

RESOLUTION 2005-93

RESOLUTION APPROVING ANNEXATION OF CERTAIN "NON-DESIGNATED NEIGHBORHOODS" IN BELLE PRAIRIE TOWNSHIP IN ACCORDANCE WITH THE TERMS OF THAT ORDERLY ANNEXATION AGREEMENT, NO. OA-916, (NO. 05-Q)

WHEREAS, in accordance with Minnesota Statutes 414.0325, the City of Little Falls ("City") and the Township of Belle Prairie ("Township") have signed an Orderly Annexation Agreement, No. OA-916, ("Agreement") on February 10, 2003, and February 3, 2003, respectively; and

WHEREAS, Paragraph 1.b, of said Agreement designates certain properties as the Belle Prairie Suburban Orderly Annexation Area ("Designated Area") for annexation; and

WHEREAS, Paragraph 3.e of said Agreement indicates the City has notified Minnesota Power Company on January 13, 2003, of our intent to annex said territory and requested notification if there is a change in the cost of electric utility service as a result of the annexation of the properties within the Designated Area. No change is anticipated, since the following described properties are and will remain within the Minnesota Public Utilities Commission's Service Area of Minnesota Power; and

WHEREAS, Paragraph 4.c of said Agreement outlines provisions for annexation of "Non-Designated Neighborhoods" in said Designated Area, by City Council resolution, if a petition is received by the City from an individual property owner(s) requesting annexation; and

WHEREAS, Paragraph 4.g of said Agreement outlines provisions for annexation of the following properties by resolution of the City Council:

Attachment "A".

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Little Falls, in accordance with the provisions of said Agreement, that the following described properties are designated for immediate annexation to the City of Little Falls:

Attachment "A"; and

BE IT FURTHER RESOLVED, that in accordance with Paragraph 3.d of said Agreement, the City shall share a one-time payment at 150% of the property taxes for said parcel due and payable in the last year that the Township collected taxes, (i.e. 2005 property taxes \$57.04) for a total of \$85.50; and

BE IT FURTHER RESOLVED, that the current population in said property is zero, with a total area of 2.04 acres more or less; and

BE IT FURTHER RESOLVED, that in accordance with Chapter 11.03, Subd. 6 of the City Code, a public hearing was held on the proposed zoning of said territory on June 30, 2003, and on August 18, 2003, and said property was zoned "One- and Two-Family Residential, Country Homes, 'R-1.C'" on August 18, 2003; and

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REC'D BY
MMB

AUG 05 2005

BE IT FURTHER RESOLVED, that the City Administrator is directed to forward copies of this Resolution to the Minnesota Office of Administrative Hearings, Minnesota Secretary of State, Belle Prairie Town Clerk, and the Morrison County Auditor, Assessor and Recorder; and

BE IT FURTHER RESOLVED, that in accordance with Paragraph 4.g, of said Agreement, the City of Little Falls agrees that no alteration of the stated boundaries as described herein is appropriate, that no consideration by the Minnesota Office of Administrative Hearings, is necessary, and that all terms and conditions for annexation of the aforementioned properties are provided in that Orderly Annexation Agreement, OA-916. Pursuant to Minnesota Statutes, Section 414.0325, upon receipt of this Resolution, the Minnesota Office of Administrative Hearings may review and comment, but shall within thirty (30) days order the annexation of the aforementioned properties in accordance with the terms and conditions contained in said Agreement.

Passed this 1st day of August, 2005.




Michael C. Doucette
Council President

ATTEST



Richard N. Carlson
City Administrator

Approved this 1st day of August, 2005.



Brian D. Mackinac
Mayor of Said City

(SEAL)

"ATTACHMENT A"

That part of Government Lot 2, Section 27, Township 41, Range 32, Morrison County, Minnesota, described as follows:

