

**RECEIVED**

by OAH on February 24, 2017

CITY OF NEW TRIER  
DAKOTA COUNTY, MINNESOTA

**ORDINANCE**

Number: **2017-01**

**AN ORDINANCE OF THE CITY OF \_NEW TRIER\_, MINNESOTA ANNEXING  
LAND LOCATED IN HAMPTON TOWNSHIP, DAKOTA 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 *The W 481.8 feet of the N half of the NW quarter of Sec. 13, Township 113, range 18, Dakota County, MN. Except the N 396 feet thereof. Also except the S 300 feet thereof. Also except the W 217.8 feet thereof* be annexed to the City of \_NEW TRIER\_ Minnesota, was duly presented to the Council of the City of \_NEW TRIER\_ on the \_9th\_ day of \_January\_, 2017; and

**WHEREAS**, said property is unincorporated and abuts the City of \_NEW TRIER\_ on its \_Southern\_ 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 *(If property is within a designated floodplain or shoreland area, city shall adopt or amend its land use controls to conform with chapter 103F. New development of annexed area shall be subject to chapter 103F)* Minnesota Statutes § 414.033 Subd. 11.

**WHEREAS**, said property is currently agricultural and annexation is requested to facilitate the extension of city services for the future residential development of the property; and

**WHEREAS**, the City of \_NEW TRIER\_ held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on \_January 9<sup>th</sup>, 2017\_, following thirty (30) days written notice by certified mail to the Town of \_HAMPTON\_ and to all landowners within and contiguous to the area legally described (herein or attached exhibit), 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 NEW TRIER 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 residential R-1 use is being proposed for said property the construction of which requires or will need city services.

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 NEW TRIER, Minnesota, are hereby extended to include the following described property, said land abutting the City of NEW TRIER and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities or are not otherwise available, and the City having received a petition for annexation from all the property owners of the land, to wit:

*The W 481.8 feet of the N half of the NW quarter of Sec. 13, Township 113, range 18, Dakota County, MN. Except the N 396 feet there of. Also except the S 300 feet there of. Also except the W 217.8 feet there of*

The above described property consists of a total of 3.78 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 or attached exhibit) and hereby annexed is 0.

5. The City of NEW TRIER, 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 HAMPTON in accordance with the following schedule:

*OPTION A:*

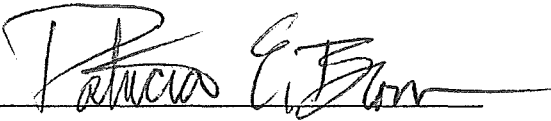
- a. In the first year following the year in which the City of Newtrier could first levy on the annexed area, an amount equal to \$ 10.65 ; and
- b. In the second and final year, an amount equal to \$ 10.65 .  
(Or payments can extend up to 8 years.)

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 or attached exhibit) there are [no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.] OR there are .....and the City will .....

7. That the City Clerk of the City of Newtrier 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 Dakota County Auditor, and the Hampton 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 NEW TRIER, Minnesota, this 9<sup>th</sup> day of January, 2017.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

(City Seal)

Municipal Boundary Adjustment Unit Contacts

Star Holman [star.holman@state.mn.us](mailto:star.holman@state.mn.us) 651-361-7909  
Katie Lin [katie.lin@state.mn.us](mailto:katie.lin@state.mn.us) 651-361-7911  
(June 2011)

Certificate for:  
Hegland Custom Construction  
29455 Finch Court  
Cannon Falls, MN 55009



