

ORDINANCE #273 ANNEXING PROPERTY LOCATED IN FOUNTAIN TOWNSHIP,
FILLMORE COUNTY, MINNESOTA

Resolution No. 13-14

WHEREAS, the City of Preston has received a petition from the Preston Dairy & Farm Association and Ronald Gehling requesting annexation of 8.01 acres described as attached, and

WHEREAS, the Property abuts the City of Preston and is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available.

WHEREAS, the Property is deemed to be urban or suburban in character or about to become so. The property is not located within a flood plain or shoreland area.

WHEREAS, the Property is not contiguous to any property previously annexed within the preceding 12 months.

WHEREAS, the City of Preston has held a public hearing regarding annexation of the Property and given 30 days written notice of the public hearing by certified mail to Fountain Township and to all land owners within and contiguous to the Property.

WHEREAS, the Property is appropriate for annexation to the City of Preston pursuant to Minnesota Statute §414.033, Subd. 2(3).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Preston:

1. The Property described as attached, and adjacent highway rights-of-way, is hereby annexed to the City of Preston.
2. Property taxes payable for the Property shall continue to be paid to Fountain Township for 2014.
3. Pursuant to Minnesota Statute §414.036, the City of Preston shall provide a reimbursement to Fountain Township of three times the property tax payable to Fountain Township for the year 2014. This reimbursement shall be made in two equal payments, the first of which shall be paid to Fountain Township no later than December 31, 2015, and the second of which shall be paid no later than December 31, 2016.
4. The City Clerk shall file this Ordinance with the Chief Administrative Law Judge of the State of Minnesota, Fountain Township, and the Fillmore County Auditor.
5. This Annexation Ordinance shall be final on the date the Ordinance is approved by Chief Administrative Law Judge of the State of Minnesota.
6. This Ordinance shall be published in accordance with law.

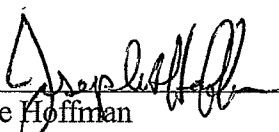
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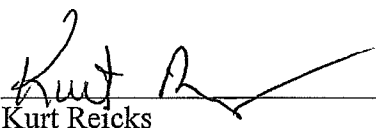
Council member Maust made the motion, with Harrison seconding the motion, with all members voting in favor of said motion and no members voting against the same. Motion declared carried.

Adopted by the Preston City Council this 31st day of March 2014.

ATTEST:



Joe Hoffman
City Administrator



Kurt Reicks
Mayor

APR 02 2014

LEGAL DESCRIPTION - 6.15 Acres

That part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 36, Township 103 North, Range 11 West, Fillmore County, Minnesota, described as follows:
Commencing at the Northwest Corner of said NW 1/4 NE 1/4; thence South 00 degrees 16 minutes 20 seconds East (assumed bearing) along the West line of said NW 1/4 NE 1/4, 1212.50 feet to the Northerly Right-of-Way line of Minnesota Trunk Highway No. 16; thence South 88 degrees 52 minutes 33 seconds East along said R.O.W. line, 109.20 feet; thence South 01 degree 08 minutes 04 seconds West along said R.O.W. line, 5.00 feet; thence South 88 degrees 52 minutes 33 seconds East along said R.O.W. line, 414.45 feet to the point of beginning of the tract of land to be herein described; thence North 00 degrees 16 minutes 20 seconds West, 158.61 feet; thence North 44 degrees 01 minute 00 seconds East, 110.67 feet; thence North 00 degrees 16 minutes 20 seconds West, 336.58 feet; thence North 76 degrees 25 minutes 46 seconds East, 233.35 feet to the Westerly Right-of-Way line of Minnesota Trunk Highway No. 52; thence Southerly 448.90 feet along said R.O.W. line and along a nontangential curve, concave to the East, having a radius of 1347.85 feet and central angle of 19 degrees 04 minutes 56 seconds (chord bears South 36 degrees 46 minutes 07 seconds East and chord length is 446.82 feet); thence South 46 degrees 18 minutes 37 seconds East tangent to said curve and along said R.O.W. line, 129.57 feet; thence South 14 degrees 54 minutes 22 seconds West along said R.O.W. line, 96.30 feet; thence South 76 degrees 07 minutes 21 seconds West along said Northerly R.O.W. line of said Minnesota Trunk Highway No. 16, 213.88 feet; thence Westerly 156.63 feet along said R.O.W. line and along a tangential curve, concave to the North, having a radius of 1061.08 feet and central angle of 08 degrees 27 minutes 27 seconds (chord bears South 80 degrees 21 minutes 05 seconds West and chord length is 156.49 feet); thence South 05 degrees 25 minutes 20 seconds East not tangent to said curve and along said R.O.W. line, 10.00 feet; thence Westerly 122.33 feet along said R.O.W. line and along a nontangential curve, concave to the North, having a radius of 1071.08 feet and central angle of 06 degrees 32 minutes 39 seconds (chord bears South 87 degrees 51 minutes 08 seconds West and chord length is 122.27 feet); thence North 88 degrees 52 minutes 33 seconds West tangent to said curve and along said R.O.W. line, 154.65 feet to the point of beginning and containing 6.15 acres, more or less. Subject to easement for access purposes across the Southwesterly corner thereof. Subject to any other easements of record.

