

**ORDINANCE NO. 333**  
**AN ORDINANCE IN THE CITY OF COLD SPRING, MINNESOTA ANNEXING LAND**  
**LOCATED IN WAKEFIELD TOWNSHIP, STEARNS 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 in the attached Exhibit A be annexed to the City of Cold Spring, Minnesota, was duly presented to the Council of the City of Cold Spring on the 7<sup>th</sup> day of July, 2014; and

WHEREAS, said property is unincorporated and abuts the City of Cold Spring on the subject property's south, east and west boundaries, and 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 developed and being used as a commercial site and such commercial use is not located within a floodplain or shoreland area. Approximately the north one-third of the property is part of a designated floodplain. See pages 3 and 4 of the attached Exhibit B). The City has enacted Ordinance 318, Floodplain Management Ordinance, pursuant to Minnesota Statutes Chapter 103F and Chapter 462, dealing with the floodplains within the City of Cold Spring. Section 2.9 of the Cold Spring Floodplain Management Ordinance provides that floodplain land areas annexed into the City will be subject to the provisions of the Floodplain Management Ordinance. The Cold Spring Floodplain Management Ordinance was adopted on December 21, 2011; and

WHEREAS, said property is currently developed as industrial use and annexation is requested to facilitate the extension of the city services for the continued industrial use of the property; and

WHEREAS, the City of Cold Spring held a public hearing pursuant to Minnesota Statutes §414.033, Subd. 2b, on November 24, 2014, following thirty (30) days written notice by certified mail to the Town of Wakefield and to all landowners within and contiguous to the area legally described on attached Exhibit A to be annexed; and

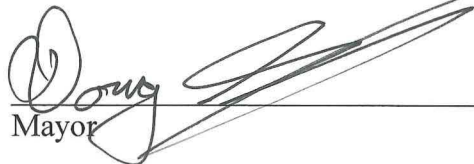
WHEREAS, provisions of Minnesota Statutes §414.033, Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLD SPRING  
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 the property is developed as an industrial use and requires or will need 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 Statutes §414.0325.

3. The corporate limits of the City of Cold Spring, Minnesota, are hereby extended to include the property described in attached Exhibit A, said land abutting the City of Cold Spring 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. The property described in Exhibit A consists of a total of 21.57 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relation to the corporate boundaries are attached hereto as Exhibit B.
4. The property being annexed is not contiguous to any property, either simultaneously proposed to be or previously annexed under Minnesota Statutes §414.033, Subd. 2(3) within the preceding twelve (12) months, nor is the property owned or has been owned at any point during the preceding twelve (12) months by the same owners which would result in the annexation cumulatively exceeding 120 acres.
5. That the population of the area legally described in attached Exhibit A and hereby annexed is 0.
6. The City of Cold Spring shall make a cash payment to the Town of Wakefield pursuant to Minnesota Statutes §414.036, with respect to property taxes payable on the area to be annexed. 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, but adjusted to be paid in substantially equal payments over two to eight years in accordance with Minn. Stat. §414.036.
7. There are no special assessments or debt incurred by the Town on the subject area for which reimbursement is required pursuant to Minnesota Statute §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.
8. That the city Clerk of the City of Cold spring 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 Stearns County Auditor, and the Wakefield Township Clerk

**Passed and adopted**, by the City Council of the City of Cold Spring, Minnesota, this 24<sup>th</sup> day of November, 2014, this Ordinance shall become effective upon approval by the Office of Administrative Hearings.

