

AMENDED ANNEXATION ORDINANCE
ORDINANCE NO. 71.4

AN ORDINANCE RELATING TO ANNEXATION OF LANDS AND AMENDING THE LEGAL DESCRIPTION AS CONTAINED IN ORDINANCE NO. 71.3.

The City Council of the City of Baxter, Minnesota, ordains:

WHEREAS, pursuant to a petition for annexation, the City of Baxter approved an annexation ordinance under Minnesota Statutes Section 414.033, Subd. 2(3), said ordinance having been adopted by the City Council at its meeting of September 7, 1999; and

WHEREAS, the adoption of said ordinance was subject to it being held and not finalized until such time as the Council would approve a further motion to send it to the State of Minnesota for approval; and

WHEREAS, the City's Engineer has recommended that the legal description as contained in the annexation ordinance adopted on September 7, 1999, be amended so as to include all highway and road rights of way, and as a result then reducing the size of the parcel to be annexed owned by Lewis Smith and Evelyn L. Smith so as to stay within the sixty-acre limit; and

WHEREAS, said amended legal description is attached hereto as Exhibit "A" and incorporated herein by reference as if fully set forth; and

WHEREAS, a map showing the area to be annexed as hereby amended is attached hereto as Exhibit "B" and incorporated herein by reference;

NOW, THEREFORE, the City of Baxter hereby amends Ordinance No. 71.3 so as to instead substitute and declare the property described in the attached Exhibit "A" to be annexed to the City of Baxter pursuant to the terms of the above statute, subject to a further motion by the Council to send it to the State of Minnesota for approval and thereafter subject to this amended ordinance being approved by the State of Minnesota and duly recorded with the Crow Wing County Recorder's Office.

REC'D. BY DEC 27 1999
MAB

Passed and approved by the City Council of the City of Baxter,
Minnesota, this 16th day of November, 1999.

CITY OF BAXTER, MINNESOTA

By Gary Muehlhausen
Gary Muehlhausen, Its Mayor

ATTEST:

Larry R. Kruse
Larry R. Kruse
City Administrator/Clerk

THIS DOCUMENT DRAFTED BY:

John W. Person
BREEN AND PERSON, LTD.
510 Laurel Street, Box 472
Brainerd, Minnesota 56401
(218) 828-1248

EXHIBIT "A"

October 5, 1999

City of Baxter Annexation Description:PART OF THE SE1/4-SE1/4, SECTION 31, T. 134, R. 28

Document No. 413466 (Randy and Elizabeth Johnson Parcel 6)

That part of the Southeast Quarter of the Southeast Quarter of Section 31, Township 134 North, Range 28 West described as follows: Beginning at the point of intersection of a line which is 20.00 feet south of as measured perpendicular to the north line of said Southeast Quarter of the Southeast Quarter, and the westerly right-of-way line of Trunk Highway #371, said point being the Northeast Corner of the property described in Book 341 of Deeds, page 841; thence North 89 degrees 31 minutes 48 seconds West, assumed bearing, parallel with the north line of said Southeast Quarter of the Southeast Quarter a distance of 352.40 feet to the Northwest corner of said property described in Book 341 of Deeds, page 841; thence South 0 degrees 25 minutes 19 seconds West, parallel with the east line of said Southeast Quarter of the Southeast Quarter a distance of 668.26 feet; thence South 89 degrees 25 minutes 00 seconds East a distance of 197.28 feet to the Northwest Corner of the property described in Book 147 of Deeds, page 509; thence southerly a distance of 164.45 feet, along the westerly line of said property described in Book 147 of Deeds, page 509, along a nontangential curve, concave to the west, said curve has a radius of 1797.07 feet, delta angle of 5 degrees 14 minutes 35 seconds and the chord of said curve bears South 5 degrees 35 minutes 54 seconds East for a distance of 164.39 feet; thence continuing southerly a distance of 111.64 feet, along a westerly line of said property described in Book 147 of Deeds, page 509, to the Southwest Corner of said property described in Book 147 of Deeds, page 509, defined as a line 512.50 feet westerly of and parallel with the last 111.64 feet of a ten chord spiral on the existing right-of-way centerline of Trunk Highway #371, the chord of said spiral bears South 01 degrees 33 minutes 17 seconds East for a distance of 111.64 feet; thence North 89 degrees 25 minutes 00 seconds West a distance of 837.37 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence North 0 degrees 33 minutes 00 seconds East, along the west line of said Southeast Quarter of the Southeast Quarter, a distance of 962.04 feet to the Northwest Corner of said Southeast Quarter of the Southeast Quarter; thence South 89 degrees 31 minutes 48 seconds East, along the north line of said Southeast Quarter of the Southeast Quarter, a distance of 956.85 feet to the westerly right-of-way line of said Trunk Highway #371; thence southeasterly a distance of 23.57 feet, along said right-of-way line, along a nontangential curve, concave to the southwest, said curve has a radius of 1797.07 feet, delta angle of 0 degrees 45 minutes 05 seconds and the chord of said curve bears South 31 degrees 28 minutes 37 seconds East for a distance of 23.57 feet to the point of beginning.

