ORDINANCE NO. 2016-11

AN ORDINANCE OF THE CITY OF CLEARWATER, MINNESOTA AMENDING ORDINANCE 2016-10 ANNEXING

LAND LOCATED IN CLEARWATER TOWNSHIP, WRIGHT COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3), PERMITTING ANNEXATION BY ORDINANCE

THE CITY COUNCIL OF THE CITY OF CLEARWATER HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City Council hereby amends Section 4 of Ordinance 2016-10 to read as follows:

SECTION 4. The City of Clearwater, pursuant to Minnesota Statutes § 414.036, with respect to the property taxes payable on the Property hereby annexed, shall make a cash payment to the Town of Clearwater in accordance with the following schedule:

- a. In the first year following the year in which the City of Clearwater could first levy on the Property, an amount equal to \$28.71; and
- b. In the second and final year, an amount equal to \$28.70.

SECTION 2. That the City Clerk of the City of Clearwater 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 Wright County Auditor, and the Clearwater Township Clerk.

SECTION 3. That this Ordinance shall be in full force and effect upon its passage and publication in summary form in the City's official newspaper and is 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 Clearwater, Minnesota, this 14th day of November, 2016.

ete Edmonson, Mayor

ATTEST:

Kevin Kress, City Administrator

ORDINANCE NO. 2016-10

AN ORDINANCE OF THE CITY OF CLEARWATER, MINNESOTA ANNEXING LAND LOCATED IN CLEARWATER TOWNSHIP, WRIGHT 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 set forth on Exhibit A attached hereto and made a part hereof (hereafter the "Property") be annexed to the City of Clearwater, Minnesota, was duly presented to the Council of the City of Clearwater on the 29th day of August, 2016; and

WHEREAS, the Property is unincorporated and abuts the City of Clearwater on its south boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

WHEREAS, part of the Property is located within a shoreland area, the City of Clearwater has adopted land use controls that conform to the requirements of MN Chapter 103F and any new development of the Property will be subject to the laws, rules and regulations of Chapter 103F and Division 19 of the Clearwater City Code; and

WHEREAS, said Property is currently undeveloped and annexation is requested to facilitate the extension of city services for the commercial development of the Property; and

WHEREAS, the City of Clearwater held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on October 17, 2016, following thirty (30) days written notice by certified mail to the Town of Clearwater and to all landowners within and contiguous to the Property; 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 Property to the City of Clearwater.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLEARWATER HEREBY ORDAINS AS FOLLOWS:

SECTION 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 a convenience store and fueling station use is being proposed for said Property, the operation of which requires or will need city services, including public sewer facilities.

SECTION 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.

SECTION 3. The corporate limits of the City of Clearwater, Minnesota, are hereby extended to include the Property because the Property abuts the City of Clearwater, is 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 of Clearwater having received a petition for annexation from the sole owner of the Property.

The Property consists of a total of 3.24 acres, more or less. Copies of the corporate boundary map showing the Property and its relationship to the corporate boundaries of the City of Clearwater and all appropriate plat maps are attached hereto.

SECTION 4. The City of Clearwater, pursuant to Minnesota Statutes § 414.036, with respect to the property taxes payable on the Property hereby annexed, shall make a cash payment to the Town of Clearwater in accordance with the following schedule:

- a. In the first year following the year in which the City of Clearwater could first levy on the Property, an amount equal to \$11,960.77; and
- b. In the second and final year, an amount equal to \$11,960.77.

SECTION 5. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town of Clearwater to the Property and any portion of debt incurred by the Town of Clearwater prior to the annexation and attributable to the Property, but for which no special assessments are outstanding for the Property, there are no special assessments or debt incurred by the Town of Clearwater on the Property for which reimbursement is required

SECTION 6. That the City Clerk of the City of Clearwater 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 Wright County Auditor, and the Clearwater Township Clerk.

SECTION 7. That this Ordinance shall be in full force and effect upon its passage and publication in summary form in the City's official newspaper and is 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 Clearwater, Minnesota, this 17th day of October, 2016.

