

## ORDINANCE NO. 273

**AN ORDINANCE OF THE CITY OF HAWLEY, MINNESOTA, ANNEXING  
LAND LOCATED IN HAWLEY TOWNSHIP, CLAY 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 as

That part of the Southwest Quarter of Section Two, in Township One Hundred Thirty-nine North of Range Forty-five West of the Fifth Principal Meridian, situate in the County of Clay and the State of Minnesota, described as follows: Commencing at the South Quarter corner of said Section Two; thence on an assumed bearing of North 00°48'46" East along the East line of said Southwest Quarter, a distance of 1,006.50 feet; thence North 89°11'14" West a distance of 1,178.91 feet to the point of beginning of the land to be described; thence South 89°11'14" East a distance of 199.99 feet; thence South 00°13'57" West a distance of 174.13 feet; thence South 89°20'41" West a distance of 375.79 feet; thence South 00°22'47" East a distance of 213.58 feet; thence North 88°22'02" West a distance of 114.72 feet; thence North 31°41'28" West a distance of 434.84 feet; thence North 05°33'19" East a distance of 211.09 feet; thence North 38°10'57" East a distance of 252.19 feet; thence South 84°52'40" East a distance of 374.79 feet to the intersection with a line which bears North 00°13'57" East from the point of beginning; thence South 00°13'57" West a distance of 354.16 feet to the point of beginning, together with all hereditaments and appurtenances belonging thereto, and subject to all easements, restrictions, and reservations of record, if any.

be annexed to the City of Hawley, Minnesota, was duly presented to the Council of the City of Hawley on the 16<sup>th</sup> day of June, 2016; and

**WHEREAS**, said property is unincorporated and abuts the City of Hawley on its westerly 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**, most of said property is currently vacant and unimproved and annexation is requested to facilitate the extension of city services for the commercial/residential development of the property; and

**WHEREAS**, the City of Hawley held a public hearing pursuant to Minnesota Statutes §414.033 Subd. 2b, on July 18, 2016, following thirty (30) days written notice by certified mail to the Town of Hawley 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 relating to the utility service and cost of such utility service has been discussed with the property owners who nonetheless have requested annexation of the above described property. The property owners specifically waived any notice requirements regarding estimated differences in utility costs.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAWLEY 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 development of a commercial/housing project is being proposed for said property, the construction of which 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 Statute §414.0325.

3. The corporate limits of the City of Hawley, Minnesota, are hereby extended to include the following described property, said land abutting the City of Hawley, 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 of Section Two, in Township One Hundred Thirty-nine North of Range Forty-five West of the Fifth Principal Meridian, situate in the County of Clay and the State of Minnesota, described as follows: Commencing at the South Quarter corner of said Section Two; thence on an assumed bearing of North 00°48'46" East along the East line of said Southwest Quarter, a distance of 1,006.50 feet; thence North 89°11'14" West a distance of 1,178.91 feet to the point of beginning of the land to be described; thence South 89°11'14" East a distance of 199.99 feet; thence South 00°13'57" West a distance of 174.13 feet; thence South 89°20'41" West a distance of 375.79 feet; thence South 00°22'47" East a distance of 213.58 feet; thence North 88°22'02" West a distance of 114.72 feet; thence North 31°41'28" West a distance of 434.84 feet; thence North 05°33'19" East a distance of 211.09 feet; thence North 38°10'57" East a distance of 252.19 feet; thence South 84°52'40" East a distance of 374.79 feet to the intersection with a line which bears North 00°13'57" East from the point of beginning; thence South 00°13'57" West a distance of 354.16 feet to the

point of beginning, together with all hereditaments and appurtenances belonging thereto, and subject to all easements, restrictions, and reservations of record, if any.

The above described property consists of a total of 355,014 square feet, more or less (8.15 acres). 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 two (2).

5. The City of Hawley and Hawley Township, pursuant to Minnesota Statutes §414.036, have agreed that in lieu of taxes payable, the City of Hawley shall be responsible for all costs of maintenance and repair of the blacktop roadway constructed to serve the subject property and have consented to the Annexation by signing the Petition filed by the Applicant. (Copy attached).

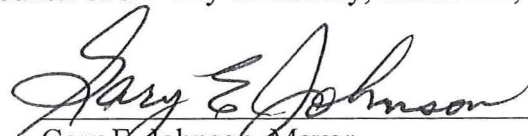
6. That pursuant to Minnesota Statutes §414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described herein there are no special assessments or debt incurred by the Town on the subject property for which reimbursement is required.

