

**ORDINANCE NO. 114****AN ORDINANCE OF THE CITY OF BUFFALO LAKE, MINNESOTA ANNEXING  
LAND LOCATED IN PRESTON LAKE TOWNSHIP, RENVILLE COUNTY,  
MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3),  
PERMITTING ANNEXATION BY ORDINANCE**

**WHEREAS**, a petition signed by the sole property owner, requesting that property legally described herein be annexed to the City of Buffalo Lake Minnesota, was duly presented to the Council of the City of Buffalo Lake on the 27th day of October, 2014; and

**WHEREAS**, said property is unincorporated and abuts the City of Buffalo Lake on its east 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 rural and annexation is requested to facilitate the extension of city services for the non-profit commercial development of the property; and

**WHEREAS**, the City of Buffalo Lake held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on October 27, 2014, following thirty (30) days written notice by certified mail to the Township of Preston Lake 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 the property owner has waived the electric utility service rate study. Attached is a Waiver of Electric Utility Service Notice signed by property owner.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUFFALO LAKE 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 non-profit commercial use is being proposed for said property the construction of which may require city services, including public sewer facilities.
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 Buffalo Lake, Minnesota, are hereby extended to include the following described property, said land abutting the City of Buffalo Lake 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 West Half of the Southeast Quarter of Section 30, Township 115 North, Range 31 West, Renville County, Minnesota, described as follows:

Commencing at the southeast corner of Lot 1 of the PLAT OF PART OF SOUTHEAST QUARTER OF SECTION 30 TOWNSHIP 115 NORTH, RANGE 31 WEST, according to the plat on file and of record in the office of the County Recorder in and for Renville County, Minnesota; thence southerly, parallel with the west line of said Southeast Quarter 150.00 feet to the point of beginning of the land to be described; thence westerly, parallel with the south line of said Lot 1 to said west line of the Southeast Quarter; thence southerly, along said west line to the intersection with the northerly right of way line of the Twin Cities and Western Railroad; thence easterly, along said right of way line to the intersection with a line parallel with said west line of the Southeast Quarter, measured from the point of beginning; thence northerly, along said parallel line to the point of beginning.

The above described property consists of a total of 5.78 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 presently zero.

5. The City of Buffalo Lake, 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 Preston Lake 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 years, consistent with the 2006 amendments to Minn. Stat. §414.036.

Former law provided that in the first year following the year when the municipality could first levy on the annexed area under this subdivision, and thereafter, property taxes on the annexed land shall be paid to the municipality. In the first year following the year the municipality could first levy on the annexed area, the municipality shall make a cash payment to the affected town or towns in an amount equal to 90 percent of the property taxes distributed to the town in regard to the annexed area in the last year the property taxes from the annexed area were payable to the town; in the second year, an amount equal to 70 percent; in the third year, an amount equal to 50 percent; in the fourth year, an amount equal to 30 percent; and in the fifth year, an amount equal to ten percent.

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

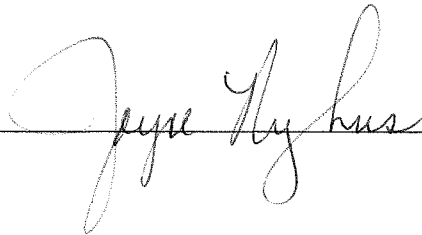
prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described herein there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

7. That the City Clerk of the City of Buffalo Lake 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 Renville County Auditor, and the Preston Lake 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 Buffalo Lake, Minnesota, this 27 day of October, 2014.

\_\_\_\_\_  
Mayor



ATTEST:

