

**AN ORDINANCE OF THE CITY OF ORTONVILLE, MINNESOTA ANNEXING
LAND OWNED BY GAYLE AND COLLEEN HEDGE LOCATED IN ORTONVILLE
TOWNSHIP, BIG STONE 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 on attached **Exhibit 1** be annexed to the City of Ortonville, Minnesota, was duly presented to the Council of the City of Ortonville, Minnesota on the 3rd day of October, 2012; and

WHEREAS, said property is unincorporated and abuts the City of Ortonville, Minnesota on its southern boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

WHEREAS, said property is not located within a flood plain or shoreland area; and

WHEREAS, said property is currently agricultural and annexation is requested to facilitate the extension of city services for the urban and industrial development of the property; and

WHEREAS, the City of Ortonville held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on November 5th, 2012, following thirty (30) days written notice by certified mail to the Town of Ortonville and to all landowners within and contiguous to the area legally described on attached **Exhibit 1**, to be annexed; and

WHEREAS, provisions of Minnesota Statutes § 414.033 Subd. 13 are applicable in that there will be a change in the electric utility service provider resulting from the annexation of the territory to the municipality, and proper notice was provided by the City of Ortonville to the petitioner as required by this statute.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTONVILLE, MINNESOTA 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 urban use is being proposed for said property the construction of which requires or will need city services, including, but not limited to, administrative, planning, environmental controls, water, sewer and electrical utility services, better fire rating and protection, police protection, and recreational facilities. These services are not currently available or offered to a sufficient degree by Ortonville Township.
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 area proposed for annexation is contiguous to City along its northern boundary and can only be accessed from the City. Without such access to the City, the area proposed for annexation is severed from access to nearby highways or county roads. Inherent obstacles

restricting other access include private property owned by others, the BNSF Railway to the northeast, the Big Stone National Wildlife Refuge to the south, and the Whetstone Diversion Channel (Minnesota River) to the west.

4. The area proposed for annexation is a natural and logical extension to those adjoining properties already within the City.

5. The corporate limits of the City of Ortonville, Minnesota, are hereby extended to include the following described property, said land abutting the City of Ortonville, Minnesota 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 land legally described on the attached **Exhibit 1** as:

Lot H of the South Half of the Southwest Quarter (S1/2 SW1/4) of Section Fifteen (15) and of the West Half (W1/2) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424, consisting of approximately 118.26 acres.

The above described property consists of a total of 118.26 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.

6. That the population of the area legally described on attached **Exhibit 1** and hereby annexed is 0.

7. The City of Ortonville, Minnesota, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described in attached **Exhibit 1**, hereby annexed, shall make a cash payment to the Town of Ortonville, Minnesota in accordance with the following schedule:

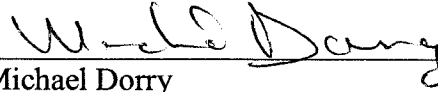
Reimbursement of the property taxes to the Town shall be based on the property taxes collected by the Town in the last year it collected taxes on the annexed area, in a total amount equivalent to that payable under the former law, but adjusted to be paid in substantially equal payments over eight years in accordance with the 2006 amendments to Minn. Stat. §414.036. Annual payments will start in 2013 and end in 2020.

8. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town of Ortonville to the annexed property and any portion of debt incurred by the Town of Ortonville 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 on attached **Exhibit 1**, there are no special assessments or debt incurred by the Town of Ortonville on the subject are for which reimbursement is required.

9. That the City Clerk of the City of Ortonville, Minnesota 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 Big Stone County Auditor, and the Ortonville Township Clerk.

10. 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 Ortonville, Minnesota, this 19th day of November, 2012.