7. That the City Clerk of the City of Hawley 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 Clay County Auditor, and the Hawley Township Clerk.


8. The property herein described shall be zoned Residential upon annexation.

9. 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 Hawley, Minnesota, this 8<sup>th</sup> day of August, 2016.

  
\_\_\_\_\_  
Gary E. Johnson, Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa Jetvig, City Clerk

I HEREBY ATTEST THAT THE ABOVE IS A TRUE AND CORRECT COPY OF ORDINANCE 273 AS PASSED BY THE HAWLEY CITY COUNCIL AT THEIR MEETING ON AUGUST 8, 2016, AND THAT I HAVE IN MY POSSESSION AT CITY HALL.

  
LISA JETVIG, CLERK TREASURER

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
MUNICIPAL BOUNDARY ADJUSTMENTS

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IN THE MATTER OF PETITION OF GREGORY R. LARSON & SARAH LARSON FOR THE ANNEXATION OF CERTAIN LAND INTO THE CITY OF HAWLEY, MINNESOTA, PURSUANT TO MINNESOTA STATUTES SECTION 414.033, SUBD. 2(3).

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TO: COUNCIL OF THE CITY OF HAWLEY, STATE OF MINNESOTA, COUNTY OF CLAY

PETITIONERS STATE AND ALLEGE AS FOLLOWS:

1. That all of the property owners and their respective spouses, if any, have signed this Petition for annexation of unincorporated property into the City of Hawley.
2. The area proposed for annexation lies adjacent to the City of Hawley now situated in the Township of Hawley, County of Clay, State of Minnesota.
3. The area proposed to be annexed and the owner thereof and estimated market value are as follows:

Parcel No.: 13.002.3001 (Ex. A Parcel Report)

Owner Names: Gregory R. Larson  
970 Highway 32 S  
Hawley, MN 56549

Sarah Larson  
970 Highway 32 S  
Hawley, MN 56549

Legal Description: 7.35 AC BEG 1336.11' W of E SEC LINE & N R/W of HWY 10 EX 64 AC for PETERMANN'S 1st 2-139-45

Parcel No.: 13.002.3002 (Ex. B Parcel Report)

Owner Names: Gregory R. Larson  
970 Highway 32 S  
Hawley, MN 56549

Sarah Larson  
970 Highway 32 S  
Hawley, MN 56549

Legal Description: BEG 1006.50' N & 1178.91' W of S4 CORE, E 199.99', S 174.13', W 200' & N 179.25' to BEG 2-139-45

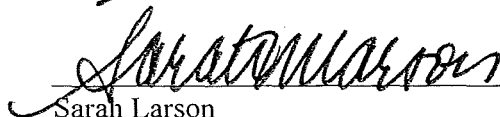
The estimated market value of the land owned by Gregory R. Larson & Sarah Larson for 2016 is \$210,000.00 for Parcel No. 13.002.3001 and \$3,300.00 for Parcel No. 13.002.3002.

4. The land abuts the municipality and is an area less than 120 acres. The area to be annexed is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available.
5. Said property is located in an unincorporated area within the jurisdiction of Hawley Township and abuts on the City's west boundary.
6. The property is not included within any other municipality but rather is currently under the jurisdiction of Hawley Township.
7. The area of land proposed to be annexed, in acres, is 8.15 acres, more or less.
8. The reason for the requested annexation is that the land is situated at a location to be developed shortly and in need of sewer, water, and utilities that can be offered by the City of Hawley.

WHEREFORE, Petitioners request that pursuant to Minnesota Statutes §414.033, subd. 2(3), the property described herein be annexed to and included within the City of Hawley, Clay County, Minnesota.


Dated this 5 day of ~~June~~ July, 2016

  
 Gregory R. Larson

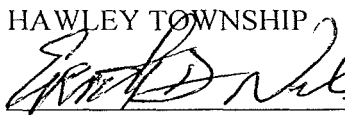
  
 Sarah Larson

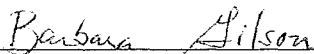
STATE OF MINNESOTA    )  
   (SS.  
 COUNTY OF CLAY        )

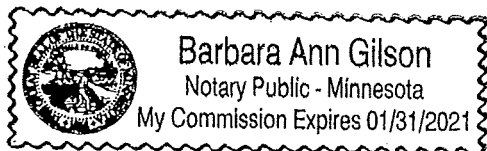
The foregoing instrument was acknowledged before me this 5 day of June, 2016, by Gregory R. Larson & Sarah Larson.

