutes 08 seconds West, not tangent to last described curve, 502.77 feet to said East line of the West 153.00 feet of the Northeast Quarter; thence North 01 degrees 02 minutes 42 seconds West along said East line 183.58 feet to the point of beginning. This tract contains 1.54 acres of land and is subject to any and all easements of record.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the state of Minnesota.

AVERY GROCHOW, LS

DATE 9/17/12 REGISTRATION NO. 15475

LAND SURVEY FOR
FREEDOM STORAGE
PART OF SW1/4 OF THE NE1/4
SEC. 13, T115, R25 BENTON TOWNSHIP
CARVER COUNTY, MINNESOTA

- ⊙ DENOTES CARVER CO. MONUMENT
- DENOTES IRON PIPE FOUND

SCALE: 1 INCH = 100 FEET

SEP12

FILE NO. 3289