  
\_\_\_\_\_  
Mayor

ATTEST


  
\_\_\_\_\_  
City Clerk  
(City Seal)

EXHIBIT A

All that part of the East Half of the Southeast Quarter and of the Southeast Quarter of the Northeast Quarter of Section 14, Township 123, Range 30, described as follows: Commencing at the southeast corner of said Section 14; thence North on an assumed bearing along the east line of said Section, 1287.71 feet to the northerly right of way line of the Burlington Northern Railroad; thence South 72 degrees 37 minutes 45 seconds West, along said right of way line 742.72 feet for the point of beginning of the tract to be described; thence continue South 72 degrees 37 minutes 45 seconds West along said right of way line 470.00 feet; thence North 00 degrees 35 minutes 42 seconds West, 1690.77 feet; thence North 89 degrees 24 minutes 18 seconds East, 105.00 feet; thence North 00 degrees 35 minutes 42 seconds West 700 feet, more or less, to the thread of the stream of the Sauk River; thence easterly along said thread of stream 345 feet, more or less to its intersection with a line which bears North 00 degrees 35 minutes 42 seconds West from the point of beginning; thence South 00 degrees 35 minutes 42 seconds East, 2207 feet, more or less, to the point of beginning;

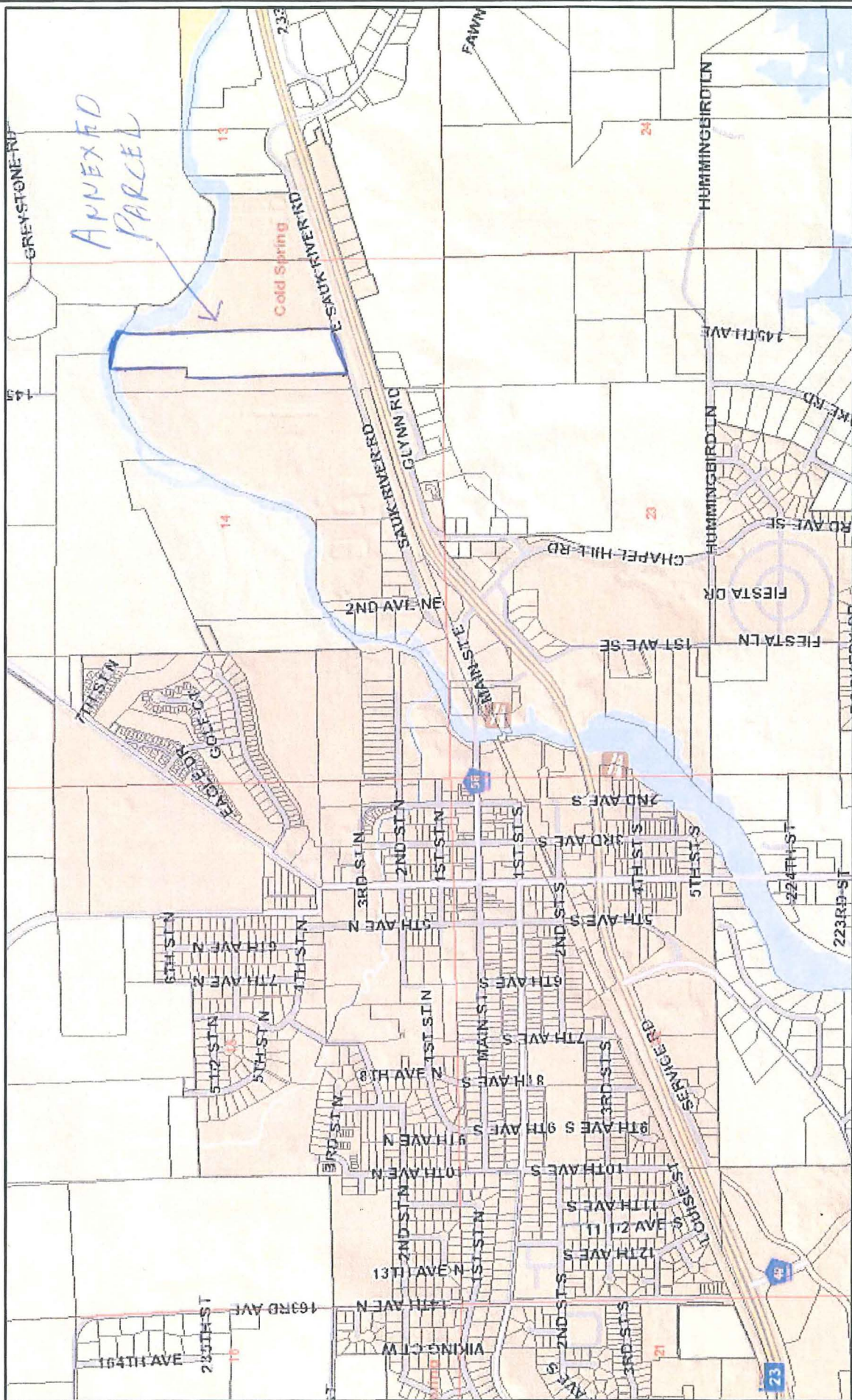
## LESS AND EXCEPT

Parcel 206R, MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 73-61, according to the recorded plat thereof, Stearns County, Minnesota.