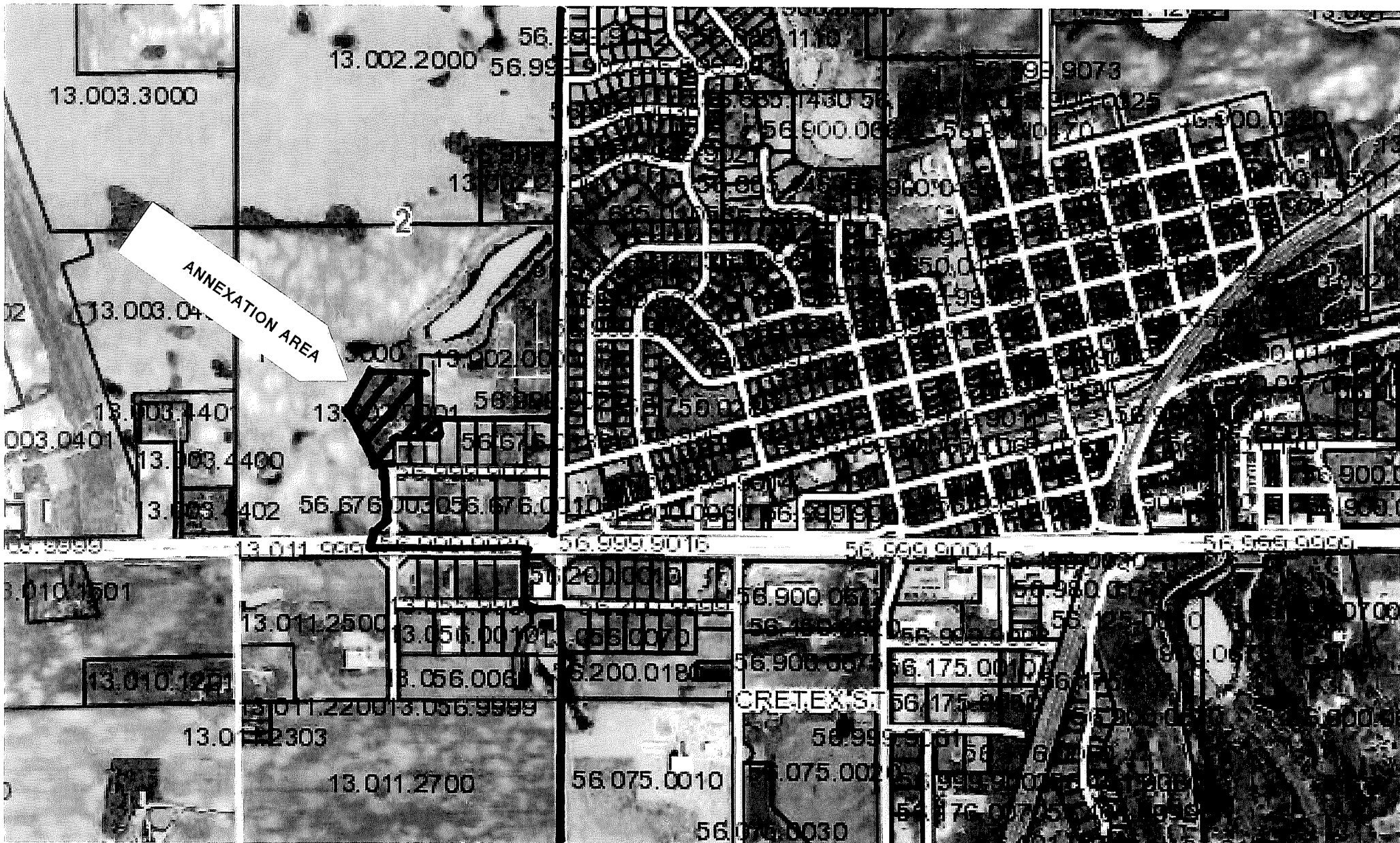
  
 Notary public,

We hereby consent to the annexation of this property by the City of Hawley.

