

ORDINANCE NO. 365

**AN ORDINANCE REPEALING ORDINANCE NO. 364 AND ANNEXING PROPERTY
TO THE CITY OF TRACY**

WHEREAS, the Tracy Development Corporation, P.O. Box 1013, Tracy, Minnesota 56175 (hereinafter, "TDC") owns real property in Lyon County, Minnesota legally described as:

Beginning at the Northwest corner of the following-described tract:

That part of the Southwest Quarter (SW¼) of Section Fourteen (14), Township One Hundred Nine (109), Range Forty (40), described as follows:

Commencing at southwest corner of said Southwest Quarter; thence easterly along the south line of said Southwest Quarter a distance of Seven Hundred Thirty-three Feet (733'); thence northerly, deflecting to the left Ninety Degrees (90°) a distance of Thirty-three feet (33') to the point of beginning of the land to be described, thence continuing northerly along last described course a distance of Three Hundred Sixty-seven and Eight-tenths Feet (367.80'); thence easterly, deflecting to the right Ninety Degrees (90°) a distance of One Hundred Thirty Feet (130'); thence southerly deflecting to the right Ninety Degrees (90°) a distance of Three Hundred Sixty-seven and Eight-tenths Feet (367.80'); thence westerly deflecting to the right Ninety Degrees (90°) a distance of One Hundred Thirty Feet (130') to the point of beginning. Subject to the right of way of T. H. No. 14.

Running thence Westerly and parallel with the South line of said Section Fourteen (14) a distance of Three Hundred Feet (300'); running thence southerly and at right angles a distance of One Hundred Fifty Feet (150'); running thence easterly and at right angles a distance of Three Hundred Feet (300'); running thence northerly and at right angles a distance of One Hundred Fifty Feet (150') to the point of beginning (hereinafter, "annexed property"),

WHEREAS, the City previously passed and approved Ordinance No. 364 on January 22, 2018, which was intended to annex the annexed property into the City's boundaries, however, Ordinance No. 364 contained the wrong legal description for the annexed property;

WHEREAS, the purpose of this ordinance is to repeal Ordinance No. 364 and to correct the legal description of the annexed property and to annex the annexed property into the City's boundaries;

WHEREAS, the annexed property is not within the City's boundaries, but adjoins or abuts the City's boundaries;

WHEREAS, the annexed property is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available;

WHEREAS, the annexed property is 1.03 acres;

WHEREAS, the annexed property is unincorporated;

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

WHEREAS, annexation is required to provide city utilities to the annexed property;

WHEREAS, the City received a petition for annexation from all the property owners of the annexed property;

WHEREAS, pursuant to Minn. Stat. 414.033, subd. 2(3), the City is authorized to annex the annexed property by ordinance;

WHEREAS, pursuant to Minn. Stat. 414.033, subd. 2b, the City held a public hearing on the proposed ordinance on ___5-14_____, 2018 at 6:45 p.m. after giving thirty (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;

WHEREAS, no objections were raised by the town or towns affected by the proposed ordinance;

WHEREAS, reimbursement of the property taxes to the Township shall be based on the property taxes collected by the Township in the last year it collected taxes on the annexed property, in a total amount equivalent to that payable under Minn. Stat. 414.033, subd.12 and Minn. Stat. 414.036.

WHEREAS, pursuant to Minn. Stat. 414.036, there are no outstanding special assessments or debts incurred for special assessments attributable to or assigned by the Township to the annexed property;

WHEREAS, 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 territory to the municipality;

WHEREAS, after considering all factors surrounding the proposed ordinance, the City finds that the proposed ordinance and annexation is in the City's best interests;

NOW THEREFORE, the City of Tracy does ordain:

1. Ordinance No. 364 is hereby repealed.
2. The City Council hereby determines that the real property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature in that its use is

being proposed for construction which requires or will need city services, including public sewer facilities.