AND

Document No. 482489 (Randy and Elizabeth Johnson Parcel 7)

That part of the Southeast Quarter of the Southeast Quarter of Section 31, Township 134 North, Range 28 West described as follows: Commencing at the point of intersection of a line which is 20.00 feet south of as measured perpendicular to the north line of said Southeast Quarter of the Southeast Quarter, and the westerly right-of-way line of Trunk Highway #371, said point being the Northeast Corner of the property described in Book 341 of Deeds, page 841; thence North 89 degrees 31 minutes 48 seconds West, assumed bearing, parallel with the north line of said Southeast Quarter of the Southeast Quarter a distance of 352.40 feet to the Northwest Corner of said property described in Book 341 of Deeds, page 841; thence South 0 degrees 25 minutes 19 seconds West, parallel with the east line of said Southeast Quarter of the Southeast Quarter a distance of 412.00 feet to the Southwest Corner of the property described in Book

341 of Deeds, page 843, being the point of beginning; thence South 89 degrees 31 minutes 48 seconds East, parallel with the north line of said Southeast Quarter of the Southeast Quarter a distance of 538.52 feet to said westerly right-of-way line of Trunk Highway #371, said point being the Southeast Corner of said property described in Book 341 of Deeds, page 843; thence southerly a distance of 264.34 feet along said westerly right-of-way line, along a nontangential curve, concave to the west to the intersection with the north line of the south 275.00 feet of the north 300.00 feet of the South Half of said Southeast Quarter of the Southeast Quarter, said curve has a radius of 1797.07 feet, delta angle of 8 degrees 25 minutes 41 seconds and the chord of said curve bears South 12 degrees 26 minutes 00 seconds East a distance of 264.11 feet; thence North 89 degrees 25 minutes 00 seconds West along said north line of the south 275.00 feet of the north 300.00 feet of the South Half of said Southeast Quarter of the Southeast Quarter a distance of 597.28 feet; thence North 0 degrees 25 minutes 19 seconds East, parallel to the east line of said Southeast Quarter of the Southeast Quarter a distance of 256.26 feet to the point of beginning.

PART OF THE NE1/4-SE1/4, SECTION 31, T. 134, R. 28

Document No. 482703 (John Tanner Parcel 5)

That part of the NE1/4SE1/4, Sec. 31, Twp. 134, Rge. 28, described as follows: Commencing at the southeast corner of said NE1/4SE1/4; thence North 01 degree 14 minutes 03 seconds East, assumed bearing, 859.35 feet along the East line of said NE1/4SE1/4 to the point of beginning of the tract to be described; thence South 55 degrees 45 minutes 42 seconds West 564.81 feet to the Northeasterly right of way line for Trunk Highway No. 371; thence North 34 degrees 14 minutes 18 seconds West 975.65 feet along said right of way line to the North line of said NE1/4SE1/4; thence South 88 degrees 56 minutes 20 seconds East 1026.18 feet along said North line to the Northeast corner of said NE1/4SE1/4; thence South 01 degree 14 minutes 03 seconds West 469.91 feet along said East line of the NE1/4SE1/4 to the point of beginning.

