

CITY OF BEMIDJI

ORDINANCE NO. 149, 3RD SERIES

AN ORDINANCE ANNEXING PROPERTY ALONG FIFTEENTH STREET NW TO THE CORPORATE LIMITS OF THE CITY OF BEMIDJI (Hard Rock Investments, LLC)

WHEREAS, certain property, legally described below and shown on the attached map, ("Property") is currently in Bemidji Township ("Township") and is not included in the corporate limits of any city; and

WHEREAS, pursuant to Minn. Stat. § 414.033, subd. 2(3), all of the owners of the Property petitioned the City of Bemidji ("City") to annex the Property into the City; and

WHEREAS, the City Council acted at its May 7, 2018 meeting by Resolution No. 6155 to accept the petition; and

WHEREAS, the Property abuts upon the corporate limits of the City as defined by Minn. Stat. § 414.011, subd. 6; and

WHEREAS, the Property is vacant, contains approximately 14 acres, is or is about to become urban or suburban in nature, is not presently served by public wastewater facilities and public wastewater facilities are not otherwise available, is not within a designated orderly annexation area, has no outstanding special assessments or debt attributable to it by the Township, and annexation is sought to receive the services of the City to facilitate development of the Property; 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 Property to the City; and

WHEREAS, the City Council held a hearing on May 21, 2018 regarding the proposed annexation of the Property, after having provided the notices required by Minn. Stat. § 414.033, subd. 2b; and

WHEREAS, the legal description of the Property is as follows:

That part of the Northeast Quarter of the Northwest Quarter, Section 7, Township 146, Range 33 West, and described as follows: Commencing at the intersection of the East right of way line of the Minneapolis, Red Lake and Manitoba Railway right of way with the North line of said Northeast Quarter of the Northwest Quarter; thence Southerly along the Easterly line of the Minneapolis, Red Lake and Manitoba Railway right of way to its intersection with the North right of way line of the Soo Line Railroad Co. thence Easterly on a line parallel to the North line of said Northeast Quarter of the Northwest Quarter to the intersection of the West right of way line of Trunk Highway No. 2; thence Northwesterly along the West right of way line of said Trunk Highway No. 2 to the North line of said Northeast Quarter of the Northwest Quarter; thence Westerly along the North line of said Northeast Quarter of the Northwest Quarter to the point of beginning.

AND,

The East 50 feet of the North 150 feet of the following described property:

That part of the Minneapolis, Red Lake and Manitoba Railway right of way which crosses the Northeast Quarter of the Northwest Quarter, Section 7, Township 146, Range 33 West, North of the Sioux Line Railway right of way, being approximately 800 feet by 100 feet, Less Parcel 6B, Minnesota Department of Transportation Right-of-Way Plat No. 04-3.

AND,

That part of the Northeast Quarter of the Northwest Quarter, Section 7, Township 146 North, Range 33 West, Beltrami County, Minnesota, lying East of the former Red Lake Railway, and lying westerly of Minnesota Department of Transportation Right of Way Plat No. 04-3, as recorded in the Office of the Beltrami County Recorder by Document No. 245376.

LESS AND EXCEPT, that part thereof described as follows: Commencing at the intersection of the east right of way line of Minneapolis, Red Lake and Manitoba Railway right of way with the north line of said Northeast Quarter of the Northwest Quarter; thence southerly along the easterly line of the Minneapolis, Red Lake and Manitoba Railway right of way to its intersection with the North right of way line of the Soo Line Railroad Co.; thence easterly on a line parallel to the north line of said Northeast Quarter of the Northwest Quarter to the intersection of the west right of way line of Trunk Highway #2; thence northwesterly along the west right of way line of said Trunk Highway #2 to the north line of said Northeast Quarter of the Northwest Quarter; thence westerly along the north line of the said Northeast Quarter of the Northwest Quarter to the point of beginning.

ALSO LESS AND EXCEPT, a 100 foot wide strip of land originally conveyed by Right of Way Deed recorded February 4, 1898 in Book 4 of Deeds on page 626, said strip being shown on said Minnesota Department of Transportation Right of Way Plat No. 04-3, as Burlington Northern Inc. Railroad Right-Of-Way.

ALSO LESS AND EXCEPT, a 100 foot wide strip of land originally conveyed by Right of Way Deed recorded May 11, 1910 in Book 18 of Deeds on page 207, said strip being shown on said Minnesota Department of Transportation Right of Way Plat No. 04-3, as Soo Line Railroad Right-Of-Way.

