

ORDINANCE 2018-7
ORDINANCE ANNEXING PROPERTY
TSM GREENBRIER LLC

RECITALS

WHEREAS, the City of Buffalo has received a Petition for Annexation by Ordinance from TSM Greenbrier LLC for the annexation of 97 acres into the City of Buffalo.

WHEREAS, the property is described and owned as follows:

Petitioners TSM Greenbrier LLC is the owner of the following described property:

Parcels within Section 16, Township 120 North, Range 25 West, Wright County, Minnesota as legally described in Exhibit A.

Containing 97 acres, more or less.

WHEREAS, the City Council ordered the City Administrator to publish notice of a public hearing on the Request for Annexation by Ordinance and to give notice by certified mail of the affected township and all property owners within and contiguous to the area to be annexed.

WHEREAS, all appropriate notices have been given pursuant to statute.

WHEREAS, the matter came on before the Buffalo City Council by public hearing at 7:00 p.m. on June 18, 2018.

FINDINGS OF FACT

Based upon the information contained in the Petition and presented at the public hearing, the Buffalo City Council makes the following FINDINGS OF FACT:

1. Petitioner is the owner of parcels within Section 16, Township 120 North, Range 25 West, Wright County, Minnesota as legally described in Exhibit A.
2. The property is contiguous to and abuts the city limits of the City of Buffalo. See Exhibit B (map of City of Buffalo and area annexed).
3. The area to be annexed is not presently served by public sewer facilities, or public sewer facilities are not otherwise available.
4. TSM Greenbrier LLC submitted a Petition to the City of Buffalo on or about May 3, 2018 seeking the property's annexation to the City of Buffalo by ordinance in order to allow for residential development and connection to City services.
5. All owners of the Property subject to the Petition for Annexation have requested that the City of Buffalo annex the Property by ordinance.

6. The Town of Buffalo's annual tax revenue which will be lost if the Property is annexed will be about \$1,249.00. The City of Buffalo, pursuant to Minnesota Statutes § 414.036, with respect to the property taxes payable on the Property legally described herein, hereby annexed, shall make a cash payment to Buffalo Township in accordance with the following schedule: \$2,498.00 due and payable in 2 equal annual installments to Buffalo Township on or before December 31 of each year 2019 and 2020.

7. The Property's annexation would result in an increase in the Property's value.

8. The Property's annexation will not create a burden on the City of Buffalo.

9. That pursuant to Minnesota Statutes 414.036 there are no special assessments or debt incurred by the Town on the subject Property for which reimbursement is required.

10. Proper notice of the public hearing was given in accordance with Minn. Stat. § 414.033, Subd. 2b.

11. That the City Administrator of the City of Buffalo is hereby authorized 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 Wright County Auditor and the Buffalo Township Clerk.

12. 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.

13. In accordance with Minn. Stat. § 414.033, Subd. 2(3), the Property is deemed about to become urban or suburban in character.

THEREFORE, the City Council of the City of Buffalo hereby ORDAINS:

That the real property, legally described as follows:


Parcels within Section 16, Township 120 North, Range 25 West, Wright County, Minnesota as legally described in Exhibit A.

Containing 97 acres, more or less.


is annexed to the City of Buffalo pursuant to Minn. Stat. § 414.033, Subd. 2(3).

Adopted unanimously by the Buffalo City Council on June 18, 2018.

CITY OF BUFFALO



By Teri Lachermeier, Mayor



By Merton T. Auger, City Administrator

Exhibit A

The Land is described as follows:

The South Half of Northeast Quarter; the Northeast Quarter of Southeast Quarter and the Southeast Quarter of Southeast Quarter, all in Section 16, Township 120, Range 25, Wright County, Minnesota, except therefrom the following:

Exception 1:

That part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 120, Range 25, Wright County, Minnesota, described as follows: Commencing at the Southeast corner of said Section 16; thence West along the Section line 594.4 feet for a point of beginning of herein described tract; thence continuing West along said Section line 739.2 feet; thence angle right 88 degrees 20 minutes along an established fence line 590.0 feet; thence angle right 89 degrees 58 minutes 52 seconds distant 758.1 feet; thence Southerly 590.0 feet, more or less, to the point of beginning, containing 10.0 acres, more or less, subject to town road right-of-way.