AND

Document No. 503099 (Randy & Elizabeth Johnson Parcel 8)

The South One-Half of that part of the Northeast Quarter of the Southeast Quarter (NE1/4 SE 1/4) of Section Thirty-one (31), Township One Hundred Thirty-four (134), Range Twenty-eight (28), lying West of Highway 371, Crow Wing County, Minnesota.

AND

All that part of the right of way for Trunk Highway 371 which crosses through the Northeast Quarter of the Southeast Quarter (NE1/4 SE 1/4), Section Thirty-one (31), Township One Hundred Thirty-four (134), Range Twenty-eight (28), Crow Wing County, Minnesota.

PART OF THE SE1/4-NE1/4, SECTION 31, T. 134, R. 28

Book 297 of Deeds, Page 20 (Randy and Elizabeth Johnson Parcels 1, 2 and 3)

The Southeast one-fourth of the Northeast one-fourth (SE 1/4 - NE 1/4), Section Thirty-one (31), Township One Hundred Thirty-four (134), Range Twenty-eight (28), except the following described parts thereof: (1) Beginning at the East Quarter corner of said Section 31 and considering the East-West Quarter line of said Section 31 to be an East-West line; thence North 74 degrees 34 minutes West 737.96 feet to a point on the center line of the existing public road; thence South 15 degrees 26 minutes West to the South line of said East one-half of the Northeast one-fourth (E 1/2-NE 1/4); thence East 765.57 feet

along said South line to the place of beginning, said excepted part being subject to easements for the existing public roads along the Northerly and Easterly part thereof; (2) That part of the Southeast one-fourth of the Northeast one-fourth (SE 1/4 - NE 1/4) lying North of said existing public road; (3) That part of the Southeast one-quarter of the Northeast one-quarter (SE 1/4 - NE 1/4), Section Thirty-one (31), Township One Hundred Thirty-four North (134N), Range Twenty-eight West (28W), which lies South-westerly of the right of way for Trunk Highway Number 371; more particularly described as follows: Beginning at the Southwest corner of said Southeast one-quarter of the Northeast one-quarter (SE 1/4 - NE 1/4); thence North 1 degree 48 minutes 06 seconds East, assumed bearing, 19.56 feet along the West line of said Southeast one-quarter of the Northeast one-quarter (SE 1/4 - NE 1/4) to the Southwesterly right of way line for said Highway Number 371; thence South 34 degrees 14 minutes 56 seconds East 23.96 feet along said right of way line to the South line of said Southeast one-quarter of the Northeast one-quarter (SE 1/4 - NE 1/4); thence North 88 degrees 56 minutes 21 seconds West 14.10 feet along said South line to the point of beginning, according to the U. S. Government Survey thereof on file and of record in the office of the County Recorder in and for said county and state.

AND

Document No. 459661 (Lewis and Evelyn Smith Parcel 4)

The West 284.00 feet of the Southeast Quarter of the Northeast Quarter (SE1/4 NE 1/4), Section Thirty-one (31), Township One Hundred Thirty-four (134), Range Twenty-eight (28), lying northerly of the presently existing public road.

AND

All that part of the right of way for Trunk Highway 371 which crosses through the Southeast Quarter of the Northeast Quarter (SE1/4 NE 1/4), Section Thirty-one (31), Township One Hundred Thirty-four (134), Range Twenty-eight (28), Crow Wing County, Minnesota.

Containing 60.0 acres.

**ANNEXATION ORDINANCE
ORDINANCE NO. 71,3**

AN ORDINANCE RELATING TO ANNEXATION OF LANDS

The City Council of Baxter, Minnesota, ordains:

WHEREAS, the City has received a petition for annexation under Minnesota Statutes Section 414.033, Subd. 2(3) from all owners of those certain parcels of real estate along the Highway 371 corridor described in said petition extending northerly from the existing City limits; and

WHEREAS, these parcels as a whole abut the current City limits of Baxter, consist of an area less than sixty (60) acres, are not presently served by public sewer facilities and public sewer facilities are not otherwise available; and