Commencing at the northeast corner of said Government Lot 2; thence South 00 degrees 01 minutes 33 seconds East, assumed bearing, a distance of 413.30 feet along the east line of said Government Lot 2 to the southeast corner of Merchlewicz Addition to Oak Ridge, the point of beginning; thence continuing South 00 degrees 01 minutes 33 seconds East a distance of 289.67 feet along said east line of Government Lot 2; thence North 89 degrees 54 minutes 45 seconds West a distance of 309.00 feet along a line monumented by Ron Murphy, RSL 10832, and documented on a Certificate of Survey dated January 18, 1983; thence North 00 degrees 45 minutes 55 seconds East a distance of 289.71 feet to the south line of said Merchlewicz Addition to Oak Ridge; thence South 89 degrees 54 minutes 33 seconds East, a distance of 305.00 feet along said south line of Merchlewicz Addition to Oak Ridge to the point of beginning. All in accordance with a survey by Kevin Festler, Minnesota License Number 22702, dated July 17, 2000. Subject to an easement described as follows: a 70.00 foot wide easement for ingress and egress, over and across that part of Government Lot 2, Section 27, Township 41, Range 32, Morrison County, Minnesota, described as follows: commencing at the northeast corner of said Government Lot 2; thence South 00 degrees 01 minutes 33 seconds East, assumed bearing, a distance of 413.30 feet along the east line of said Government Lot 2 to the southeast corner of Merchlewicz Addition to Oak Ridge, on file and of record in the Office of the County Recorder in said Morrison County; thence continuing South 00 degrees 01 minutes 33 seconds East a distance of 289.67 feet along said east line of Government Lot 2 to the point of beginning of said easement; thence North 89 degrees 54 minutes 45 seconds West a distance of 309.00 feet along a line monumented by Ron Murphy, RLS 10832, and documented on a Certificate of Survey dated January 18, 1983; thence North 00 degrees 45 minutes 55 seconds East a distance of 70.00 feet; thence South 89 degrees 54 minutes 45 seconds West a distance of 308.03 feet to said east line of Government Lot 2; thence South 00 degrees 01 minutes 33 seconds East a distance of 70.00 feet along said east line of Government Lot 2 to the point of beginning. All in accordance with a survey by Kevin Festler, Minnesota License Number 22702, dated July 17, 2000.

