

ORDINANCE NO. 5 4th SERIES

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, ANNEXING THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 152 NORTH, RANGE 49 WEST OF THE 5th PRINCIPAL MERIDIAN, LYING EASTERLY OF THE INDUSTRIAL PARK 1st RESUBDIVISION TO THE CITY OF EAST GRAND FORKS, MINNESOTA.

THE CITY OF EAST GRAND FORKS ORDAINS:

Section 1. This annexation is being passed and adopted pursuant to the provisions of Minnesota Statute § 414.033 subd. 2 clause 3.

Section 2. The City of East Grand Forks, Minnesota (hereinafter referred to the "City") was petitioned by the land owners RJ Zavoral & Sons Inc (hereinafter "RJ Zavoral & Sons Inc").

Section 3. The land is unincorporated, abuts the City of East Grand Forks along its Northeastern boundary and is urban or about to become urban or suburban in nature.

Section 4. None of the property is located in an area designated for orderly annexation pursuant to Minn. State Section 414.0325.

Section 5. The area to be annexed is 120 acres or less; (5 acres), unplatted, unpopulated property, not located within the City, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available.

Section 6. The land is not located within the floodplain or shoreland area.

Section 7. That the Notice requirement for the Public hearing of Minnesota Statute § 414.033 subd. 2b has been met as all interested parties; the town and all landowners within and contiguous to the area to be annexed have been served by certified mail.

Section 8. The Public hearing required under Minnesota Statute § 414.033 subd. 2b has been held.

Section 9. That Minnesota Statute § 414.033 subd. 3 does not apply because it is appropriate for annexation under Minnesota Statute § 414.033 subd. 2, clause 3.

Section 10. The Petitioners were provided the 30 day notice required by Minnesota Statute § 414.033 subd. 13, however the provisions are not applicable as the cost of electric utility service to the Petitioners will not change as a result of the annexation of the territory into the municipality.

Section 11. The Corporate limits of the City of East Grand Forks are hereby extended to include the following described property situated in the County of Polk, State of Minnesota, legally described as follows, to wit:

That part of the Southeast Quarter of the Southwest Quarter of Section 31, Township 152 North, Range 49 West of the 5th Principal Meridian, lying easterly of the Industrial Park 1st Resubdivision to the City of East Grand Forks, Minnesota, Polk County, Minnesota according to the plat thereof on file and of record in the office of the County Recorder, Polk County, Minnesota described as follows:

*Commencing at the southwest corner of said Section 31; thence northerly along the west line of said Section 31 having a grid bearing of North 03 degrees 00 minutes 45 seconds West a distance of 50.00 feet to a line being 50.00 feet northerly of and parallel with the south line of said Section 31; thence easterly along said parallel line North 87 degrees 17 minutes 38 seconds East a distance of 1864.00 feet to the point of beginning; thence North 03 degrees 00 minutes 45 seconds West along the east boundary line of said Industrial Park 1st Resubdivision a distance of 442.52 feet to the northeast corner of Lot "D", Block 2, Industrial Park 1st Resubdivision; thence North 87 degrees 00 minutes 06 seconds East along the easterly extension of the north line of said Lot "D", Block 2, Industrial Park 1st Resubdivision a distance of 578.46 feet to a line being 578.46 feet easterly of and parallel with the easterly line of said Lot "D", Block 2, Industrial Park 1st Resubdivision; thence South 03 degrees 00 minutes 45 seconds East along said parallel line a distance of 445.47 feet to a line being 50.00 feet northerly of and parallel with the south line of said Section 31; thence South 87 degrees 17 minutes 38 seconds West along said parallel line a distance of 578.47 feet to the point of beginning.
Containing 5.90 acres more or less.*

Copies of the of the Corporate Boundary map showing the property to be annexed and its relationship to the corporate boundaries are hereby attached.

Section 12. 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. The reimbursement shall be paid in substantially equal payments over two to eight years in accordance with the 2006 amendments to Minn. Stat. §414.036.

Section 13. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town 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 herein and there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

Section 14. The City Administrator/Clerk Treasurer is hereby directed to file certified copies of this ordinance with the Minnesota Municipal Board of the Office of Administrative Hearings, Sullivan Township Clerk, Polk County Auditor, and the Minnesota Secretary of State.

Section 15. City Code Chapter 10 entitled Definitions and General Provisions Applicable to the Entire City Code Including Penalty for violation is hereby adopted in its entirety, by reference, as repeated verbatim herein.

