

ORDINANCE 2014-01

**AN ORDINANCE OF THE CITY OF WALKER, MINNESOTA ANNEXING LAND
LOCATED IN SHINGOBEE TOWNSHIP, CASS COUNTY, MINNESOTA PURSUANT
TO MINNESOTA STATUTES § 414.033 SUBDIVISION 5 PERMITTING
ANNEXATION BY ORDINANCE**

WHEREAS, a petition signed by all the property owners, requesting that property legally described herein be annexed to the City of Walker, Minnesota, was duly presented to the Council of the City of Walker on the 4th day of November, 2013; and

WHEREAS, said property is unincorporated and abuts the City of Walker 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 about to become urban and suburban in nature; and

WHEREAS, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WALKER 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.
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 Statutes § 414.0325.
3. The corporate limits of the City of Walker, Minnesota, are hereby extended to include the following described property, said land abutting the City of Walker 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, to wit:

Tract 5

That part of Government Lot 2, Section 35, Township 142 North, Range 31 West, Cass County, Minnesota described as follows: Commencing at the Northwest corner of said Government Lot 2; thence on an assumed bearing of North 87 degrees 09 minutes 10 seconds West along the North line of the Southeast Quarter of the Northwest Quarter of said Section 35 a distance of 830.30 feet; thence South 25 degrees 36 minutes 23 seconds East 574.86 feet; thence North 80 degrees 14 minutes 58 seconds East 367.02 feet; thence South 21 degrees 11 minutes 56 seconds East 492.10 feet; thence North 66 degrees 23 minutes 21 seconds East 279.39 feet to the point of beginning of the tract to be herein described; thence North 74 degrees 41 minutes 54 seconds East 108.78 feet; thence South 84 degrees 48 minutes 32 seconds East 289.96 feet; thence North 81 degrees 46 minutes 33 seconds East to the Westerly right-of-way line of T.H. No. 371/200; thence Southerly along said right of way line to the South line of said Government Lot 2; thence North 87 degrees 11 minutes 49 seconds West along said South line 164.97 feet to the intersection with a line bearing South 27 degrees 34 minutes 44 seconds East from the point of beginning; thence North 27 degrees 34 minutes 44 seconds West 567.01 feet to the point of beginning.

Subject to and together with (see 66 Foot Wide Easement, dated 3/22/02).

66-Foot Wide Easement

An easement 66.00 feet in width for roadway and utility purposes, over, under and across those parts of Government Lots 1 and 2 and the Southeast Quarter of the Northeast Quarter, Section 35, Township 142 North, Range 31 West, Cass county, Minnesota, the centerline of which is described as follows: Commencing at the Northwest corner of said Government Lot 2; thence on an assumed bearing of South 87 degrees 09 minutes 10 seconds East, along the North line of said Government Lot 2, a distance of 248.79; thence North 33 degrees 29 minutes 11 seconds East 89.70 feet; thence North 09 degrees 58 minutes 37 seconds East 57.77 feet to the point of beginning of the centerline to be herein described; thence South 09 degrees 58 minutes 37 seconds West 57.77 feet; thence South 33 degrees 29 minutes 11 seconds West 89.70 feet; thence South 35 degrees 49 minutes 04 seconds West 107.96 feet; thence South 18 degrees 38 minutes 09 seconds West 177.94 feet to a point hereinafter referred to as Point "A"; thence South 27 degrees 07 minutes 54 seconds East 227.61 feet; thence South 09 degrees 07 minutes 28 seconds East 138.95 feet; thence South 27 degrees 34 minutes 44 seconds East 140.92 feet to a point hereinafter referred to as Point "B"; thence South 84 degrees 48 minutes 32 seconds East 289.96 feet; thence North 81 degrees 46 minutes 33 seconds East 38.03 feet and said centerline there terminating; thence from said Point "A" South 35 degrees 35 minutes 22 seconds West 127.32; thence Southwesterly 53.62 feet along a tangential curve, concave to the North, having a radius of 60.00 feet and a central angle of 51 degrees 11 minutes 56 seconds; thence South 86 degrees 47 minutes 18 seconds West, tangent to said curve 184.07; thence South 80 degrees 14 minutes 58 seconds West 285.48 feet to a point hereinafter referred to as Point "C"; thence continue South 80 degrees 14 minutes 58 seconds West 126.68 feet and said centerline there terminating. And from said Point "C"; thence South 53 degrees 06 minutes 24 seconds West 205.12 feet; thence Westerly 95.23 feet along a tangential curve concave to the North, having a

