

ORDINANCE # 2012

AN ORDINANCE OF THE CITY OF SWANVILLE ANNEXING LAND LOCATED IN THE
TOWN OF BURNHAMVILLE, TODD COUNTY, MINNESOTA.
ANNEXATION BY ORDINANCE - MINN. STAT. §414.033 SUBD. 2(3)

WHEREAS, a Petition signed by all property owners, requesting the Property legally described in paragraph 3 of this Ordinance be annexed into the City was presented to the Swanville City Council on October 2, 2012; and

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

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

WHEREAS, the Property is currently land use only and annexation is requested to facilitate the extension of City services for the development of the Property; and

WHEREAS, the City of Swanville held a public hearing pursuant to Minn. Stat. §414.033 Subd. 2b, on December 4, 2012, following 30 days written notice by certified mail to the Town of Burnhamville and to all contiguous landowners; and

WHEREAS, the provisions of Minn. Stat. §414.033 Subd. 13 are not applicable, in that, there is no change in the electric utility service provider resulting from the annexation of the Property into the City.

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

1. The City Council determines that the Property abuts the City limits and is or is about to become urban or suburban in nature in that school use is being proposed for the Property, the construction of which requires or will need City services, including public sewer facilities.
2. None of the Property is now included within the limits of any City, nor in any area that has already been designated for orderly annexation.
3. The corporate limits of the City of Swanville, Minnesota, are hereby extended to include the following described property, to-wit:

Parcel 1

That part of the SE $\frac{1}{4}$ of Section 12, Township 128 North, Range 32 West, Todd County, Minnesota, and that part of the discontinued Burlington Northern Railroad Main Line Right of Way lying in said SE $\frac{1}{4}$, described as follows: Commencing at the southeast corner of said SE $\frac{1}{4}$; thence North 00°27'46" West (assumed bearing) along the east line of said SE $\frac{1}{4}$ a distance of 713.97 feet to the north line of the south 26.4 acres lying east of the discontinued Burlington Northern Railroad; thence South 88°16'28" West, along the north line of the south 26.4 acres of said SE $\frac{1}{4}$ lying easterly of the discontinued Burlington Northern Railroad and its westerly extension a distance of 445.18 feet to the point of beginning of the land to be described; thence continue South 88°16'28" West a distance of 985.69 feet to the northwesterly right of way line of said Railroad; thence North 40°30'57" East along said northwesterly right of way line a distance of 1135.06 feet; thence North 89°32'14" East a distance of 686.18 feet to the east line of said SE $\frac{1}{4}$; thence South 00°27'46" East along said east line a distance of 304.38 feet; thence South 86°09'28" West a distance of 185.55 feet; thence south 47°44'38" West a distance of 210.12 feet; thence South 57°28'44" West a distance of 149.82 feet; thence South 04°59'28" East a distance of 301.26 feet to the point of beginning. Containing 15.59 acres, more or less.

AND

Parcel #2

A part of Section 12, Township 128, Range 32, described as follows: Beginning at a point 1539.35 feet north of the southeast corner of the SE $\frac{1}{4}$, thence West 544.01 feet, thence Northeasterly 844.36 feet to the section line, thence South 637.20 feet to the point of beginning, containing 4.05 acres more or less.

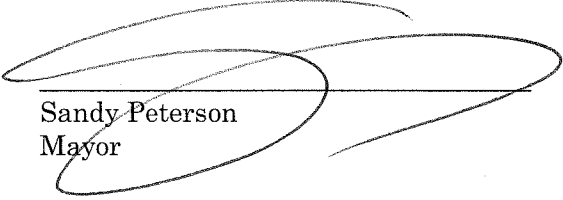
The Property consists of a total of 19.64 acres. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto.

4. The population of the property annexed is zero.
5. Pursuant to Minn. Stat. §414.036, with respect to the property taxes payable on the Property hereby annexed, shall make a cash payment to the Town of Burnhamville in accordance with the following schedule:
 - a. In the first year following the year in which the City of Swanville could first levy on the annexed area, a payment of \$17.50.
 - b. In the second and final year, a payment of \$17.50.

which payments represent the amount of property taxes received by the Town in the last year it collected taxes on the annexed area.