Section 16. This ordinance shall take effect and be in force from and after its passage and publication and final upon the date this Ordinance is approved by the Office of Administrative Hearings. Further it shall be given number 5 4th series, and after its approval by the Office of Administrative Hearings.

Voting Aye:
Voting Nay:
Absent:

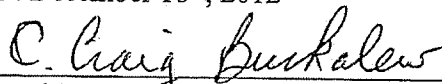
The President declared the Ordinance passed.

ATTEST:

PASSED: December 18th, 2012

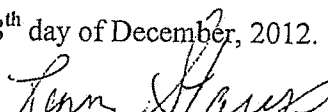


City Administrator/Clerk-Treasurer



President of Council

I hereby approve the foregoing Ordinance this 18th day of December, 2012.



Mayor

PLAT OF ZAVORAL'S INDUSTRIAL 1ST ADDITION TO THE CITY OF EAST GRAND FORKS, MINNESOTA

REC'D BY
MBA JAN 31 2013

SURVEYORS CERTIFICATE
I hereby certify that I have surveyed and platted the property described on this plat as "PLAT OF ZAVORAL'S INDUSTRIAL 1ST ADDITION", that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments will be correctly placed in the ground as designated, that the outside boundary lines are correctly designated on the plat and that there are no wetlands as defined in MS 505.02, Subd. 1 or public highways to be designated other than as shown.

Patrick M. Krug, Land Surveyor
Minnesota Registration No. 47922

STATE OF)
) SS
COUNTY OF)

The foregoing Surveyor's Certificate was acknowledged before me this _____ day of _____, 20__ by Patrick M. Krug, Minnesota Registration No. 47922

Notary Public, _____ County
State of _____
My Commission Expires _____ N

INSTRUMENT OF DEDICATION
"KNOW ALL MEN BY THESE PRESENTS": That the City of East Grand Forks, Minnesota and Zavoral and Son's, Inc. the owners and proprietors of the following described property:

That part of the Southeast Quarter of the Southwest Quarter of Section 31, Township 152 North, Range 49 West of the 5th Principal Meridian, lying easterly of the Industrial Park 1st Resubdivision to the City of East Grand Forks, Minnesota, Polk County, Minnesota according to the plat thereof on file and of record in the office of the County Recorder, Polk County, Minnesota described as follows:

Commencing at the southwest corner of said Section 31; thence northerly along the west line of said Section 31 having a grid bearing of North 03 degrees 00 minutes 45 seconds West a distance of 50.00 feet to a line being 50.00 feet northerly of and parallel with the south line of said Section 31; thence easterly along said parallel line North 87 degrees 17 minutes 38 seconds East a distance of 1864.00 feet to the point of beginning; thence North 03 degrees 00 minutes 45 seconds West along the east boundary line of said Industrial Park 1st Resubdivision a distance of 442.52 feet to the northeast corner of Lot "D", Block 2, Industrial Park 1st Resubdivision; thence North 87 degrees 00 minutes 05 seconds East along the easterly extension of the north line of said Lot "D", Block 2, Industrial Park 1st Resubdivision a distance of 578.46 feet to a line being 578.46 feet easterly of and parallel with the easterly line of said Industrial Park 1st Resubdivision; thence South 03 degrees 00 minutes 45 seconds East along said parallel line a distance of 445.47 feet to a line being 50.00 feet northerly of and parallel with the south line of said Section 31; thence South 87 degrees 17 minutes 38 seconds West along said parallel line a distance of 578.47 feet to the point of beginning. Containing 5.90 acres more or less.

has caused the same to be surveyed and platted as "PLAT OF ZAVORAL'S INDUSTRIAL 1ST ADDITION" to the City of East Grand Forks, Minnesota and do hereby dedicate to the public, all of the streets and alleys, and utility easements as shown on this plat, the dimensions of which are as designated on the plat.

Lynn Stauss, Mayor

Scott M. Huizenga, City Administrator

STATE OF)
) SS
COUNTY OF)

On this _____ day of _____, 20__, before me, a Notary Public, personally appeared Lynn Stauss, Mayor of the City of East Grand Forks, Minnesota, known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Notary Public, _____ County
State of _____
My Commission Expires: _____

STATE OF)
) SS
COUNTY OF)

On this _____ day of _____, 20__, before me, a Notary Public, personally appeared Scott M. Huizenga, City Administrator to the City of East Grand Forks, Minnesota, known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Notary Public, _____ County
State of _____
My Commission Expires: _____

Peter M. Zavoral, President, Zavoral and Son's, Inc.

