

**ORDINANCE NO. 171****AN ORDINANCE OF THE CITY OF COMFREY, MINNESOTA, ANNEXING LAND  
LOCATED IN BASHAW TOWNSHIP, BROWN 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 herein be annexed to the City of Comfrey, Minnesota, was duly presented to the Council of the City of Comfrey on the 2<sup>nd</sup> day of December, 2013; and

**WHEREAS**, said property is unincorporated and abuts the City of Comfrey on its Western 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 residential development of the property; and

**WHEREAS**, the City of Comfrey held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on the 2<sup>nd</sup> day of December, 2013, following thirty (30) days written notice by certified mail to the Township of Bashaw and to all landowners within and contiguous to the area legally described herein, to be annexed; 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 COMFREY, 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 residential use is being proposed for said property, in that the area being annexed is about to become part of a larger parcel which is residential in character and has sanitary sewer service.
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 corporate limits of the City of Comfrey, Minnesota, are hereby extended to include the following described property, said land abutting the City of Comfrey 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:

That part of the Southwest Quarter (SW ¼) Section Thirty-four (34), Township One Hundred Eight (108), Range Thirty-four (34), Brown County, Minnesota, described as follows:

Commencing at a point 782 ft. North of the SE corner of the SW1/4, Sec. 34, Twp. 108, Range 34, Brown County, Minnesota, on the East line of said SW1/4, thence West along the North line of Lot 1 of the SE1/4 of the SW1/4 of said Section 34 a distance of 165 ft., thence North on a line parallel to the East line of said SW 1/4 a distance of 30 ft., thence East 165 ft. to the East line of said SW1/4, thence South along the East line of said SW1/4 a distance of 30 ft. to the point of beginning; and

Beginning at the SE corner of the SW1/4, Sec. 34, Twp. 108, Range 34, Brown County, Minnesota, thence North 650 ft., thence West 165 ft. to the SW corner of Lot 1 of the SE1/4 of the SW1/4 of said Section 34, being the actual point of beginning, thence continuing on the same course West 12 ft., thence North on a line parallel to the West line of said Lot 1 a distance of 162 ft., thence East on a line parallel to the North line of said Lot 1 a distance of 12 ft., thence South 162 ft. to the point of beginning,

The above described property consists of a total of .16 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 or attached exhibit and hereby annexed is 0.
5. The City of Comfrey, 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 Bashaw 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 five (5) years in accordance with the 2006 amendments to Minn. Stat. §414.036.

6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments

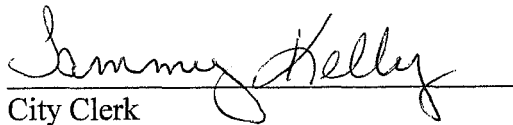
assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described herein there are no special assessments or debt incurred by the Town on the subject area for which reimbursement is required.

7. That the City Clerk of the City of Comfrey 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 Brown County Auditor, and the Bashaw 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 Comfrey, Minnesota, this 2<sup>nd</sup> day of December, 2013.

  
Mayor

Attest:

  
City Clerk

17.82	50	2	8	50
17.74	50	3	9	50
17.65	50	4	10	50
17.56	50	5	11	50
17.47	50	6	12	50
	50	140	140	50
	50	180	180	50

180	1	75
180	2	75
180	3	75
180	4	75

17.35 17.22 17.08 17.15 16.82 16.30

Current Municipal Boundary ↓

ANNEXED BY  
CHAPTER 61 ORDINANCE  
DATED MARCH 12, 1964

LOT 2

009

782.