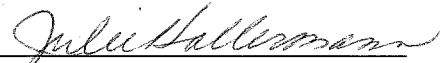
6. Pursuant to Minn. Stat. §414.036, there are no special assessments assigned by the Town and there are no special assessments or debt incurred by the Town on the Property for which reimbursement is required.
7. The City Clerk of the City Swanville is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Minnesota Office of Administrative Hearings, the Minnesota Secretary of State, the Todd County Auditor, and the Burnhamville Township Clerk.
8. 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 Swanville, Minnesota, this 4th day of December, 2012.



Sandy Peterson
Mayor

ATTEST:



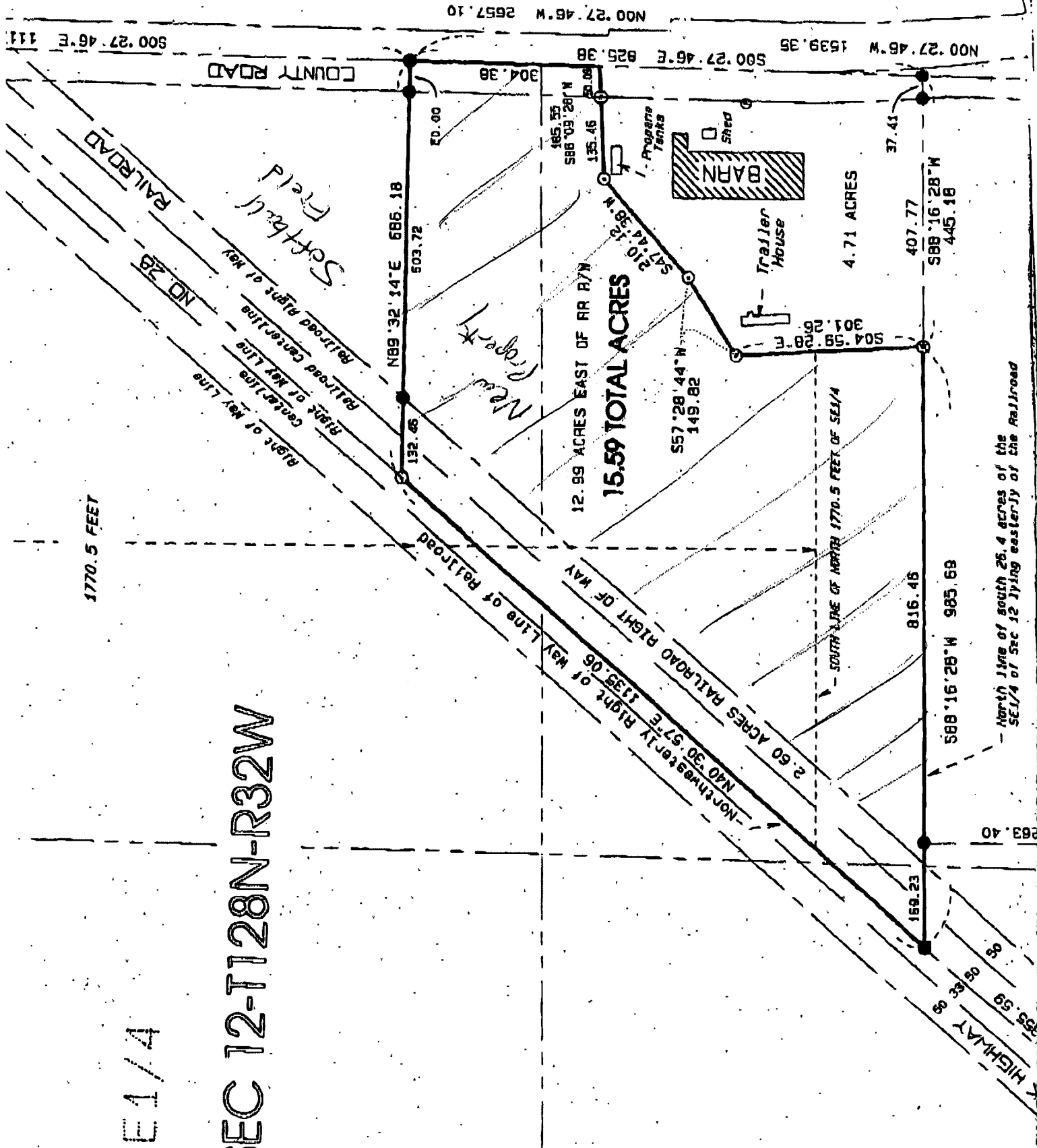
Julie Hollerman
City Clerk

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MBA

