

# RECEIVED

by OAH on February 24, 2017

## CITY OF LAKE PARK, MINNESOTA

### ORDINANCE NO. 2017-01

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LAKE PARK TO INCLUDE CERTAIN UNINCORPORATED UNPLATTED LAND NOT EXCEEDING 120 ACRES IN AREA ABUTTING UPON THE CITY LIMITS.

#### RECITALS

WHEREAS, a certain petition dated December 23, 2016 requesting annexation of the territory hereinafter described was duly presented to the City Council of the City of Lake Park, Minnesota on February 13, 2017;  
and

WHEREAS, the petition was signed by all owners of the territory to be annexed; and

WHEREAS, a hearing was duly held by the governing body of the City of Lake Park, Minnesota, on the proposed annexation on February 13, 2017 following at least 30 days' written notice by certified mail to Lake Park Township and to all of the landowners within and contiguous to the area to be annexed pursuant to statute; and

WHEREAS, the land described in the petition abuts upon the City limits at the westerly/northwesterly boundary thereof, is approximately 7.54 acres in size and none of it is presently included within the corporate limits of any incorporated city; and

WHEREAS, the land is or is about to become urban or suburban in character; is unplatted land less than 120 acres in size and is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available. The territory is not contiguous to any property simultaneously proposed for annexation or previously annexed to the City within the preceding twelve (12) months and has a current population of zero (0); and

WHEREAS, None of this territory lies within a designated flood plain or shore land area. All of this territory is or is about to become urban or suburban in character; and

WHEREAS, Annexation is requested for the following reasons: The planned use of the area is for a housing development and City services such as water and sewer are necessary; and

WHEREAS, the provisions of Minn. Stat. 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 City.

NOW THEREFORE, the council of the City of Lake Park, Minnesota ordains:

Section 1. The City Council hereby determines that the territory described herein abuts upon the City limits and is or is about to become urban or suburban in character in that the residential use proposed for said property requires or will need city services, including public sewer facilities.

Section 2. None of the territory is now included within the limits of any city or in any area that has already been designated for orderly annexation pursuant to Minn. Stat. 414.0325.

Section 3. Territory annexed. The corporate limits of the City of Lake Park, Minnesota are hereby extended to include the unplatted land abutting the City and being 120 acres or less in area, and is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available, and the City having received a petition for annexation from all of the property owners of the land:

Real property in the County of Becker, State of Minnesota described as follows:

Parcel 18.0023.050

That part of the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) of Section 3, Township 139 North, Range 43 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Beginning at a point where the south line of Lake Street intersects the north and south quarter line of said Section 3; thence running westerly along the line of the south side of said Lake Street produced a distance of 472 feet; thence south on a line parallel to the said quarter line, a distance of 425.9 feet to the Northern Pacific right-of-way; thence easterly along the curved line of said right-of-way 475 feet to the quarter line of said Section 3; thence north on the quarter line, a distance of 469.5 feet to the place of beginning.

AND

Parcel 18.0023.100

That part of the Northwest Quarter (NW1/4) of Section 3, Township 139 North, Range 43 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Commencing at the Northwest corner of Lot 2 of the Subdivision Plat of Noben Addition as of public record in the office of the County Recorder, Becker County, Minnesota; thence on an assumed bearing of South on the Westerly line of said Noben Addition for a distance of 155.08 feet to the Southwest corner of Lot 1 of said Noben Addition; thence North 87 degrees 52 minutes West on the prolongation Westerly of the Southerly line of said Lot 1 for a distance of 46 feet; thence on a bearing of South and parallel with the Easterly line of said Noben Addition for a distance of 227 feet to the intersection with the prolongation Westerly of the Southerly line of Lake Street as dedicated in the Subdivision Plat of Canfield's Addition as of public record in the office of the County Recorder, Becker County, Minnesota; thence North 87 degrees 52 minutes West on last said prolongation line for a distance of 115 feet to the point of beginning; thence continuing North 87 degrees 52 minutes West 145 feet; thence on a bearing of North for a distance of 370.56 feet; thence North 89 degrees 58 minutes 33 seconds East 145 feet; thence on a bearing of South 370.56 feet, more or less, to the point of beginning.