radius of 100.00 feet and an central angle of 54 degrees 33 minutes 46 seconds; thence North 72 degrees 19 minutes 51 seconds West, tangent to said curve 41.46 feet; thence Westerly 68.66 feet along a tangential curve concave to the South, having a radius of 100.00 feet and a central angle of 39 degrees 20 minutes 18 seconds; thence South 68 degrees 19 minutes 52 seconds West, tangent to last said curve 76.72; thence South 55 degrees 29 minutes 34 seconds West 166.18 feet to a point hereinafter referred to as Point "D" and said centerline there terminating; thence from said Point "B" South 74 degrees 41 minutes 54 seconds West 108.78 feet; thence South 66 degrees 23 minutes 21 second West 279.39 feet; thence South 81 degrees 55 minutes 46 seconds West 208.73 feet; thence North 77 degrees 00 minutes 48 seconds West 194.09 feet; thence Westerly 266.43 feet along a tangential curve concave to the South, having a radius of 400.00 feet and a central angle of 38 degrees 09 minutes 46 seconds; thence South 64 degrees 49 minutes 27 seconds West, tangent to last said curve 299.61 feet to a point hereinafter referred to as Point "E" and said centerline there terminating.

An easement for roadway and utility purposes over, under and across parts of said Government Lot 2 and said Southeast Quarter of the Northwest Quarter which lies within the circumference of three circles having a radius of 50.00 feet. The center of said circles are said Points "A", "D", and "E".

And

Tract 5A

That part of Government Lot 2, Section 35, Township 142 North, Range 31 West, Cass County, Minnesota described as follows: Commencing at the Northwest corner of said Government Lot 2; thence on an assumed bearing of North 87 degrees 09 minutes 10 seconds West along the North line of the Southeast Quarter of the Northwest Quarter of said Section 35 a distance of 830.30 feet; thence South 25 degrees 36 minutes 23 seconds East 574.86 feet; thence North 80 degrees 14 minutes 58 seconds East 367.02 feet; thence South 21 degrees 11 minutes 56 seconds East 492.10 feet; thence North 66 degrees 23 minutes 21 seconds East 279.39 feet; thence South 27 degrees 34 minutes 44 seconds East 33.77 feet to the point of beginning of the tract to be herein described; thence South 9 degrees 52 minutes 56 seconds East 471.52 feet to the South line of said Government Lot 2; thence South 87 degrees 11 minutes 49 seconds East along said South line 166.15 feet to the intersection with a line bearing South 27 degrees 34 minutes 44 seconds East from the point beginning; thence North 27 degrees 34 minutes 44 seconds West 533.23 feet to the point of beginning.

The above described property consists of a total of 4.57 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.

4. That the population of the area legally described herein and hereby annexed is two (2).

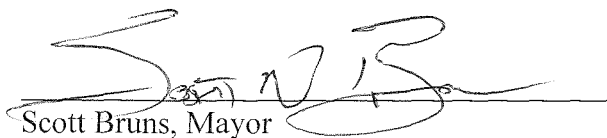
5. The City of Walker, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to the Township of Shingobee in accordance with the following schedule:

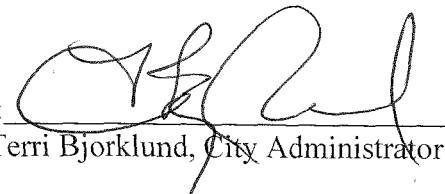
Parties have agreed in writing to payment terms as follows:

- a. In the first year in which the City of Walker may levy property taxes on the subject area following the annexation thereof, an amount equal to one hundred percent (100%) of the property taxes distributed to Shingobee Township in regard to the subject area in the last year the property taxes from the subject area were payable to the Township;
 - b. In each of the second and third years, an amount equal to the first year payment described in (a) above.
6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Township to the annexed property and any portion of debt incurred by the Township prior to the annexation and attributable to the property annexed, but for which no special assessments are outstanding, for the area legally described herein there are no special assessments or debt incurred by the Township on the subject area for which reimbursement is required.
7. That the City Clerk of the City of Walker 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 Cass County Auditor, and the Shingobee Township Clerk.
8. 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 Walker, Minnesota, this
3 day of February 2014.