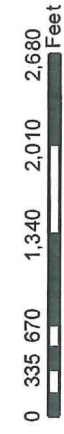
DARK BROWN = CITY PROPERTY  
LIGHT BROWN = TOWNSHIP PROPERTY

REC'D BY  
MBA  
DEC 19 2014

EXH B  
P. 1 of 4



Auditor/Treasurer  
Division of Land Management  
Date: 12/2/2014

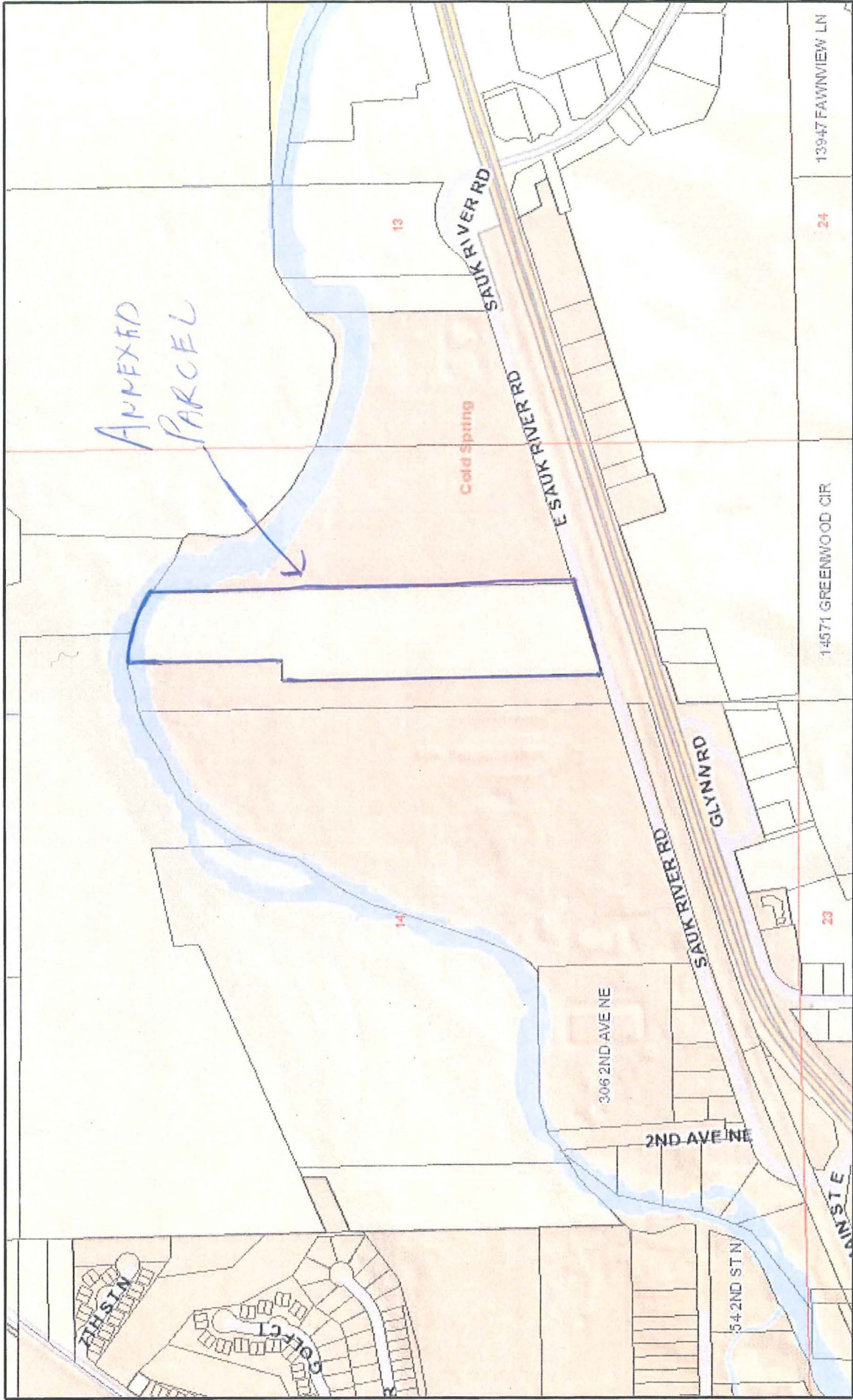


Date as represented in Starns County  