Michael Dorry
Mayor Pro Tem

ATTEST:



Charleen Grossman
City Clerk-Administrator

(City Seal)

First Reading: November 5, 2012
Second Reading: November 19, 2012
Adoption: November 19, 2012
Publication: November 27, 2012

EXHIBIT 1 – HEDGE

REC'D BY
MBA

DEC 14 2012

Lot H of the South Half of the Southwest Quarter (S1/2 SW1/4) of Section Fifteen (15) and of the West Half (W1/2) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424, consisting of approximately 118.26 acres.

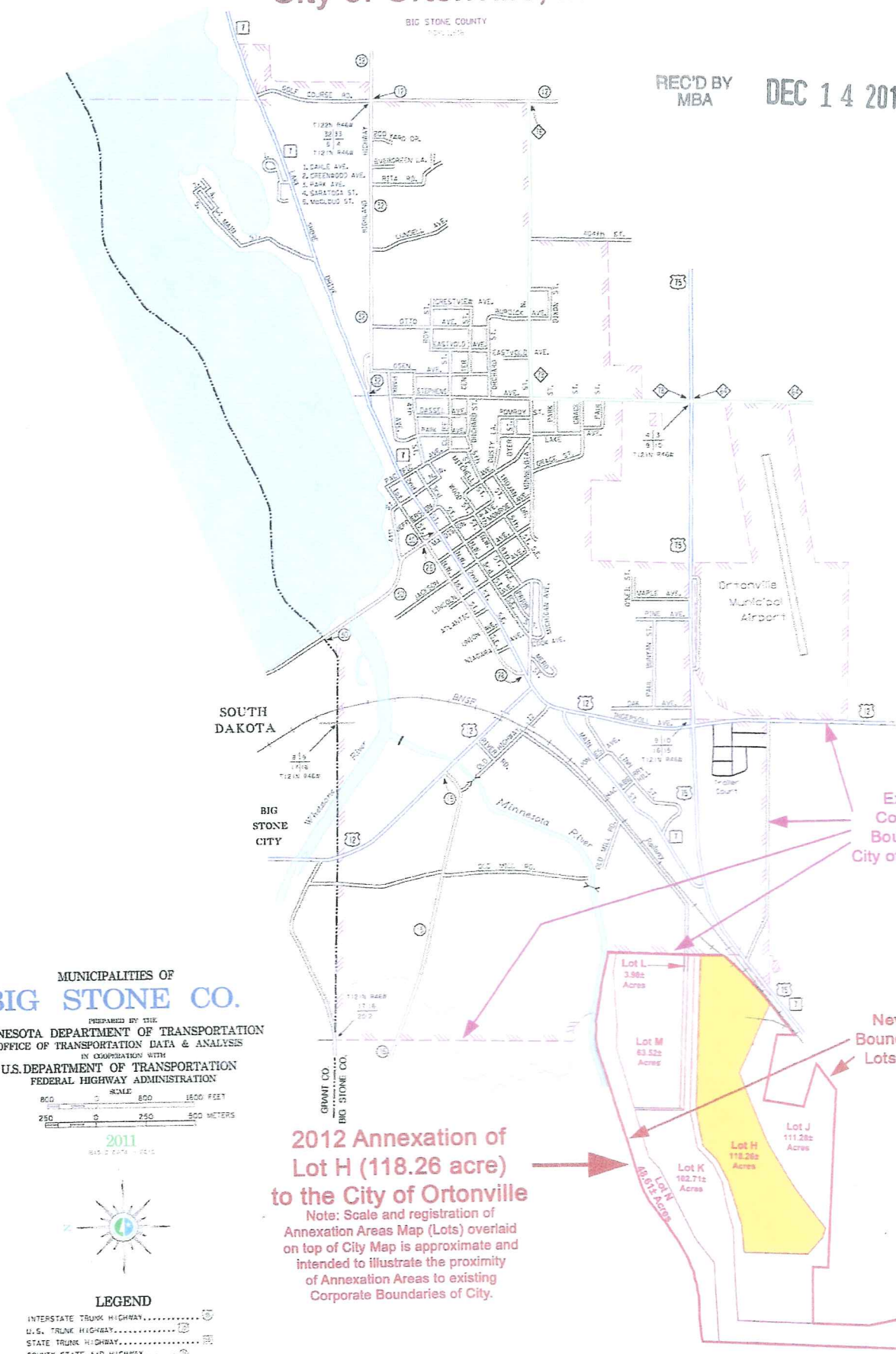
Corporate Boundary Map

City of Ortonville, MN.