WHEREAS, after service of notice by certified mail more than thirty (30) days prior to the hearing upon Crow Wing County as the sole governing body for Unorganized Territory where said real estate is located, and upon all landowners within and contiguous to the area to be annexed, a public hearing was held by the City to receive input regarding the petition and to verify the information as set forth herein; and

WHEREAS, it is the intent of the City to cooperate with Crow Wing County following annexation in discussing and addressing storm water run off, wetlands and associated concerns along the corridor in conjunction with any planned development; and

WHEREAS, a copy of said annexation petition and a map showing the area to be annexed is attached hereto as Exhibit "A" and incorporated herein by reference;

NOW, THEREFORE, the City of Baxter hereby declares the property described below to be annexed to the City of Baxter pursuant to the terms of the above statute, subject to the

ordinance being approved by the State of Minnesota, and subject to the City Council establishing an effective date for this ordinance following said approval, said land being described as follows, to-wit:

That part of the Southeast Quarter of the Northeast Quarter of Section 31, Township 134, Range 28, lying East of Highway #371, except the following described parts:

- 1) Beginning at the East Quarter corner of said Section 31 and considering the east-west line of said Section 31 to be an east-west line, then North 74 degrees 34 minutes West 737.96 feet to a point on the centerline of the existing public road, thence South 15 degrees 26 minutes West to the South line of said East Half of the Northeast Quarter, then East 765.57 feet along said south line to the place of beginning, said excepted part being subject to easements of record;
- 2) That part of the Southeast Quarter of the Northeast Quarter lying north of said existing roads;
- 3) That part of the Southeast Quarter of the Northeast Quarter which lies southwesterly of the right of way for Trunk Highway #371, more particularly described as follows: Beginning at the southwest corner of said Southeast Quarter of Northeast Quarter; then North 1 degree 48 minutes 06 seconds East, assumed bearing, 19.56 feet along the West line of said Southeast Quarter of Northeast Quarter to the Southwesterly right of way line for said Highway #371, then South 34 degrees 14 minutes 56 seconds East 23.96 feet along said right of way line to the South line of said Southeast Quarter of Northeast Quarter, then North 88 degrees 56 minutes 21 seconds West 14.10 feet along said south line to the point of beginning.

The West 660 feet of that part of the Southeast Quarter of the Northeast Quarter, Section 31, Township 134, Range 28, lying northerly of Novotny Road and Highway #371.

That part of the Northeast Quarter of the Southeast Quarter, Section 31, Township 134, Range 28, described as follows: Commencing at the Southeast corner of said Northeast Quarter of Southeast Quarter, then North 01 degrees 14 minutes 03 seconds East, assumed bearing,

859.35 feet along the East line of said Northeast Quarter of Southeast Quarter to the point of beginning of the tract described, then South 55 degrees 45 minutes 42 seconds West 564.81 feet to the northeasterly right of way line for Trunk Highway #371, then North 34 degrees 14 minutes 18 seconds West 975.65 feet along said right of way line to the North line of said Northeast Quarter of Southeast Quarter, then South 88 degrees 56 minutes 20 seconds East 1026.18 feet along said North line to the Northeast corner of said Northeast Quarter of Southeast Quarter, then South 01 degree 14 minutes 03 seconds West 469.91 feet along said East line of the Northeast Quarter of Southeast Quarter to the point of beginning, subject to right of way for the township road, with an easement of record.

