

**AN ORDINANCE OF THE CITY OF ORTONVILLE, MINNESOTA ANNEXING  
LAND OWNED BY JUNE JOANNE ZIEGLER 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 3<sup>rd</sup> 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 located within a shoreland area as defined under Minnesota Statutes § 103F.205, Subd. 4; 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 5<sup>th</sup>, 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

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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 K of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Fifteen (15), of Government Lots Three (3) and Four (4) of Section Twenty-one (21), of the West Half (W1/2) of Section Twenty-two (22), and of the South Half of the Southeast Quarter (S1/2 SE1/4) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5<sup>th</sup> 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 102.71 acres.

The above described property consists of a total of 102.71 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.

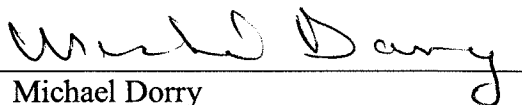
8. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town of Ortonville to the annexed property and any portion of debt incurred by the Town of Ortonville prior to the annexation and attributable to the property to be annexed, but for which no special 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 pursuant to Minnesota Statutes § 414.033, Subd. 11, the property legally described in **Exhibit 1** shall be subject to the City of Ortonville's Shoreland Management Ordinance (Chapter 152, et seq.) adopted under Chapter 103F, et seq. of the Minnesota Statutes.

10. 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.

11. 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 19<sup>th</sup> 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 – ZIEGLER**

REC'D BY  
TABA

DEC 14 2012

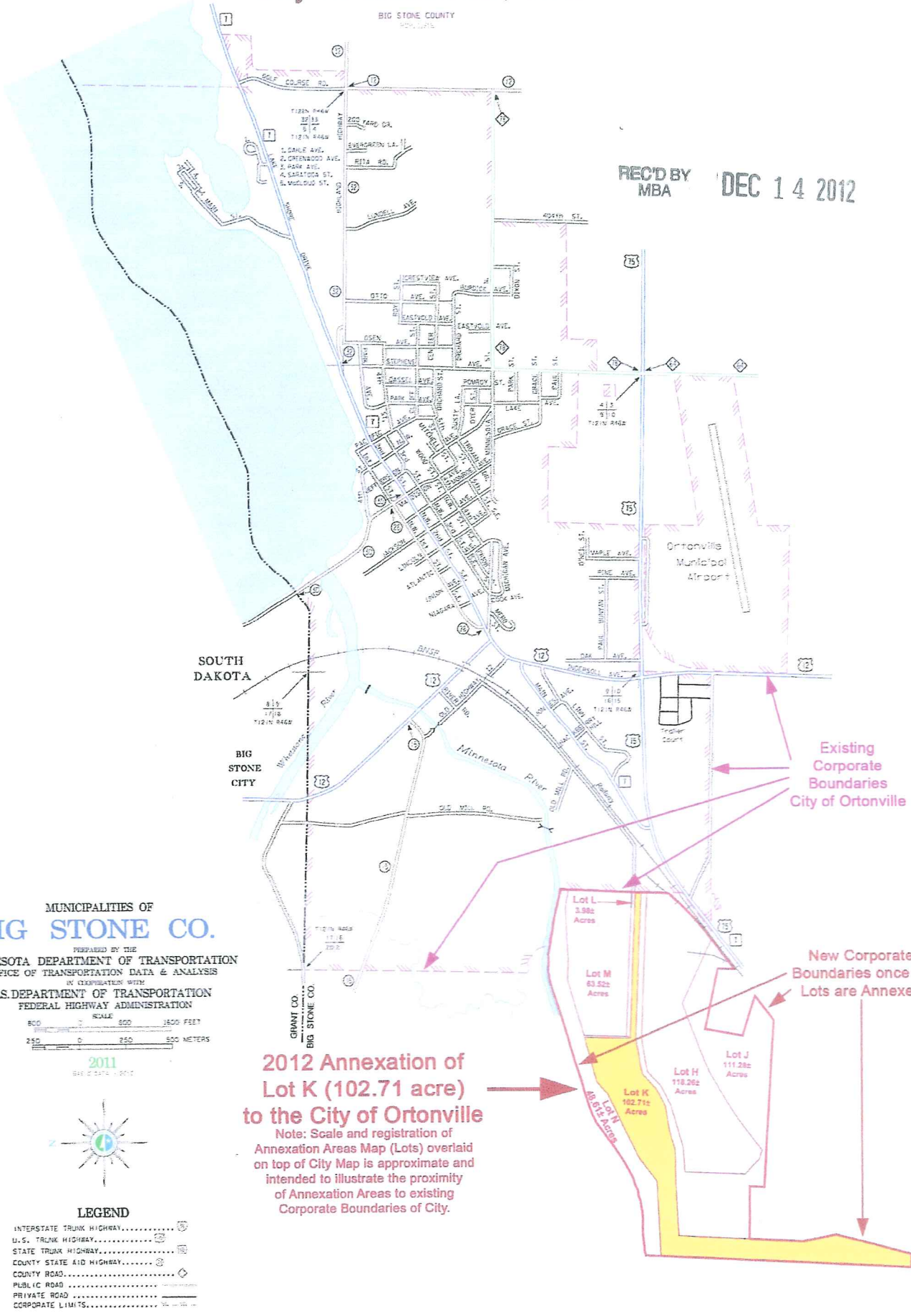
Lot K of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Fifteen (15), of Government Lots Three (3) and Four (4) of Section Twenty-one (21), of the West Half (W1/2) of Section Twenty-two (22), and of the South Half of the Southeast Quarter (S1/2 SE1/4) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5<sup>th</sup> 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 102.71 acres.