STATE OF)
) SS
COUNTY OF)

On this _____ day of _____, 20__, before me, a Notary Public, personally appeared Peter M. Zavoral known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Notary Public, _____ County
State of _____
My Commission Expires: _____

CITY COUNCIL APPROVAL:

I hereby certify that the within plat of "PLAT OF ZAVORAL'S INDUSTRIAL 1ST ADDITION" to the City of East Grand Forks, Minnesota, was approved by Resolution of the City Council of the City of East Grand Forks, Minnesota, at a regular scheduled meeting of the City Council held on the _____ day of _____, 20__.

Scott M. Huizenga, City Administrator
City of East Grand Forks, Minnesota

CITY PLANNING COMMISSION APPROVAL:

I hereby certify that the within plat of "PLAT OF ZAVORAL'S INDUSTRIAL 1ST ADDITION" to the City of East Grand Forks, Minnesota, was approved by the City Planning Commission of the City of East Grand Forks, Minnesota, at a meeting of said City Planning Commission on the _____ day of _____, 20__.

City Planning Commission of the City of East Grand Forks, Minnesota

By: _____, its Secretary
Brad Ball

TAX STATEMENT:

COUNTY AUDITOR TAX STATEMENT
No delinquent taxes due and transfer entered this _____ day of _____, 20__.

Polk County Auditor, State of Minnesota

COUNTY TREASURER TAX STATEMENT:

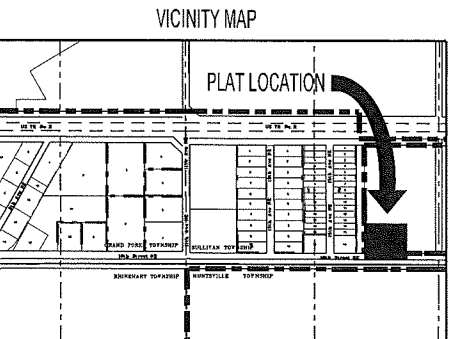
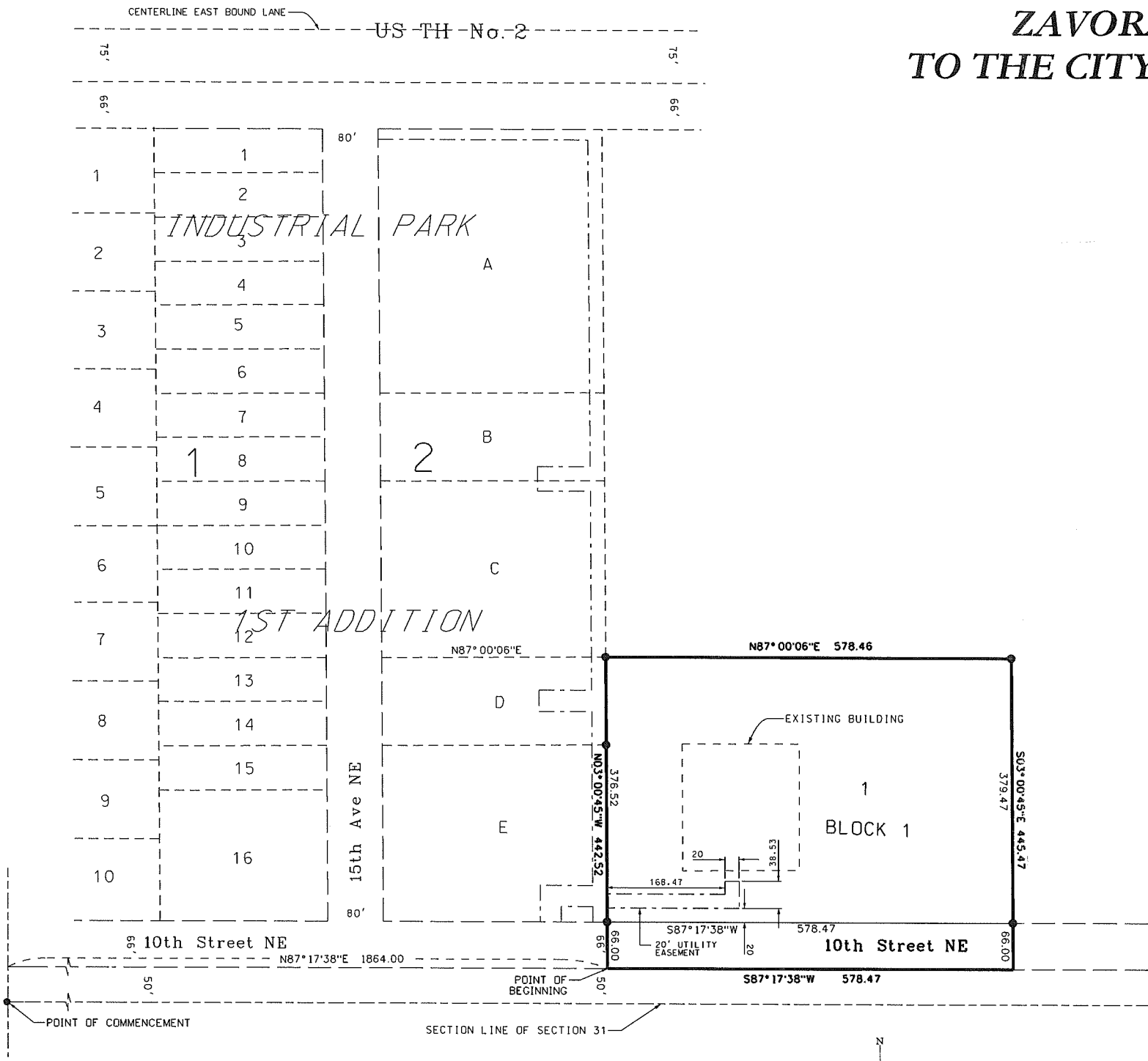
I hereby certify that all taxes for 20__ on the land described herein are paid.