NOW, THEREFORE, the Council of the City of Bemidji hereby ordains, pursuant to its authority under Minn. Stat. § 414.033, subd. 2(3) and based on the above recitals and findings which are incorporated herein, as follows:

1. The corporate limits of the City of Bemidji are hereby extended to include the described Property, and the same is hereby annexed and included within the City of Bemidji as effectively as if it had originally been a part thereof.
2. Pursuant to requirements of Minn. Stat. § 414.036, the City shall pay the Township, as reimbursement for the property taxes, based on the property taxes collected by the Township 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.
3. The City Clerk 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

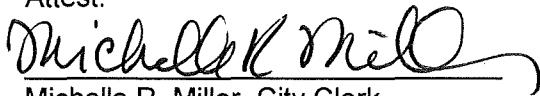
Minnesota Secretary of State, the Beltrami County Auditor, and the Township Clerk, and to take such actions and to provide such additional information as may be needed to achieve the purpose of this Ordinance.

4. This Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings and due publication thereof.

Ayes: Meehlhause, Hellquist, Johnson, Lehmann, Erickson, Larson
Nays: None
Absent: Albrecht

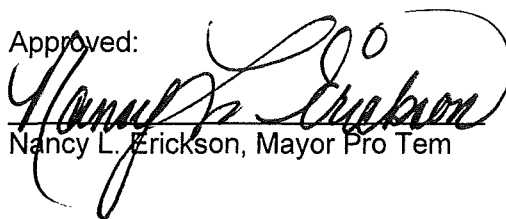
First Reading: May 7, 2018
Second Reading: May 21, 2018
Final Reading: June 4, 2018

Attest:

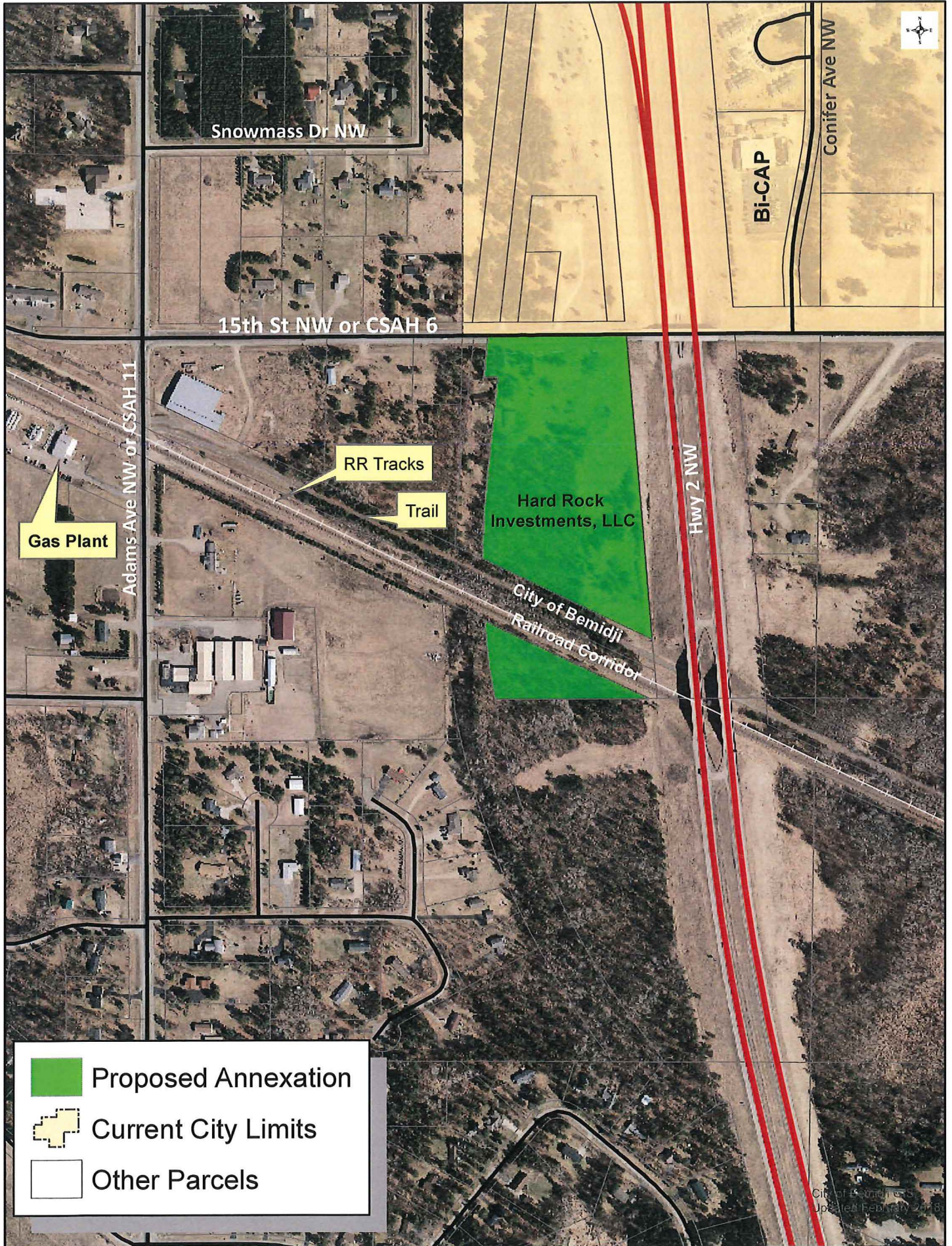


Michelle R. Miller, City Clerk

Approved:

