

ORDINANCE NO. 301

ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF SABIN TO INCLUDE CERTAIN UNINCORPORATED, UNPLATTED LAND NOT EXCEEDING SIXTY (60) ACRES IN AREA ABUTTING UPON THE CITY LIMITS AND OWNED BY THE CITY OF SABIN IN ACCORDANCE WITH MINN. STAT. §414.033, SUBD. 2(1).

WHEREAS, the City of Sabin has been approached by a developer who seeks to develop land owned by the City of Sabin situated outside the current limits of the City of Sabin; and

WHEREAS, the quantity of land embraced by the Deed owned by the City of Sabin is less than 60 acres of unplatted land, and no part of the land is included within the limits of an incorporated city, village or borough; and

WHEREAS, the property is owned in fee by the City of Sabin, thereby allowing the City of Sabin to annex the property without notice or public hearing pursuant to *Minn. Stat.* §414.033, Subd. 2(1), and Subd. 2(d); and

WHEREAS, no public hearing is required for the annexation inasmuch as the City owns the land; and

WHEREAS, the land owned by the City of Sabin abuts upon the west boundary of the city limits of the City as indicated on the attached map marked as Exhibit A;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SABIN, pursuant to the authority granted by *Minn. Stat.* §414.033, Subd. 2(1), as follows:

Section 1. The City Council does hereby determine(1) that the annexation will be to the best interests of the City and of the territory affected; (2) that the territory described herein abuts the city limits and is urban in character; and (3) that none of said territory is now included within the limits of any city, village or borough.

Section 2. TERRITORY ANNEXED. The corporate limits of the City are hereby extended to include the unplatted land described as follows, and the same is hereby annexed to and included within the City as effectively as if it had originally been a part thereof, said land being described as follows:

Tract #1 - Parcel No. 06.007.4301

Beginning at a point 1693 feet West of the Southeast corner of Section Seven (7), Township One Hundred Thirty-eight (138), Range Forty-seven (47), thence North parallel to the East line of said Section 7 a distance of 330 feet, thence West parallel to the South line of said Section 7, a distance of 947 feet, thence South parallel to the East line of said Section 7 a distance of 330 feet, thence East along the South line of said Section 7 a distance of 947 feet to the point of beginning, containing 7.17 acres, more or less, and a perpetual easement for the construction, maintenance, operation and repair of a sewer outfall line along and below the bottom of the ditch that is located along the North side of the road that extends in an East-West direction along the South line of said Section 7. Said easement is to commence at the East line of the property herein described and shall run in an Easterly direction along said ditch to a point where it intersects with the ditch that is alongside the road that runs along the East line of said Section 7; thence said easement to run North along the ditch that is adjacent and West of the road that runs along the East line of said Section 7 to a point where said road intersects with Fifth Street in the Village of Sabin. And a perpetual easement for the purpose of construction, maintenance, operation and repair of an outfall sewer line that shall commence at a point on the South line of said Section 7, 422 feet West of the Southeast corner of said Section 7, and shall run Northeasterly to a point where it will intersect Fifth Street extended, in the Village of Sabin. And also a perpetual easement for the purpose of construction, maintenance, operation and repair of a sewer line that shall commence at a point on the East line of said Section 7 approximately 430 feet North of the Southeast corner of said Section 7, and shall run in a Northwesterly direction between the potato warehouse and a house now located on said property to the center of an intersection of Fifth Street and an unnamed street entering Fifth Street, approximately 240 feet from the point of beginning. Said easements shall also include in all cases the right to include water mains along with said sewer lines. The grantee of the easements herein shall have the right to remove any trees and bushes necessary for the construction of said sewer line provided, however, that top soil is saved and replaced and that said premises are put in as good a condition so far as is possible as it was prior to the installation, and further provided that the construction, operation, maintenance and repair of said sewer line shall not disturb the normal functioning of said ditches.