# Corporate Boundary Map

## City of Ortonville, MN.

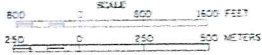
BIG STONE COUNTY  
2012.01.16

REC'D BY  
MBA  
DEC 14 2012



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



2011  
DATE OF DATA - 2010



**LEGEND**

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

**2012 Annexation of Lot K (102.71 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.

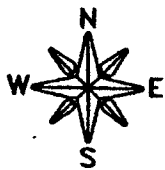
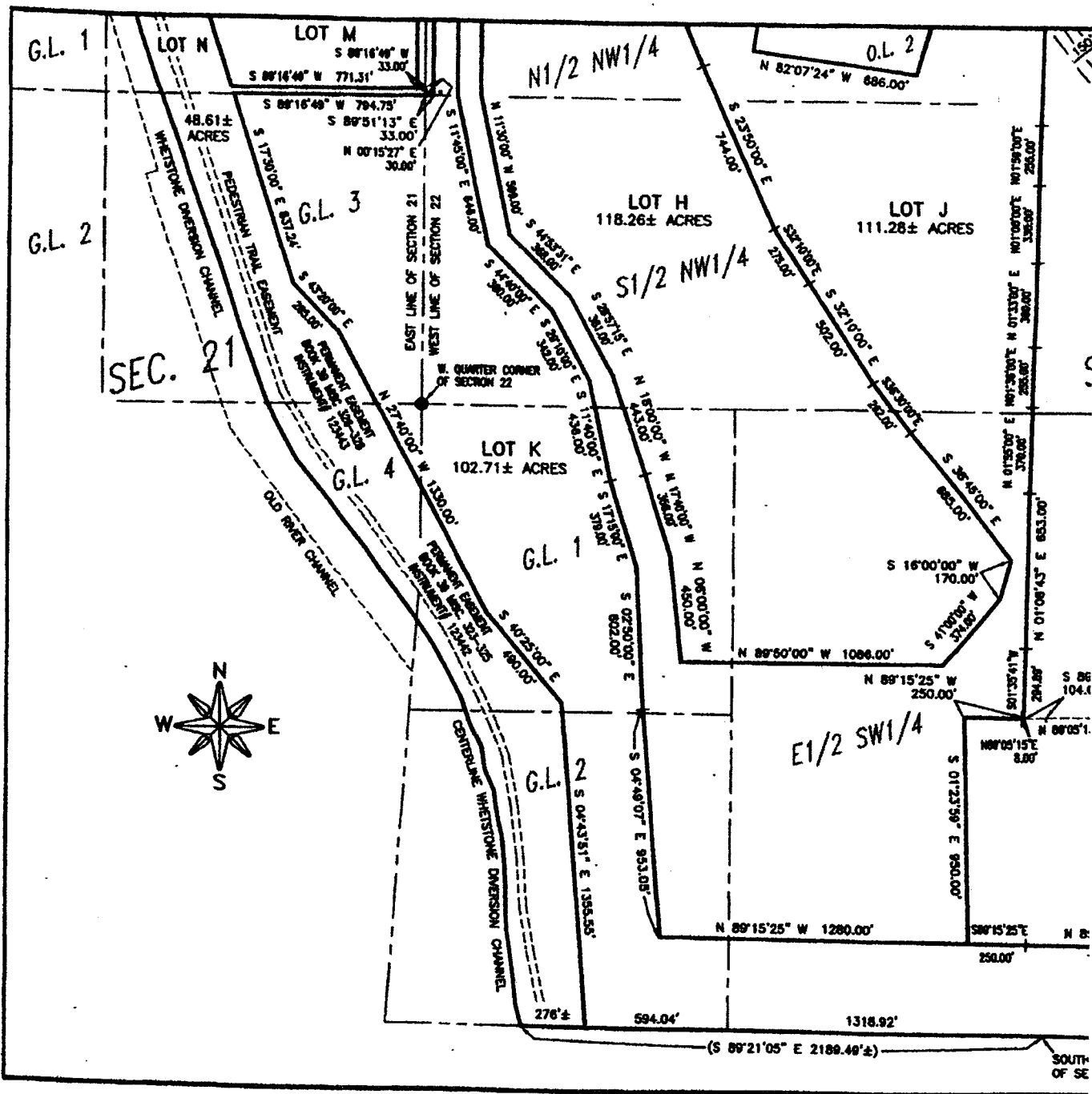
Existing Corporate Boundaries City of Ortonville