Pete Edmonson, Mayor

ATTEST:

Kevin Kress, City Administrator





ENVIRONMENTAL . ENGINEERING . LAND SURVEYING

December 2, 2016

PROOSED PARCEL B LEGAL DESCRIPTION:

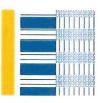
That part of the Northeast Quarter of Section 3, Township 122, Range 27, Wright County, Minnesota, described as follows:

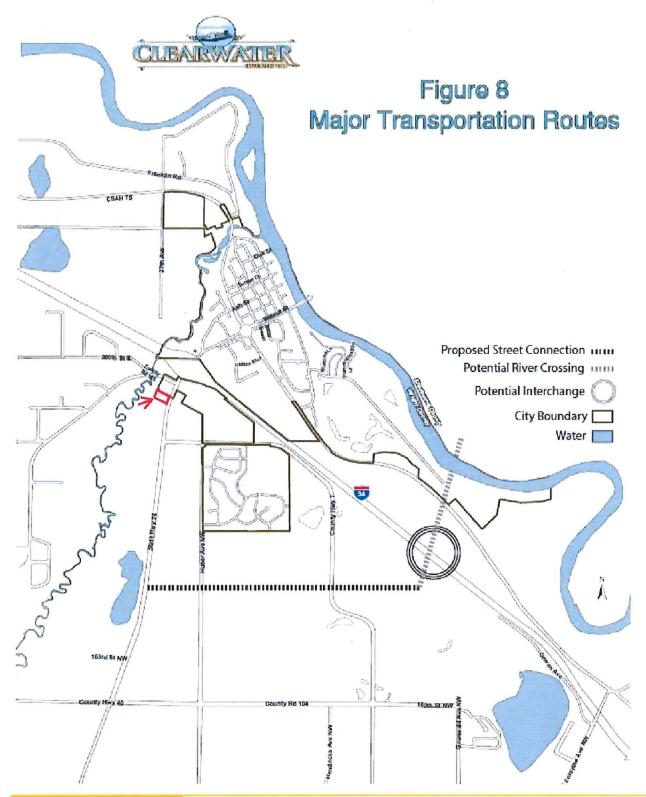
Commencing at the Southeast corner of the Northeast Quarter of said Section 3, Township 122, Range 27; thence North 01 degree 05 minutes 23 seconds West, assumed bearing along said East line of said Northeast Quarter, a distance of 865.26 feet; thence North 63 degrees 15 minutes 23 seconds West, 1143.83 feet to the westerly right of way line of State Trunk Highway No. 24; thence northeasterly, along said westerly right of way line of State Trunk Highway No. 24 to a point distant 120.00 feet southwesterly from the southerly right of way line of Interstate Highway No. 94 as measured along said westerly right of way line of State Trunk Highway No. 24; thence North 64 degrees 05 minutes 28 seconds West, a distance of 400.77 feet; thence South 26 degrees 20 minutes 39 seconds West, 457.89 feet to the former centerline of an abandoned town road and the point of beginning of the parcel to be described; thence South 35 degrees 57 minutes 59 seconds East along said centerline, a distance of 119.73 feet to an angle point in said centerline; thence South 62 degrees 16 minutes 53 seconds East, continuing along said centerline, a distance of 330.21 feet to said westerly right of way line of State Trunk Highway No. 24, thence southwesterly, along said westerly right of way line of State Trunk Highway No. 24, a distance of 306.08 feet; thence North 62 degrees 16 minutes 53 seconds West, 489.34 feet; thence North 26 degrees 20 minutes 39 seconds East, 353.18 feet to the point of beginning.

Said described area contains $\pm 141,040$ sq. ft. (± 3.24 acres)



COMPREHENSIVE PLAN UPDATE





ALTA/NSPS LAND TITLE SURVEY

THAT PART OF
SECTION 3, TOWNSHIP 122, RANGE 27,
WRIGHT COUNTY, MINNESOTA
KWIK TRIP, INC.

PARCEL "A" DESCRIPTION: (Per Schedule A of Title Commitment File No. 1423644, with a commitment date of April 07, 2016 at 7:30 A.M., prepared by First American Title Insurance Company):