FEB 23 2004

Tract #2 - Parcel No. 5990001000

Commencing at the Southeast corner of Section Seven (7), Township One Hundred Thirty-eight (138), Range Forty-seven (47), thence West along the South line of said Section 7 a distance of 1,693 feet; thence North parallel to the East line of said Section 7 a distance of 330 feet to the point of beginning; from said point of beginning North parallel to the East line of said Section 7 a distance of 200 feet, thence West parallel to the South line of said Section 7 a distance of 947 feet, thence South parallel to the East line of said Section 7 a distance of 200 feet, thence East parallel to the South line of said Section 7 a distance of 947 feet, to the point of beginning, containing 4.34 acres, more or less.

Section 3. FILING. The City Clerk is hereby directed to file certified copies of this Ordinance with the Department of Administration-Municipal Boundary Adjustments, 300 Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155; the Secretary of State; Elmwood Township; the County Auditor and the County Recorder.

Section 4. EFFECTIVE DATE. This Ordinance takes effect upon its passage.

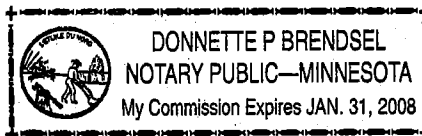
ADOPTED by the City Council of the City of Sabin this 18th day of November, 2003.

Gary Storms
Gary Storms, Mayor

ATTEST:

Laurie Olson
Laurie Olson, Clerk

STATE OF MINNESOTA)
(SS.
COUNTY OF CLAY)

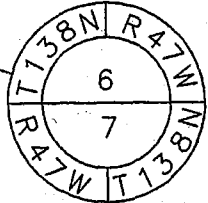


The foregoing instrument was acknowledged before me this 13 day of January, 2004, by Gary Storms and Laurie Olson, the Mayor and City Clerk of the City of Sabin, respectively.

Donnette Brendsel
Notary Public,

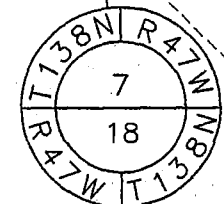
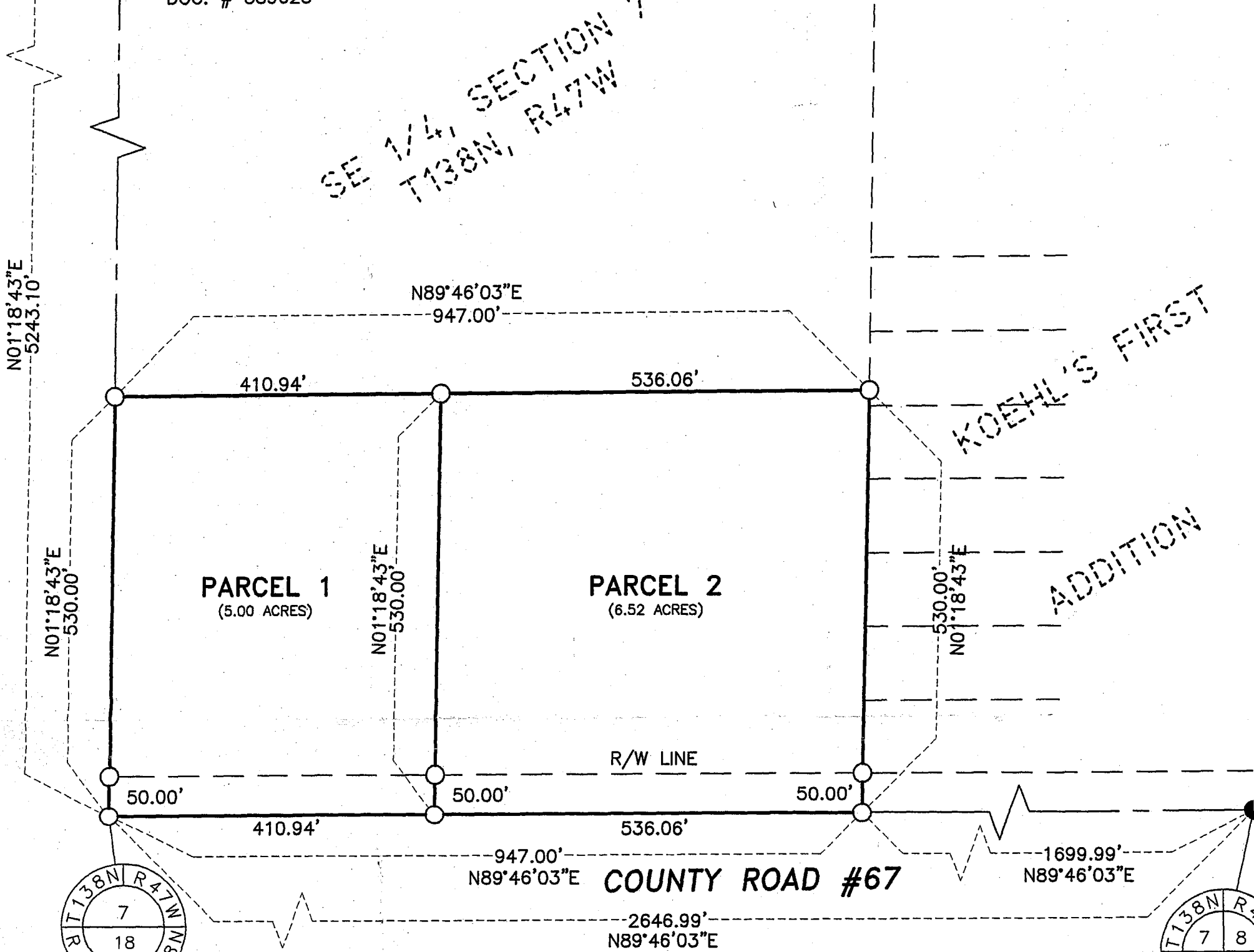
CERTIFICATE OF SURVEY

