

ORDINANCE NO. 32, THIRD SERIES

ORDINANCE REPEALING ORDINANCE NO. 5 THIRD SERIES, AN ORDINANCE ANNEXING PART OF REDWOOD RIVER AND PEABODY ROAD, PASSED ON THE 2ND DAY OF JULY, 1996, AND ORDINANCE NO. 11, THIRD SERIES, AN ORDINANCE TO AMEND ORDINANCE NO. 5, THIRD SERIES TO CORRECT LEGAL DESCRIPTION, TO ANNEX A PORTION OF LOT 16 OF AUDITOR'S SUBDIVISION 1 OF 31-113-35, AND TO ANNEX AN ADDITIONAL PORTION OF REDWOOD RIVER, PASSED ON THE 17TH DAY OF DECEMBER, 1997.

THE CITY OF REDWOOD FALLS DOES ORDAIN:

WHEREAS, the Redwood Falls City Council (the "Council"), adopted and passed Ordinance Number 208, Second Series (Municipal Board File # A 5647), on the 16TH day of June, 1994, for the purpose of annexing certain real property owned by the City of Redwood Falls (the "City"), into the corporate limits of the City, said ordinance being enacted pursuant to Minn.Stat. § 414.033, subd. 1; and

WHEREAS, a tract of the property sought to be annexed by Ordinance Number 208, Second Series included certain real property located in the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Two (2), Township One Hundred Twelve (112), Range Thirty-six (36) West and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section One (1), Township One Hundred Twelve (112), Range Thirty-six (36) West, the northern boundary of said tract being the centerline of the Redwood River (hereinafter the "Pump House Property"); and

WHEREAS, a second tract of the property sought to be annexed by Ordinance Number 208, Second Series included certain real property located in the East half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$), that part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), and that part of the Southwest Quarter of the Northeast

Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), all in Section Thirty-one (31), Township One Hundred Thirteen (113), Range Thirty-five (35) West (hereinafter the "Wastewater Treatment Facility"); and

WHEREAS, said ordinance was filed with the Minnesota Municipal Board (the "Board"), who did approve said annexation on April 12, 1996; and

WHEREAS, the Board, in accordance with the Uniform Procedures of the Board, as set forth in Minn.Stat. § 414.09, did cause copies of the Board's order to be mailed to the Department of Transportation, Cartographic Unit, the State Demographer (the "Demographer"); and

WHEREAS, the corporate mapping data maintained by the Demographer indicated corporate limits of the City did not extend to the Pump House Property, but extended only to north shoreline of the Redwood River; and

WHEREAS, said data further indicated that Peabody Road, which abuts and is parallel to the western boundary of the Wastewater Treatment Facility, was not included within the corporate limits of the City of Redwood Falls; and

WHEREAS, the City, desiring to annex both Peabody Road and that part of the Redwood River not included within its corporate limits, did pass Ordinance No. 5, Third Series, on the 2nd day of July, 1996, by which said property was sought to be declared annexed into the City of Redwood Falls; and

WHEREAS, the City was notified by the Board that the legal description for one of the above described parcels was in error and that said Ordinance failed to include all relevant portions of the Redwood River in the proposed annexation; and

WHEREAS, the City, desiring to correct said error and to include that portion of the Redwood River not annexed by Ordinance No. 5, Third Series, did pass Ordinance No. 11, Third Series, on the 17th day of December, 1997; and

WHEREAS, the Board has now notified the City that Ordinance No. 5, Third Series, incorrectly sought to add additional real property to a prior annexation proceeding and was therefore null and void; and

WHEREAS, the Board has further notified the City that Ordinance No. 11, Third Series was rejected in that said Ordinance sought to amend an annexation proceeding which was declared null

and void; and

WHEREAS, the City desires to take the necessary remedial and corrective action.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDWOOD FALLS HEREBY ORDAINS AS FOLLOWS:

1. Ordinance No. 5 Third Series, an Ordinance annexing part of Redwood River and Peabody Road, passed on the 2nd day of July, 1996, by which the following described parcels of real property were sought to be annexed, to wit:

Peabody Road, also known as Lot Seven (7) of Auditor's Subdivision One (1) of Section Thirty-one (31), Township One Hundred Thirteen (113) North, Range Thirty-five (35) West;