LAND SURVEYING

Bk: 36/3

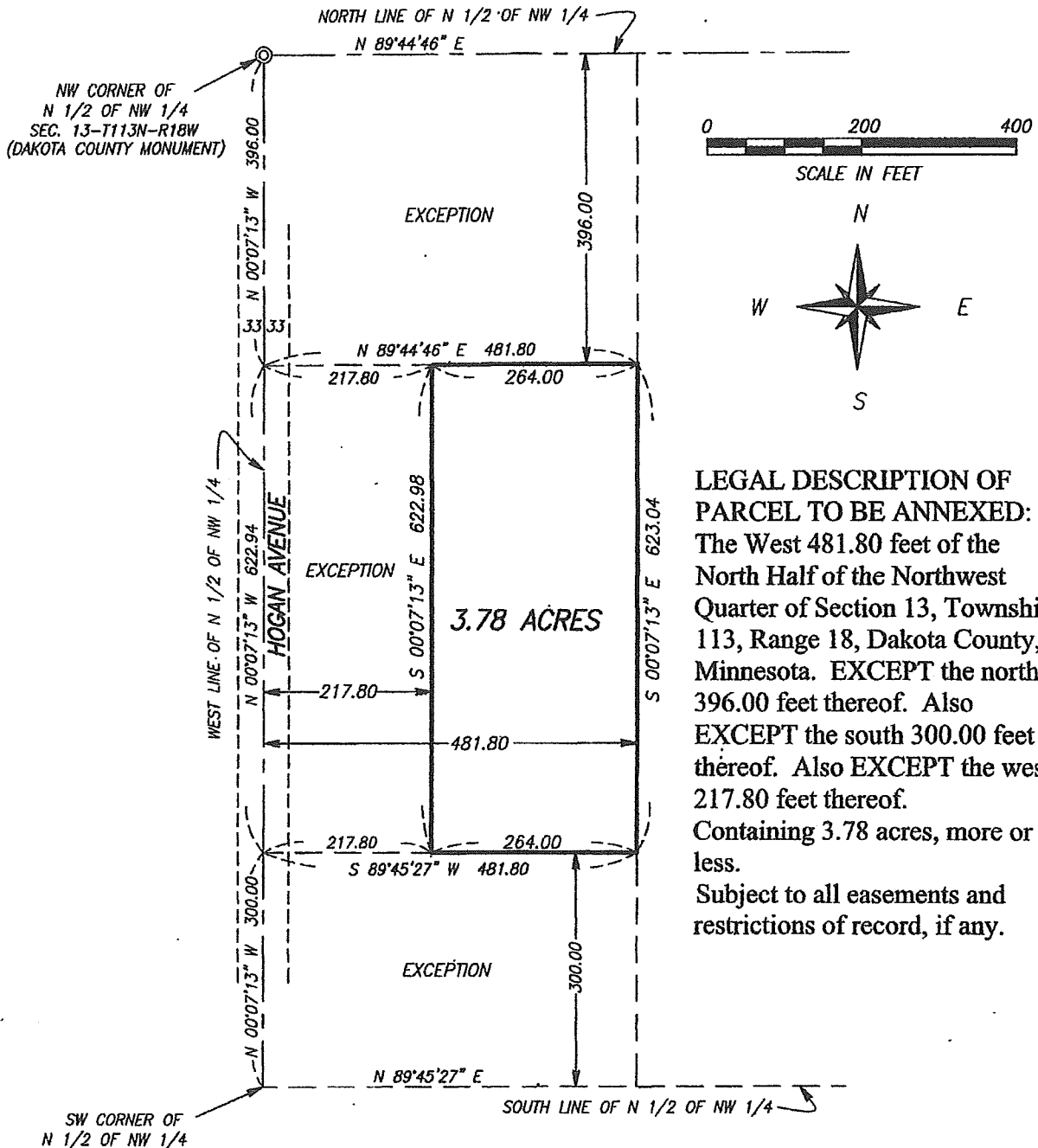
D1608B

David G. Rapp

Registered Land Surveyor

45967 Hwy. 56 Blvd. Kenyon, MN 55946 507-789-5366

SURVEYOR'S CERTIFICATE



**LEGAL DESCRIPTION OF PARCEL TO BE ANNEXED:**  
The West 481.80 feet of the North Half of the Northwest Quarter of Section 13, Township 113, Range 18, Dakota County, Minnesota. EXCEPT the north 396.00 feet thereof. Also EXCEPT the south 300.00 feet thereof. Also EXCEPT the west 217.80 feet thereof. Containing 3.78 acres, more or less. Subject to all easements and restrictions of record, if any.

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

Dated August 30, 2016

David G. Rapp  
Minnesota Registration No. 22044