That part of Lot 5, according to a plat filed September 14, 1883, being part of the Northeast Quarter of Section 3, Township 122, Range 27, Wright County, Minnesota, described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence on an assumed bearing of South 1 degree 05 minutes 23 seconds East along the East line of said Northeast Quarter, a distance of 1695.10 feet; thence North 62 degrees 16 minutes 53 seconds West, a distance of 1145.54 feet to the Westerly right of way line of Minnesota State Highway No. 24 also being a point on the former centerline of an abandoned town road being the point of beginning of the land to be described; thence Northeasterly along said Westerly right of way line being a nontangential curve concave to the East having a radius of 4,311.03 feet and a central angle of 6 degrees 59 minutes 51 seconds, a distance of 526.51 feet to a point distant 120.00 feet Southwesterly from the Southerly right of way of Interstate Highway No. 94 as measured along said Westerly right of way line, the chord of said curve bearing North 22 degrees 24 minutes 37 seconds East; thence North 64 degrees 05 minutes 28 seconds West, a distance of 400.00 feet; thence South 26 degrees 20 minutes 39 seconds West a distance of 458.35 feet to said former centerline of an abandoned town road; thence South 35 degrees 57 minutes 59 seconds East along said centerline, a distance of 119.73 feet; thence South 62 degrees 16 minutes 53 seconds East along said centerline, a distance of 330.17 feet to the point of beginning.

Except that part taken by the state of Minnesota pursuant to fee taking dated November 9, 1972, a Notice of Lis Pendens for which is dated September 27, 1973, and recorded October 17, 1973, as Document No. 286762, recorded in Book 156 of Mortgages, page 691 to 698 in the office of the Register of Deeds in and for Wright County, Minnesota.

Abstract Property

Subject to Schedule B, Section II Exceptions of Title Commitment File No. 1423644:

Item 9—The terms and provisions contained in the document entitled "Variance" recorded January 8, 1990 as Book 97 of Misc., page 39 as Document No. 467744 of Official Records. (Not survey related and not shown)

Item 10—The terms and provisions contained in the document entitled "Conditional Use Permit" recorded February 4, 2005 as Document No. 945865 of Official Records. (Not survey related and not shown)

Item 11—The terms and provisions contained in the document entitled "Public City Utility Easement" recorded May 26, 2015 as Document No. 960696 of Official Records. (As shown hereon)

PARCEL "B" DESCRIPTION: (Per Schedule A of Title Commitment File No. 1423647, with a commitment date of April 01, 2016 at 7:30 A.M., prepared by First

PROPOSED PARCEL DESCRIPTION, AS SURVEYED:

American Title Insurance Company)

That part of the Northeast Quarter of Section 3, in Township 122, Range 27, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 3, Township 122, Range 27, Wright County, Minnesota; thence North 01 degrees 05 minutes 23 seconds West, assumed bearing along said East line of said Northeast Quarter, a distance of 865.26 feet; thence North 63 degrees 15 minutes 23 seconds West, 1143.83 feet to the westerly right of way line of State Trunk Highway No. 24; thence northeasterly, along said westerly right of way line of State Trunk Highway No. 94 as measured along said westerly right of way line of State Trunk Highway No. 24; thence North 64 degrees 05 minutes 28 seconds West, a distance of 400.77 feet; thence South 26 degrees 20 minutes 39 seconds West to the former centerline of an abandoned town road and the point of beginning of the parcel to be described; thence South 35 degrees 57 minutes 59 seconds East along said centerline, a distance of 119.73 feet; thence South 62 degrees 16 minutes 53 seconds East along said centerline, a distance of 330.21 feet to said westerly right of way line of State Trunk Highway No. 24, a distance of 306.08 feet; thence North 62 degrees 16 minutes 53 seconds West, 489.34 feet; thence North 26 degrees 20 minutes 39 seconds East, 353.18 feet to the point of beginning.

TO BE SPLIT OUT OF THE FOLLOWING DESCRIBED PROPERTY (NOT INCLUDED AS PART OF THIS ALTA/NSPS LAND TITLE SURVEY):

That part of the Northeast Quarter of Section 3, in Township 122, Range 27, bounded by a line described as follows: Beginning at the East Quarter post of Section 3; thence North along the East line of said section, 13 chains and 11 links; thence North 62 Degrees 10 Minutes West (variation 10 Degrees 10 Minutes) to the Westerly line of the Clearwater and Big Lake Road; sometimes called Corinna Road, and to a point where the center line of Clearwater and Lynden Road, so—called, intersects said Clearwater and Big Lake Road (sometimes called Corinna Road); thence Westerly along the center of said Clearwater and Lynden Road to the Clearwater River; thence Southwesterly along the Clearwater River, to the South line of said Quarter; thence East along said South line to the place of beginning; the premises above described being also know as so much of Lots 6 and 7 in said section as lie Southwest of Clearwater and Lynden Road; also all of Lots 8 and 10, 11 and 12, according to a plat made by James Jenks, and containing Blocks 1 to 10 inclusive, Block 31 and 32, of what was formerly Freemont City, according to the plat and survey thereof filed in the office of the Register of Deeds of said County.