AND

That part of Sections One (1) and Two (2) of Township One Hundred Twelve (112), Range Thirty-six (36), lying North and West of the centerline of the Redwood River, more particularly described as follows: commencing at a point on the center line of the Redwood River in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Two (2), which point is Forty-five (45) feet West of the East Line of said East line of said Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Two (2); thence North to the north shore of the Redwood River; thence Easterly and Northerly along the shoreline of the Redwood River to the intersection of the shoreline with the north line of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section One (1), Township One Hundred Twelve (112), Range Thirty-six (36) North; thence east along the north line of said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section One (1), to the centerline of the Redwood River; thence in a Southerly and later Westerly direction along the centerline of the river to the point of beginning;

and filed of record on October 15, 1996 in the Office of the Redwood County Recorder in Book 145 of Miscellaneous, pages 695-700, as Document No. 283562, is hereby repealed.

2. Ordinance No. 11, Third Series, an Ordinance to amend Ordinance no. 5, Third Series, passed on the 17th day of December, 1997 which sought to correct a certain legal description and which sought to annex the following parcels of real property, to wit:

JUL 21 1941

That part of Sections One (1) and Two (2) of Township One Hundred Twelve (112), Range Thirty-six (36), lying North and West of the centerline of the Redwood River, more particularly described as follows: commencing at a point on the center line of the Redwood River in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Two (2), which point is Four hundred Forty-five (445) feet West of the East Line of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Two (2); thence North to the north shore of the Redwood River; thence Westerly and Northerly along the shoreline of the Redwood River to the intersection of the shoreline with the west line of Peavey Lakeview Addition; thence south along the west line of said Peavey Lakeview Addition as extended to the south shore of the Redwood River; thence in a Southerly and later Easterly direction along the south shore of the river to the East line of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Two (2); thence north along said East line to the point of beginning.

AND

All that part of Lot 16 of Auditor's Subdivision of Section 31, Township 113 North, Range 35 West not already annexed into the City of Redwood Falls.

is hereby repealed.

3. The City Administrator is directed to file certified copies of this Ordinance with the Minnesota Municipal Board, Redwood Falls Township, Honner Township, the Redwood County Auditor, and the Minnesota Secretary of State.

4. The Council hereby determines that the text of the summary of this ordinance prepared by Stephen P. Thies, the City Attorney, marked "Official Summary of Ordinance No. 32, Third Series", a copy of which is attached hereto, clearly informs the public of the intent and effect of this Ordinance. The Council further determines that publication of the title and said summary will clearly inform the public of the intent and effect of the Ordinance.

5. The City Clerk shall see that a copy of this Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk, and provide that a copy of the entire text of the Ordinance be posted at the Redwood Falls Library.

6. The City Clerk shall publish the title of this Ordinance

REC'D JUL 23 1998

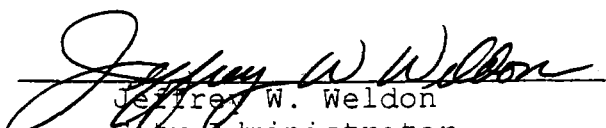
and the official summary in the official newspaper with notice that a printed copy of the Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk and at the Redwood Falls Library.

7. This Ordinance shall take effect upon its passage and publication and the filing of the certified copies as directed in the above Section.

PASSED AND ADOPTED by the City Council of the City of Redwood Falls, Minnesota, this 20th day of October, 1998.