Databases. It is NOT intended for  
Local or State Use, and Starns County  
warrants all liability from this product.

DARK BROWN = CITY PROPERTY  
LIGHT BROWN = TOWNSHIP PROPERTY

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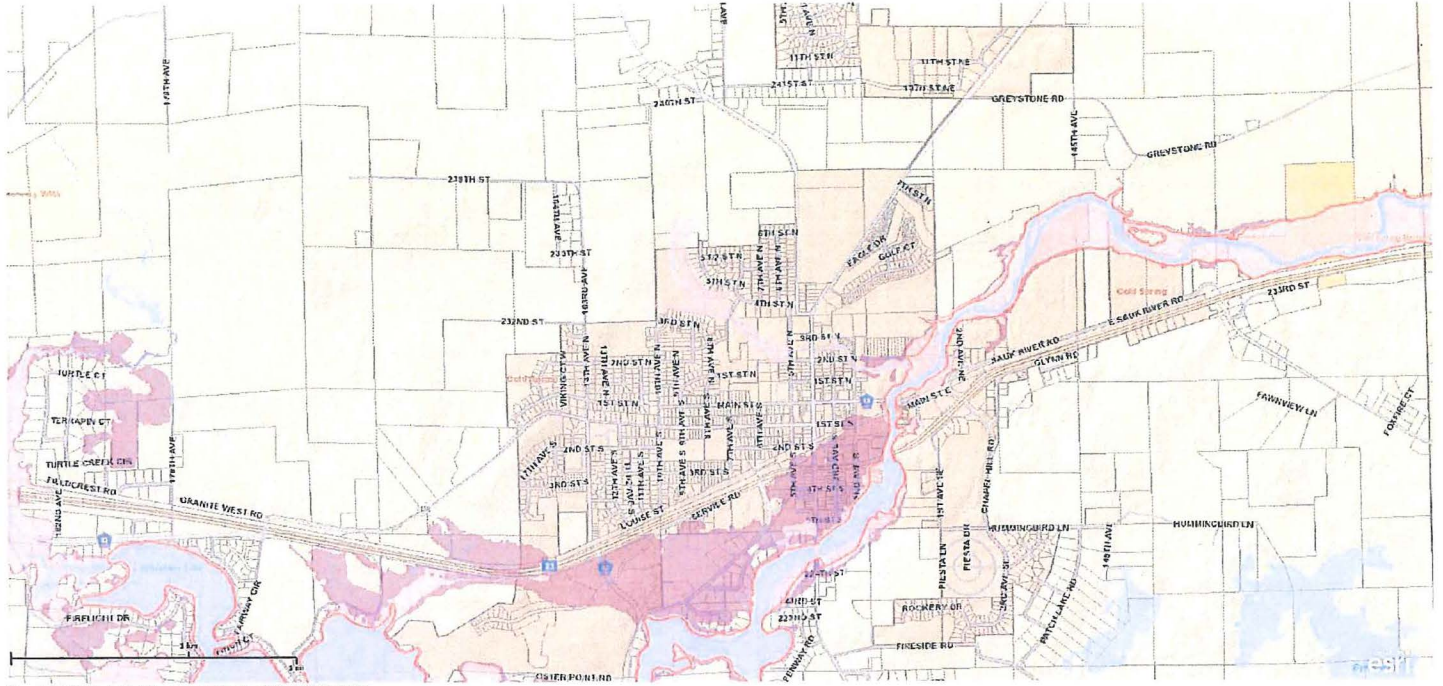
EXH B  
P. 2 of 4