BIG STONE COUNTY
190,000

REC'D BY
MBA

DEC 14 2012



Existing Corporate Boundaries
City of Ortonville

New Corporate Boundaries once all Lots are Annexed

2012 Annexation of Lot H (118.26 acre) to the City of Ortonville

Note: Scale and registration of Annexation Areas Map (Lots) overlaid on top of City Map is approximate and intended to illustrate the proximity of Annexation Areas to existing Corporate Boundaries of City.

MUNICIPALITIES OF
BIG STONE CO.
PREPARED BY THE
MINNESOTA DEPARTMENT OF TRANSPORTATION
OFFICE OF TRANSPORTATION DATA & ANALYSIS
IN COOPERATION WITH
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

SCALE
800 0 800 1600 FEET
250 0 250 500 METERS

2011
815 2 676 1 015



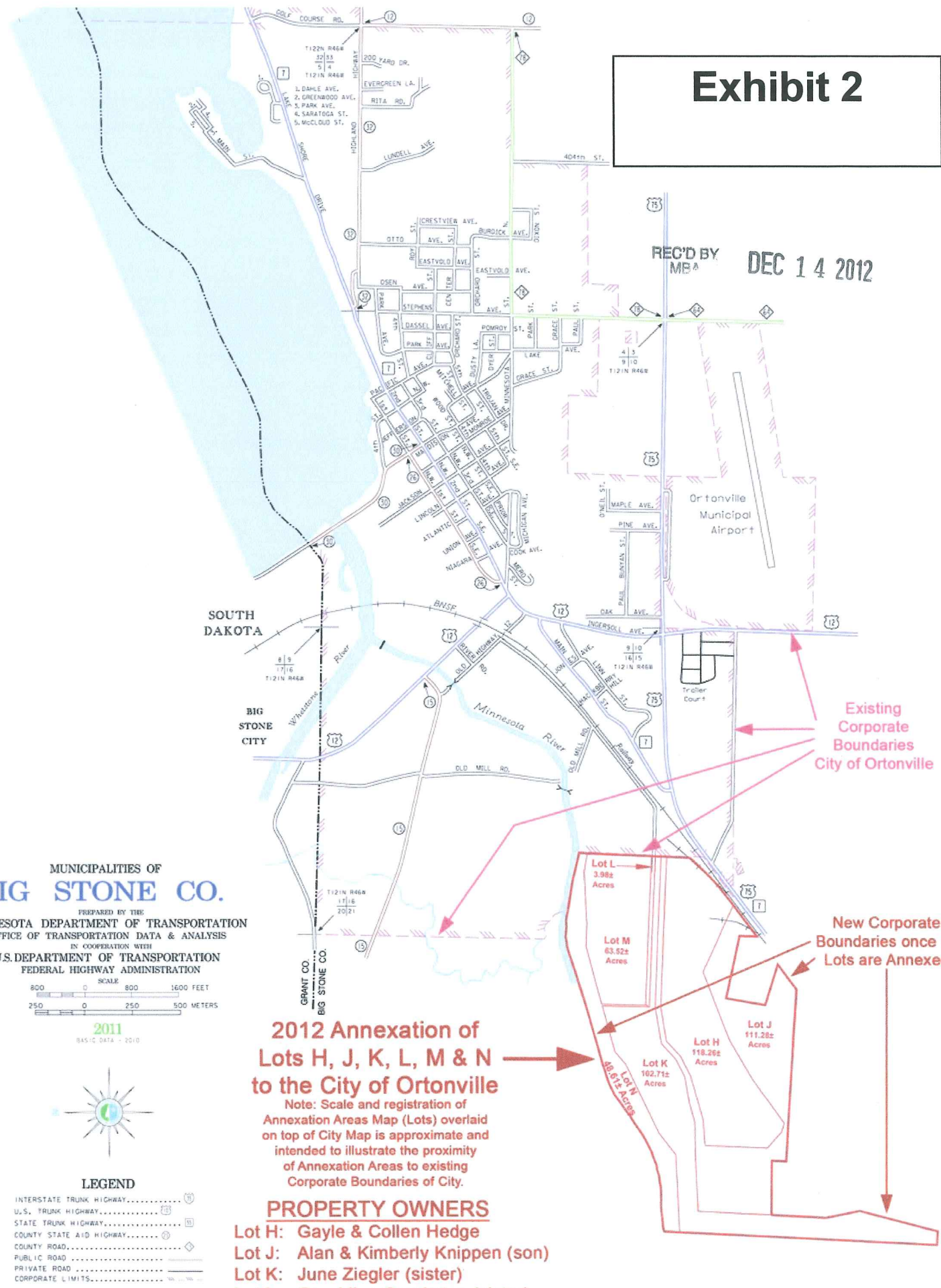
LEGEND

- INTERSTATE TRUNK HIGHWAY.....
- U.S. TRUNK HIGHWAY.....
- STATE TRUNK HIGHWAY.....
- COUNTY STATE AID HIGHWAY.....
- COUNTY ROAD.....
- PUBLIC ROAD.....
- PRIVATE ROAD.....
- CORPORATE LIMITS.....