S 1/4 COR. SEC. 34

C.S.A.H. 17

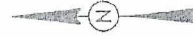
SAMUELSON

FIRST

218.26

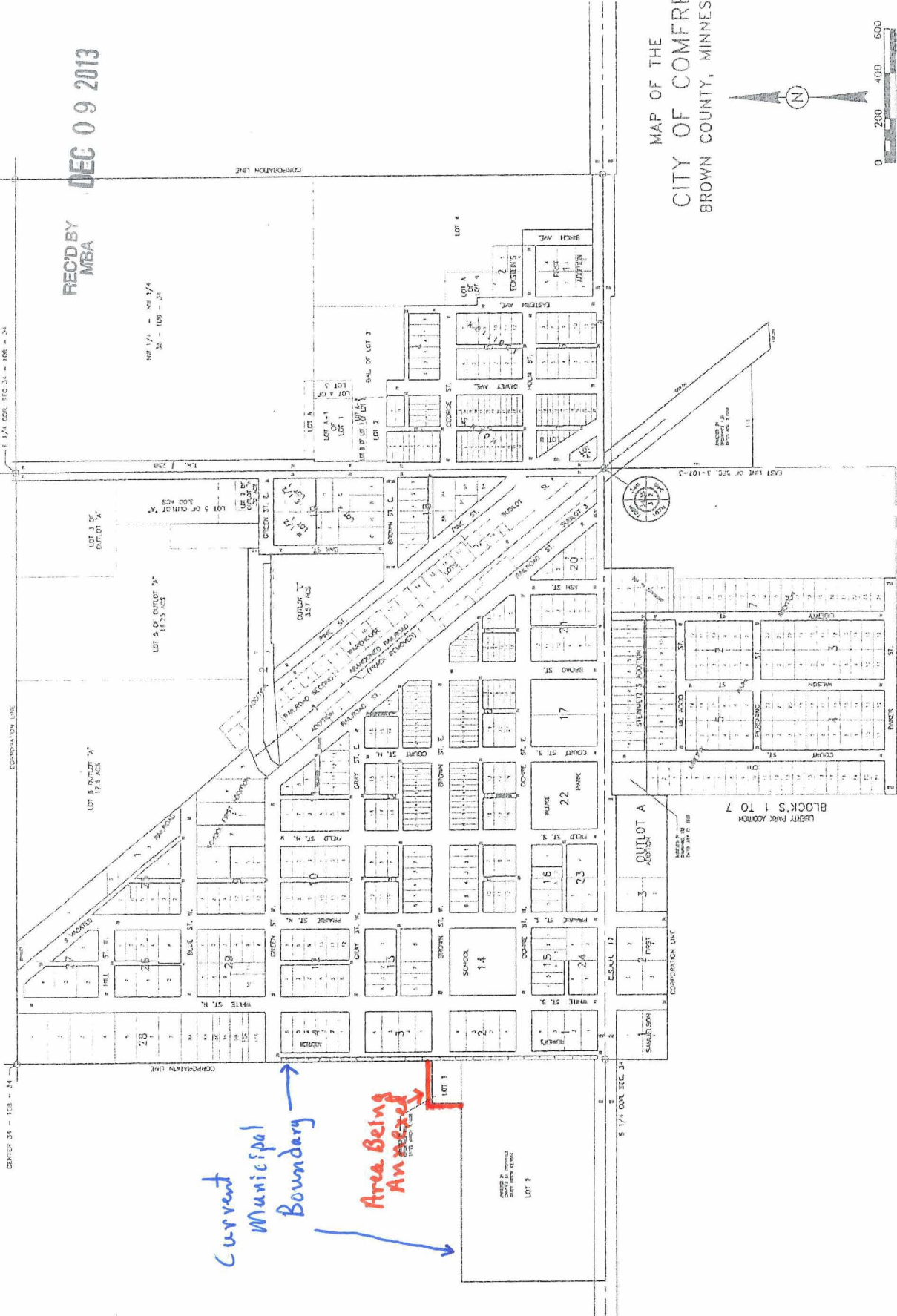
REC'D BY  
MBA  
DEC 09 2013

MAP OF THE  
CITY OF COMFREY  
BROWN COUNTY, MINNESOTA



0 200 400 600  
SCALE IN FEET

BOLTON & MENK INC.  
145 WEST WISCONSIN AVE. SUITE 100  
ST. CLOUD, MN 56301  
TEL: 833-333-3333  
FAX: 833-333-3333  
WWW.BOLTONMENK.COM



Current  
Municipal  
Boundary  
Area Being  
Annexed