

ORDINANCE NO. 2016-02

**AN ORDINANCE OF THE CITY OF KILKENNY, MINNESOTA ANNEXING
LAND LOCATED IN KILKENNY TOWNSHIP, LE SUEUR COUNTY, MINNESOTA
PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3),
PERMITTING ANNEXATION BY ORDINANCE**

WHEREAS, a petition, Attached hereto as Exhibit C, signed by all the property owners, requesting that property legally described on the Attached Exhibit A and demonstrated on the survey on Attached Exhibit A be annexed to the City of Kilkenny, Minnesota, was duly presented to the Council of the City of Kilkenny on the 12th day of December, 2016; and

WHEREAS, said property is unincorporated and abuts the City of Kilkenny on its western 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, said property is currently commercial and annexation is requested to facilitate the extension of city services for the development of the property; and

WHEREAS, the City of Kilkenny held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on December 12, 2016, following thirty (30) days written notice by certified mail to the Town of Kilkenny and to all landowners within and contiguous to the area legally described on the 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 KILKENNY
HEREBY ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the property as hereinafter described on the Attached Exhibit A abuts the city limits and is or is about to become urban or suburban in nature in that use the owner is has 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 Kilkenny, Minnesota, are hereby extended to include the property legally described on the Attached Exhibit A and attached survey, said land abutting the City of Kilkenny 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 above described property consists of a total of 21,929 square feet, more or less. 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 as Exhibit B.

4. That the population of the area legally described and hereby annexed is 0.

5. The City of Kilkenny, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described (herein or attached exhibit), hereby annexed, shall make a cash payment to the Town of Kilkenny in accordance with the following schedule:


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, in a total amount equivalent to that payable under the former law, but adjusted to be paid in substantially equal payments over two to eight years in accordance with the 2006 amendments to Minn. Stat. §414.036.

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 on Attached Exhibit A there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

7. That the City Clerk of the City of Kilkenny 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 Le Sueur County Auditor, and the Kilkenny Township Clerk.

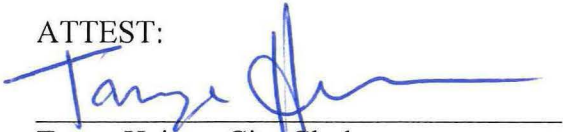
8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Kilkenny, Minnesota, this 12th day of December, 2016.



