

Council Member Sharon More introduced the following ordinance and moved for its adoption:

ORDINANCE NO. 4-2003

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF MONTGOMERY, LE SUEUR COUNTY, MINNESOTA, TO INCLUDE CERTAIN LAND OWNED BY WALLACE ROSIER AND BRENDA ROSIER, HUSBAND AND WIFE; AND JAMES D. DAVIDSON AND JEANINE L. DAVIDSON, HUSBAND AND WIFE, AND ABUTTING THE CITY OF MONTGOMERY, LE SUEUR COUNTY, MINNESOTA, A MINNESOTA MUNICIPAL CORPORATION.

WHEREAS, Wallace Rosier and Brenda A. Rosier, husband and wife; and James D. Davidson and Jeanine L. Davidson, husband and wife, have filed a petition dated December 13, 2002, and which was amended on January 10, 2003, requesting that certain land as legally described below:

ROSIER TRACT: All of that part of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 33-112-23, Le Sueur County, Minnesota, that lies east of the M. & St. L. R.R. right-of-way. This tract contains 13.68 acres of land.

DAVIDSON TRACT: The west 704.55 feet as measured at a right angle to the west line of the following described Le Sueur County, Minnesota, tract: Commencing at a point 793.2 feet west of the Northeast corner of the SW  $\frac{1}{4}$  of Section 34-112-23, thence due South 462 feet, thence west 670.8 feet, thence south 858 feet, thence east 152.3 feet, thence south 1320 feet, more or less, to the south line of said SW  $\frac{1}{4}$ , thence West to the Southwest corner of said SW  $\frac{1}{4}$ , thence North on the West line of said SW  $\frac{1}{4}$  to the Northwest corner of said SW  $\frac{1}{4}$ , thence East on the North line of said SW  $\frac{1}{4}$  to the point of beginning. This tract contains 42.78 acres of land

to be annexed to the City of Montgomery, Le Sueur County, Minnesota, a Minnesota municipal corporation (hereinafter City of Montgomery); and,

WHEREAS, Wallace Rosier and Brenda A. Rosier, husband and wife, represent that they are the sole owners above identified as the "Rosier Tract", James D. Davidson and Jeanine L. Davidson, husband and wife, represent that they are the sole owners above identified as the "Davidson Tract", that the property is unincorporated, abuts the limits of the City of Montgomery, is not included within any other municipality, and is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes Section 414.0325, will use this site for residential purposes, will need city services, and is approximately 56 acres in size; and,

WHEREAS, such described land is now or about to become urban or suburban in character and that the same will be in need of municipal sewer and water services; and,

WHEREAS, public hearings regarding the matter were held on January 21, 2003, and February 10, 2003, at 7:00 p.m. in the Montgomery City Hall per Minnesota Statutes Section 414.033, Subdivision 2(2b).

NOW, THEREFORE, the City Council of the City of Montgomery, Minnesota, does hereby ordain:

Section 1: The City Council determines and finds that the property abuts the municipality, that the area to be annexed is 60 acres or less, that the property is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes Section 414.0325, that the municipality has received a properly prepared petition for annexation from the owners of the property, and that the petition complies with all provisions of Minnesota Statutes Section 414.033.

Section 2: The property is urban in nature or about to become so and will be used by Wallace Rosier and Brenda Rosier, husband and wife; and James D. Davidson and Jeanine L. Davidson, husband and wife, for residential purposes, and will need city services.

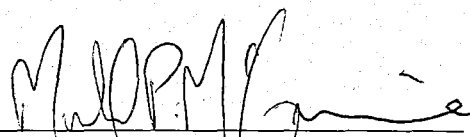
Section 3: The corporate limits of the City of Montgomery are hereby extended to include the property and the same is hereby annexed to and included within the City of Montgomery as if the property had originally been part thereof.

Section 4: The City Administrator is directed to file certified copies of this ordinance with Minnesota Planning, Lanesburgh Township, Montgomery Township, the Le Sueur County Auditor, the Le Sueur County Recorder, and the Minnesota Secretary of State.

Section 5: The City will comply fully with the requirements of Minnesota Statutes Section 414.033, Subd. 12 (2003).

Section 6: This ordinance takes effect upon its passage and publication and the filing of the certified copies as directed in Section 4 and upon approval of the ordinance by Minnesota Planning.


Adopted this 21<sup>st</sup> day of January, 2003.

  
Mayor-Michael P. McGuire

ATTEST:

REC'D BY  
MMB

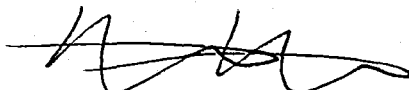
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\_\_\_\_\_  
City Administrator-Michael Martin

Council Member Lloyd Wiechmann seconded the foregoing ordinance and the following voted in favor thereof: Sharon More, Lloyd Wiechmann, Jean Keogh, and Michael McGuire. Councilman Jim Filipek was absent. and the following voted against same: None