DATE: 2010 U.S. CROSS FIGURES SHOWN FOR ALL MUNICIPALITIES UNLESS OTHERWISE STATED.

Exhibit 2

REC'D BY
MBA
DEC 14 2012

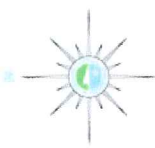


**MUNICIPALITIES OF
BIG STONE CO.**

PREPARED BY THE
MINNESOTA DEPARTMENT OF TRANSPORTATION
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IN COOPERATION WITH
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

SCALE
800 0 800 1600 FEET
250 0 250 500 METERS

2011
BASIC DATA - 2010



- LEGEND**
- INTERSTATE TRUNK HIGHWAY.....(I)
 - U.S. TRUNK HIGHWAY.....(U)
 - STATE TRUNK HIGHWAY.....(S)
 - COUNTY STATE AID HIGHWAY.....(CS)
 - COUNTY ROAD.....(C)
 - PUBLIC ROAD.....(P)
 - PRIVATE ROAD.....(PR)
 - CORPORATE LIMITS.....(Dashed line)

2012 Annexation of Lots H, J, K, L, M & N to the City of Ortonville

Note: Scale and registration of
Annexation Areas Map (Lots) overlaid
on top of City Map is approximate and
intended to illustrate the proximity
of Annexation Areas to existing
Corporate Boundaries of City.