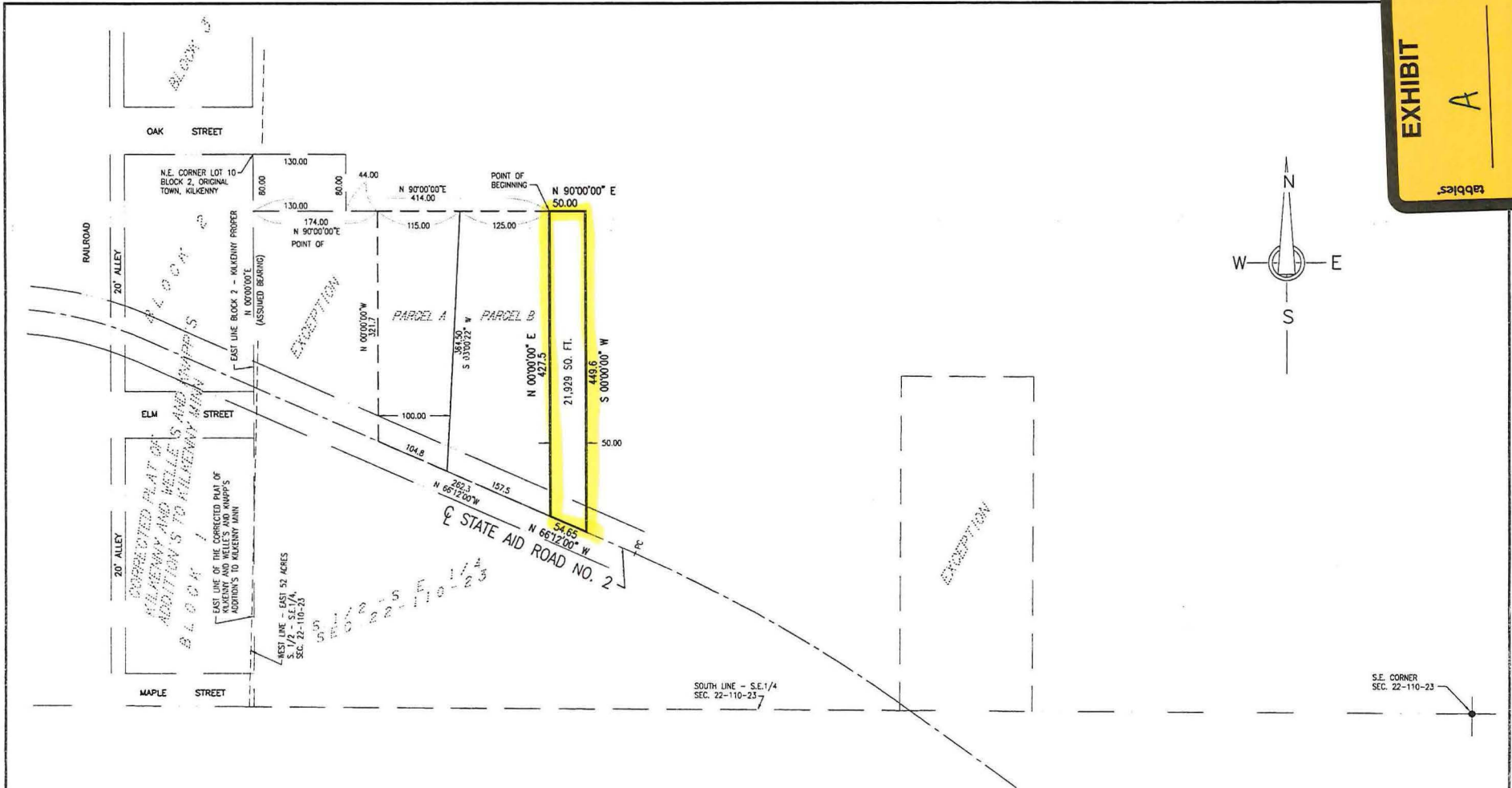
Kevin Taaffe, Jr. Mayor

ATTEST:



Tanya Heinen-City Clerk

(City Seal)



DESCRIPTION

That part of the South Half of the Southeast Quarter of Section 22 Township 110 North Range 23 West, LeSueur County, Minnesota described as:

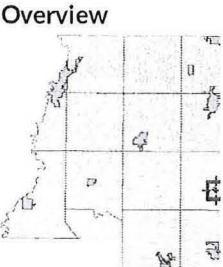
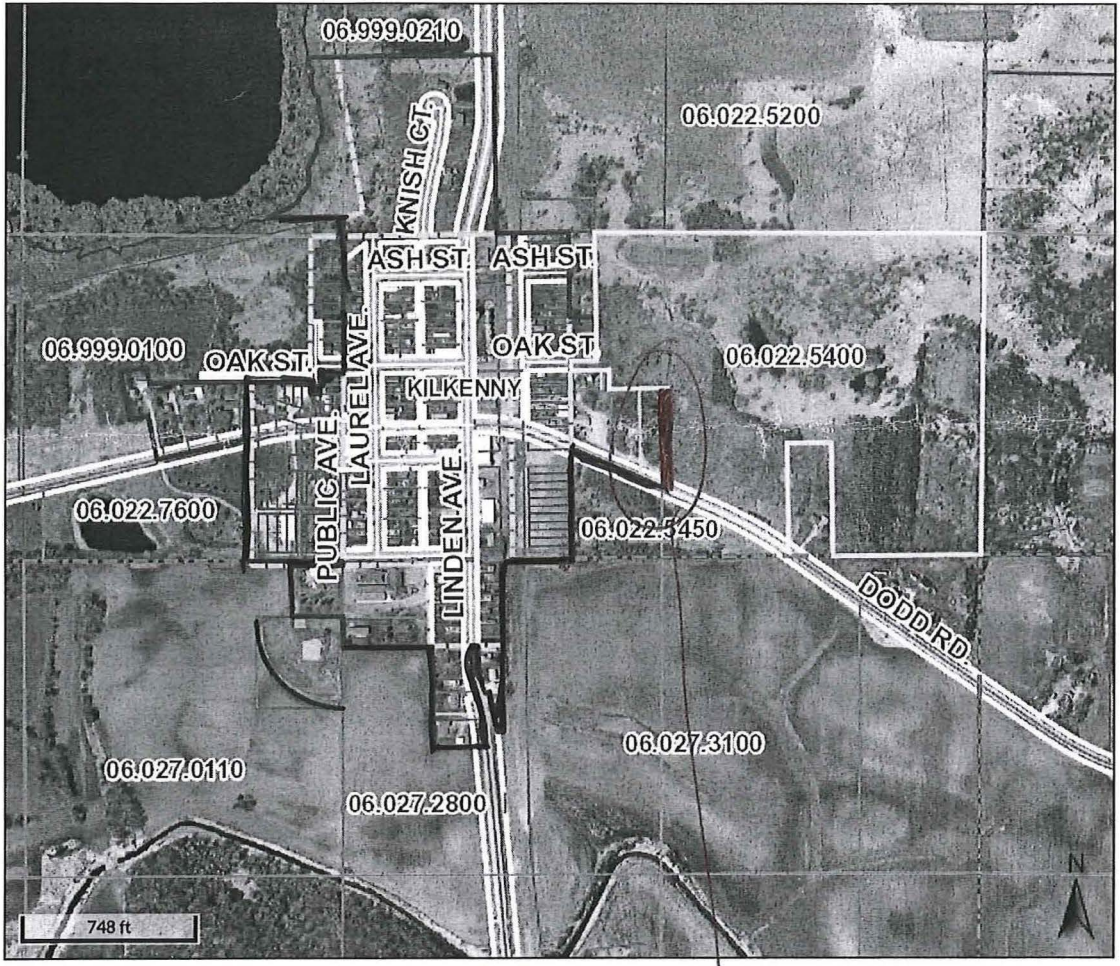
Commencing at a point on the east line of Block 2, "Kilkenny Proper" according to the corrected plat of Kilkenny, on file and of record with the LeSueur County Recorder at a point 80.00 feet south of the northeast corner of said Block 2; (the east line of said Block 2 to have an assumed bearing of North 00 degrees 00 minutes 00 seconds East); thence North 90 degrees 00 minutes 00 seconds East, 414.00 feet to the point of beginning; thence continuing North 90 degrees 00 minutes 00 seconds East, 50.00 feet; thence South 00 degrees 00 minutes 00 seconds West, 449.6 feet to a point on the center line of State Aid Road No. 2; thence North 66 degrees 12 minutes 00 seconds West, along said roadway center line, 54.65 feet to the point of intersection with a line which bears South 00 degrees 00 minutes 00 seconds West from the point of beginning; thence North 00 degrees 00 minutes 00 seconds East, 427.5 feet to the point of beginning. Said parcel contains 21,929 square feet, subject to any and all easements of record.