AND

Parcel 18.0023.000

That part of Government Lot Four (4) and the Southeast Quarter of the Northwest Quarter

(SE1/4 of NW1/4) of Section 3, Township 139 North, Range 43 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Commencing at the southwest corner of Lot Six (6), Noben Addition, plat of which is on file and of record in the office of the County Recorder of said Becker County, thence North 15.00 feet on an assumed bearing along the westerly line of said Lot Six (6); thence North 89 degrees 59 minutes 51 seconds West 164.01 feet to the point of beginning; thence continuing North 89 degrees 59 minutes 51 seconds West 177.43 feet; thence South 00 degrees 01 minutes 08 seconds West 304.85 feet; thence North 89 degrees 59 minutes 49 seconds East 177.43 feet; thence on a bearing of North 290 feet, more or less, to the point of beginning.

The above described property consists of a total of 7.54 acres, 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.

Section 4. The population of the territory annexed is zero (0).

Section 5. Pursuant to Minn. Stat. 414.036 the City of Lake Park shall make a cash payment to the Town of Lake Park with respect to property taxes payable on the area hereby annexed in accordance with the following schedule: Taxes payable in 2017 are not yet determined. Taxes paid to the Town of Lake Park on the area hereby annexed were a total of \$126.09. Taxes on the area annexed levied to be paid in 2017 shall be paid to the town of Lake Park. The City of Lake Park will pay the Town of Lake Park the sum of \$63.05 in 2018 and the sum of \$63.05 in 2019 in reimbursement for taxable property hereby annexed.

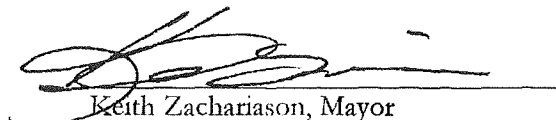
Section 6. There are no special assessments assigned by the Town to the annexed property and no debt incurred by the Town prior to the annexation and attributable to the property, but for which no special assessments are outstanding.

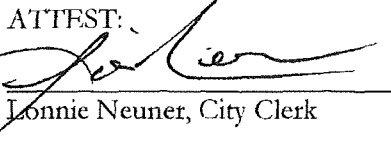
Section 7. Pursuant to Lake Park City Code Chapter 154, Section 154.26 (E) the area hereby annexed shall be in the R-2 Multi-Family Residential District for zoning purposes.

Section 8. Filing. The City Clerk is hereby directed to file certified copies of this ordinance with the Minnesota Office of Administrative Hearings, Municipal Boundary Adjustment Unit, the Minnesota Secretary of State, the Town Clerk of Lake Park Township and the Becker County Auditor.