PROPERTY OWNERS

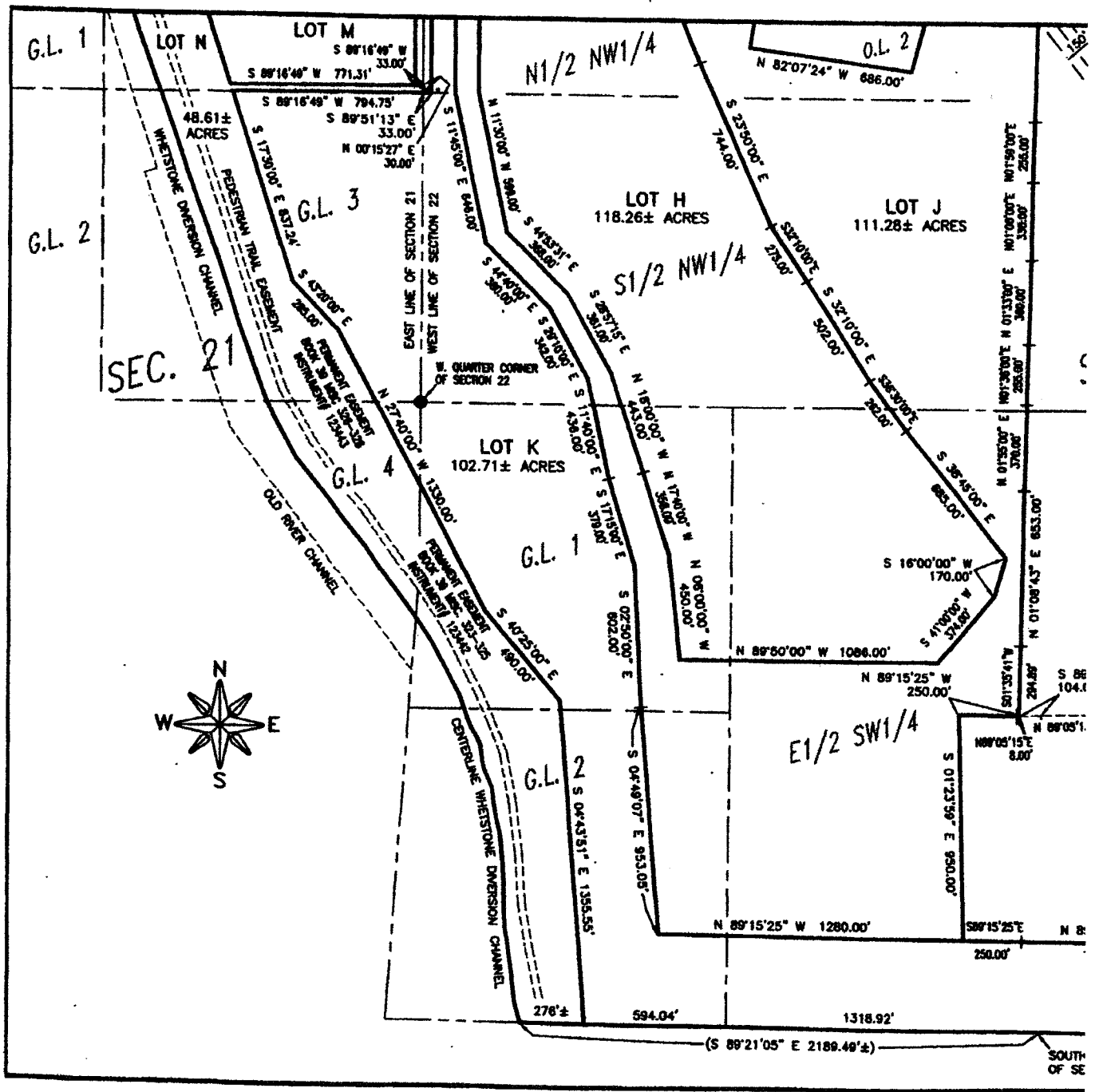
- Lot H: Gayle & Collen Hedge
- Lot J: Alan & Kimberly Knippen (son)
- Lot K: June Ziegler (sister)
- Lot L: Geraldine Crookston (sister)
- Lot M: Geraldine Crookston (sister)
- Lot N: Geraldine Crookston (sister)

Existing
Corporate
Boundaries
City of Ortonville

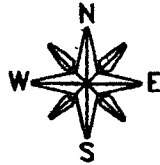
New Corporate
Boundaries once all
Lots are Annexed

This map was prepared using geographic information system (GIS) data provided by the Minnesota Department of Transportation, Office of Transportation Data & Analysis. The data was last updated in 2011. The map is for informational purposes only and does not constitute a warranty.

