

ORDINANCE NO. 1.405**AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF DEER RIVER TO INCLUDE CERTAIN LAND OWNED BY PRIVATE PARTIES AND ABUTTING THE CITY OF DEER RIVER.**

WHEREAS, the below-named parties have filed a Petition dated 8/23, 2000 requesting the annexation to the City of Deer River of that certain real estate located within the County of Itasca, State of Minnesota, described as follows:

James Liston and Donna Liston: That portion of Government Lot Two (2), Section Thirty-five (35), Township One Hundred Forty-five (145) North, Range Twenty-five (25) West of the Fifth Principal Meridian, lying and being North of U.S. Highway No. 2, LESS Revised Descriptions 1-7, and 9-12. **Total Acreage 10.94**

AND

That portion of Lot Two (2), Section Thirty-five (35), Township One Hundred Forty-five (145) North, Range Twenty-five (25) West of the Fifth Principal Meridian, described as follows: Commencing at the Northwest corner of Lot Two (2); thence South on West line 117.6 feet; thence South 58 degrees 51 minutes 15 seconds East a distance of 1067.55 feet to the point of beginning. Thence Southeast on same bearing, 100.0 feet; thence right a 90 degrees in southwesterly direction a distance of 150.0 feet; thence right at 90 degrees (along the Northerly boundary of US Highway #2) a distance of 100.0 feet; thence right at 90 degrees in Northeasterly direction a distance of 150 feet to the point of beginning. Containing .34 acres, more or less. (Revised Description No. 4) **Total Acreage .34**

James Tubbs and Melvina Tubbs: A tract of land situated in Government Lot Two (2), Section Thirty-five (35), Township One Hundred Forty-five (145), Range Twenty-five (25), described as follows: Commencing at the Northwest corner of said Lot 2 and assuming West boundary of Lot 2 as being a north and south bearing; thence south along the west boundary of Lot 2 a distance of 292.3 feet to the northerly boundary of U.S. Highway #2; thence South 58° 51' 15" East along the northerly boundary of Highway a distance of 576.9 feet to the point of beginning; thence North 31° 08' 45" East a distance of 150 feet; thence South 58° 51' 15" East a distance of 100 feet; thence South 31° 08' 45" West a distance of 150 feet to northerly boundary of Highway; thence along northerly boundary of Highway a distance of 100 feet to point of beginning. Tract containing 0.34 acres more or less. (Revised Description No. 3) **Total Acreage .34**

AND

All that part of Government Lot Two (2), Section Thirty-five (35), Township One Hundred Forty-five (145), Range Twenty-five (25), lying North of U.S. Highway 2 described as follows: Commencing at a point on the ¼ Section corner between Sections Twenty-six (26) and Thirty-five (35), Township 145, Range 25, on a South bearing along the North and South ¼ line Section 35, Township 145, Range 25 a distance of 117.6 feet; thence in a Southeasterly direction along a bearing of South 58 degrees 51 minutes 15 seconds East a distance of 667.55 feet to a point; thence Southeasterly on the same bearing a distance of 500 feet to the point of beginning; thence continuing Southeasterly on the same bearing a distance of 125 feet to a point; thence at right angles South and West a distance of 150 feet to the North boundary of U.S. Highway #2; thence North and West along said boundary of U.S. Highway #2 a distance of 125 feet to a point; thence at

right angles North and East a distance of 150 feet to the point of beginning, according to the government survey thereof on file and of record with the County Recorder of and for said County and State. (Revised Description No. 12) **Total Acreage .43**

Earl Seelye: All that part of Government Lot Two (2), Section Thirty Five (35), Township One Hundred Forty-five (145) North, Range Twenty-five (25), West of the Fifth Principal Meridian lying North of U.S. Highway No. 2, described as follows: South from the $\frac{1}{4}$ Section corner between Sections 26 and 35 on the South bearing along the North and South $\frac{1}{4}$ line of Section 35, a distance of 292.9 feet; thence in a Southeasterly direction on a bearing of South 58 degrees 51 minutes 15 seconds East a distance of 76.90 feet along the North right of way line of U.S. Highway 2 to a point; thence North 31 degrees 08 minutes 45 seconds East a distance of 381.71 feet to the point of beginning; thence returning to the previous point and proceeding South 58 degrees 51 minutes 15 seconds East along the North right of way line of U.S. Highway 2 a distance of 500 feet to a point; thence proceeding North 31 degrees 08 minutes 45 seconds East a distance of 665.93 feet to the North line of Government Lot 2; thence proceeding West along the North line of Government Lot 2 to the point of beginning. **Total Acreage 5.81**

Joseph Gareri: That part of Government Lot Two (2), Section Thirty-five (35), Township One Hundred Forty-five (145) North, Range Twenty-five (25), West of the Fifth Principal Meridian, Itasca County, Minnesota lying Northerly of the northerly right of way line of U.S. Highway No. 2 and Westerly of the following described line: Commencing at the Northwest corner of said Government Lot 2; thence South, bearing assumed, along the West line of said Government Lot 2, a distance of 293.94 feet to the Northerly right of way of U.S. Highway No. 2; thence South 58 degrees 51 minutes 15 seconds East, along said Northerly right of way, a distance of 76.90 feet to the point of beginning of the line to be described; thence North 31 degrees 08 minutes 45 seconds East, a distance of 381.71 feet to the North line of said Government Lot 2 and there terminate. (Revised Description No. 9) **Total Acreage 1.15**