CITY OF
LITTLE FALLS

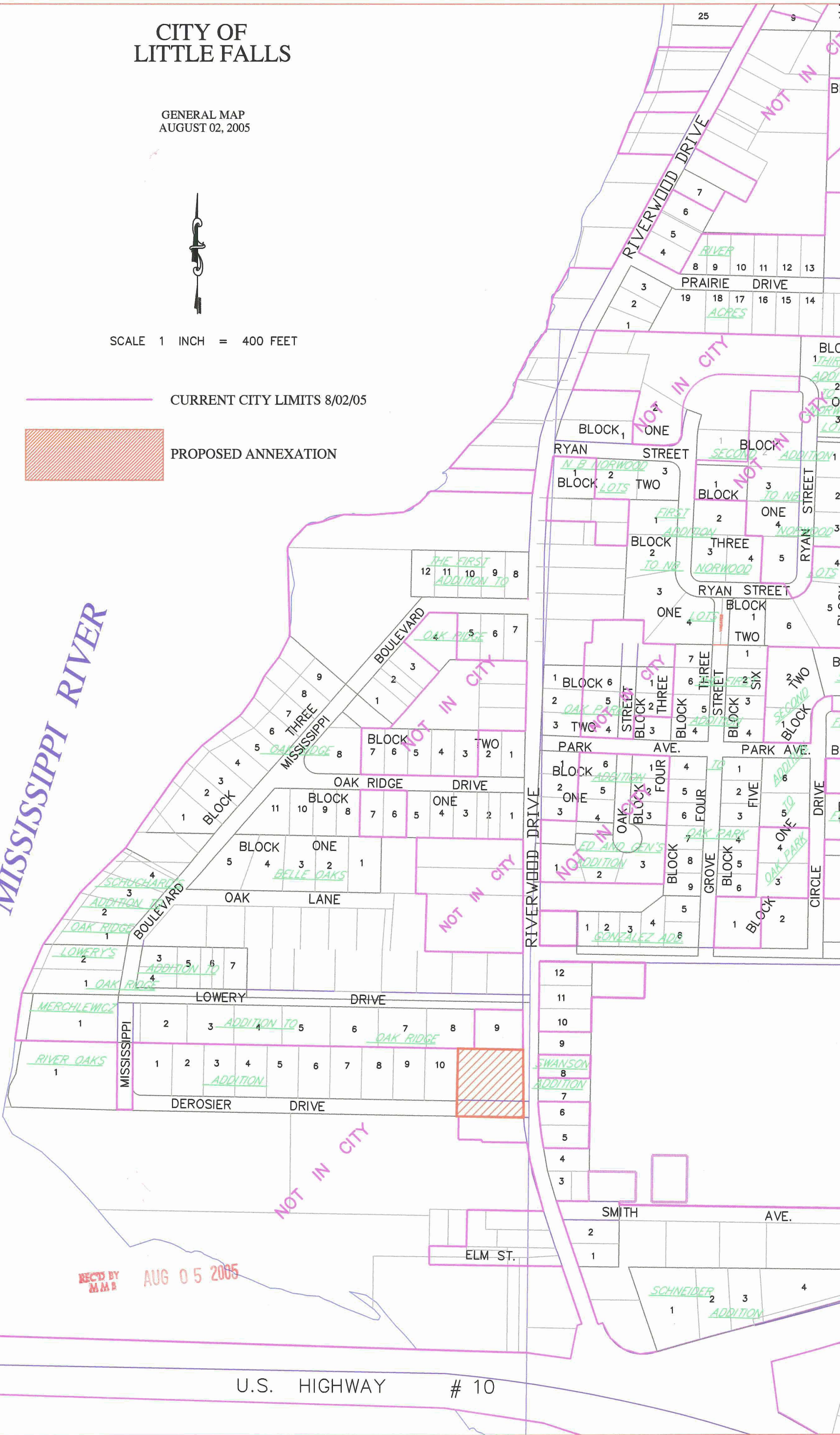
GENERAL MAP
AUGUST 02, 2005



SCALE 1 INCH = 400 FEET

- CURRENT CITY LIMITS 8/02/05
- PROPOSED ANNEXATION

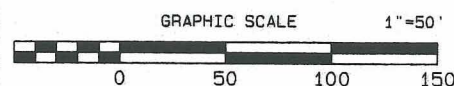
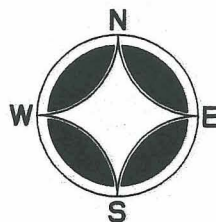
MISSISSIPPI RIVER



U.S. HIGHWAY # 10

DEROSIER ADDITION

NE CORNER
GOV'T LOT 2
S. 27, T. 41, R. 32



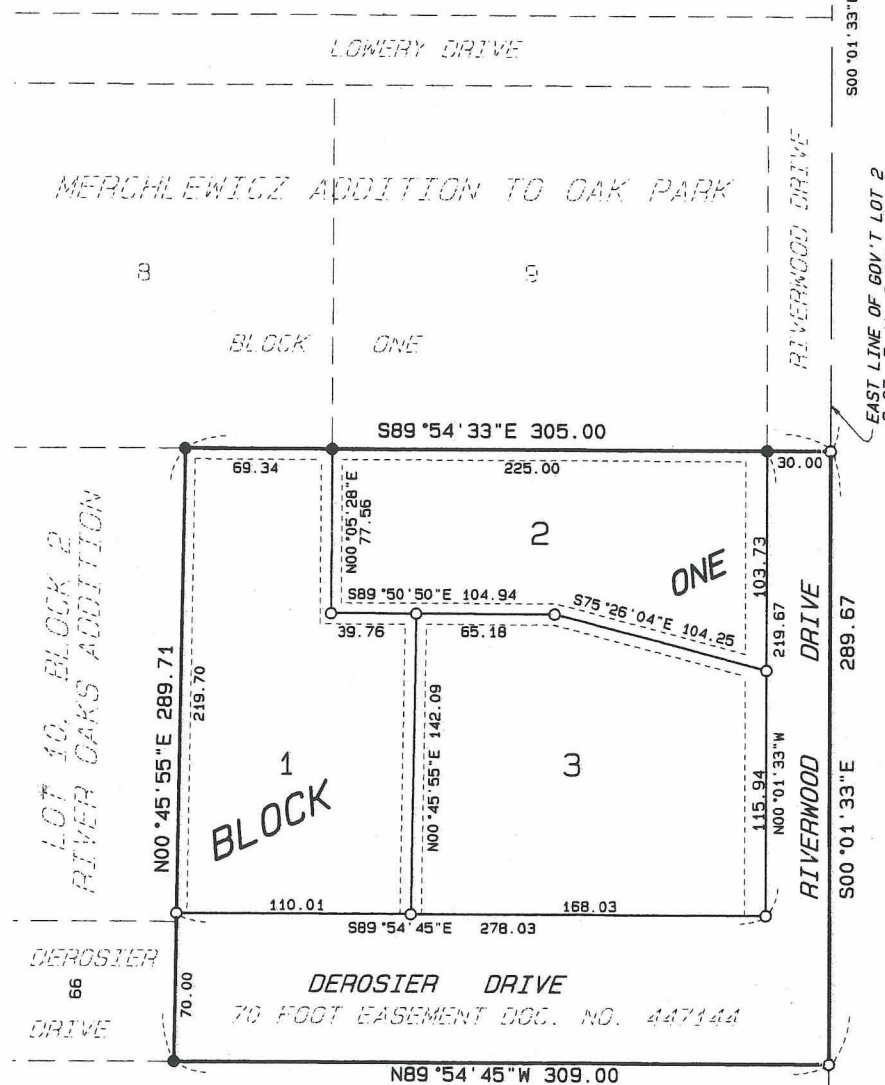
BEARING ORIENTATION:

The east line of Government Lot 2 is assigned a bearing of South 00° 01' 33" East.

