

JUN 03 2003

ORDINANCE

No. 1178

**AN ORDINANCE PROVIDING FOR THE MATTER OF PETITION OF
CERTAIN MAJORITY PETITIONING PERSONS FOR ANNEXATION
PERSUANT TO MINNESOTA STATUTES 414.033, SUBD. 5**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That the of majority of the property owners in number, being the fee owner of certain property in the County of Crow Wing, State of Minnesota, described as follows:

The area proposed for annexation is described as follows: Part of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 34, Township 134 North, Range 28 West and part of Government Lot 5 described as follows: Commencing at the SW corner of said Section 34 then N $0^{\circ} 30'$ W 345.6 feet along the West line of said Section 34 to the centerline of CSAH 20, then N $66^{\circ} 03'$ E 123 feet along said centerline to the point of beginning. Then N $66^{\circ} 03'$ E 722.5 feet along said centerline, then N $0^{\circ} 07'$ W 50.29 feet to the North right-of-way line of CSAH 20, then N $0^{\circ} 07'$ W 200 feet, then N $66^{\circ} 03'$ E 200' to a line 350' West of and parallel with the East line of said Government lot 5. Then North along said West line of East 350 feet of Government lot 5 to the South line of said NW $\frac{1}{4}$ of SW $\frac{1}{4}$, then continuing North along the West line of East 350' of said NW $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 420 feet. Then West along the North line of the South 420 feet of said NW $\frac{1}{4}$ of SW $\frac{1}{4}$ to the West line of said NW $\frac{1}{4}$ of SW $\frac{1}{4}$, then South along the West line of said NW $\frac{1}{4}$ of SW $\frac{1}{4}$ 270 feet, then East parallel with the North line of said NW $\frac{1}{4}$ of SW $\frac{1}{4}$ 450 feet, then South 190 feet parallel with the West line of said Section 34, then deflect 45° and continue S 45° W 150 feet more or less to the centerline of McKay Road. Then continue Northwesterly along said centerline of McKay Road to the West line of said Section 34. Then South along the West line of said section 34 to a

JUN 03 2003

Ordinance No. 1178

Page Two

point 854.4 feet North of the Southwest corner of said Section 34, then N 66° 03' E 399.7 feet to the centerline of McKay Road, then S 2° 57' E 250 feet along said centerline of McKay Road then S 66° 03' W 300 feet then S 2° 57' E 250 feet to the point of beginning and Lots 1 and 2, Block 1, Scenic Acres and all adjacent rights-of-way

Sec/Twp/Rge: 34/134.0/28

filed a petition with the City Council of the City of Brainerd pursuant to Section 414.033, Subd.5 of the Minnesota Statutes. This property is located within Unorganized Territory of Crow Wing County. This area contains approximately 18.22 acres of land.

SECTION TWO: That said realty abuts 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:


Ordinance No. 1178

Page Three

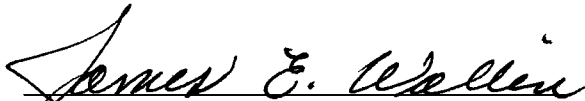
- i. In the first year following the year the City could first levy on the annexed area, and amount equal to 90% of the property taxes distributed to the town in regard to the annexed area in the last year the property taxes from the annexed area were payable to the town;
- ii. In the second year, an 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 17th day of March, 2003.


JAMES J. DEHEN JR.
President of the Council

Approved this 18th day of March, 2003.


JAMES E. WALLIN
Mayor

ATTEST:


DANIEL J. VOGT
City Administrator

Published: March 21, 2003.

LAWSON
SOUTH
1000'

85+/- ACRES

970343200J00009
6.7+/- ACRES

970343200K00009
1.93 ACRES

970343200LA
6.1+/- ACF

970343305B00009
9.29 ACRES TOTAL

2.12 AC

1.17 AC

GOV'T LOT 5

N66°03'E
300'
970343305D00009
1.42 ACRES

N66°03'E
300.00'
970343305E00009
1.22 ACRES

970343305C00009
.84 ACRES

970343305A00009
.75 ACRES

970344000C00009
.82 ACRES

970343305DA00009
1.10 ACRES

970343305H00009
1.01+/- AC

970343305G00009
.55+/- AC

970344305I00009
1.0+/- AC

970343305IA00009
.77+/- AC

970343305IB00009
.9+/- AC

N65°27'40"E (QUAT)
619.38'
200.00'
136.98'
71.99'
137.73'
50°15'20"E QUAT
222.89'
199.61'

970343305J00009
.78 AC

NEW BOUNDARY.
REQUESTING ANNOTATION. [Signature]

SCENIC ACRES

GOV'T LOT 6
FORFEITED

REC'D BY
M.M.B.
JUN 03 2003