3. None of the real property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minn. Stat. 414.0325.
4. Reimbursement of the property taxes to the Township shall be based on the property taxes collected by the Township in the last year it collected taxes on the above-referenced real property, in a total amount equivalent to that payable under Minn. Stat. 414.033, subd.12 and Minn. Stat. 414.036.
5. The corporate limits of the City of Tracy, Minnesota, are hereby extended to include the following described real property, said real property abutting the City of Tracy 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, to wit:

That part of the Southwest Quarter (SW¹/₄) of Section Fourteen (14), Township One Hundred Nine (109), Range Forty (40), described as follows:

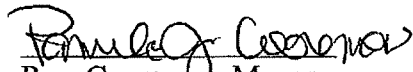
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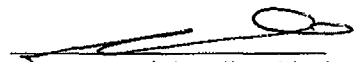
6. That the City Clerk of the City of Tracy is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Lyon County Auditor, and the Monroe Township Clerk.
7. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED BY THE CITY COUNCIL OF THE CITY OF TRACY, MINNESOTA THIS 14th
DAY OF May, 2018.

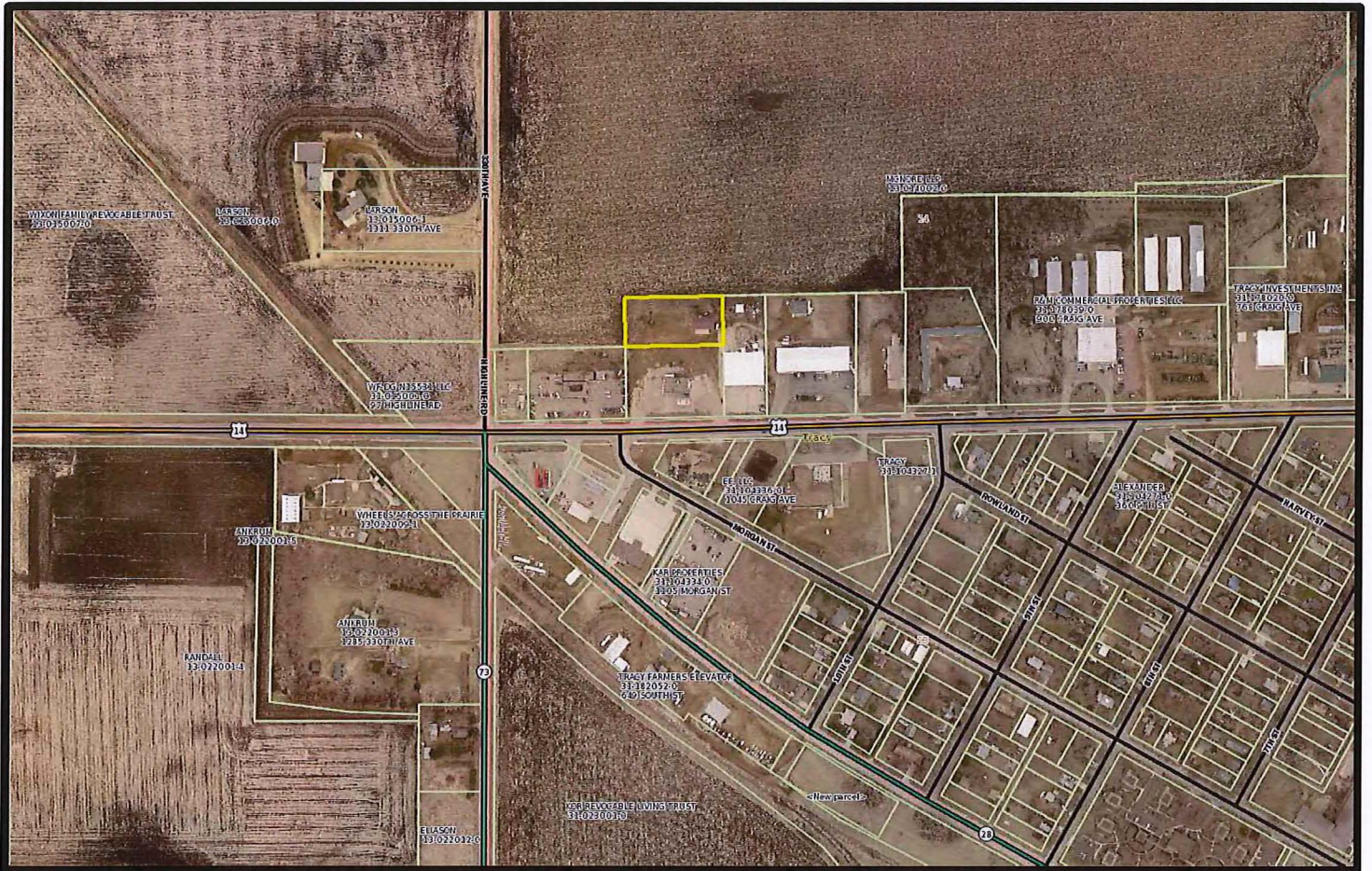
APPROVED:


