

**ORDINANCE NO. 99, FOURTH SERIES****AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA ANNEXING  
LAND LOCATED IN BELGRADE TOWNSHIP, NICOLLET 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 in Exhibit A be annexed to the City of North Mankato Minnesota, was duly presented to the Council of the City of North Mankato on the 20<sup>th</sup> day of November 2017; and

**WHEREAS**, said property is unincorporated and abuts the City of North Mankato on its West 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 farmland and ravine property and annexation is requested to facilitate the extension of city services for the industrial development of the property; and

**WHEREAS**, the City of North Mankato held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on January 2, 2018, following thirty (30) days written notice by certified mail to the Township of Belgrade and to all landowners within and contiguous to the area legally described in 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 NORTH MANKATO  
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 industrial use is being 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 North Mankato, Minnesota, are hereby extended to include the following described property, said land abutting the City of North Mankato 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, to wit:

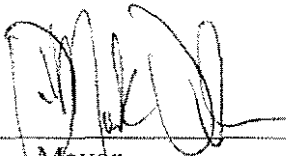
That part of the Northeast Quarter of the Southwest Quarter of Section 10 and that part of the West Half of the Northwest Quarter of the Southeast Quarter of Section 10, all in Township 108 North Range 27 West, Nicollet County, Minnesota described as:

Beginning at the northwesterly corner of Outlot A of Forsberg's Subdivision No. 4, according to the plat thereof on file and of record with the Nicollet County Recorder; thence North 89 degrees 29 minutes 15 seconds West, (Minnesota County Coordinate System - Nicollet County Zone - HARN NAD83 - 1996), along the southerly line of Outlot C of North Ridge Estates, according to the plat thereof on file and of record with the Nicollet County Recorder, 180.93 feet to the most southerly southwest corner of said Outlot C; thence North 00 degrees 45 minutes 05 seconds West, along the southerly line of said Outlot C, a distance of 175.04 feet; thence North 89 degrees 29 minutes 15 seconds West, along the southerly line of said Outlot C, a distance of 1323.51 feet to the point of intersection with the west line of the Northeast Quarter of the Southwest Quarter of said Section 10; thence South 01 degrees 10 minutes 11 seconds East, along said west line, 761.69 feet to the southwest corner of the Northeast Quarter of the Southwest Quarter of said Section 10; thence South 89 degrees 20 minutes 14 seconds East, along the south line of the Northeast Quarter of the Southwest Quarter of said Section 10, a distance of 1318.01 feet to the southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 10; thence South 89 degrees 26 minutes 18 seconds East, along the south line of the Northwest Quarter of the Southeast Quarter of said Section 10, a distance of 175.90 feet to the point of intersection with the west line of Nature View Subdivision, according to the plat thereof on file and of record with the Nicollet County Recorder; thence North 00 degrees 15 minutes 37 seconds West, along said west line and along the west line of said Forsberg's Subdivision No. 4, a distance of 590.03 feet to the point of beginning. Containing 25.55 acres.

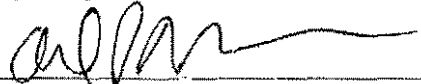
The above described property consists of a total of 25.55 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto in Exhibit B.

4. That the population of the area legally described herein and hereby annexed is 0.
5. The City of North Mankato pursuant to Minnesota Statutes §414.036, and in accordance with the reimbursement agreement (Exhibit C) that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to Belgrade Township of \$1,635.40 and shall not receive any further property tax income from the land commencing with the tax year 2017.
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 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 North Mankato 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 Nicollet County Auditor, and the Belgrade 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 North Mankato, Minnesota, this  
20<sup>th</sup> day of February 2018.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

(City Seal)

# EXHIBIT A

## PROPERTY OWNER PETITION TO MUNICIPALITY FOR ANNEXATION BY ORDINANCE - 120 Acres or Less

IN THE MATTER OF THE PETITION OF CERTAIN PERSONS FOR THE  
ANNEXATION OF CERTAIN LAND TO THE CITY OF NORTH MANKATO,  
MINNESOTA

PURSUANT TO MINNESOTA STATUTES § 414.033, SUBD. 2(3)

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TO: Council of the City of North Mankato, Minnesota

PETITIONER(S) STATE: All of the property owners in number are required to commence a proceeding under Minnesota Statutes § 414.033, Subd. 2(3).

It is hereby requested by:

☐ the sole property owner; or

☒ all of the property owners (If the land is owned by both husband and wife, both must sign the petition to represent all owners.)

of the area proposed for annexation to annex certain property described herein lying in the Township of Belgrade to the City of North Mankato, County of Nicollet, Minnesota.

