

ORDINANCE
No. 1164

**AN ORDINANCE PROVIDING FOR
THE ANNEXATION OF CERTAIN
PROPERTIES LOCATED IN OAK LAWN TOWNSHIP AND CROW WING TOWNSHIP,
CROW WING COUNTY, TO THE CITY OF BRAINERD,
CROW WING COUNTY MINNESOTA, PURSUANT
TO MINNESOTA STATUTE 414.033**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE A: That, the City of Brainerd acknowledges and hereby by annexes the Notice of Transfer from the Minnesota Department of Transportation for the roadway right of way of property in County of Crow Wing, State of Minnesota, described as follows:

- I. South 50 feet of the North Quarter, Section 29, T45N, R30W

Property address: no address assigned
Sec/Twp/Rge: 29, 45.0, 30
Township: Oak Lawn

- II. North 50 feet of the NW Quarter of the South West Quarter of Section 29, T45N, R30W

Property address: no address assigned
Sec/Twp/Rge: 29, 45.0, 30
Township: Oak Lawn

SECTION ONE B: That, the City of Brainerd acknowledges and hereby by annexes the roadway right of way of property in County of Crow Wing, State of Minnesota, which is surrounded by the City of Brainerd that is described as follows:

- I. The portion of land out side the corporate City limits which is approximately described as the West 33 feet of the NW Quarter of the Southwest Quarter of Section 29, T45N, R30W (28th St. S of Oak)

Property address: no address assigned
Sec/Twp/Rge: 29, 45.0, 30
Township: Oak Lawn

- II. The portion of land out side the corporate City limits which is approximately described West 33 feet of the NW Quarter of Section 29, T45N, R30W (28th St. N of Oak)

Property address: no address assigned
Sec/Twp/Rge: 29, 45.0, 30
Township: Oak Lawn

- III. The portion of land out side the corporate City limits which is approximately described as the portion of the East 17.25 rods of the West 18.25 rods of the NW1/4 of SE1/4 of Section 29, Township 45 North, range 30 West lying north of a line described as follows: commencing at the northwestern corner of said NW1/4 of SE1/4, then south 88 degrees 37 minutes 00 seconds East, assumed bearing 16.50 feet (1 rod) along the North line of said NW1/4 of SE ¼, then south 01 degrees 33 minutes 00 seconds east parallel with the west line of said NW1/4 of SE1/4 197.96 feet to the westerly row line of State Hwy. 25, the point of beginning of the line to be described, then continuing south 60 degrees 58 minutes 30 seconds East 213.15 feet along said westerly row line of State Hwy. 25, thence continuing South 33 degrees 20 minutes 00 seconds East along said westerly row to the intersection with the East line of the West 18.25 rods of said NW ¼ of SE ¼ and there terminating. (portion of the Intersection of Hwy. 18 and Hwy. 25)

Property address: no address assigned
Sec/Twp/Rge: 29, 45.0, 30
Township: Oak Lawn

- IV. The portion of land out side the corporate City limits which is approximately described as all that portion of Burlington Northern Railroad Company's (Formerly Northern Pacific railway Company) 100.00 foot wide Davis Spur to Camp Ripley, Minnesota Branch Line right of way, now discontinued, lying within the North 325 feet of the South 660 feet of the SW1/4 of SE ¼ of section 36, Township 45 North, Range 31 West

Property address: no address assigned
Sec/Twp/Rge: 36, 45.0, 31
Township: Crow Wing

- V. The portion of land out side the corporate City limits which is approximately described as a portion of the North 325 feet of the South 660 feet of SE1/4 of SW1/4 of Section 36, Township 45 North, Range 31 West, lying East of the Centerline of trunk Highway 371 and West of a line 50 feet East of the East right of way, and parallel with the said East right of Way of Trunk Highway 371

Property address: no address assigned
Sec/Twp/Rge: 36, 45.0, 31
Township: Crow Wing

SECTION ONE C: That, City of Brainerd the fee owner of certain property in the County of Crow Wing, State of Minnesota, described as follows is abutting the corporate City limits: (a portion of the waterfront in Lum Park)

The entire portion of land that is abutting the corporate City limits which is approximately described Lot 2 and 3 of Auditor's Subdivision of the NW1/4 Section 20, T45N, range 30 W.

Property address: no address assigned
Sec/Twp/Rge: 16, 45.0, 30
Township: Oak Lawn

SECTION ONE D: All adjacent roadway right of ways to include the North 50^{feet} of the NE1/4 SW1/4 Section 29 T45N R30W.

land is completely surrounded by land within the municipal limits and or directly abutting the City of Brainerd corporate limits pursuant to Section 414.033, Subdivision 2 section (2) and or Section 414.033, Subdivision 1 section (1) of the Minnesota Statutes. The above mentioned properties are located within Oak Lawn Township or Crow Wing Township of Crow Wing County. This area contains approximately 3 acres of land.

SECTION TWO: That said realty is completely surrounded by land and or abutting the corporate city limits of the City of Brainerd and is less than 60 acres in size.

SECTION THREE: That pursuant to Minnesota Statutes Section 414.033, Subdivision 13, the petitioner will see no change in their electric utility service at this time.

SECTION FOUR: That pursuant to Minnesota Statutes Section 414.033, Subdivision 2b, the City of Brainerd has held the required public hearing and notified the town along with all landowners within and contiguous to the area being annexed.

SECTION FIVE: That Council of the City of Brainerd deems the annexation of said realty to the City of Brainerd to be in the best interest of the City of Brainerd and the territory affected and accordingly, said realty is hereby annexed to the City of Brainerd as R-F (Rural Residential) District so as to become and be part of the City of Brainerd and included within its corporate limits and boundaries thereof.

SECTION SIX: The property taxes payable on the annexed land shall continue to be paid to the affected town for the year in which the annexation becomes effective. If the annexation becomes effective on or before August 1, of a levy year, the City may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the town may continue to levy on the annexed area for that levy year, and the City may not levy on the annexed area until the following levy year. The first year following the year when the City could first levy on the annexed area, property taxes on the annexed land shall be paid to the City. However, the City

shall make a cash payment to the town for the period and in accordance with the following schedule:

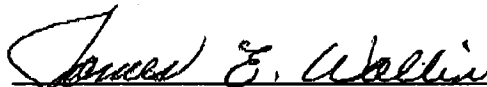
- i. In the first year following the year the City could first levy on the annexed area, and amount equal to 90% of the property taxes distributed to the town in regard to the annexed area in the last year the property taxes from the annexed area were payable to the town;
- ii. In the second year, an amount equal to 70%;
- iii. In the third year, an amount equal to 50%;
- iv. In the fourth year, an amount equal to 30%; and
- v. In the fifth year, an amount equal to 10%.


SECTION SEVEN: This Ordinance shall take effect and be in force one week from and after its publication and is further subject to final approval of Minnesota Planning Municipal Boundary Adjustments.

Adopted this 5th day of August, 2002.


LUCY R. NESHEIM
President of the Council

Approved this 6th day of August, 2002.


JAMES E. WALLIN
Mayor

ATTEST: 
DANIEL P. VOGT
City Administrator

Published: August 9, 2002