\_\_\_\_\_  
City Clerk

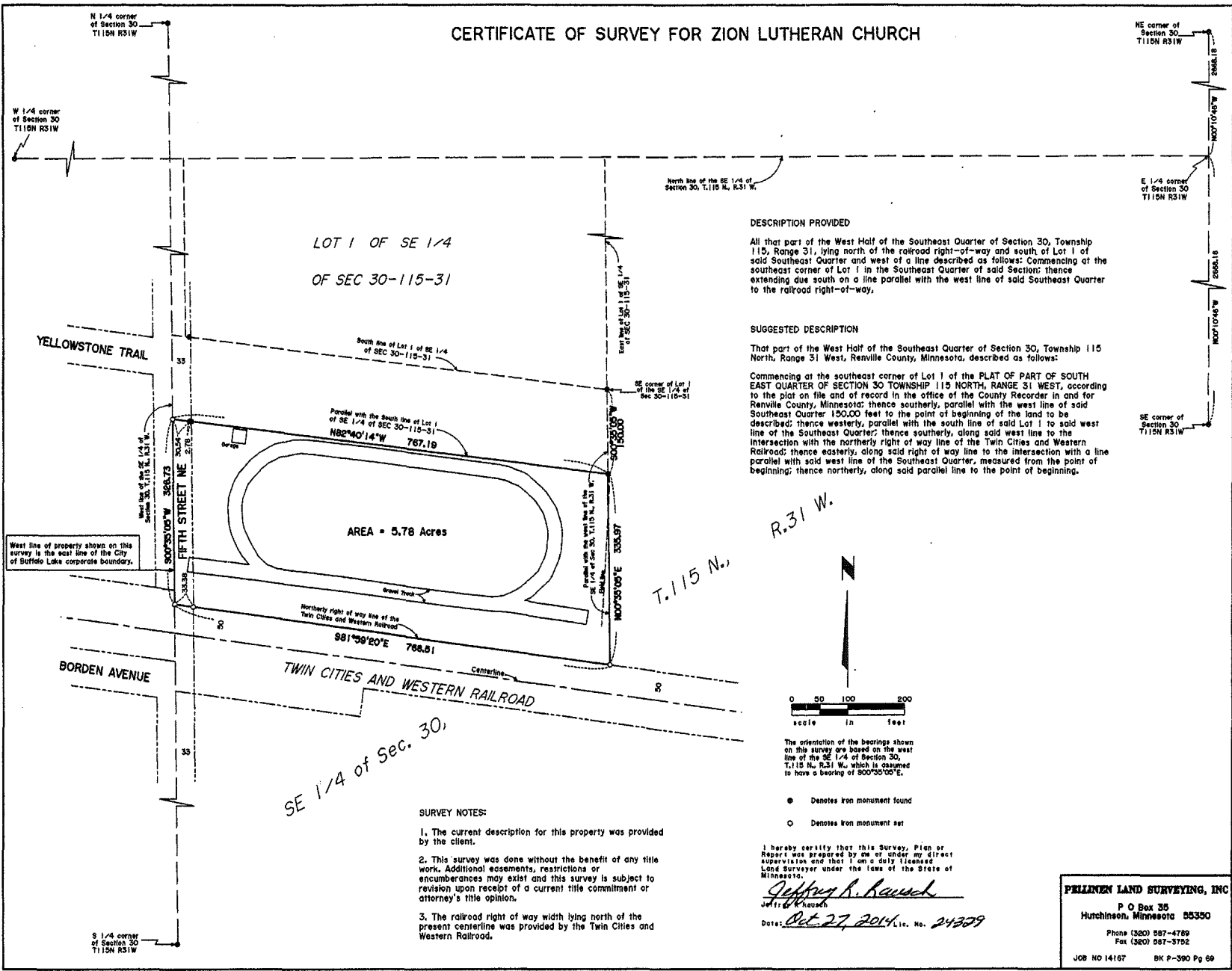
(City Seal)

Municipal Boundary Adjustment Unit Contacts

Star Holman [star.holman@state.mn.us](mailto:star.holman@state.mn.us) 651-361-7909

Katie Lin [katie.lin@state.mn.us](mailto:katie.lin@state.mn.us) 651-361-7911

### CERTIFICATE OF SURVEY FOR ZION LUTHERAN CHURCH



LOT 1 OF SE 1/4  
OF SEC 30-115-31

AREA = 5.78 Acres

#### DESCRIPTION PROVIDED

All that part of the West Half of the Southeast Quarter of Section 30, Township 115, Range 31, lying north of the railroad right-of-way and south of Lot 1 of said Southeast Quarter and west of a line described as follows: Commencing at the southeast corner of Lot 1 in the Southeast Quarter of said Section; thence extending due south on a line parallel with the west line of said Southeast Quarter to the railroad right-of-way.

#### SUGGESTED DESCRIPTION

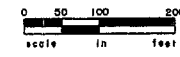
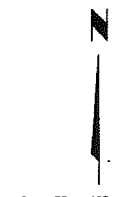
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West line of property shown on this survey is the scar line of the City of Buffalo Lake corporate boundary.

R.31 W.

T.115 N.



The orientation of the bearings shown on this survey are based on the west line of the SE 1/4 of Section 30, T.115 N., R.31 W., which is assumed to have a bearing of 90°00'00"E.

- Denotes iron monument found
- Denotes iron monument set

#### SURVEY NOTES:

1. The current description for this property was provided by the client.
2. This survey was done without the benefit of any title work. Additional easements, restrictions or encumbrances may exist and this survey is subject to revision upon receipt of a current title commitment or attorney's title opinion.
3. The railroad right of way width lying north of the present centerline was provided by the Twin Cities and Western Railroad.