New Corporate Boundaries once all Lots are Annexed

2011, 2010 U.S. Census Tracts shown for all municipalities unless otherwise stated.  
 Prepared by the Minnesota Department of Transportation, Office of Transportation Data & Analysis, in cooperation with the U.S. Department of Transportation, Federal Highway Administration.  
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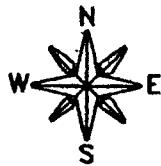


5-424



REC'D BY: MBA DEC 14 2012

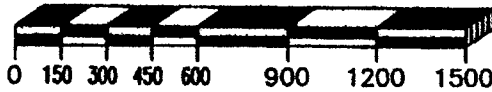




**LEGEND**

- = 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

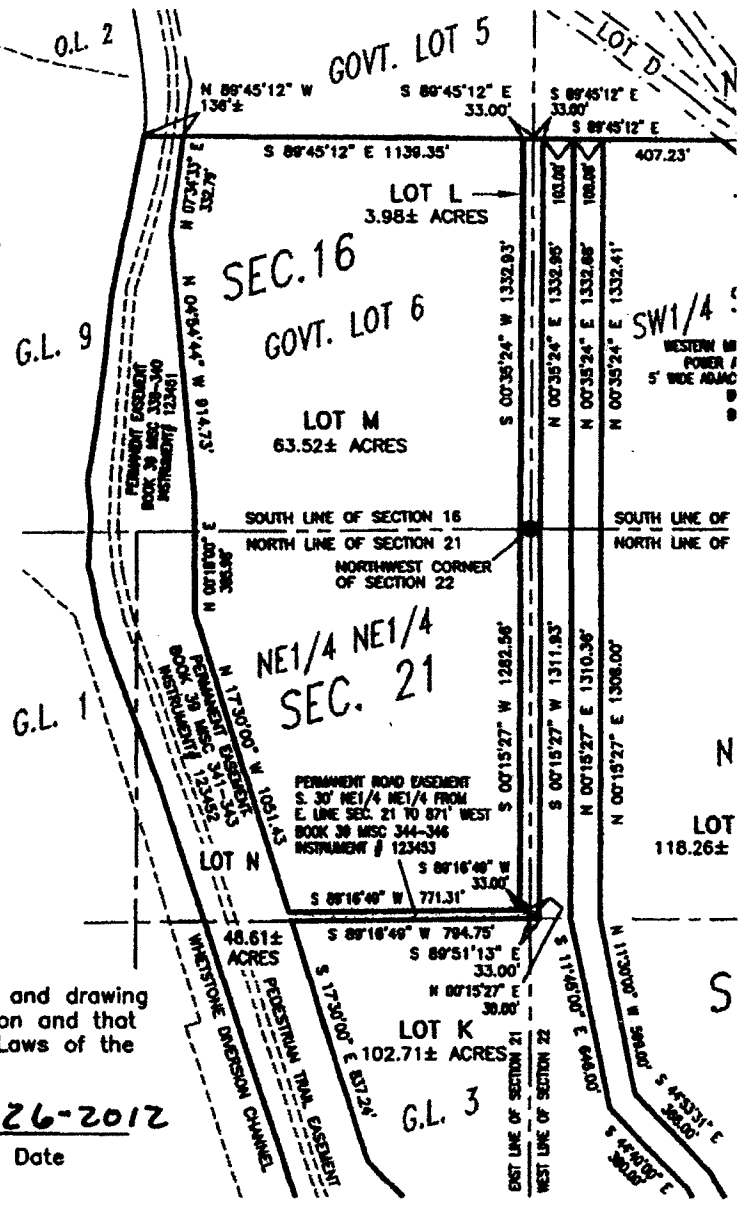
ELAINE MARTIG  
COUNTY RECORDER  
BIG STONE COUNTY, MINNESOTA  
BY Laura Berger DEPUTY

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