The area proposed for annexation is described as follows:

That part of the Northeast Quarter of the Southwest Quarter of Section 10 and that part of the West Half of the Northwest Quarter of the Southeast Quarter of Section 10, all in Township 108 North Range 27 West, Nicollet County, Minnesota, described as:

Beginning at the northwesterly corner of Outlot A of Forsberg's Subdivision No. 4, according to the plat thereof on file and of record with the Nicollet County Recorder; thence North 89 degrees 29 minutes 15 seconds West, (Minnesota County Coordinate System - Nicollet County Zone - HARN NAD83 - 1996), along the southerly line of Outlot C of North Ridge Estates, according to the plat thereof on file and of record with the Nicollet County Recorder, 180.93 feet to the most southerly southwest corner of said Outlot C; thence North 00 degrees 45 minutes 05 seconds West, along the southerly line of said Outlot C, a distance of 175.04 feet; thence North 89 degrees 29 minutes 15 seconds West, along the southerly line of said Outlot C, a distance of 1323.51 feet to the point of intersection with the west line of the Northeast Quarter of the Southwest Quarter of said Section 10; thence South 01 degrees 10 minutes 11 seconds East, along said west line, 761.69 feet to the southwest corner of the Northeast Quarter of the Southwest Quarter of said Section 10; thence South 89 degrees 20 minutes 14 seconds East, along the south line of the Northeast Quarter of the Southwest Quarter of said Section 10, a distance of 1318.01 feet to the southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 10; thence South 89 degrees 26 minutes 18 seconds East, along the south line of the Northwest Quarter of the Southeast Quarter of said Section 10, a distance of 175.90 feet to the point of intersection with the west line of Nature View Subdivision, according to the plat thereof on file and of record with the Nicollet County Recorder; thence North 00 degrees 15

minutes 37 seconds West, along said west line and along the west line of said Forsberg's Subdivision No. 4, a distance of 590.03 feet to the point of beginning. Containing 25.55 acres.

1. There is 1 property owner (husband & wife) in the area proposed for annexation. (If a property owner owns more than one parcel in the area proposed for annexation, he/she is only counted once as an owner - the number of parcels owned by a petitioner is not counted.)
2. The land abuts the municipality and the area to be annexed is 120 acres or less, and the area to be annexed is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available.

*Except as provided for by an orderly annexation agreement, this clause may not be used to annex any property contiguous to any property previously annexed under this clause within the preceding 12 months if the property is owned by the same owners and annexation would cumulatively exceed 120 acres.*

3. Said property is unincorporated, abuts on the city's N S E W (circle one) boundary(ies), and is not included within any other municipality.
4. The area of land proposed for annexation, in acres, is 25.55 acres.
5. The reason for the requested annexation is to accommodate residential development.

PETITIONERS REQUEST: That pursuant to Minnesota Statutes § 414.033, the property described herein be annexed to and included within the City of North Mankato, Minnesota.

Dated: 11/15/17

Signatures: Roy C. Toegel  
Grace M. Toegel

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd. 2b, before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), a municipality must hold a public hearing and give 30 days' written notice by certified mail to the town or towns affected by the proposed ordinance and to all landowners within and contiguous to the area to be annexed.

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd. 11, when a municipality declares land annexed to the municipality under subdivision 2, clause (3), and the land is within a designated floodplain, as provided by section 103F.111, subdivision 4, or a shoreland area, as provided by section 103F.205, subdivision 4, the municipality shall adopt or amend its land use controls to conform to chapter 103F, and any new development of the annexed land shall be subject to chapter 103F.

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd. 12, when a municipality annexes land under subdivision 2, clause (2), (3) or (4), property taxes payable on the annexed land shall continue to be paid to the affected town or towns for the year in which the annexation becomes effective. If the annexation becomes effective on or before August 1 of a levy year, the municipality may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the town may continue to levy on the annexed area for that levy year, and the municipality may not levy on the annexed area until the following levy year.

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd. 13, at least 30 days before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), the petitioner must be notified by the municipality that the cost of electric utility service to the petitioner may change if the land is annexed to the municipality. The notice must include an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation.