Polk County Treasurer, State of Minnesota

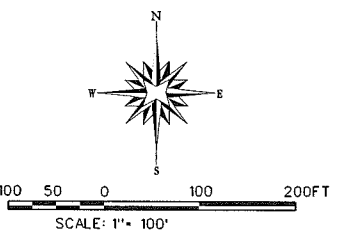
RECORDING CERTIFICATE
COUNTY RECORDER CERTIFICATE
DOCUMENT NUMBER

I hereby certify that this instrument was filed in the office of the Polk County Recorder for record on this _____ day of _____, 20__, at _____ o'clock _____ M, and was duly recorded in Book _____ of _____ on page _____.

Polk County Recorder, State of Minnesota



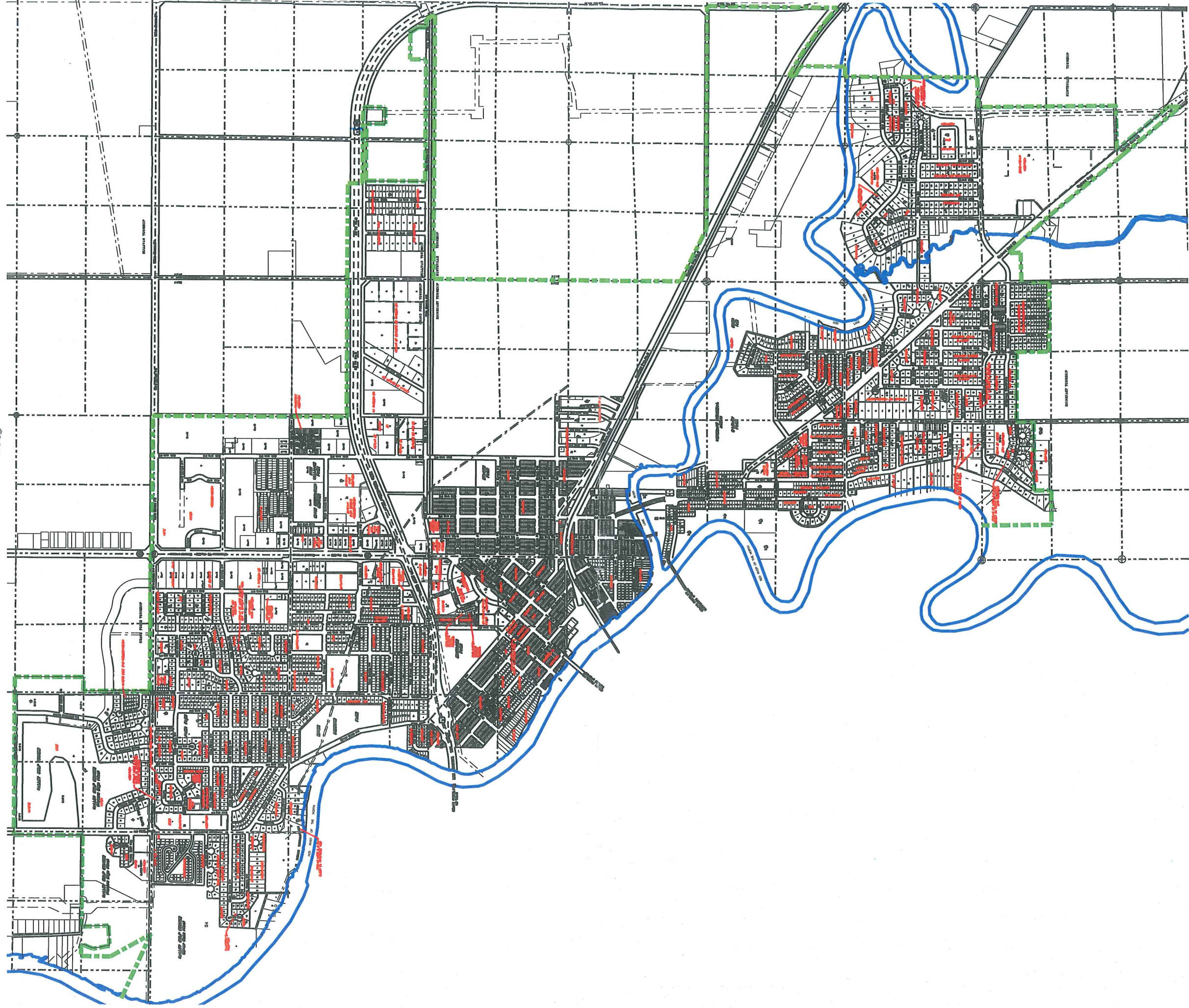
NOTES:
(A) All monuments from this survey were found monuments. The northwest corner was an orange cap stamped MN LS 47922. The northeast, southeast and southwest corners were yellow caps stamped 48129 from a certificate of survey dated 11/07/2012.
(B) The City of East Grand Forks, MN, its successors and / or assigns, shall have the right to keep all utility easements shown hereon free from hazards, structures, and other improvements which might hinder the cities ability to serve and maintain such utilities.
(C) All bearings are grid based on the North Dakota State Plane coordinate system - North Zone of 1983 (NAD83). All distances are ground.
(D) The northerly 66.00 feet of the southerly 116.00 feet of Section 31, Township 152 North, Range 49 West being the right of way for 10th Street NE was dedicated to the City of East Grand Forks, Minnesota by Ordinance No. 118-Second Series on May 22, 1975.



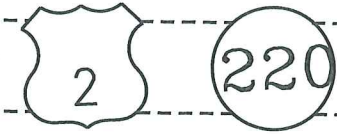
LEGEND
EASEMENT LINE _____
SECTION LINE _____
NEW LOT LINE _____
EXISTING MONUMENT _____
PLAT BOUNDARY _____
EXISTING PROPERTY LINES _____
CITY LIMITS _____
CONTOUR LINE (2' INTERVAL) _____