Auditor/Treasurer  
Division of Land Management  
Date: 12/2/2014



Data as represented in Stearns County  
Databases. It is NOT Intended for  
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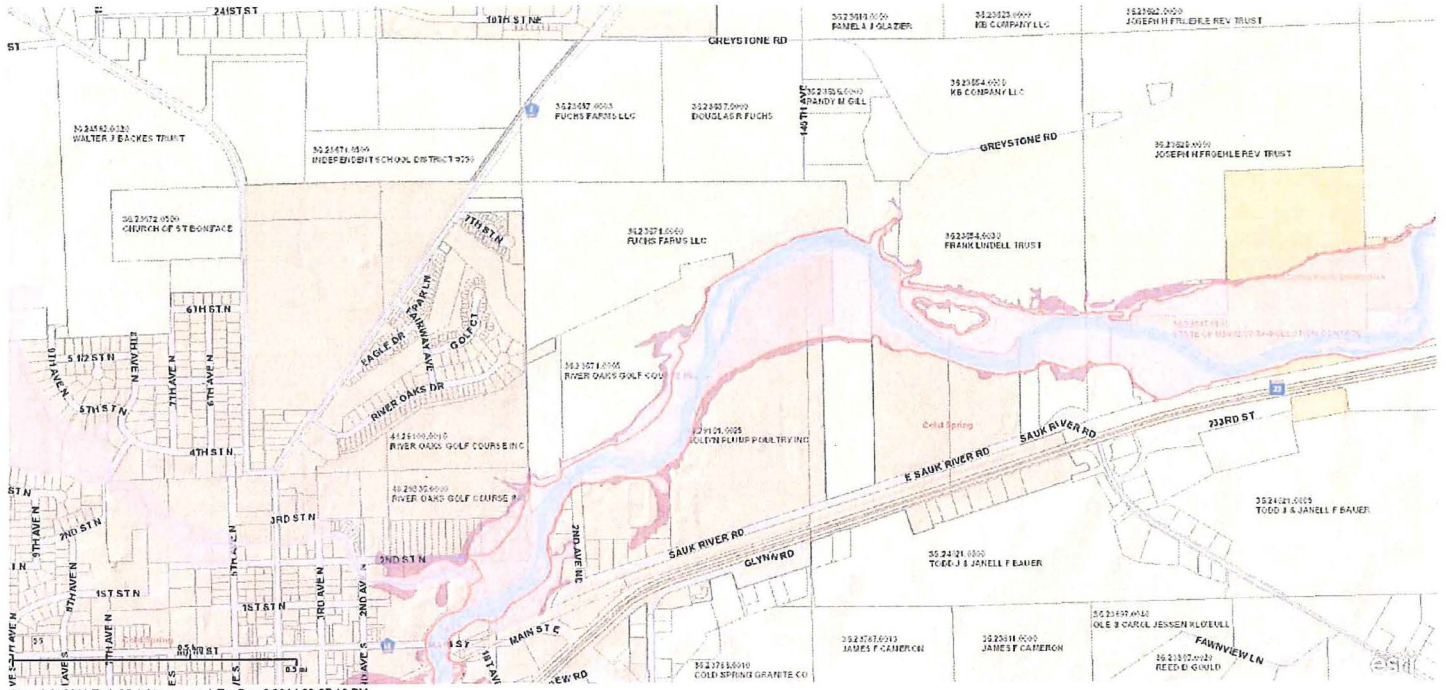
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EX 11 B  
p. 3 of 4

# My Map

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EXH B  
P. 4 OF 4