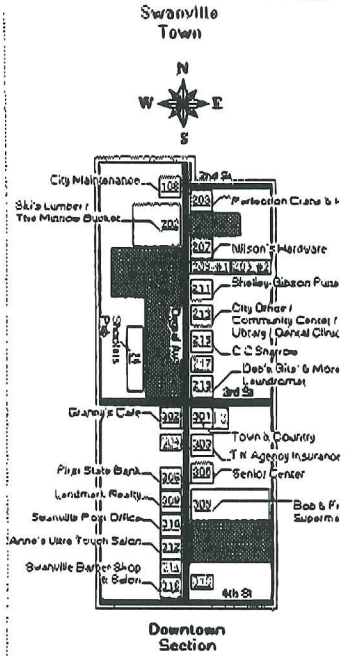
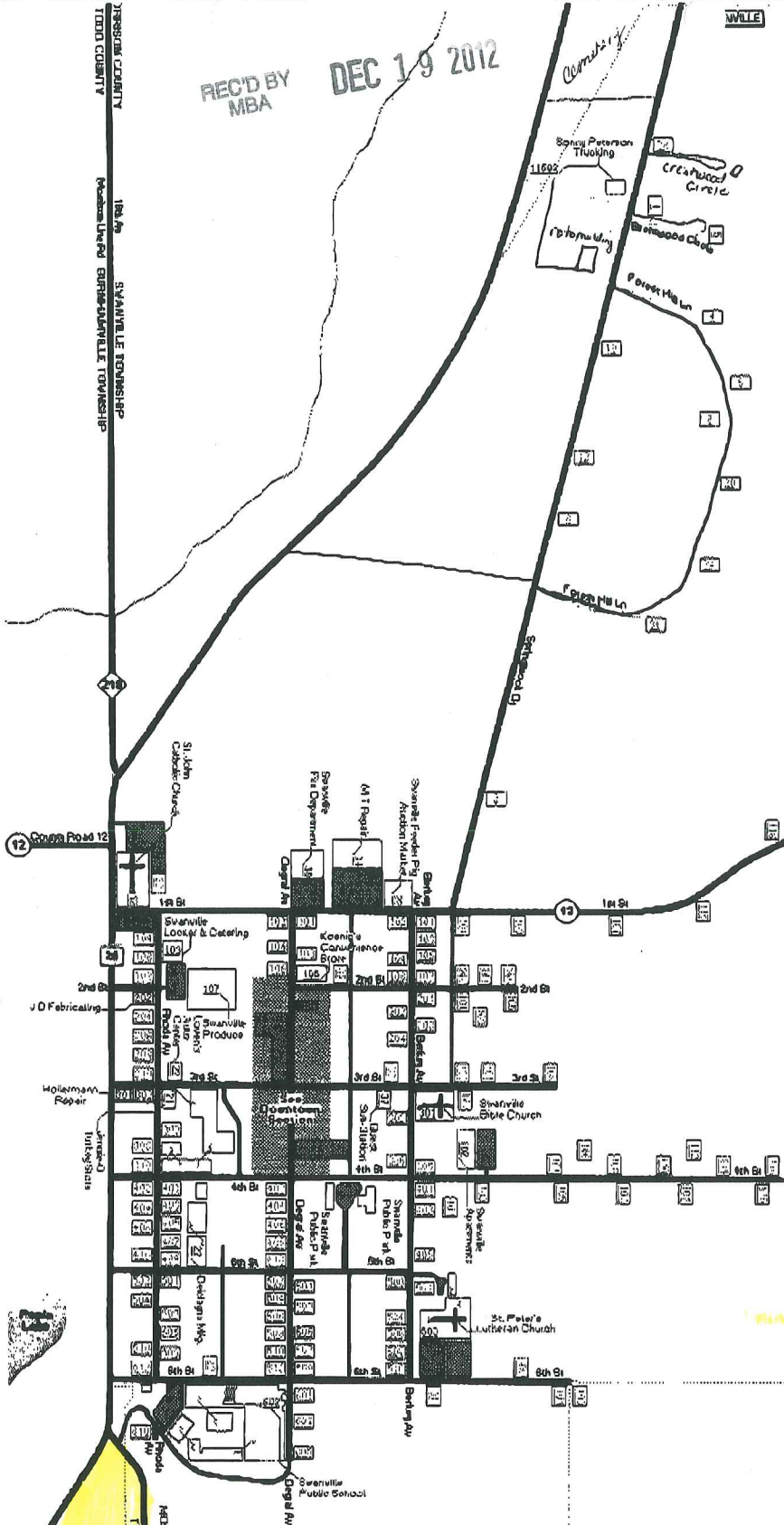
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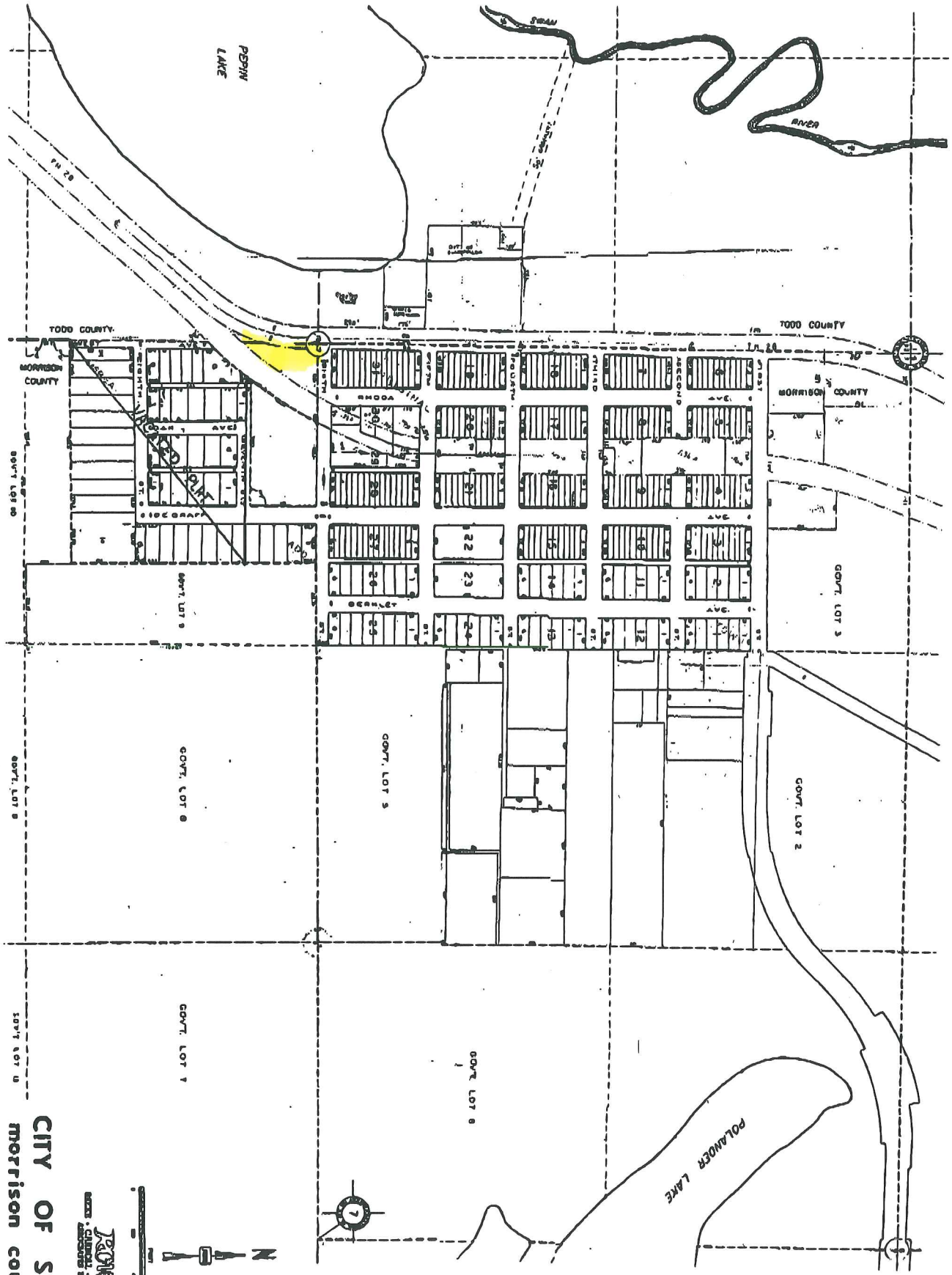
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Soft Ball Fields
(See map)



CITY OF SWANVILLE
 MORRISON COUNTY, MN.

RECORDED
 MORRISON COUNTY, MINN.

DEC 19 2012

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 MBA