AND

The Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$), Section Thirty-five (35), Township One Hundred Forty-five (145) North, Range Twenty-five (25) West of the Fifth Principal Meridian LESS the West 395.1 feet of that part lying and being North and East of U.S. Highway No. 2. **Total Acreage .08**

AND

The Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$), Section Twenty-six (26), Township One Hundred Forty-five (145) North, Range Twenty-five (25) West of the Fifth Principal Meridian. **Total Acreage 40.0**

AND

The Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$), Section Twenty-six (26), Township One Hundred Forty-five (145) North, Range Twenty-five (25) West of the Fifth Principal Meridian, LESS the West 395.1 feet of the East 610.1 feet of the South 330 feet. **Total Acreage 36.9**

Fred Bartick: The West 395.1 feet of the East 610.1 feet of the South 330 feet of the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$), Section Twenty-six (26), Township One Hundred Forty-five (145) North, Range Twenty-five (25) West of the Fifth Principal Meridian. **Total Acreage 3.01**

AND

The West 395.1 feet of that part of the Northeast Quarter of the Northwest Quarter (NE¼ NW¼), Section Thirty-five (35), Township One Hundred Forty-five (145) North, Range Twenty-five (25) West of the Fifth Principal Meridian lying and being North and East of U.S. Highway No. 2. **Total Acreage 3.42**

Excluding U.S. Highway 2.

and;

WHEREAS, the afore-named parties represent that they are the only owners of the above described properties, all of which are contiguous, that the property is commercial and the population of the property area is zero, that the property is located within Morse Township and abuts on the westerly boundary of the City of Deer River, that the property is not included in any boundary adjustment proceeding pending before Minnesota Planning, Municipal Boundary Adjustments, that the property has an area of 102.42 acres and is not served by Deer River municipal sewer and water facilities, the same which are not otherwise available, and that said property is or is about to become urban or suburban in character, and;

WHEREAS, it is in the best interests of the above described property to have municipal water and sewer service available to them, and;

WHEREAS, The City of Deer River does not provide municipal electric service, and the provider of electric service to the Petitioner will remain the same utility which provided electric service prior to any annexation, and that rates for electric service shall remain unaffected by any annexation, and that the notice provisions of Minn. Stat. §414.033 Subd.13 are inapplicable to this proceeding, and that the petitioners has waived their right to receive any notice under said statute, and;

WHEREAS, the area proposed to be annexed is not included in any area that has been designated for orderly annexation pursuant to Minn. Stat. §414.0325, and is not part of any area included in a Community Based Planning Pilot Project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DEER RIVER, MINNESOTA, DOES HEREBY ORDAIN:

Section 1: The City Council hereby determines and finds that the property abuts the municipality, that the area to be annexed is two hundred (200) acres or less, that the area to be annexed is not served by municipal water and sewer facilities, the same which are desired and needed to serve the above properties and all of which are unavailable from

any other source, that the municipality has received a properly prepared Petition for Annexation from all owners of the property, that the area is appropriate for annexation by ordinance under Minn. Stat. §414.033, Subd. 5, and that the Petition complies with all the provisions of Minn. Stat. §414.033.

Section 2: That proper service and filing on Morse Township, the County of Itasca, and Minnesota Planning was made in accord with the provisions of Minnesota Statute §414.033 Subd. 5, and that the objection interposed by Morse Township to the annexation was allowed to be withdrawn by Order of the Office of Strategic and Long Range Planning, said order effective January 18, 2001.

Section 3: The property is urban or suburban in nature or about to become so.

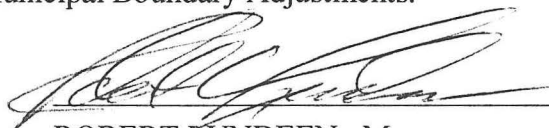
Section 4: Minn. Stat. §414.033, Subd. 13 is inapplicable and any notice required thereunder has been waived by the Petitioners.

Section 5: The corporate limits of the City of Deer River are hereby extended to include the subject property identified in the Petition, and the same is hereby annexed to and included with the City of Deer River as if the property had originally been a part thereof.

Section 6: That for the purposes of zoning in accordance with the Deer River Code of Ordinances, the property to be annexed shall be zoned as Commercial C - 2

Section 7: The City Clerk/Treasurer is directed to file certified copies of this ordinance with the office of Minnesota Planning - Municipal Boundary Adjustments, Morse Township, the County of Itasca, the Itasca County Auditor, and the Minnesota Secretary of State.

Section 8: This ordinance takes effect upon its passage and publication and filing of the certified copies as directed in Section Seven and approval of the ordinance by the office of Minnesota Planning - Municipal Boundary Adjustments.


ROBERT LUNDEEN, Mayor

REC'D. BY MAR 19 2001
M M B

Attest: V. Williams
VICTOR WILLIAMS, SR., Clerk

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| Public Hearing: | <u>11-20-2000</u> |
| Introduced: | <u>DEWITT</u> |
| Passed: | <u>02-12-2001</u> |
| Published: | <u>03-01-2001</u> |
| Effective: | <u>03-01-2001</u> |
| Minnesota Planning passage: | <u>03-01-2001</u> |

REC'D. BY
MME OCT 10 2000

PROPOSED ANNEXATION



DEER RIVER, MN



DEER RIVER,
MINNESOTA

EXISTING AND PROPOSED
CITY LIMITS

9/27/00

1 OF 1