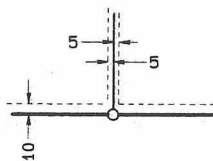
- CAST IRON MONUMENT
- FOUND IRON MONUMENT
- SET 1/2 INCH IRON PIPE CAPPED RLS 22702

AREA:

TOTAL: 88931 sq.ft. (2.04 acres)
STREETS: 28186 sq.ft.
LOT 1: 21048 sq.ft.
LOT 2: 17289 sq.ft.
LOT 3: 22408 sq.ft.



DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES,
AND 10 FEET IN WIDTH AND ADJOINING STREET LINES,
AS SHOWN ON THE PLAT.

REC'D BY
MMB AUG 05 2005

KNOW ALL PERSONS BY THESE PRESENTS: That Earl J. LeMieur and Mary Lee LeMieur, husband and wife, owners and proprietors of the following described property, situated in the County of Morrison and the State of Minnesota, to wit:

That part of Government Lot 2, Section 27, Township 41, Range 32, Morrison County, Minnesota, described as follows:

Commencing at the northeast corner of said Government Lot 2; thence South 00 degrees 01 minutes 33 seconds East, assumed bearing, 413.30 feet along the east line of said Government Lot 2 to the southeast corner of MERCHLEWICZ ADDITION TO OAK PARK, on file and of record in the Office of the County Recorder in said Morrison County, the point of beginning; thence continuing South 00 degrees 01 minutes 33 seconds East 289.67 feet; thence North 89 degrees 54 minutes 45 seconds West 309.00 feet along a line surveyed by Ron Murphy, RLS 10832, on a Certificate Of Survey dated January 18, 1983; thence North 00 degrees 45 minutes 55 seconds East 289.71 feet to the south line of said MERCHLEWICZ ADDITION TO OAK PARK; thence South 89 degrees 54 minutes 33 seconds East 305.00 feet along said south line of MERCHLEWICZ ADDITION TO OAK PARK to the point of beginning.

Have caused the same to be surveyed and platted as DEROSIER ADDITION, and do hereby dedicate donate a dedicate to the public for public use forever DEROSIER DRIVE and RIVERWOOD DRIVE, and also dedicating said drives and the utility easements for drainage and utility purposes, as shown on this plat.

In witness whereof said Earl J. LeMieur and Mary Lee LeMieur, husband and wife, have hereunto set our hands this 26th day of July, 2005.

Earl J. LeMieur Mary Lee LeMieur
Earl J. LeMieur Mary Lee LeMieur

STATE OF MINNESOTA
COUNTY OF Morrison

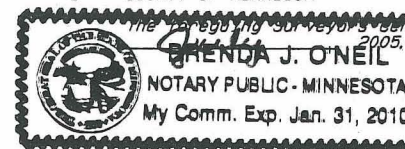
The foregoing instrument was acknowledged before me this 26th day of July, 2005, by Earl J. LeMieur and Mary Lee LeMieur, husband and wife.

Joyce M. Kahl
Notary Public, Morrison County, MN
My Commission Expires 1-31-2010

I, Kevin Festler, hereby certify that I have surveyed and platted the property described on this plat as DEROSIER ADDITION, that this plat is a correct representation of the survey, that the distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat, and that there are no wetlands, or public highways to be designated on said plat other than as shown.

Kevin Festler
Kevin Festler, Land Surveyor
Minnesota Registration No. 22702

STATE OF MINNESOTA
COUNTY OF MORRISON



The foregoing instrument was acknowledged before me this 25th day of August, 2005, by Kevin Festler, Land Surveyor, Minnesota Registration No. 22702.

Brenda J. O'Neil
NOTARY PUBLIC - MINNESOTA
My Comm. Exp. Jan. 31, 2010

Brenda J. O'Neil
Notary Public, Morrison Co., MN
My Commission Expires 1-31-2010

Approved by the City Council of the City of Little Falls, Minnesota, this 2nd day of August, 2005.

