

**ORDINANCE NO. 15 4<sup>th</sup> SERIES – AMENDED - CORRECTED**

**AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, ANNEXING SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4SE1/4), SECTION TWENTY-SIX (26), TOWNSHIP ONE HUNDRED FIFTY-TWO (152) NORTH, RANGE FIFTY (50) WEST OF THE FIFTH PRINCIPAL MERIDIAN, POLK COUNTY, MINNESOTA.**

**THE CITY OF EAST GRAND FORKS ORDAINS:**

Section 1. This annexation is being passed and adopted pursuant to the provisions of Minnesota Statute § 414.033 subd. 2 clause 3.

Section 2. Johnson Farms a North Dakota partnership petitioned the City requesting the City join in the request to annex the above described property into the City of East Grand Forks. Johnson Farms made said request as it has been approached by a developer that wants to build Multi-family housing units to accommodate the Northland Community and Technical College student population.

Section 3. The land abuts the City of East Grand Forks, is urban or suburban in character and is owned by the City and Johnson Farms.

Section 4. That the City Council has determined that it is the best interest of the City that said parcel is to be annexed into the City so that it can have access to all City utilities and services to the area for the multi-family housing development

Section 5. That the notice and public hearing requirements of Minnesota Statute § 414.033 subd. 2b have been provided and a public hearing was held on August 18, 2015.

Section 6. That Minnesota Statute § 414.033 subd. 3, does not control because it is appropriate for annexation under Minnesota Statute § 414.033 subd. 2, clause 3.

Section 7. That the area to be annexed is unplatted and unpopulated property.

Section 8. That electric utility service notice of Minnesota Statute § 414.033 subd. 13, is not applicable as there are no electrical services presently provided in the proposed area.

Section 9. The City hereby annexes the real property situated in the County of Polk, State of Minnesota, legally described as follows, to wit:

Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), Section Twenty-six (26), Township One Hundred Fifty-two (152) North, Range Fifty (50) West of the Fifth Principal Meridian, Polk County, Minnesota containing approximately 40 acres.

Section 10. That said land is not in the floodplain or shoreland area.

Section 11. The City Administrator/Clerk Treasurer is hereby directed to file certified copies of this ordinance with the Chief Administrative law Judge, Municipal Boundary Adjustments Division of the state Office of Administrative Hearings (Minnesota Municipal Board), Grand Forks Township, Polk County Auditor, and the Minnesota Secretary of State. A copy of the annexation ordinance must be delivered immediately to the Polk County auditor upon approval of the chief administrative law judge.

Section 12. City Code Chapter 10 entitled Definitions and General Provisions Applicable to the Entire City Code Including Penalty for violation” is hereby adopted in its entirety, by reference, as repeated verbatim herein.

Section 13. This ordinance shall take effect and be in force from and after its passage and publication and be given number 15 4<sup>th</sup> Series, and after its approval by the Minnesota Municipal Board.

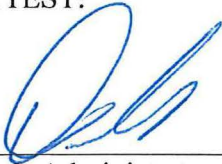
*Voting Aye:*

*Voting Nay:*

*Absent:*

The President declared the Ordinance passed.

ATTEST:



Clerk-Administrator

PASSED: April 19, 2016



President of Council

I hereby approve the foregoing Ordinance this 19<sup>th</sup> day of April, 2016.



Mayor

**SPECIAL ASSESSMENT PROPERTY TAX AGREEMENT BETWEEN THE CITY OF  
EAST GRAND FORKS AND GRAND FORKS TOWNSHIP, MINNESOTA**

IN THE MATTER OF ANNEXATION OF LAND FROM GRAND FORKS TOWNSHIP TO  
THE CITY OF EAST GRAND FORKS, MINNESOTA PURSUANT TO MINNESOTA  
STATUTES § 414.033, SUBD. 2(3)

**WHEREAS**, Johnson Farms a North Dakota partnership petitioned the City requesting that the City join in the request to annex property located in Grand Forks Township into the City of East Grand Forks. Johnson Farms was approached by a developer to build multi-family housing units to accommodate the Northland Community and Technical College student population.

**WHEREAS**, the real property situated in Grand Forks Township, County of Polk, State of Minnesota, is legally described as follows:

Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), Section Twenty-six (26), Township One Hundred Fifty-two (152) North, Range Fifty (50) West of the Fifth Principal Meridian, Polk County, Minnesota containing approximately 40 acres.

**WHEREAS**, the City Council determined that it was in the best interest of the City to annex the parcel into the City so that it can have access to all City utilities and services for the multi-family housing development;

**WHEREAS**, the notice and public hearing requirements of Minnesota Statute § 414.033 subd. 2b were provided to the Grand Forks Township and a public hearing was held on June 16, 2015;

**WHEREAS**, Grand Forks Township did not object to the proposed annexation;

**WHEREAS**, the City annexed the property into the city by ordinance pursuant to Minnesota Statute § 414.033 subd. 2(3);

**WHEREAS**, it is a requirement of Minnesota Statute § 414.036 that the City enter into an agreement to reimburse to the Township to annex taxable property;

**WHEREAS**, the City must provide reimbursement for all or part of the taxable property and shall pay the Township in substantially equal payments as property tax reimbursement over not less than two nor more than eight years from the time of annexation.

**WHEREAS**, the property taxes due to the Township for the entire Quarter section that contains the 40 acre parcel that was annexed is \$407.30 per year;

**NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:**

The City of East Grand Forks shall pay to Grand Forks Township as reimbursement of real estate property taxes the amount of \$407.30 per year for a total of \$814.60. Payment will be made by March 1 in each calendar year 2016 and 2017 for full, final and complete reimbursement of the City's obligation as set forth in Minn.Stat. § 414.036.

DATED 12-15-15


DATED 12-17-15

GRAND FORKS TOWNSHIP

CITY OF EAST GRAND FORKS

  
\_\_\_\_\_  
Greg Stocker, Chairman

  
\_\_\_\_\_  
Lynn Stauss, Mayor

  
\_\_\_\_\_  
David Thompson, Clerk

  
\_\_\_\_\_  
David Murphy, City Administrator

CITY OF  
EAST GRAND FORKS, MINNESOTA  
PROPOSED ANNEXATION

EXISTING CITY LIMITS

APPROX. 1345'

PROPOSED  
ANNEXATION AREA  
(APPROX. 38.8 ACRES)

APPROX. 1266'

GRAND FOR

APPROX. 1324'

8th Street NW

8th Ave NW

63rd Street NW

22nd Street NW

Pioneer Ct NW

22nd Street NW

Central Avenue

College



0 250 500



Scale in Feet

SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER,  
SECTION 26, TOWNSHIP 152 NORTH, RANGE 50 WEST  
OF THE FIFTH PRINCIPAL MERIDIAN, POLK COUNTY,  
MINNESOTA CONTAINING APPROXIMATELY 38.8 ACRES.