Excepting therefrom:

That part of the Northeast Quarter of Section 3, in Township 122 North, of Range 27 West, in Wright County, Minnesota, described as follows, to—wit: Commencing at the Northeast corner of said Northeast Quarter; thence South along the East line of said Northeast Quarter, a distance of 1695.10 feet to the point of beginning of the land to be described; thence Northwest deflecting 118 Degrees 48 Minutes 30 Seconds right, a distance of 723.78 feet; thence Southerly deflecting 101 Degrees 10 Minutes 30 Seconds left, a distance of 220.00 feet; thence Southeasterly deflecting 78 Degrees 49 Minutes 24 Seconds Left, a distance of 186.65 feet; thence South parallel with the East line of said Northeast Quarter a distance of 838.01 feet to the North right—of—way line of County Highway No. 7; thence East, Northeast, North, and East, along said right—of—way line to said East line of the Northeast Quarter; thence North along said East line a distance of 597.76 feet to the point of beginning. Subject to the right of way of public roads and subject to easements of record, if any.

Also Less and Except:

That part of the Northeast Quarter of Section 3, Township 122, Range 27 Wright County, Minnesota described as follows: Commencing at the Northeast corner of said Section 3, thence South along the East line of said Section 3 a distance of 1695.10 feet, thence deflecting 118 degrees 48 minutes 30 seconds right a distance of 37.88 feet to a iron pipe said pipe being the most southerly corner of Lot "A" of Lot 10, thence continuing on the same described course a distance of 685.90 feet along the Southwesterly line of said Lot "A" of Lot 10 to the point of beginning said point of beginning being the Southeasterly corner of the existing cemetery, thence deflecting 101 degrees 10 minutes 30 seconds left a distance of 220.00 feet, thence deflecting 101 degrees 10 minutes 36 seconds right a distance of 270.8 feet to the easterly right of way line of Trunk Highway 24, thence northeasterly along said right of way line on a tangential curve concave to the east a distance of 220.00 feet more or less to a point on the southwesterly line of said existing cemetery said point being 25.70 feet easterly from the most westerly corner of existing cemetery, thence deflecting 101 degrees 09 minutes 36 seconds right and on the southwesterly line of existing cemetery a distance of 270.80 feet to the point of beginning.

Abstract Property

Subject to Schedule B, Section II Exceptions of Title Commitment File No. 1423647:

Item 9—Terms and conditions of Conditional Use Permit, dated November 13, 1992, filed of record November 13, 1992, as Document No. 516107. (Not survey related and not shown)

Item 10—Rights of the public and private rights of other entitled thereof in and to the use of the portion of the premises that may be within the boundaries of any highway, public road, street, alley, or other public way. (Not survey related and not shown)

Item 11—Rights of the public, State of Minnesota and the U.S. Government, in that part of the premises which lies below the natural high water mark of the adjacent river or below the U.S. Government Harbor Line. (Not survey related and not shown)

Item 12—Ordinary riparian rights and obligations, including consequences of change in location of the water which defines a boundary of this parcel of land.

(Not survey related and not shown)

Item 13—The terms and provisions contained in the document entitled "Shared Easement Agreement" recorded ______ as Document No. ______ of Official Records. (Not shown hereon — to be created and executed at a later date. No recorded document exists at this time)

GENERAL NOTES:

- 1) The field work for this survey was completed on May 17, 2016.
- 2) Bearings shown hereon are based on the East line of the Northeast Quarter which is assumed to bear S01°00'14"E.
- 3) BENCHMARK: Minnesota Department of Transportation Geodetic Monument Name 8680 AY located in the Southeast Corner of the Bridge for Trunk Highway No. 24 crossing over Interstate No. 94 in Clearwater, Minnesota. Elevation=995.69 (NAVD 88)
- 4) Surveyed property address 8191 179th Street NW, Clearwater, MN 55320 and 17707 State Highway No. 24, Clearwater, MN 55320.
- 5) Per FEMA Flood Insurance Rate Map Number 270534 0003B with an affective date of August 4, 1998, surveyed property is located in multiple zones. Zone X, areas determined to be outside the 500—year floodplain and Zone AE areas inundated by 1% annual chance flooding, for which base flood elevations have been determined.
- 6) Per zoning letter provided by Kendra Lindahl, planner for City of Clearwater, both properties are zoned "C—4" General Commercial.
- 7) Per district standards in Division 14 of the Zoning Ordinance the setbacks are:
 - Minimum Front Yard (Arterial or Collector)— 40 feet for a new Lot or 30 feet for an existing lot.
 - Minimum Front Yard (Local)- 30 feet for a new Lot or 25 feet for an existing Lot.
 - Minimum Side Yard No side yard setback
 - Minimum Rear Yard 35 feet or 50 feet if abutting a residential district.
 - Maximum permitted height 30 feet for Principal building or 20 feet for Accessory building
- 8) Surveyed property contains $\pm 281,330$ sq. ft. (± 6.46 acres). Parcel A contains ± 3.22 acres (including remnant parcel northeasterly of County Road No. 145); Parcel B contains ± 3.24 acres.
- 9) Existing building on the surveyed property, dimensioned as shown.
- 10) At the time of this survey, there were no changes in street right—of—way lines either completed or proposed, and available from the controlling jurisdiction. There was no observable evidence of recent street or sidewalk construction or repairs.
- 11) No party walls were observed on the surveyed property.
- 12) Wetlands were not delineated as part of this survey.
- 13) Above ground utilities have been field located as shown. Underground utilities shown hereon are those which were field marked by utility companies responding to Gopher State One Call, Ticket No. 161330402, dated 5/12/2016 or were taken from utility plans prepared by SEH and provided by Bolton & Menk, Inc. All underground locations shown hereon are APPROXIMATE. Prior to any excavations or digging, contact Gopher State One Call for an on—site location (651—454—0002).
- 14) At the time of this survey, there was no observable evidence of earth moving work, building construction or building additions within recent months.
- 15) At the time of this survey, there was no observable evidence of site use as a solid waste dump, sump or sanitary landfill.
- 16) Parcel designations are convenience only and do not constitute an integral part of the legal description.

STATEMENT OF POSSIBLE ADDITIONAL ENCUMBRANCES ON THE SURVEYED PROPERTY:

- 1) No easement was provided for the abandoned town road (assumed to be Clearwater and Lynden Road) or Clearwater and Big Lake Road, sometimes called Corinna Road. Road vacations may be needed, as each effects the surveyed property, as shown hereon.
- 2 2) Right of Access per Document Number 286762, as shown hereon.

STATEMENT OF POSSIBLE ENCROACHMENTS:

- (A) A) Existing fire hydrant located near the most easterly corner of the surveyed property does not lie within any furnished easement, as shown.
- (B) B) Existing overhead utility lines crossing the surveyed property do not fall in any furnished easement, as shown.

CERTIFICATION:

To: Kwik Trip, Inc.; and First American Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(a), 7(a), 8, 9, 11(b), and 13 of Table A thereof. The field work was completed on May 17, 2016.

Date of Plat or Map: June 29, 2016

Signed: Carlson McCain, Inc.

Thomas R. Balluff, L.S. Minnesota License No. 40361 COLLEGE
ENVIRONMENTAL • ENGINEERING • SURVEYING
3890 Pheasant Ridge Drive NE,
Suite 100, Blaine, MN 55449
Phone: 763-489-7900 Fax: 763-489-795

NSPS LAND TITLE SURVEY
KWIK TRIP 104
Clearwater, Minnesota

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KWIK TRIP, INC. 1626 Oak Street P.O. Box 2107 La Crosse, WI, 54602