President Of The City Council

Attested: Richard N. Carl
City Administrator

Taxes paid for all years through year (payable in) _____ and transfer entered this _____ day of _____, 2005.

Morrison County Auditor

I hereby certify that taxes payable in the year _____ on lands herein described are paid, this _____ day of _____, 2005.

Morrison County Treasurer

This plat of DEROSIER ADDITION was approved as to form and execution this 2nd day of August, 2005.

Paul J. [Signature]
City Attorney

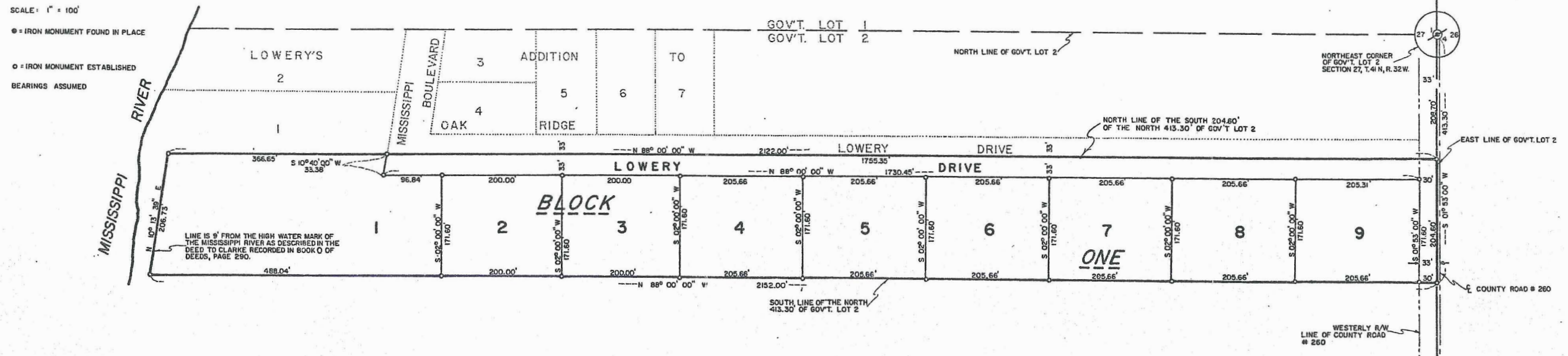
I hereby certify that the instrument on this sheet was filed in this office for record this _____ day of _____, 2005, at _____ o'clock _____ m., and was duly recorded as Document No. _____.

Morrison County Recorder

FESTLER LAND SURVEYING
16096 173rd Street
Little Falls, MN 56345
320-632-4396

MERCHLEWICZ ADDITION TO OAK RIDGE

REC'D BY
A.M.B. AUG 05 2005



KNOW ALL MEN BY THESE PRESENTS: That JEROME V. MERCHLEWICZ and MARGUERITE L. MERCHLEWICZ, HIS WIFE, ARE THE OWNERS OF THE SOUTH 204.60 FEET OF THE NORTH 413.30 FEET OF GOVERNMENT LOT 2, SECTION 27, TOWNSHIP 41 NORTH, RANGE 32 WEST, MORRISON COUNTY, MINNESOTA EXCEPT THAT PORTION THEREOF WHICH IS 9 FEET FROM THE HIGH WATER MARK OF THE MISSISSIPPI RIVER AS DESCRIBED IN THE DEED TO NEHEMIAH P. CLARKE, DATED MAY 18, 1885 AND RECORDED IN BOOK O OF DEEDS, PAGE 290, AND BEING DESIROUS OF PLATTING SAID LAND INTO LOTS, HAVE HAD THE SAME SURVEYED AND THE ANNEXED PLAT THEREOF, MADE ACCORDING TO THE STATUTES IN SUCH CASES, MADE AND PROVIDED. THE NAME OF THIS PLAT SHALL BE MERCHLEWICZ ADDITION TO OAK RIDGE, LOWERY DRIVE, AS INDICATED ON THE PLAT, IS HEREBY DEDICATED TO THE PUBLIC. IN WITNESS WHEREOF, THE SAID OWNERS HAVE CAUSED THESE PRESENTS TO BE EXECUTED THIS 4TH DAY OF MAY, 1978.