Pam Cooreman, Mayor

ATTESTED:


Shane Daniels, City Clerk

Map



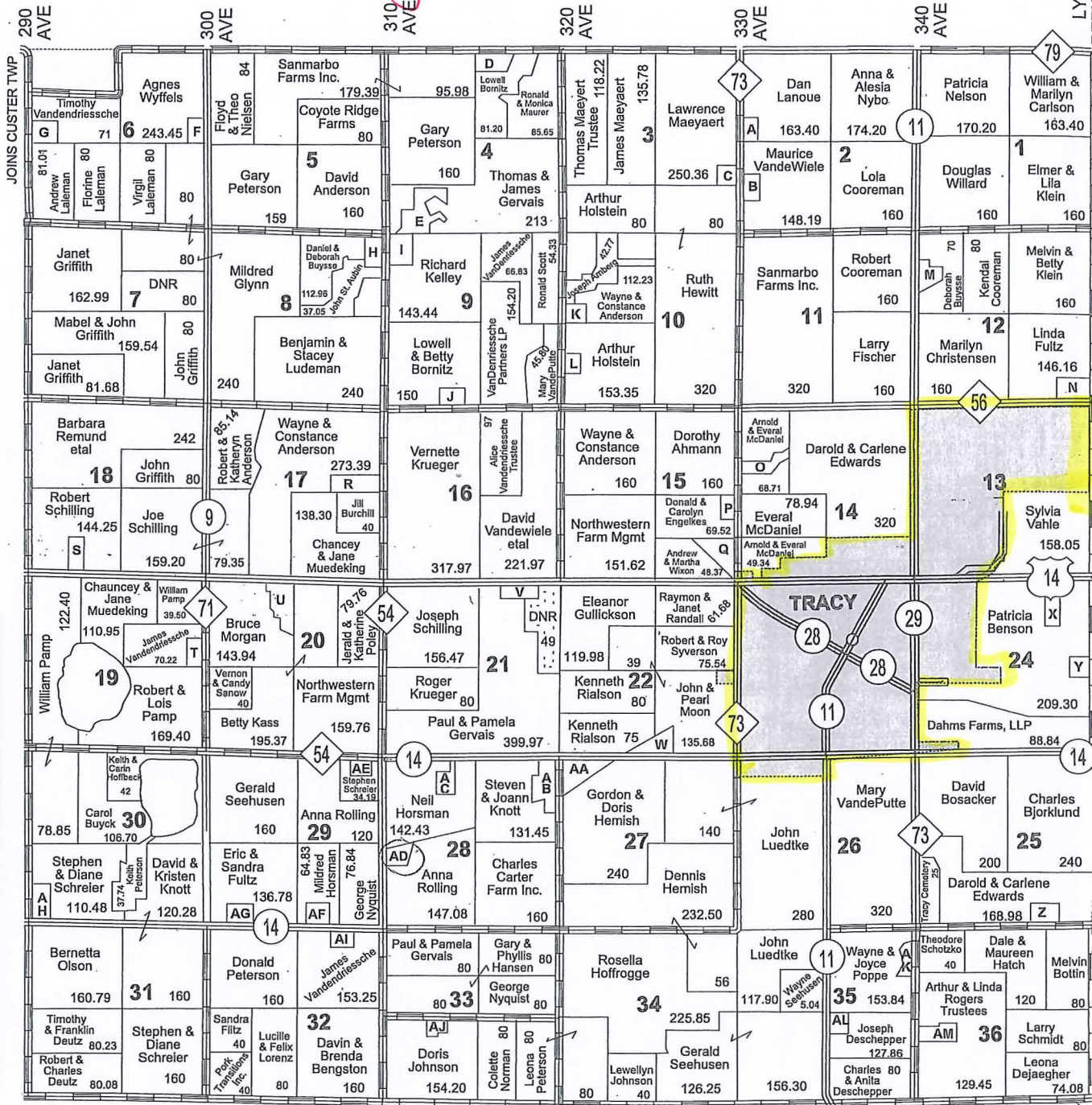
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This map is to be used for reference purposes only. Lyon County is not responsible for any inaccuracies herein contained.