REC'D BY
M.M.B. JAN 20 2004



CORNER CERT.
DOC. # 589625

SE 1/4 SECTION 7
T138N, R47W



CORNER CERT.
DOC. # 589626



DESCRIPTION - PARCEL 1

The South 530.00 feet of the West 410.94 feet of the Southeast Quarter of Section 7, Township 138 North, Range 47 West of the 5th Principal Meridian in the City of SABIN, CLAY COUNTY, MINNESOTA. Containing 5.00 acres more or less and subject to all existing easements and rights of way of record.

DESCRIPTION - PARCEL 2

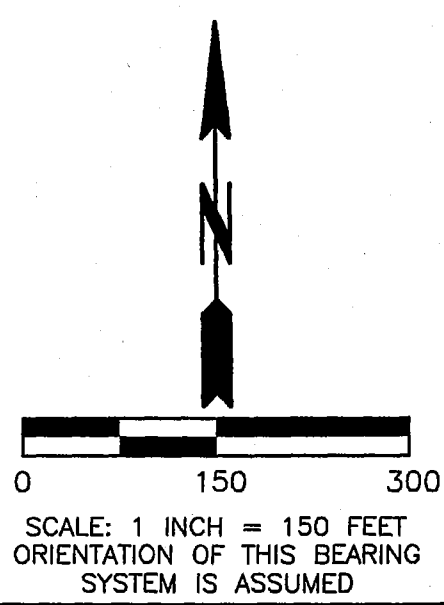
The East 536.06 feet of the West 947.00 feet of the South 530.00 feet of the Southeast Quarter of Section 7, Township 138 North, Range 47 West of the 5th Principal Meridian in the City of SABIN, CLAY COUNTY, MINNESOTA. Containing 6.52 acres more or less and subject to all existing easements and rights of way of record.

CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Reinhold F. Schumacher
REINHOLD F. SCHUMACHER, RLS

REG. NO. 15474 DATE Nov. 26, 2003



- MONUMENT IN PLACE
- MONUMENT SET, 5/8" REBAR, CAPPED RLS #15474

CITY OF SABIN		
SE 1/4 SECTION 7, T138N, R47W		
CLAY COUNTY, MINNESOTA		
CERTIFICATE OF SURVEY		
ULTEIG ENGINEERS, INC. CONSULTING ENGINEERS • FARGO BISMARCK • SIOUX FALLS • MINNEAPOLIS		
DRAWN BY: SLW	SCALE: AS SHOWN	PROJECT NO. 03-1406
CHECKED BY: RFS	DATE: 11/26/03	SHEET 1 OF 1
APPROVED BY: <i>[Signature]</i>		