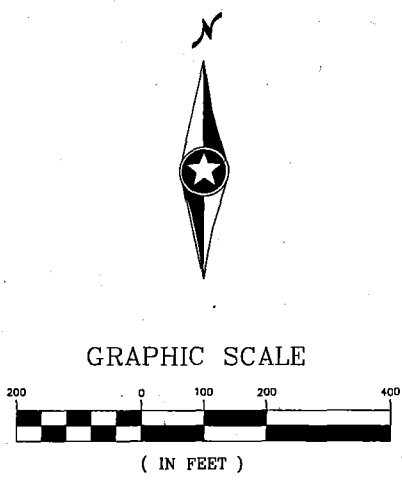
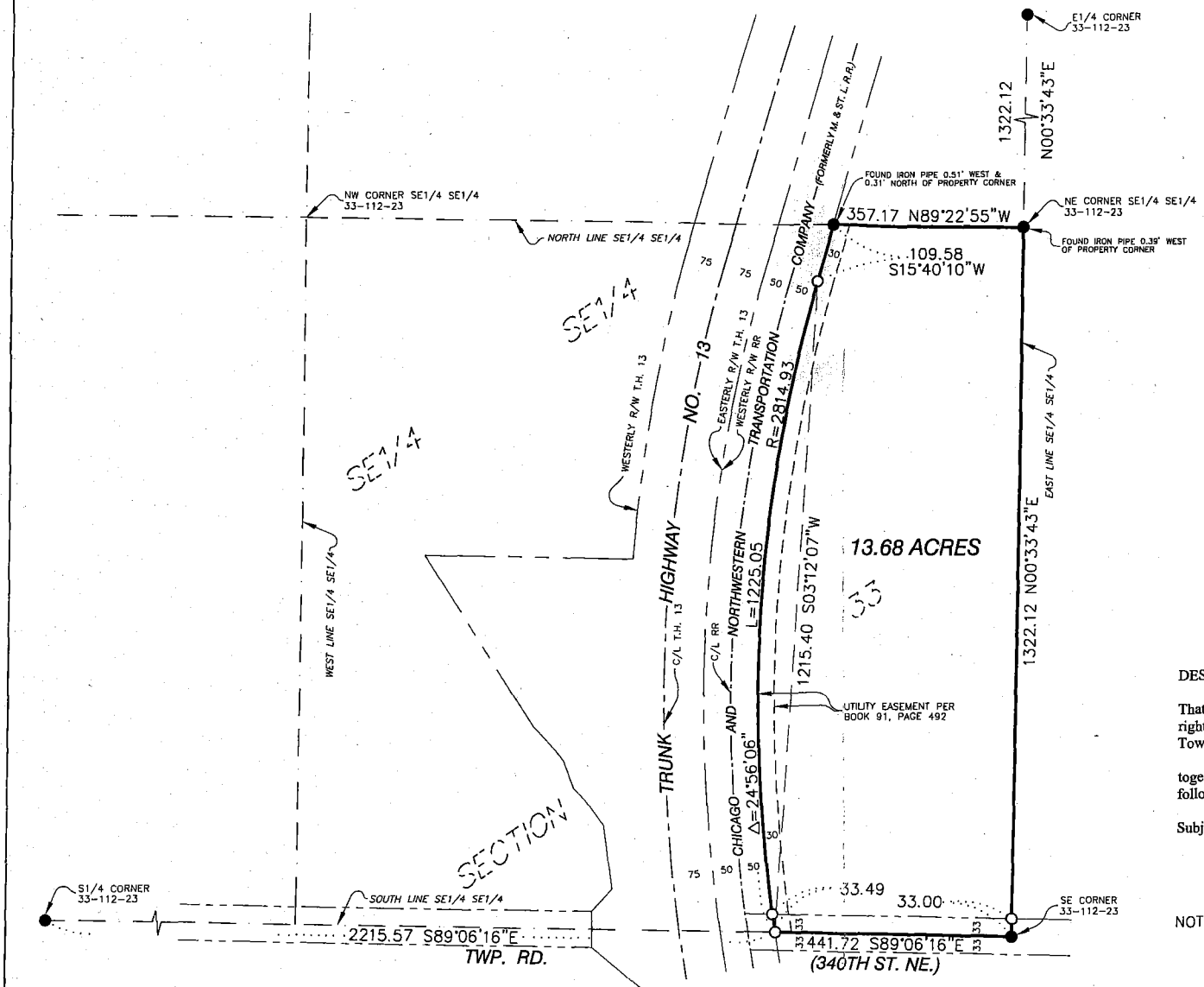
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whereby the ordinance was declared duly passed and ordained.

This is a true and correct copy of City of Montgomery Ordinance No. 4-2003 as attested to by City Administrator Michael Martin.

  
\_\_\_\_\_  
Michael Martin



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- LEGEND**
- DENOTES IRON PIPE FOUND
  - DENOTES IRON PIPE SET

**DESCRIPTION OF RECORD**

That part of the following described tract that lies East of the M. & St. L. R.R. right-of-way, viz: The Southeast Quarter of the Southeast Quarter, Section 33, Township 112, Range 23 West, Le Sueur County, Minnesota,

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

Subject to and together with easements, encumbrances and right-of-ways of record.

NOTE: PROPERTY IS ALSO SUBJECT TO A GAS LINE BLANKET UTILITY EASEMENT PER BOOK 87, PAGE 656.

DRAWN BY: J.T.	1	Tot	4/8/02	ADDED 2 UTILITY EASEMENTS
CHECKED BY: J.S.				
SURVEYOR: MSS.				
EDM.	NO.	BY	DATE	REVISIONS

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I hereby certify that this survey, sketch, description, or report was prepared by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the state of Minnesota.

Signature: *Thomas A. Siegmund* Lic. No. 18379  
Printed Name: Thomas A. Siegmund Date: 04/08/02

**SEH**  
PH. 800.836.5668  
310 MAIN AVE. WEST  
PO BOX 776  
CATLORD, MN 55334

**GILES PROPERTIES, INC.**  
ELKO, MN

**SITE SURVEY**  
PART OF SE1/4 OF SE1/4 OF  
SECTION 33, T112, R23,  
LE SUEUR COUNTY, MN

FILE NO.  
GILEP0201.00

DATE  
03/14/02

BOOK  
SEE

FILE  
PAGE

REC'D BY  
MMB  
FEB 18 2003