MODEL: plat sheet drawing

REC'D BY
MBA
JAN 31 2013



S TH No. 2



13th Ave NE

13th Ave NE

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15th Ave NE

1
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16

10th Street NE

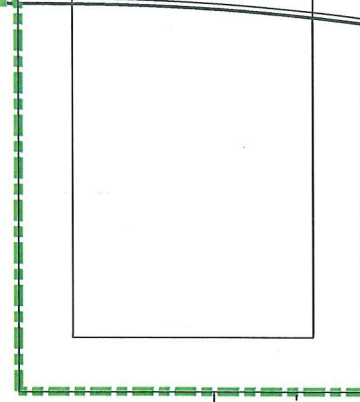
P

INDUSTRIAL PARK

INDUSTRIAL PARK

ADDITION

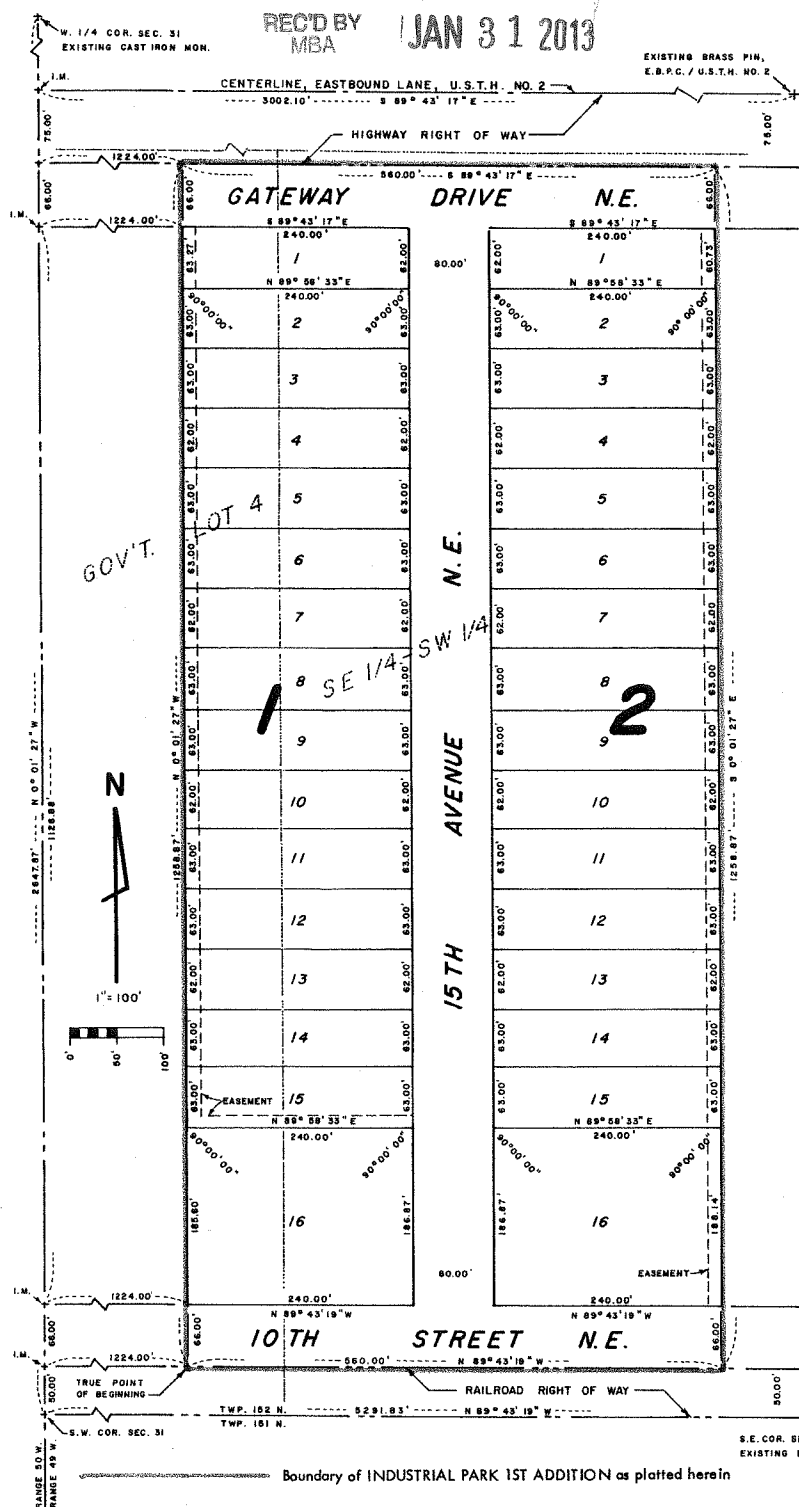
1ST ADDITION



INDUSTRIAL PARK 1ST ADDITION

TO THE CITY OF

EAST GRAND FORKS, MINNESOTA



POINT DESCRIPTION

POINT DESCRIPTION	NORTHING	EASTING
SE CORNER S31/T152N/R49W	89376.873	205294.599
SW CORNER S31/T152N/R49W	89402.562	200002.835
W 1/4 CORNER S31/T152N/R49W	92050.434	200001.720
E. B. P. C. STA 1283+41.49, UGTH #2	90771.849	203004.316
E. B. CENTERLINE AT W LINE S31	90786.442	200002.252
N RR R OF W LIMIT AT W LINE S31	89452.562	200002.814
SW COR. INDUSTRIAL PARK 1ST ADDN	89446.620	201226.799
NW COR. INDUSTRIAL PARK 1ST ADDN	90705.491	201226.270
NE COR. INDUSTRIAL PARK 1ST ADDN	90702.769	201786.263
SE COR. INDUSTRIAL PARK 1ST ADDN	89443.901	201786.793
SW CORNER OF BLOCK 1	89512.620	201226.772
NW CORNER OF BLOCK 1	90639.491	201226.298
NE CORNER OF BLOCK 2	90636.769	201786.291
SE CORNER OF BLOCK 2	89509.901	201786.765
SE CORNER OF BLOCK 1	89511.455	201466.769
SW CORNER OF BLOCK 2	89511.066	201546.768
NE CORNER OF BLOCK 1	90638.325	201466.295
NW CORNER OF BLOCK 2	90637.936	201546.294