APPROVED BY:


Scott Bruns, Mayor

ATTEST: 
Terri Bjorklund, City Administrator

MOTION:

SECOND:

Bruns:

McMurrin:

Moore:

Nelson:

Wilkening:

"These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose."

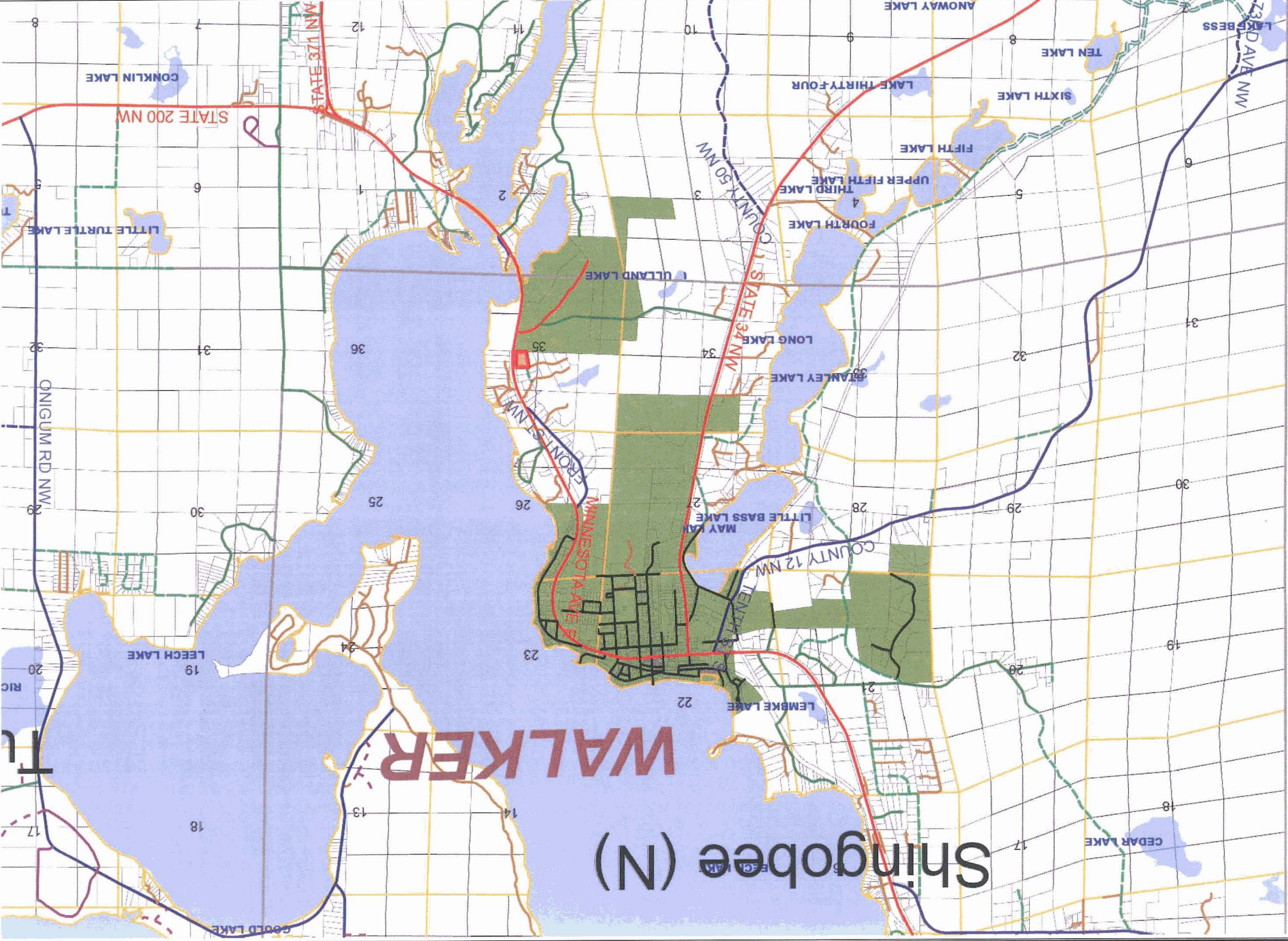
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