MONROE TWP

Highlighted area indicates City limits

T 109 N

R 40 W
JOINS AMIRET TWP



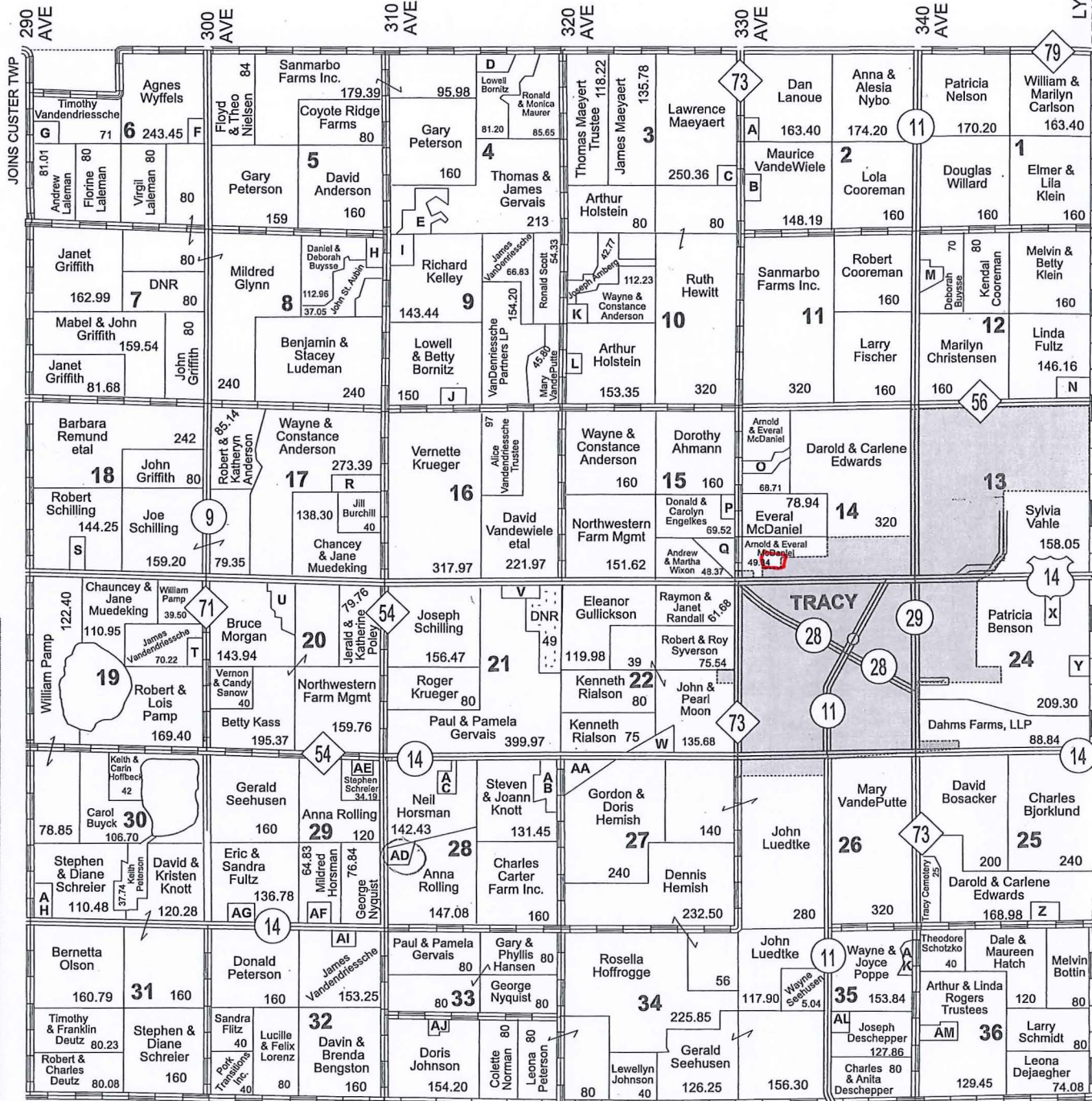
- Section 2 A Lorraine & Austin DeWitte - 12
- Section 3 C Steven & Frances Haecherl - 8.01
- Section 4 D Larry Bornitz - 7.34
- Section 5 E Rodney & Corey Krueger - 27
- Section 6 F William & Bonita Miller - 5.27
- Section 7 G Kenneth & Denise Louwagie - 8.48
- Section 8 H Merlyn Mickelson - 10
- Section 9 I Corey & Jessica Krueger - 15.32
- Section 10 J William & Margaret Bornitz - 10
- Section 11 K Midwest Wireless - 5
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- Section 13 M Lois Johnson - 10
- Section 14 N Agnes & Marilyn Caron - 13.84
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- Section 17 R Roger & Shirlee Gilmore - 20.47
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- Section 23 X Oden & Marjorie Hyland - 10
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- Section 25 Z Allen & Patricia Breczinski - 6.32
- Section 27 AA Paul Sanders - 12.47
- Section 28 AB Robert Weilage - 10.87
- Section 29 AC Todd & Sherrie Cambronne - 1