ORIENTATION OF BEARING SYSTEM IS ASSUMED AND BASE FOR COORDINATE SYSTEM IS ASSUMED

Iron monuments consisting of 1" o. dia. x 24" long pipe have been placed at all corners of Blocks 1 and 2, at the NW and NE corners of Lot 16 in both Blocks 1 and 2 and at all locations marked I.M. Iron monuments falling in paved surfaces have been placed with tops flush with surface; all others have been placed with tops 1 ft. below surface.

Outside boundary closure better than 1 part per 10,000

I hereby certify that the within plat of INDUSTRIAL PARK 1ST ADDITION to the City of East Grand Forks, Minnesota, was approved by the City Planning Commission of the City of East Grand Forks, Minnesota, at a regularly scheduled meeting of said City Planning Commission on the 13th day of OCTOBER, 1983.

Joann Saylor Secretary
Joann Saylor
City Planning Commission of the
City of East Grand Forks, Minnesota

No delinquent taxes and transfer entered this 16th day of Nov., 1983.

Lawrence H. Fontaine
Lawrence H. Fontaine, Polk Co. Auditor
by Harold J. Amist, Deputy

I, Florence L. Rood, Treasurer of Polk County, do hereby certify that as of this 16th day of Nov., 1983, the current taxes payable in 1983 have been paid in full.
Florence L. Rood
Polk County Treasurer

Document Number 458892

I hereby certify that this instrument was filed in the Office of the County Recorder for record on this 16 day of Nov., 1983, at 4 o'clock P. M., and was duly recorded in Book C of Plats on page 419.

Deanne Borlin
County Recorder, Polk County, MN
By: Marlene Hanson
Deputy

I hereby certify that I have compared the within instrument with the original instrument No. 458892 now on file in my office, and that it is a true and correct copy of the same and of the whole thereof, and that the above is a true copy of the filing thereon. Dated Nov 16, 1983.

Deanne Borlin
County Recorder, Polk County, MN
By: Marlene Hanson
Deputy

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, certify that we are the owners and proprietors of a tract of land lying in Government Lot 4 and in the Southeast Quarter of the Southwest Quarter of Section 31, Township 152 North, Range 49 West of the 5th Principal Meridian, which tract is described as follows, to-wit:

Commencing at the southwest corner of Section 31, Township 152 North, Range 49 West of the 5th Principal Meridian and thence proceeding northerly, along the west line of said Section 31, for a distance of 50.00 feet; thence proceeding easterly, parallel with the south line of said Section 31, for a distance of 1224.00 feet to the true point of beginning; thence proceeding northerly, parallel with the aforesaid west line of Section 31, for a distance of 1258.87 feet, to an intersection with the southerly right of way limit of U. S. Trunk Highway No. 2, said southerly right of way limit lying parallel with and 75.00 feet distant southerly from the centerline of the eastbound lane of said U. S. Trunk Highway No. 2; thence proceeding easterly, along said southerly right of way limit of U. S. Trunk Highway No. 2, for a distance of 560.00 feet; thence proceeding southerly, parallel with the aforesaid west line of Section 31, for a distance of 1258.87 feet, to an intersection with a line lying parallel with and 50.00 feet distant northerly from the south line of the aforesaid Section 31; thence proceeding westerly, along said line lying parallel with and 50.00 feet distant northerly from the south line of Section 31, for a distance of 560.00 feet to the true point of beginning, said described tract being comprised of approximately 16.184 acres.

We have caused the same to be surveyed by Donald L. Floan, Registered Land Surveyor, and to be platted as INDUSTRIAL PARK 1ST ADDITION, and do hereby donate and dedicate to the public, for public use forever, the thoroughfares indicated upon the plat. Further, we do hereby dedicate to the City of East Grand Forks, a Municipal Corporation, its successors or assigns, the easements upon which to construct, operate and maintain its electrical power lines, and also authorize said Grantee to permit any telephone company to maintain its lines upon said easements by arrangement satisfactory to Grantee, with right in Grantee to keep free from common hazards which might endanger said lines, said power line easements being described as follows:

In Block 1, an easement upon the westerly 15.00 feet of Lots 1 through 15 and upon the southerly 15.00 feet of Lot 15.
In Block 2, an easement upon the easterly 15.00 feet of Lots 1 through 16.

