**S A M P L E**

**ORDINANCE NO.\_\_\_\_\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF \_\_\_\_\_\_\_\_\_\_, MINNESOTA ANNEXING**

**LAND LOCATED IN \_\_\_\_\_\_\_\_\_\_ TOWNSHIP, \_\_\_\_\_\_\_\_\_\_ COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES** § **414.033 SUBDIVISION 2(3), PERMITTING ANNEXATION BY ORDINANCE**

**WHEREAS,** a petition signed by all the property owners, requesting that property legally described (herein or attached exhibit) be annexed to the City of \_\_\_\_\_\_\_\_\_­­­­\_\_\_\_ Minnesota, was duly presented to the Council of the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on the\_\_\_\_ day of \_\_\_\_\_\_\_\_\_, 20\_\_; and

**WHEREAS,** said property is unincorporated and abuts the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_on its \_\_\_\_\_\_\_\_ boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

**WHEREAS,** said property is not located within a flood plain or shoreland area; and *(If property is within a designated floodplain or shoreland area, city shall adopt or amend its land use controls to conform with chapter 103F. New development of annexed area shall be subject to chapter 103F)* Minnesota Statutes § 414.033 Subd. 11.

**WHEREAS,** said property is currently (land use) and annexation is requested to facilitate the extension of city services for the (residential/urban/commercial/industrial) development of the property; and

**WHEREAS**, the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,following thirty (30) days written notice by certified mail to the Town of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_and to all landowners within and contiguous to the area legally described (herein or attached exhibit), to be annexed; and

**WHEREAS,** provisions of Minnesota Statutes § 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. *(Or if they are applicable, either a statement of compliance OR property owners can waive. Attach written statement of waiver signed by property owner.)*

**NOW, THEREFORE**, THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature in that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_use is being proposed for said property the construction of which requires or will need city services, including public sewer facilities.

2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.

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3. The corporate limits of the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Minnesota, are hereby extended to include the following described property, said land abutting the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ 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, and the City having received a petition for annexation from all the property owners of the land, to wit:

 ***INSERT THE COMPLETE AND ACCURATE PROPERTY DESCRIPTION.***

 ***DO NOT USE DESCRIPTIONS FROM PROPERTY TAX STATEMENTS.***

The above described property consists of a total of \_\_\_\_\_\_\_\_\_\_ acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto.

4. That the population of the area legally described (herein or attached exhibit) and hereby annexed is \_\_\_\_\_\_\_\_\_\_.

5. The City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described (herein or attached exhibit), hereby annexed, shall make a cash payment to the Town of \_\_\_\_\_\_\_\_\_\_\_\_\_\_in accordance with the following schedule:

 *OPTION A:*

 a. In the first year following the year in which the City of

 \_\_\_\_\_\_\_\_\_\_\_could first levy on the annexed area, an amount equal

 to $\_\_\_\_\_\_\_\_\_\_; and

 b. In the second year, an amount equal to $\_\_\_\_\_\_\_\_\_\_.

 (Or payments can extend up to 8 years.)

 *OPTION B:*

Parties may agree to other payment terms. Include written documentation of such an agreement.

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6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described (herein or attached exhibit) there are [no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.] *OR* there are …..and the City will ……

7. That the City Clerk of the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County Auditor, and the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Township Clerk.

8. 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 AND ADOPTED by the City Council of the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Minnesota , this \_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

(City Seal)

*Municipal Boundary Adjustment Unit Contact*

*Star Holman* *star.holman@state.mn.us* *651-361-7909*

*(July 2019)*