- Section 29 AD Vernon & Katherine Snow - 5.1
- Section 29 AE Kevin & Christine Lanners - 5.1
- Section 29 AF David & Kathleen Wilking - 12.
- Section 29 AG Neil & Mildred Horsman - 8
- Section 30 AH Dale Scott - 22.45
- Section 31 AI Larry Strom - 6
- Section 32 AJ Steven & Pamela Johnson - 5
- Section 33 AK Theodore & Janet Schotzko - 1
- Section 34 AL Wayne Seehusen - 5.04
- Section 35 AM Keith & Julie Rayman - 10.55
- Section 36 AN Steven & Kari Meyer - 5.92

SECTION 1	SECTION 2	SECTION 3	SECTION 4
SECTION 5	SECTION 6	SECTION 7	SECTION 8
SECTION 9	SECTION 10	SECTION 11	SECTION 12
SECTION 13	SECTION 14	SECTION 15	SECTION 16
SECTION 17	SECTION 18	SECTION 19	SECTION 20
SECTION 21	SECTION 22	SECTION 23	SECTION 24
SECTION 25	SECTION 26	SECTION 27	SECTION 28
SECTION 29	SECTION 30	SECTION 31	SECTION 32
SECTION 33	SECTION 34	SECTION 35	SECTION 36

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BRIDGES TWP	WISCONSIN TWP	VALLEY TWP	LEWIS TWP
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HEAD LANE TWP	LEWIS TWP	LAKE HATFIELD TWP	CUMBER TWP
DOUGLASS TWP	LEWIS TWP	ROCK TWP	AMIRET TWP
BRIDGES TWP	LAKE TWP	SEVEN TWP	BRIDGES TWP