ORIDINANCE NO. 2016-11

# AN ORDINANCE OF THE CITY OF CLEARWATER, MINNESOTA AMENDING ORDINANCE 2016-10 ANNEXING <br> LAND LOCATED IN CLEARWATER TOWNSHIP, WRIGHT COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3), PERMITTIING 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 $14^{\text {th }}$ day of November, 2016.


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 $\S 414.036$ 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 $17^{\text {th }}$ day of October, 2016.


## ATTEST:

Kevin Kress, City Administrator

## 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. ( $\pm 3.24$ acres)


## ALTA/NSPS LAND TITLE SURVEY

## THAT PART OF

SECTION 3, TOWNSHIP 122, RANGE 27 . wright county, minnesota

KWIK TRIP, INC.


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CENERAL NoIES
#, wos completed May 17, 201
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7) Peer district stonderds in Division 14 of the Zoning Ordinonce the setbocks ore
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## revisions




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Description Sketch

LEGAL DESCRIPTION:
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ENVIRONMENTAL•ENGINEERING•SURVEYING 3890 Pheasant Ridge Drive NE,
Suite 100 , Blaine, MN 54449 Phone: 763-489-7900 Fax: 763-489-7959


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Quarter of Section 3. Township
Quarter of Se
122, Range 27

-southwesterly from the line of Interstate


Westerly Right of Way
Trunk Highway No. 24


HIGHWAY