IN TESTIMONY WHEREOF, the City of East Grand Forks, Minnesota, has caused these presents to be executed in its Corporate name by its Clerk-Treasurer, and its corporate seal to be hereunder affixed this 14th day of Nov., 1983, under authority of that certain resolution of the City Council of the City of East Grand Forks, Minnesota, dated the 17th day of Nov., 1983, wherein by virtue of said Resolution of above date, the Mayor and Clerk-Treasurer of said City were authorized and directed to execute the above Dedication and affix the corporate seal thereunto on behalf of said City of East Grand Forks, Minnesota.

CITY OF EAST GRAND FORKS

By: Louis A. Murray
Louis A. Murray, Mayor

By: D. E. Mack
D. E. Mack, Clerk-Treasurer

STATE OF MINNESOTA)
COUNTY OF POLK) SS

On this 14th day of Nov., 1983, before me, a Notary Public within and for said County, personally appeared Louis A. Murray and D. E. Mack, to me personally known, who being each by me duly sworn, did say that they are respectively the Mayor and Clerk-Treasurer of the Municipal Corporation named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said Municipal Corporation, and that said instrument was signed and sealed in behalf of said Municipal Corporation by authority of its City Council pursuant to Resolution of said Municipal Corporation, dated the 17th day of Nov., 1983, and said Louis A. Murray and D. E. Mack acknowledged said instrument to be the free act and deed of said Municipal Corporation.

Karl Lindquist, Notary Public, Polk County, MN

IN TESTIMONY WHEREOF, Quality Moving & Storage, Inc., a Minnesota Corporation, has caused these presents to be executed in its corporate name by its President and its Vice President, and its corporate seal to be hereto affixed this 20th day of Oct., 1983.

QUALITY MOVING & STORAGE, INC.

By: Donald Bodenner
Donald Bodenner, President

By: Jerome Landwehr
Jerome Landwehr, Vice President

STATE OF MINNESOTA)
COUNTY OF POLK) SS

On this 20th day of OCTOBER, 1983, before me, a Notary Public within and for said county, personally appeared Donald Bodenner and Jerome Landwehr, to me personally known, who, being each by me duly sworn, did say that they are respectively the President and Vice President of the corporation named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said President and Vice President acknowledged said instrument to be the free act and deed of said corporation.

Karl Lindquist, Notary Public, Polk County, MN

IN TESTIMONY WHEREOF, Citizens State Bank of East Grand Forks, a Minnesota Corporation, has caused these presents to be executed in its corporate name by its President and its Executive Vice President, and its corporate seal to be hereto affixed this 14th day of OCTOBER, 1983.

CITIZENS STATE BANK OF EAST GRAND FORKS

By: Richard F. Wiley
Richard F. Wiley, Its President

By: Dean F. Mitzel
Dean F. Mitzel, Its Executive Vice President

STATE OF MINNESOTA)
COUNTY OF POLK) SS

On this 14th day of OCTOBER, 1983, before me, a Notary Public within and for said county personally appeared Richard F. Wiley and Dean F. Mitzel, to me personally known, who, being each by me duly sworn, did say that they are respectively the President and Executive Vice President of the corporation named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said President and Executive Vice President acknowledged said instrument to be the free act and deed of said corporation.

Douglas G. Gregoire, Notary Public, Polk County, MN

STATE OF MINNESOTA)
COUNTY OF POLK) SS

I hereby certify that the within plat of INDUSTRIAL PARK 1ST ADDITION to the City of East Grand Forks, Minnesota, was approved by Resolution of the City Council of the City of East Grand Forks, Minnesota, at a regularly scheduled meeting of the City Council held on the 10th day of Nov., 1983.

D. E. Mack
D. E. Mack
Clerk-Treasurer, City of East Grand Forks, Minnesota

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed and platted the property described on this plat as INDUSTRIAL PARK 1ST ADDITION, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat and that there are no wet lands or public highways to be designated other than as shown.

Donald L. Floan, Land Surveyor, Minnesota Registration No. 5249

STATE OF MINNESOTA)
COUNTY OF POLK) SS

The foregoing Surveyor's Certificate was acknowledged before me this 20th day of OCTOBER, 1983, by Donald L. Floan, Minnesota Registration No. 5249.

Karl Lindquist, Notary Public, Polk County, Minnesota