HAWLEY TOWNSHIP  
  
 Everett Nelson, Supervisor

  
 , Clerk





ANNEXATION AREA

13.003.3000

13.002.2000

56.999.9016

56.999.9016

9073

13.002.2000

56.900.0016

56.900.0016

56.900.0016

13.003.0400

13.002.0500

56.999.9016

56.999.9016

13.003.0401

13.003.4400

13.003.4400

56.676.0030

56.676.0030

56.999.9016

13.010.1501

13.011.2500

13.056.0010

13.056.0070

56.900.0016

56.900.0016

56.900.0016

56.900.0016

13.010.1201

13.056.0060

13.200.0180

56.900.0016

56.175.0010

56.175.0010

13.011.2303

13.011.2200

13.056.9999

56.999.9016

56.175.0010

56.175.0010

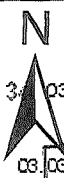
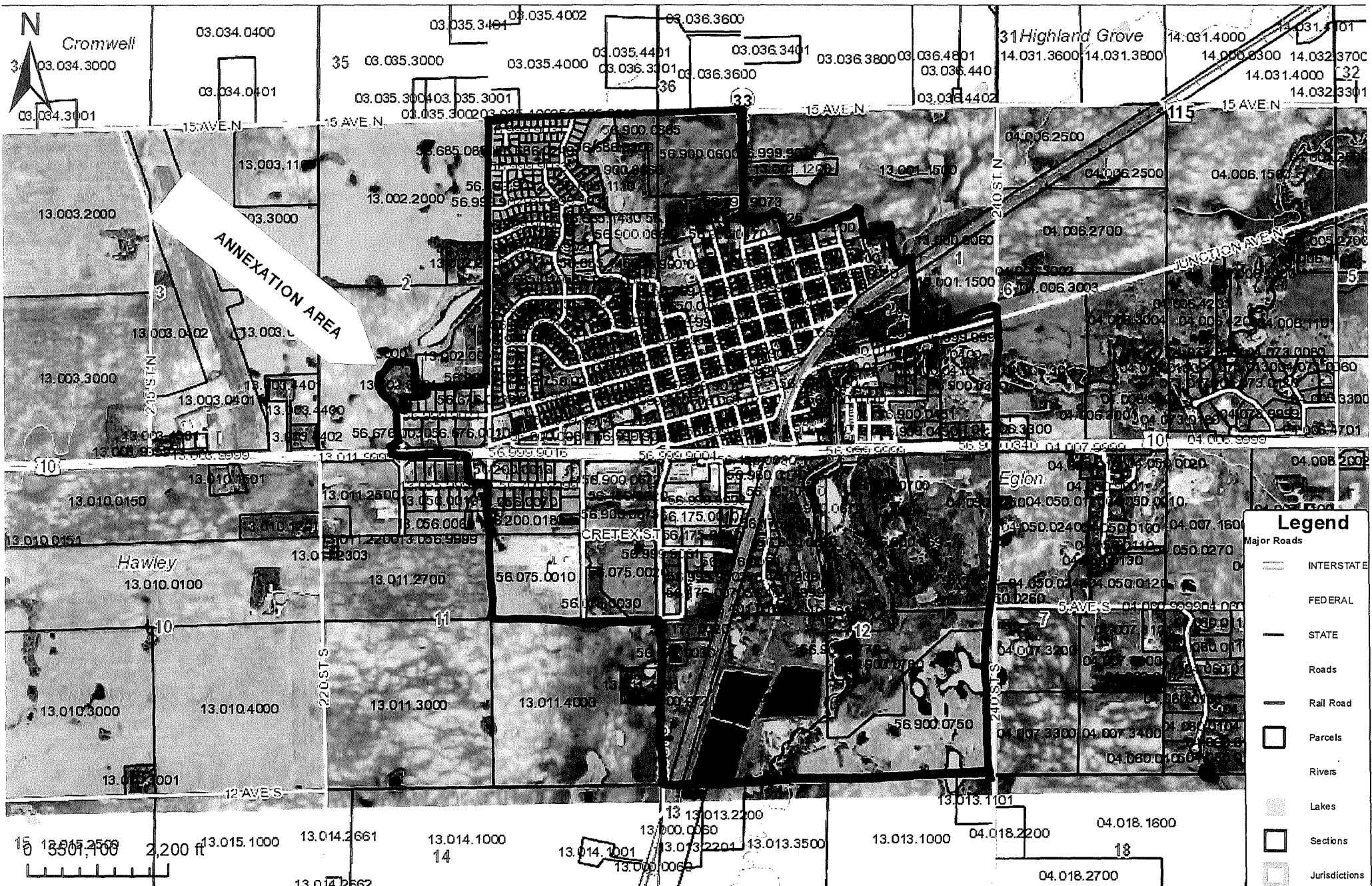
13.011.2700

56.075.0010

56.075.0010

56.075.0030

CRETEX ST



ANNEXATION AREA

**Legend**

- Major Roads
- INTERSTATE
- FEDERAL
- STATE
- Roads
- Rail Road
- Parcels
- Rivers
- Lakes
- Sections
- Jurisdictions

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

**HAWLEY CITY LIMITS**

Date: 7/19/2016

<http://claycountymn.gov>
  
 (218)-299-5003