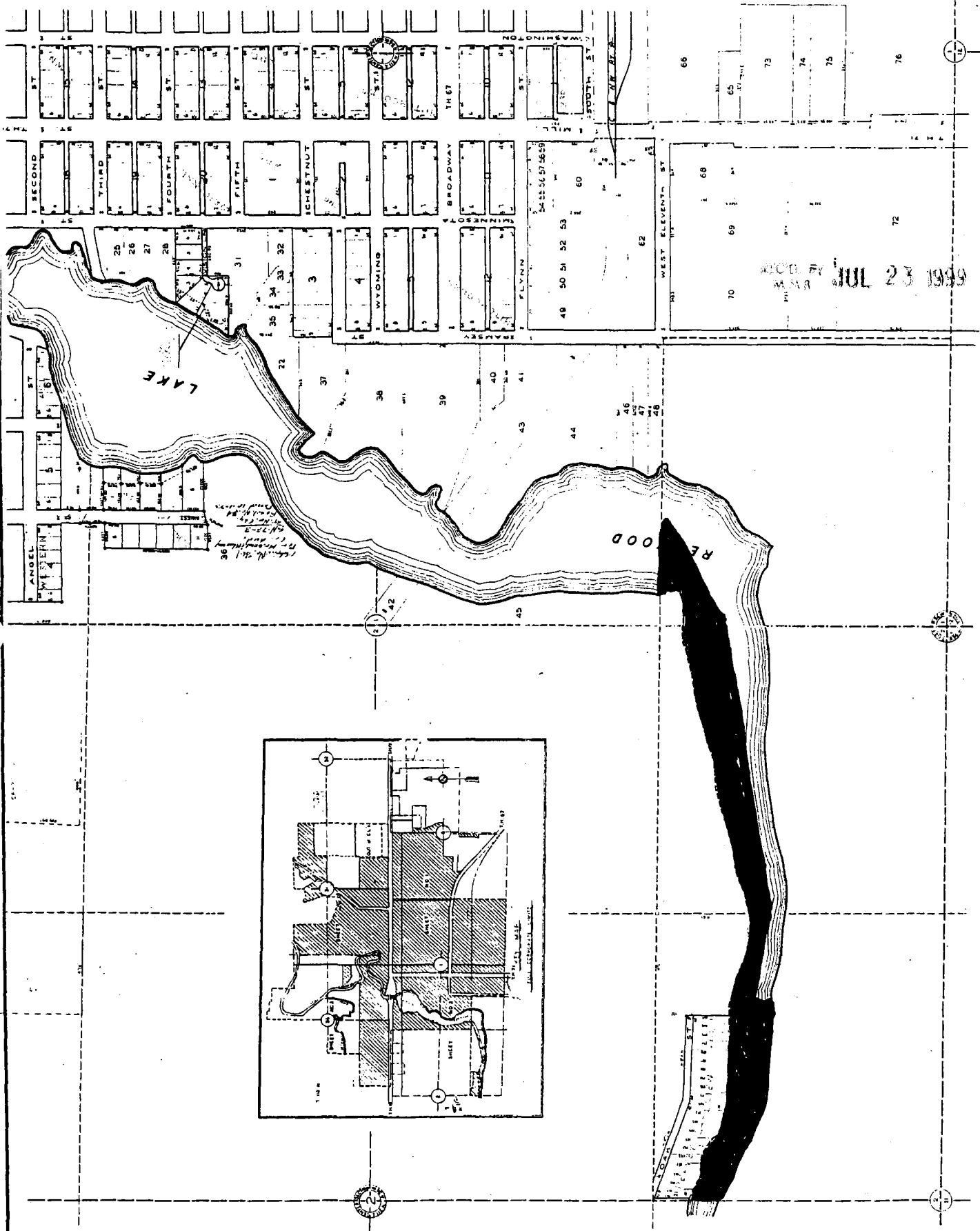
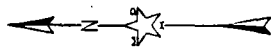

Sara A. Triplett
Mayor

Attest:

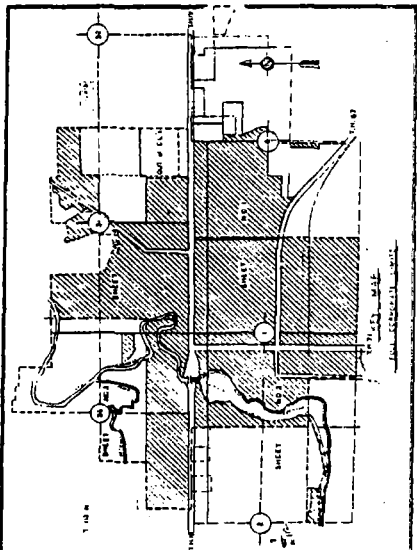

Jeffrey W. Weldon
City Administrator

(City Seal)

First Reading: October 6, 1998
Second Reading: October 20, 1998
Publication: October 26, 1998



REWOOD JUL 23 1999



507-637-5233

C.S. 101

APR 23 1999