Jerome V. Merchlewicz
JEROME V. MERCHLEWICZ
Marguerite L. Merchlewicz
MARGUERITE L. MERCHLEWICZ

STATE OF MINNESOTA)
COUNTY OF CROW WING)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 4TH DAY OF MAY, 1978, BY JEROME V. MERCHLEWICZ AND MARGUERITE L. MERCHLEWICZ, HIS WIFE.

Elizabeth H. Anderson
ELIZABETH H. ANDERSON
MY COMMISSION EXPIRES: DEC. 10, 1982

Elizabeth H. Anderson
ELIZABETH H. ANDERSON
NOTARY PUBLIC
COUNTY, MINNESOTA

I, DEAN M. ANDERSON, REGISTERED LAND SURVEYOR NUMBER 3091, DO HEREBY CERTIFY THAT I HAVE, AT THE INSTANCE OF THE OWNERS, MADE THE ABOVE MENTIONED SURVEY AND PLAT OF MERCHLEWICZ ADDITION TO OAK RIDGE AND THAT ALL INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THERE ARE NO WET LANDS OR PUBLIC ROADS OTHER THAN SHOWN ON THE PLAT ON THIS LAND. IRON MONUMENTS HAVE BEEN PLACED AT THE POINTS INDICATED ON THE PLAT FOR GUIDANCE OF FUTURE SURVEYS. THE BOUNDARIES OF THE PLAT ARE CORRECTLY SHOWN.

Dean M. Anderson
DEAN M. ANDERSON
REGISTERED LAND SURVEYOR
MINNESOTA REGISTRATION NUMBER 3091

STATE OF MINNESOTA)
COUNTY OF CROW WING)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 2ND DAY OF MAY, 1978, BY DEAN M. ANDERSON.

Elizabeth H. Anderson
ELIZABETH H. ANDERSON
MY COMMISSION EXPIRES: DEC. 10, 1982

Elizabeth H. Anderson
ELIZABETH H. ANDERSON
NOTARY PUBLIC
CROW WING COUNTY, MINNESOTA

TAXES PAID FOR ALL YEAR THROUGH (PAYABLE IN) 1977 AND TRANSFER ENTERED THIS 17TH DAY OF May, 1978.

Olivia J. Johnson
OLIVIA J. JOHNSON
AUDITOR
MORRISON COUNTY, MINNESOTA

I CERTIFY THAT THE TAXES PAYABLE IN THE YEAR 19 ON LANDS HEREON DESCRIBED ARE PAID, THIS DAY OF , 197 .

TREASURER
MORRISON COUNTY, MINNESOTA

THIS PLAT OF MERCHLEWICZ ADDITION TO OAK RIDGE WAS REVIEWED BY THE TOWNSHIP BOARD OF BELLE PRAIRIE TOWNSHIP AT A MEETING HELD THIS 15 DAY OF May, 1978.

Paul Thompson
PAUL THOMPSON
TOWNSHIP BOARD CHAIRMAN

THIS PLAT OF MERCHLEWICZ ADDITION TO OAK RIDGE WAS ACCEPTED AND APPROVED BY RESOLUTION OF THE MORRISON COUNTY BOARD OF COUNTY COMMISSIONERS, AT A MEETING OF SAID BOARD HELD THIS 16TH DAY OF May, 1978.

Felix Kujawa
FELIX KUJAWA
CHAIRMAN OF THE COUNTY BOARD

THIS PLAT OF MERCHLEWICZ ADDITION TO OAK RIDGE WAS APPROVED AS TO FORM AND EXECUTION THIS 16TH DAY OF May, 1978.

John F. Zeli
JOHN F. ZELI
MORRISON COUNTY ATTORNEY

I, HEREBY CERTIFY THAT THE INSTRUMENT ON THIS SHEET WAS FILED IN THIS OFFICE FOR RECORD ON THE 7 DAY OF June, 1978, AT 10 O'CLOCK A.M., AND WAS DULY RECORDED IN INSTRUMENT # 270052.

RECORDED

RECORDED
TRACT INDEX
GRANTOR
GRANTEE
COMPARED

James R. Anderson
JAMES R. ANDERSON
COUNTY RECORDER
MORRISON COUNTY, MINNESOTA
by James R. Anderson Deputy

OFFICE OF COUNTY RECORDER,
MORRISON COUNTY, MINNESOTA
I, James R. Anderson, County Recorder, do hereby certify that the foregoing instrument was filed in this office for record on the 7 day of June, 1978, at 10 o'clock A.M., and was duly recorded in instrument # 270052, and that the same is a true and correct copy thereof.
James R. Anderson, County Recorder