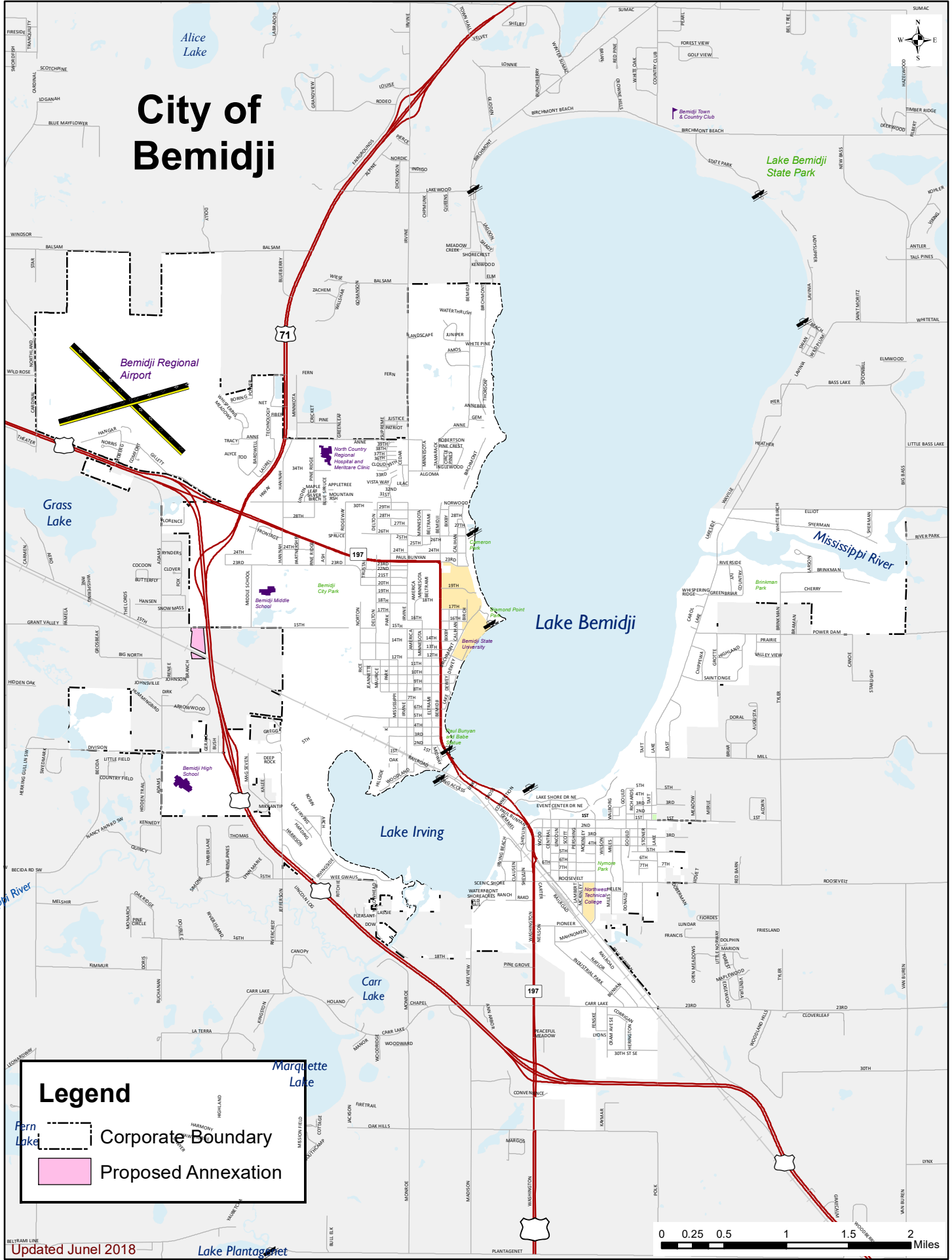


Nancy L. Erickson, Mayor Pro Tem



City of Bemidji, MN
 Updated February 2018

City of Bemidji



Legend

- Corporate Boundary
- Proposed Annexation