That part of the Southeast Quarter of the Southeast Quarter, Section 31, Township 134, Range 28, described as follows: Beginning at the point of intersection of a line of said Southeast Quarter of Southeast Quarter and the westerly right of way line of Trunk Highway #371, said point being the northeast corner of the property described in Book 341 of Deeds, page 841, thence North 89 degrees 31 minutes 48 seconds West, assumed bearing, parallel with the north line of said Southeast Quarter of Southeast Quarter a distance of 352.40 feet to the northwest corner of said property described in Book 341 of Deeds, page 841, then South 0 degree 25 minutes 19 seconds West, parallel with the East line of said Southeast Quarter of Southeast Quarter a distance of 668.26 feet, then South 89 degrees 25 minutes 00 seconds East a distance of 197.28 feet to the northwest corner of the property described in Book 147 of Deeds, Page 509, then Southerly a distance of 164.45 feet along the westerly line of said property described in Book 147 of Deeds, page 509 along a nontangential curve, concave to the west, said curve has a radius of 1797.07 feet, delta angle of 5 degrees 14 minutes 35 seconds and the chord of said curve bears South 5 degrees 35 minutes 54 seconds East for a distance of 164.39 feet, then continuing southerly a distance of 111.64 feet along the westerly line of said property described in Book 147 of Deeds, page 509, to the southwest corner of said property described in Book 147 of Deeds, page 509, defined as a line 512.50 feet westerly of and parallel with the last 111.64 feet of a 10 chord spiral on the existing right of way centerline of Trunk Highway #371, the chord of said spiral bears south 01 degree 33 minutes 17 seconds East for a distance of 111.64 feet, then North 89 degrees 25 minutes 00 seconds west a distance of 837.37 feet to the West line of said Southeast Quarter of Southeast Quarter, then North 0

degrees 33 minutes 00 seconds East, along the West line of said Southeast Quarter of Southeast Quarter a distance of 962.04 feet to the northwest corner of said Southeast Quarter of Southeast Quarter, then South 89 degrees 31 minutes 48 seconds East along the North line of said Southeast Quarter of Southeast Quarter a distance of 956.85 feet to the westerly right of way line of said Trunk Highway #371, then Southeasterly a distance of 23.57 feet along said right of way line along a nontangential curve, concave to the southwest, said curve has a radius of 1797.07 feet, delta angle of 0 degree 45 minutes 05 seconds and the chord of said curve bears South 31 degrees 28 minutes 37 seconds East for a distance of 23.57 feet to the point of beginning.

That part of the Southeast Quarter of the Southeast Quarter, Section 31, Township 134, Range 28, described as follows: Commencing at the point of intersection of a line which is 20 feet south of as measured perpendicular to the north line of said Southeast Quarter of Southeast Quarter and the Westerly right of way line of Trunk Highway #371, said point being the northeast corner of the property described in Book 341 of Deeds, page 841, then North 89 degrees 31 minutes 48 seconds West, assumed bearing, parallel with the north line of said Southeast Quarter of Southeast Quarter a distance of 352.40 feet to the Northwest corner of said property described in Book 341 of Deeds, page 841, then South 0 degrees 25 minutes 19 seconds West parallel with the East line of said Southeast Quarter of Southeast Quarter a distance of 412 feet to the southwest corner of the property described in Book 341 of Deeds, page 843, being the point of beginning, then South 89 degrees 31 minutes 48 seconds East parallel with the North line of said Southeast Quarter of Southeast Quarter a distance of 538.52 feet to said westerly right of way line of Trunk Highway #371, said point being the southeast corner of said property described in Book 341 of Deeds, Page 843, then Southerly a distance of 264.34 feet along said Westerly right of way line, along a nontangential curve, concave to the west to the intersection with the North line of the South 275 feet of the North 300 feet of the South Half of said Southeast Quarter of Southeast Quarter, said curve has a radius of 1797.07 feet, delta angle of 8 degrees 25 minutes 41 seconds, and the chord of said curve bears South 12 degrees 26 minutes 00 seconds East a distance of 264.11 feet, then North 89 degrees 25 minutes 00 seconds West along said north line of the South 275 feet of the North 300 feet of the South Half of said Southeast Quarter of Southeast Quarter a distance of 597.28

feet, then North 0 degree 25 minutes 19 seconds East parallel to the east line of said Southeast Quarter of Southeast Quarter a distance of 256.26 feet to the point of beginning.

The South Half of the Northeast Quarter of the Southeast Quarter, Section 31, Township 134, Range 28, lying West of Highway #371,

Passed and adopted by the City Council of the City of Baxter, Minnesota this 7th day of September, 1999.

CITY OF BAXTER, MINNESOTA

By Gary Muchhansen
Its Mayor

ATTEST:

Larry R. Kruse
City Administrator/Clerk

THIS DOCUMENT DRAFTED BY:

John W. Person
BREEN AND PERSON, LTD.
510 Laurel Street, Box 472
Brainerd, Minnesota 56401