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)

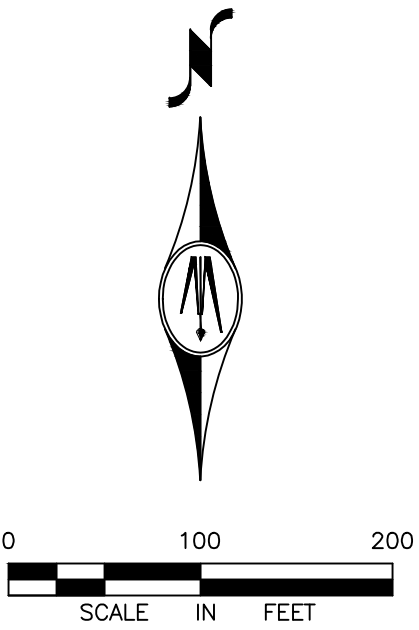
EXHIBIT B



DESCRIPTION

That part of the Northeast Quarter of the Southwest Quarter of Section 10 and that part of the West Half of the Northwest Quarter of the Southeast Quarter of Section 10, all in Township 108 North Range 27 West, Nicollet County, Minnesota, described as:

Beginning at the northwesterly corner of Outlot A of Forsberg's Subdivision No. 4, according to the plat thereof on file and of record with the Nicollet County Recorder; thence North 89 degrees 29 minutes 15 seconds West, (Minnesota County Coordinate System - Nicollet County Zone - HARN NAD83 - 1996), along the southerly line of Outlot C of North Ridge Estates, according to the plat thereof on file and of record with the Nicollet County Recorder, 180.93 feet to the most southerly southwest corner of said Outlot C; thence North 00 degrees 45 minutes 05 seconds West, along the southerly line of said Outlot C, a distance of 175.04 feet; thence North 89 degrees 29 minutes 15 seconds West, along the southerly line of said Outlot C, a distance of 1323.51 feet to the point of intersection with the west line of the Northeast Quarter of the Southwest Quarter of said Section 10; thence South 01 degrees 10 minutes 11 seconds East, along said west line, 761.69 feet to the southwest corner of the Northeast Quarter of the Southwest Quarter of said Section 10; thence South 89 degrees 20 minutes 14 seconds East, along the south line of the Northeast Quarter of the Southwest Quarter of said Section 10, a distance of 1318.01 feet to the southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 10; thence South 89 degrees 26 minutes 18 seconds East, along the south line of the Northwest Quarter of the Southeast Quarter of said Section 10, a distance of 175.90 feet to the point of intersection with the west line of Nature View Subdivision, according to the plat thereof on file and of record with the Nicollet County Recorder; thence North 00 degrees 15 minutes 37 seconds West, along said west line and along the west line of said Forsberg's Subdivision No. 4, a distance of 590.03 feet to the point of beginning. Containing 25.55 acres.



(MINNESOTA COUNTY COORDINATE SYSTEM - NICOLLET COUNTY ZONE - HARN NAD83 - 1996)

LEGEND


- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 46564
- MONUMENT FOUND

SURVEYOR'S CERTIFICATION

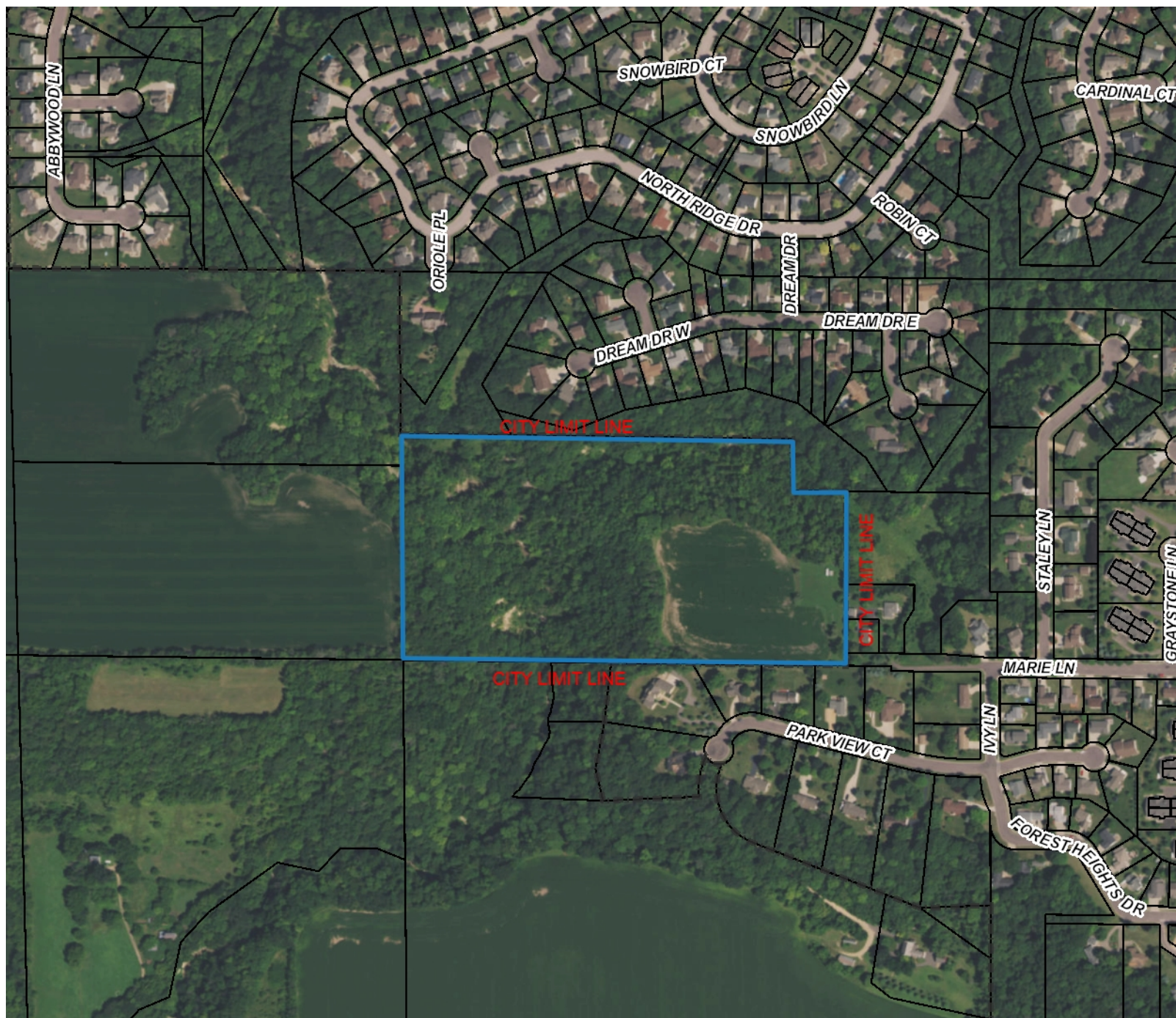
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Michael M. Eichers*  
Michael M. Eichers  
License Number 46564