5-424



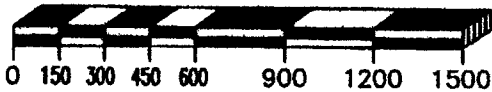
REC'D BY
MBA
DEC 14 2012



LEGEND

- = FOUND CORNER MONUMENT
- = SET 5/8" REBAR WITH CAP STAMPED "RLS 19092"
- () = RECORD DATA

SCALE: 1" = 600'



DOC. NO. 170714
FILED September 26, 2012
AT 4:25 P.M. AND RECORDED
IN BOOK 5 OF Plats
ON PAGE 424

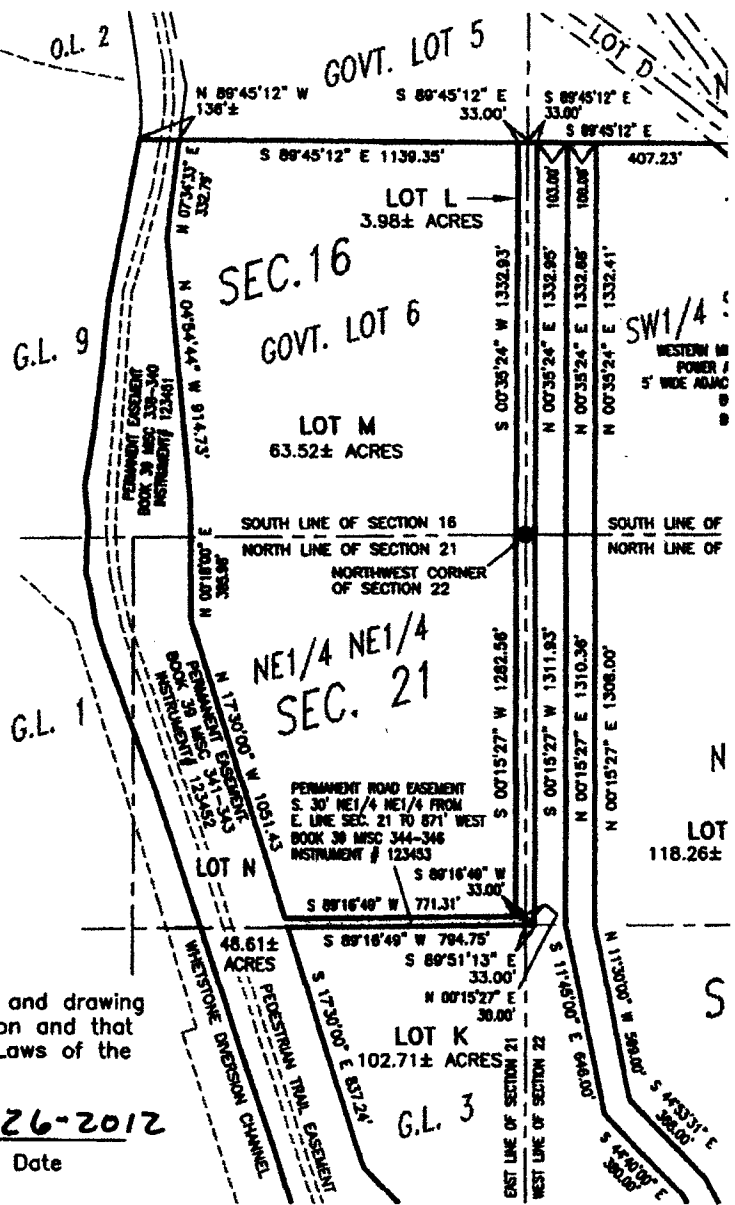
ELAINE MARTIG
COUNTY RECORDER
BIG STONE COUNTY, MINNESOTA
BY Laura Berger DEPUTY

Surveyors Certificate

I, Roy Marihart, do hereby certify that this survey and drawing 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.

Roy Marihart
Roy Marihart - MN Reg. No. 19092
Marihart Surveying, P.A.

9-26-2012
Date



5-424

REC'D BY
MBA
DEC 14 2012