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by OAH on May 23, 2018

ORDINANCE NO. 18-0403B

AN ORDINANCE OF THE CITY OF SWANVILLE ANNEXING LAND LOCATED IN THE TOWN OF BURNHAMVILLE, TODD COUNTY, MINNESOTA.

ANNEXATION BY ORDINANCE – MINNESOTA STATUTE SECTION 414.033, SUBD. 2(1)

WHEREAS, the City owns the property legally described in Paragraph 3 of this ordinance to be annexed into the City; and

WHEREAS, the City is adopting this ordinance pursuant to Minnesota Statute Section 414.033, Subd. 2(1); and

WHEREAS, the property is unincorporated and abuts the City of Swanville generally near its southern boundary; is less than 120 acres; and, is not presently served by public sewer facilities or are not otherwise available; and

WHEREAS, the property is not located within a shoreland or flood plain area; and

WHEREAS, the property is currently land use only and annexation is recommended to facilitate the extension of a City walking trail; and

WHEREAS, a public hearing is not required pursuant to Minnesota Statute Section 414.033, Subd. 2B, nor is written notice required to the Township or adjoining land owners; and

WHEREAS, the provisions in Minnesota Statute Section 414.033, Subd. 13 are not applicable, in that, there is no change in the electric utility service provider resulting from the annexation of the property into the City.

NOW, THEREFORE, the City Council of the City of Swanville hereby ordains as follows:

1. The City Council determines that the property is owned by the City of Swanville, and is or is about to become urban or suburban in nature in that the City intends to improve a walking trail located on the property.
2. None of the property is now included within the limits of any City, nor in any area that has already been designated for orderly annexation.
3. The corporate limits of the City of Swanville, Minnesota, are hereby extended to include the following described property, to-wit:

All of the 100 foot wide right-of-way being 50 feet wide on each side of the track center line of Burlington Northern, Inc.'s Little Falls to Villard, Minnesota Branch Line, now removed, lying North of a line drawn parallel with and distant 1,770.5 feet South of the north line of the SE1/4 of

Section 12, Township 128 North, Range 32 West of the 5th P.M., Todd County, Minnesota, EXCEPT all that part of the above described property lying south of the following described line: Commencing at the Southeast corner of said SE1/4; thence North 00 degrees 27 minutes 46 seconds West (assumed bearing) along the east line of said SE1/4 a distance of 713.97 feet to the north line of the south 26.4 acres lying east of the discontinued Burlington Northern Railroad; thence South 88 degrees 16 minutes 28 seconds West, along the north line of the south 26.4 acres of said SE1/4 lying easterly of the discontinued Burlington Northern Railroad and its westerly extension a distance of 445.18 feet; thence continuing South 88 degrees 16 minutes 28 seconds West a distance of 985.69 feet to the northwesterly right-of-way line of said railroad; thence North 40 degrees 30 minutes 57 seconds East along said northwesterly right-of-way line a distance of 1,135.06 feet to the point of beginning of the line to be described; thence North 89 degrees 32 minutes 14 seconds East a distance of 686.18 feet to the east line of said SE1/4.

The property consists of approximately 2.1 acres. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat images are attached hereto.


4. The population of the property annexed is zero.
5. Pursuant to Minnesota Statute Section 414.036, with respect to the property taxes payable on the property hereby annexed, shall make a cash payment to the Town of Burnhamville in accordance with the following schedule:
 - A. In the first year following the year in which the City of Swanville can first levy on the annexed area, a payment of \$1.40.
 - B. In the second and final year, a payment of \$1.39.

Which payments represent the amount of property taxes received by the Town in the last year of collected taxes on the annexed area.

6. Pursuant to Minnesota Statute Section 414.036, there are no special assessments assigned by the Town and there are no special assessments or debt incurred by the Town on the property for which reimbursement is required.
7. The City Clerk of the City of Swanville is hereby authorized and directed to file a copy of the ordinance with the Municipal Boundary Adjustment Unit of the Minnesota Office of Administrative Hearings, the Minnesota Secretary of State, the Todd County Auditor, and the Burnhamville Township Clerk.
8. The 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 Swanville, Minnesota, this 9th day of May, 2018.

ATTEST:



Julie Hollerman
City Clerk

APPROVED:



Sandy Peterson
Mayor

06-0016200
JONATHAN
HOLMGREN

34992

Pepin

Parcel to be annexed

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Swanville

06-0016800
JOAN M GESSELL

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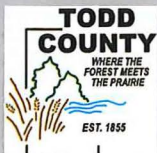
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JENNIE-O
FOODS INC

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JUSTIN M
SIEBEN

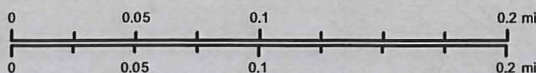
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MARK J & DEBRA
A SIEBEN



Todd County GIS
215 1st Ave S, Ste 102
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(Office) 320-732-4248

Annexation2



The Todd County GIS & Land Services Department has made every effort to provide the most accurate and up-to-date information available in this publication and cannot be held responsible for any unforeseen errors or omissions. If the recipient wishes to locate parcel corners and property lines, employ the services of a Registered Land Surveyor.

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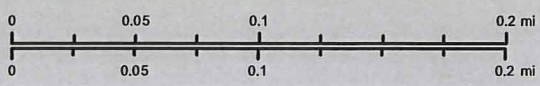
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