08/24/2017  
Date

CERTIFICATE OF SURVEY NICOLLET COUNTY, MINNESOTA	
 <b>BOLTON &amp; MENK</b> 1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	PART OF THE N.E. 1/4 - S.W. 1/4 AND PART OF THE W. 1/2 - N.W. 1/4 - S.E. 1/4, ALL IN SEC. 10 - T108N - R27W  FOR: ROY & GRACE TOEGEL





#### Legend

-  City Limits
-  Medians
-  Roadways
-  Parcels (5-24-2016)
-  Lakes & Ponds
-  Minnesota River



#### Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of North Mankato is not responsible for any inaccuracies herein contained.

0 466 Feet

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**BOLTON  
& MENK**

Real People. Real Solutions.





**Legend**

- City Limits
- Medians
- Roadways
- Roads**
  - US TRUNK HWY
  - COUNTY STATE AID HWY
  - MUNICIPAL STATE AID STREET
  - LOCAL STREET
  - RAMP
  - PRIVATE STREET
- Lakes & Ponds
- Minnesota River



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0 2,862 Feet

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**BOLTON  
& MENK**

Real People. Real Solutions.

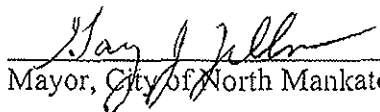
# EXHIBIT C

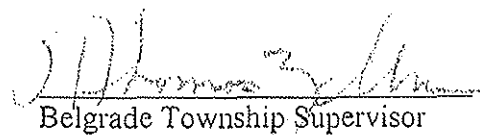
## ANNEXATION REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF NORTH MANKATO AND BELGRADE TOWNSHIP

Pursuant to Minn. Stat. Sec. 414.036:

Unless otherwise agreed to by the annexing municipality and the affected town, when an order or other approval under this chapter annexes part of a town to a municipality the order or other approval must provide a reimbursement from the municipality to the town for all or part of the taxable property annexed as part of the order. The reimbursement shall be completed in substantially equal payments over not less than two nor more than eight years from the time of annexation. The municipality must reimburse the township for all special assessments assigned by the townships 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, in substantially equal payments over a period of not less than two or no more than eight years.

In accordance with this State Statute, the City of North Mankato will reimburse Belgrade Township an annual amount based on the property taxes collected by Belgrade Township in the last year it collected taxes on any land valued over \$50,000 which the City of North Mankato annexes into its City limits. There will be no reimbursement for land valued under \$50,000 which the City annexes. Any reimbursement shall be paid for a period of five years. The City reserves the right to pre-pay at any time.

  
\_\_\_\_\_  
Mayor, City of North Mankato

  
\_\_\_\_\_  
Belgrade Township Supervisor

1-16-07  
\_\_\_\_\_  
Date

1-9-2007  
\_\_\_\_\_  
Date