I hereby certify that this survey, plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signature: *Warren P. Smith*
 Print Name: WARREN P. SMITH
 Date: 8/18/16 License No. 14701

151 S. ANDREWS COURT
 SUITE 400
 MANKATO, MN 56001
 PHONE: 507-345-1003

DRAWING & DESCRIPTION		
LeSUEUR COUNTY, MINNESOTA		
PART OF S. 1/2 - S.E.1/4 SEC. 22, T110N - R23W		
FOR: KNISH, DANIEL	SCALE: 1"=100'	DATE: AUG., 2016
F.B.: FILE 16252		



- Legend**
- City Limits
 - Political Township
 - Cadastral Lines**
 - Corp Line
 - County Line
 - Easement Line
 - Geo Twp Line
 - Gov Lot Line
 - Lot Line
 - Misc Line
 - New Split Line
 - Parcel Line
 - Pol Twp Line
 - Quarter Line
 - Railroad Centerline
 - Railroad ROW
 - Road Centerline
 - Road ROW
 - Road ROW Vac
 - Section Line
 - Sub Line 400
 - Unknown Linear
 - Parcels

Parcel ID	06.022.5400	Alternate ID	n/a	Owner Address	KNISH,DANIEL J
Sec/Twp/Rng	22-110-023	Class	101 - AGRICULTURAL		41122 KILKENNY RD APT B
Property Address		Acres	40.73		KILKENNY, MN 56052
District	n/a				
Brief Tax Description	Sect-22 Twp-110 Range-023 40.73 AC E 52.74 AC OF S 1/2 OF SE 1/4 LESS 12.01 AC (PER GIS)				
	(Note: Not to be used on legal documents)				

Photo from April 2013
 Date created: 8/31/2016
 Last Data Uploaded: 8/31/2016 3:42:07 AM

Developed by
 The Schneider Corporation

Area to be Annexed



ANNEXATION PETITION

I, Daniel J. Knish, owner of Knish Kustomz, hereby petition the City Council for the City of Kilkenny, Le Sueur County, Minnesota for annexation of the property I own located at 115 N. Vinegar Hill Ave and legally described on the Attached Exhibit A into the City of Kilkenny's corporate limits. I am submitting this petition for annexation due to the fact that I am getting City Services (water and sewer).

Dated: X 8-12-16

X [Signature]

Daniel J. Knish

X [Signature]

Daniel J. Knish, Knish Kustomz as Its President



Exhibit A

That part of the South Half of the Southeast Quarter of Section 22 Township 110 North Range 23 West, LeSueur County, Minnesota described as:

Commencing at a point on the east line of Block 2, "Kilkenny Proper" according to the corrected plat of Kilkenny, on file and of record with the LeSueur County Recorder at a point 80.00 feet south of the northeast corner of said Block 2; (the east line of said Block 2 to have an assumed bearing of North 00 degrees 00 minutes 00 seconds East); thence North 90 degrees 00 minutes 00 seconds East, 414.00 feet to the point of beginning; thence continuing North 90 degrees 00 minutes 00 seconds East, 50.00 feet; thence South 00 degrees 00 minutes 00 seconds West, 449.6 feet to a point on the center line of State Aid Road No. 2; thence North 66 degrees 12 minutes 00 seconds West, along said roadway center line, 54.65 feet to the point of intersection with a line which bears South 00 degrees 00 minutes 00 seconds West from the point of beginning; thence North 00 degrees 00 minutes 00 seconds East, 427.5 feet to the point of beginning. Said parcel contains 21,929 square feet, subject to any and all easements of record.