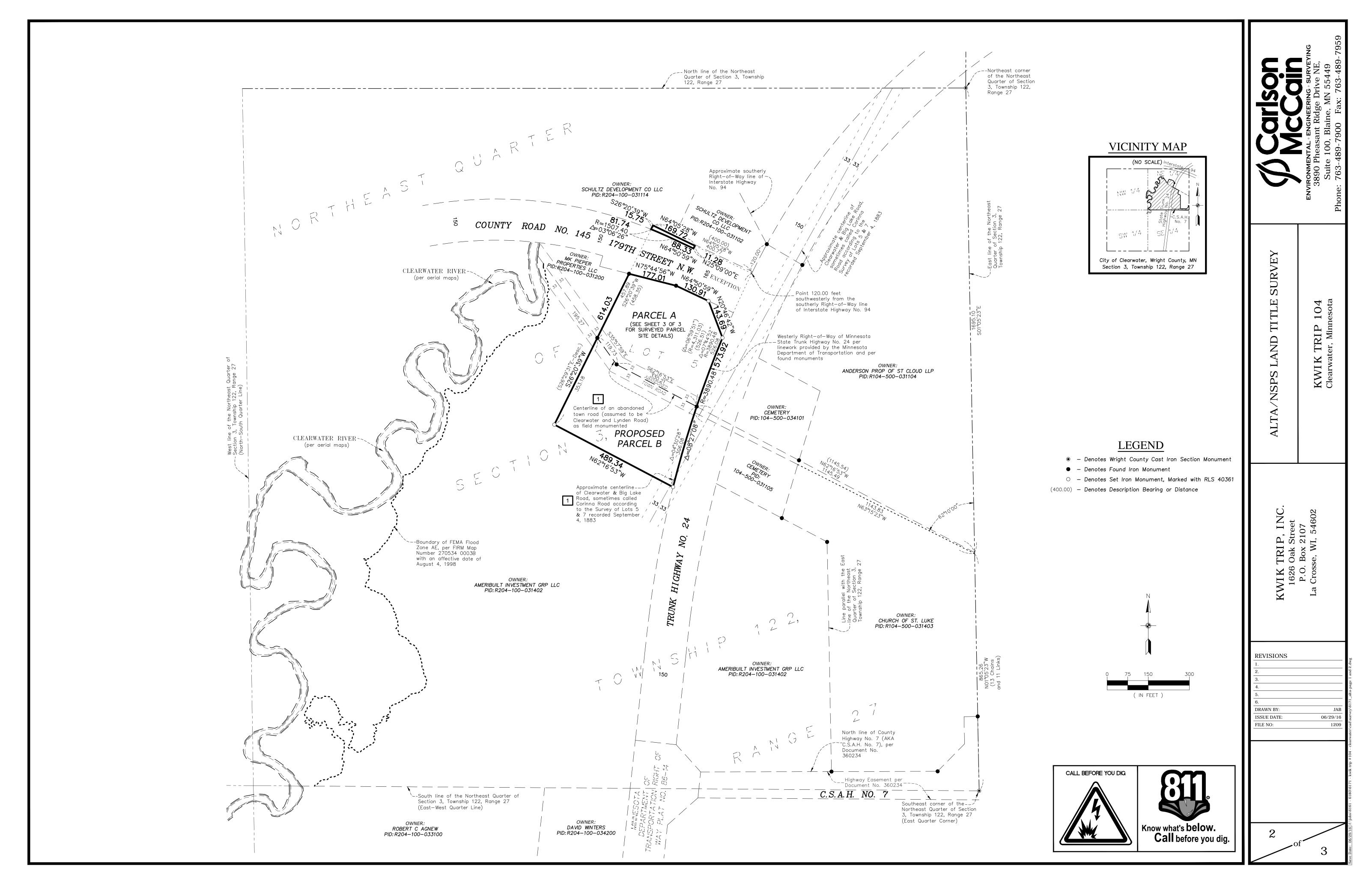
REVISIONS

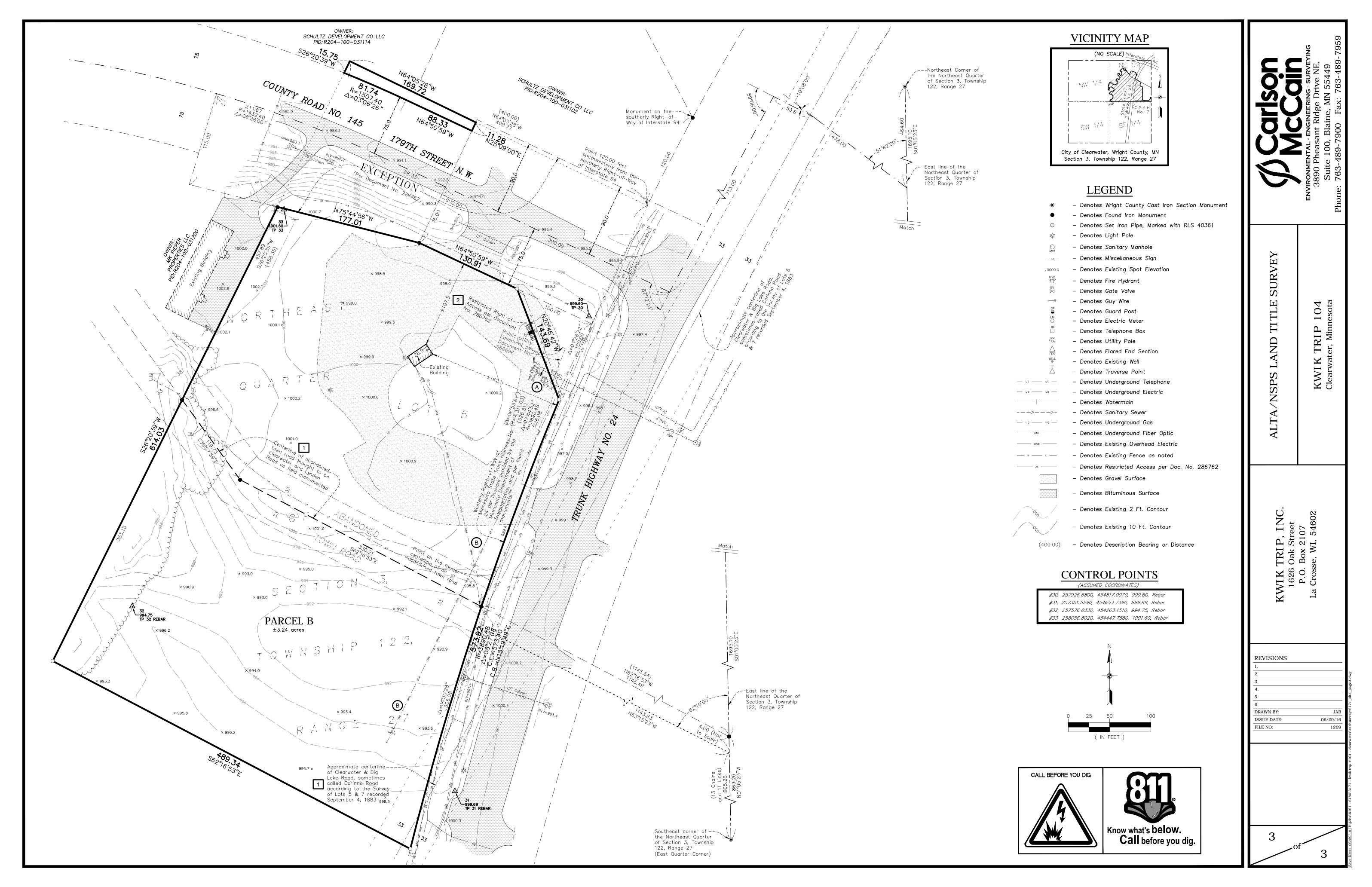
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DRAWN BY: JAB
ISSUE DATE: 6/29/16
FILE NO: 1209



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Commencing at the Southeast corner of the Northeast Quarter of said Section 3, Township 122, Range 27; thence North 01 degree 05 minutes 23 seconds West, assumed bearing along said East line of said Northeast Quarter, a distance of 865.26 feet; thence North 63 degrees 15 minutes 23 seconds West, 1143.83 feet to the westerly right of way line of State Trunk Highway No. 24; thence northeasterly, along said westerly right of way line of State Trunk Highway No. 24 to a point distant 120.00 feet southwesterly from the southerly right of way line of Interstate Highway No. 94 as measured along said westerly right of way line of State Trunk Highway No. 24; thence North 64 degrees 05 minutes 28 seconds West, a distance of 400.77 feet; thence South 26 degrees 20 minutes 39 seconds West, 457.89 feet to the former centerline of an abandoned town road and the point of beginning of the parcel to be described; thence South 35 degrees 57 minutes 59 seconds East along said centerline, a distance of 119.73 feet to an angle point in said centerline; thence South 62 degrees 16 minutes 53 seconds East, continuing along said centerline, a distance of 330.21 feet to said westerly right of way line of State Trunk Highway No. 24, thence southwesterly, along said westerly right of way line of State Trunk Highway No. 24, a distance of 306.08 feet; thence North 62 degrees 16 minutes 53 seconds West, 489.34 feet; thence North 26 degrees 20 minutes 39 seconds East, 353.18 feet to the point of beginning.

Said described area contains $\pm 141,040$ sq. ft. (± 3.24 acres)



ENVIRONMENTAL : ENGINEERING : SURVEYING 3890 Pheasant Ridge Drive NE, Suite 100, Blaine, MN 55449 Phone: 763-489-7900 Fax: 763-489-7959

1209 | 6171_dsc3(certificate of survey)