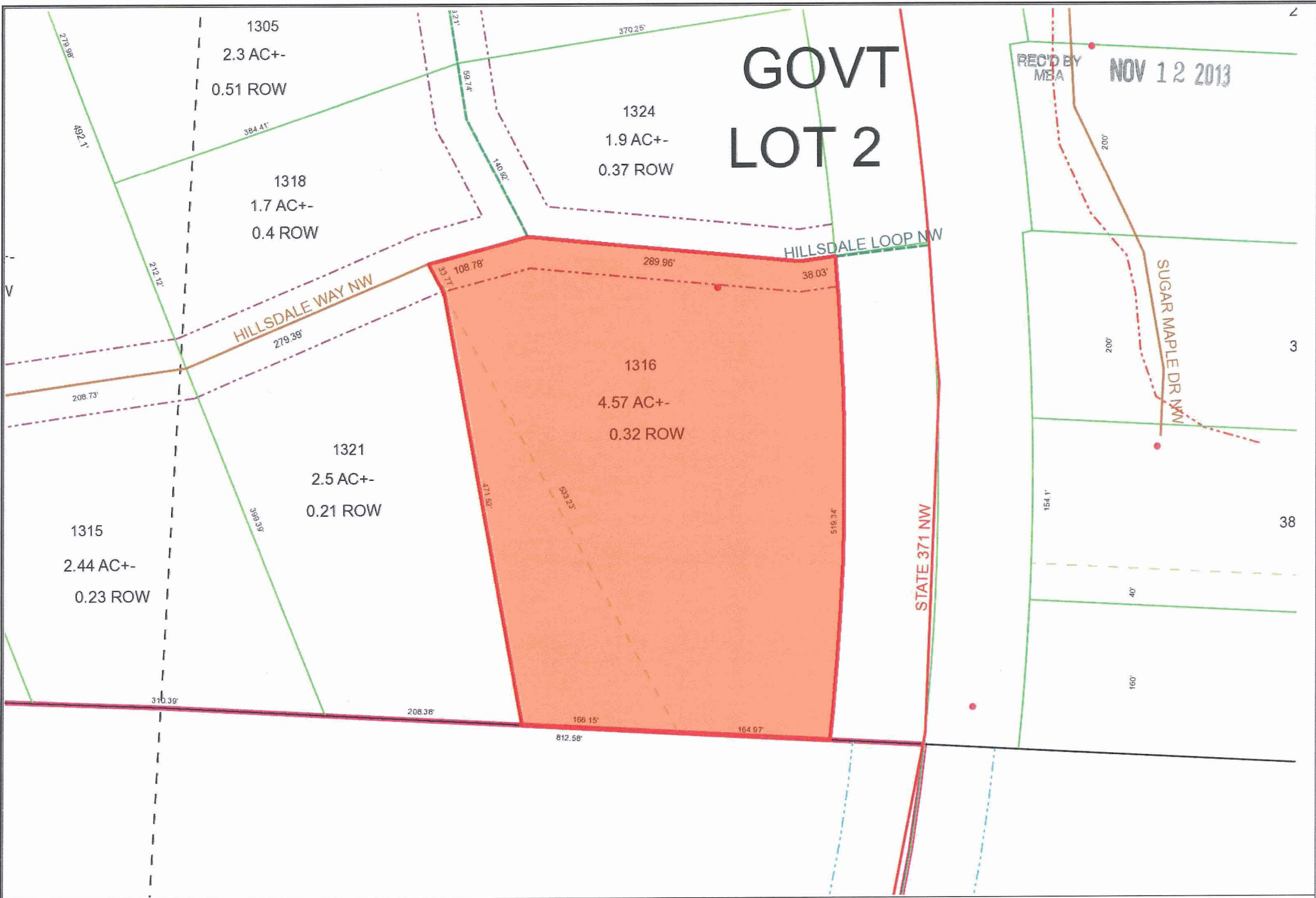
WALKER (GREEN)-PIPRUDE (RED)

REC'D BY
MBA

NOV 12 2013

Date: 10/23/2013





These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

CLOSE UP VIEW

PIPRUDE-RED

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



Date: 11/6/2013