I hereby certify that this Survey, Plan or Report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Jeffrey R. Rauech*  
Jeffrey R. Rauech

Date: Oct 27, 2014 Lic. No. 24329

FELLMEN LAND SURVEYING, INC

P O Box 35  
Hutchinson, Minnesota 55350

Phone (562) 587-4789  
Fax (562) 587-3702

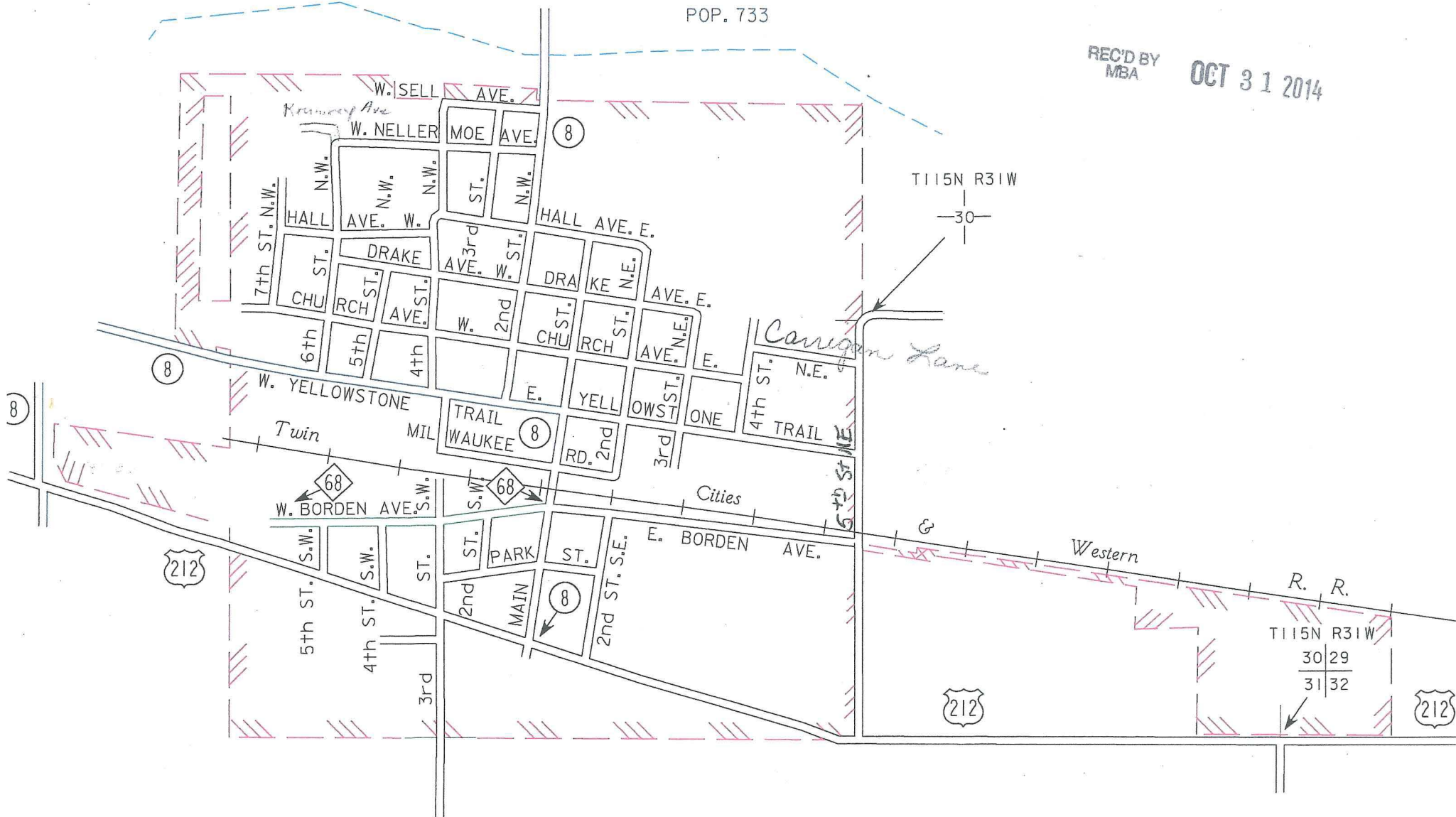
# BUFFALO LAKE

RENVILLE COUNTY

POP. 733

REC'D BY  
MBA

OCT 31 2014



To view all of our map products,  
please visit our website at:

<http://www.dot.state.mn.us/mapsales/>

**CITY ENGINEER'S COPY**