Exception 2:

That part of the East Half of the Southeast Quarter of Section 16, Township 120, Range 25, Wright County, Minnesota described as follows:

Commencing at the Southeast corner of the East Half of the Southeast Quarter; thence on an assumed bearing of North 0 degrees 00 minutes East a distance of 1316.81 feet to the point of beginning; thence continue North 0 degrees 00 minutes 00 seconds East along said east line a distance of 370.72 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 235.00 feet; thence South 0 degrees 00 minutes 00 seconds West a distance of 370.72 feet; thence South 90 degrees 00 minutes 00 seconds East a distance of 235.00 feet to the point of beginning. Containing 2.00 acres. Subject to Public Road Easement. Together with an easement for ingress and egress to Ordorff's Pond over a one rod strip. The said one rod strip to run Westerly along the Southerly line extended of the above described tract until such extended line reaches the said pond.

Exception 4:

The Southwest Quarter of the Northeast Quarter of Section 16, Township 120, Range 25, Wright County, Minnesota.

Exception 5:

That part of the Southeast Quarter of the Northeast Quarter of Section 16, Township 120, Range 25, Wright County, Minnesota, described as follows: Beginning at the northwest corner of said Southeast Quarter of the Northeast Quarter of Section 16; thence South 89 degrees 42 minutes 09 seconds East, assumed bearing, along the north line of the said Southeast Quarter of the Northeast Quarter, a distance of 95.30 feet; thence South 12 degrees 51 minutes 09 seconds West, a distance of 290.00 feet; thence South 64 degrees 23 minutes 06 seconds East, a distance of 348.50 feet; thence South 13 degrees 14 minutes 51 seconds West, a distance of 487.32 feet; thence South 4 degrees 12 minutes 50 seconds West, a distance of 412.07 feet to the south line of said Southeast Quarter of the Northeast Quarter; thence North 89 degrees 51 minutes 01 second

West along said south line, a distance of 200.00 feet to the southwest corner of said Southeast Quarter of the Northeast Quarter; thence North 0 degrees 08 minutes 03 seconds West along the west line of said Southeast Quarter of the Northeast Quarter, a distance of 1318.68 feet to the point of beginning.

Exception 6:

That part of the Northeast Quarter of the Southeast Quarter of Section 16, Township 120, Range 25, Wright County, Minnesota, described as follows:

Beginning at the Southeast corner of said Northeast Quarter of the Southeast Quarter; thence on an assumed bearing of North 89 degrees 24 minutes 25 seconds West, along the South line of said Northeast Quarter of the Southeast Quarter, a distance of 302.10 feet; thence North 12 degrees 22 minutes 23 seconds West, a distance of 58.37 feet; thence North 52 degrees 30 minutes 29 seconds West, a distance of 160.98 feet; thence North 68 degrees 24 minutes 07 seconds West, a distance of 11.20 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 357.55 feet; thence South 89 degrees 24 minutes 25 seconds East, a distance of 452.76 feet; to the East line of said Northeast Quarter of the Southeast Quarter; thence South 00 degrees 00 minutes 00 seconds East, along said East line, a distance of 515.11 feet to the point of beginning.

EXCEPT THEREFROM:

That part of the East Half of the Southeast Quarter of Section 16, Township 120, Range 25, Wright County, Minnesota described as follows: Commencing at the Southeast corner of the East Half of the Southeast Quarter; thence on an assumed bearing of North 00 degrees 00 minutes East a distance of 1316.81 feet to the point of beginning; thence continue North 0 degrees 00 minutes 00 seconds East along said east line a distance of 370.72 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 235.00 feet; thence South 0 degrees 00 minutes 00 seconds West a distance of 370.72 feet; thence South 90 degrees 00 minutes 00 seconds East a distance of 235.00 feet to the point of beginning. Subject to public road easement. Together with an easement for ingress and egress to Ordorff's Pond over a one rod strip. The said one rod strip to run westerly along the Southerly line extended of the above described tract until such extended line reaches the said pond.