LEGAL DESCRIPTION - 1.86 Acres

That part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 36, Township 103 North, Range 11 West, Fillmore County, Minnesota, described as follows: Commencing at the Northwest Corner of said NW 1/4 NE 1/4; thence South 00 degrees 16 minutes 20 seconds East (assumed bearing) along the West line of said NW 1/4 NE 1/4, 1212.50 feet to the Northerly Right-of-Way line of Minnesota Trunk Highway No. 16; thence South 88 degrees 52 minutes 33 seconds East along said R.O.W. line, 109.20 feet; thence South 01 degree 07 minutes 27 seconds West along said R.O.W. line, 5.00 feet; thence South 88 degrees 52 minutes 33 seconds East along said R.O.W. line, 190.08 feet to the point of beginning of the tract of land to be herein described; thence continuing South 88 degrees 52 minutes 33 seconds East along said R.O.W. line, 224.37 feet; thence North 00 degrees 16 minutes 20 seconds West, 158.61 feet; thence North 44 degrees 01 minute 00 seconds East, 110.67 feet; thence North 00 degrees 16 minutes 20 seconds West, 103.33 feet; thence South 82 degrees 39 minutes 43 seconds West, 302.97 feet; thence South 00 degrees 05 minutes 52 seconds East, 298.43 feet to the point of beginning and containing 1.86 acres, more or less. Subject to any easements of record.

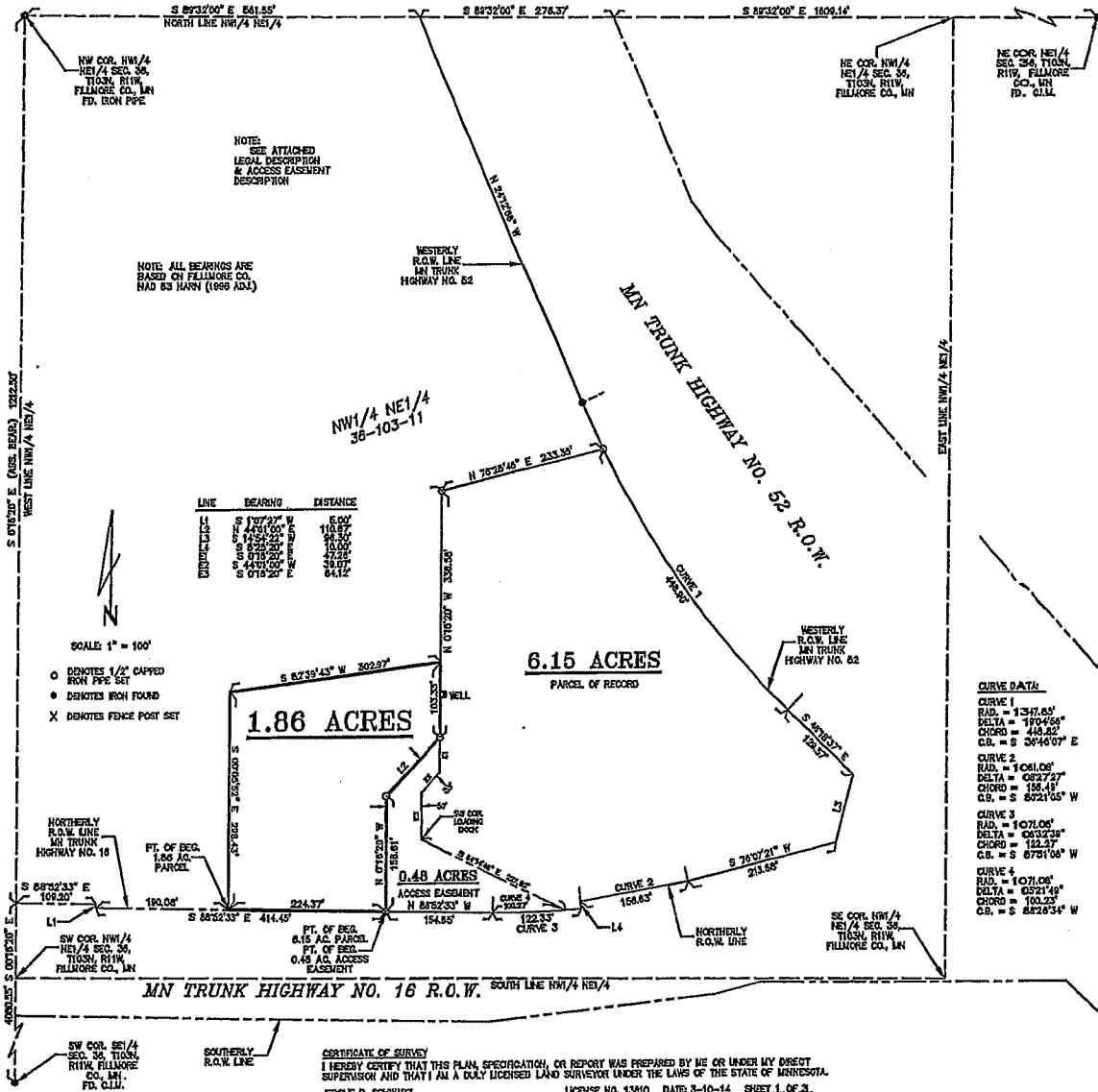
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CERTIFICATE OF SURVEY

PART OF THE NW1/4 NE1/4 OF SEC. 36,
T103N, R11W, FILLMORE CO., MN

SURVEY REQUESTED BY
RON GSHING
PRESTON, MN



Area Map of Proposed Annexation City of Preston

REC'D BY
MBA

APR 02 2014