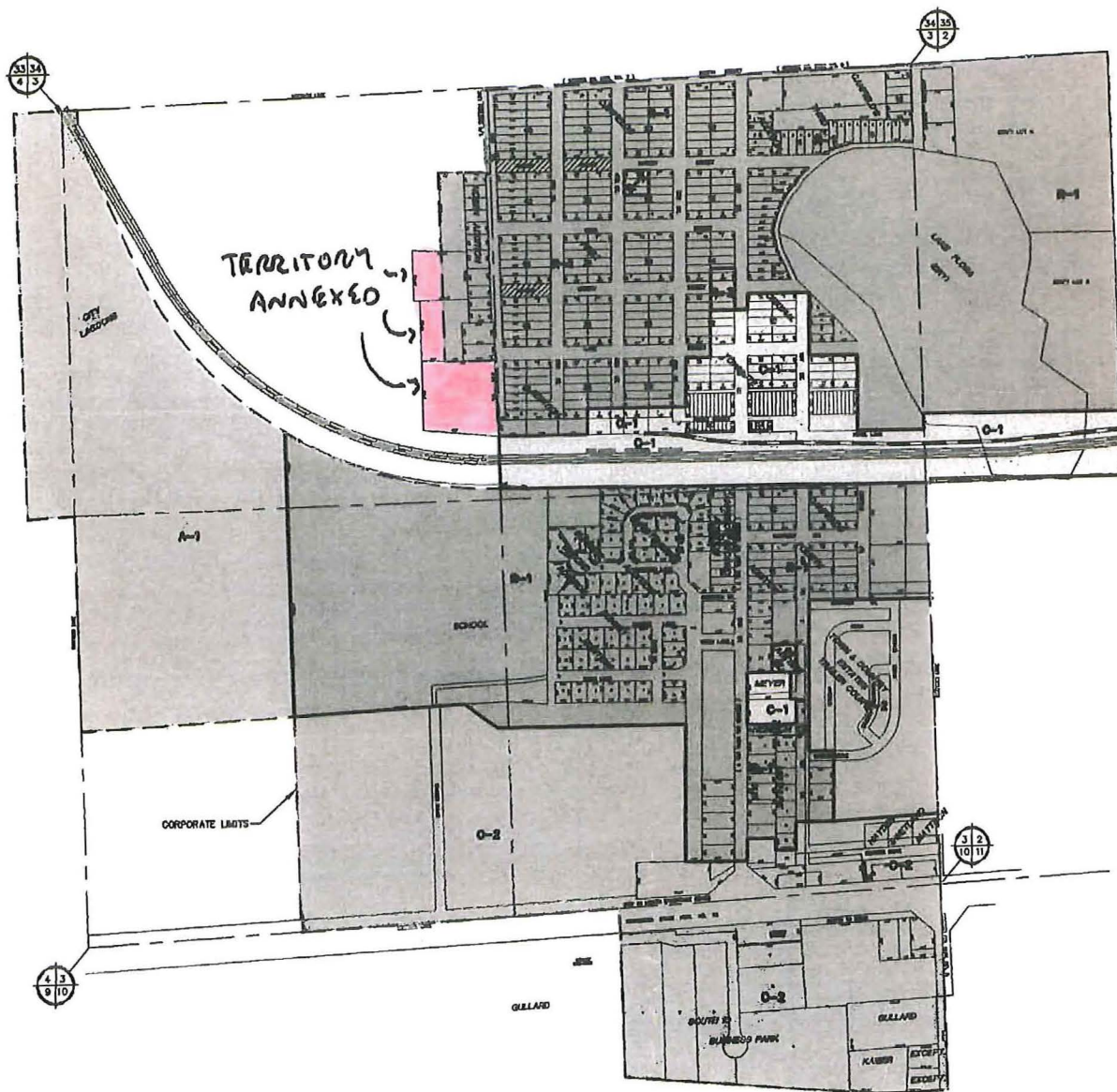
Section 9. Effective Date. This ordinance takes effect upon approval of the ordinance by the Office of Administrative Hearings.

Passed and Adopted by the council of the City of Lake Park, Minnesota this 13<sup>th</sup> day of February, 2017.

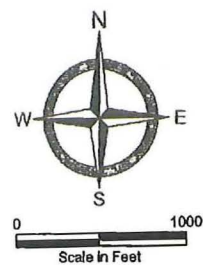
  
Keith Zachariason, Mayor

ATTEST:  
  
Lonnie Neuner, City Clerk

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- A-1 AGRICULTURAL DISTRICT
- R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
- R-2 MULTI-FAMILY RESIDENTIAL DISTRICT
- C-1 GENERAL COMMERCIAL DISTRICT
- C-2 HIGHWAY COMMERCIAL DISTRICT
- I-1 INDUSTRIAL DISTRICT
- PD-1 PLANNED DEVELOPMENT DISTRICT





( BECKER CO. HWY. NO. 7 )

NOR

1/4 SECTION LINE

NCBEN ADDITION

CANFELDS

HANLEY

CUBA

LIBERTY

LAKE

45 ADDITION

C-1

C-1

RAILROAD

R-1

SECOND ADDITION

ADDITION

AREA ANNEXED

