

**ORDINANCE #2004-2**

**AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF BROWERVILLE TO INCLUDE CERTAIN UNINCORPORATED PROPERTY (17.31 ACRES) OWNED BY CHRIST THE KING CHURCH AND DOUGLAS/CORRINE STROSCHEIN, ABUTTING UPON THE LIMITS OF THE CITY OF BROWERVILLE IN HARTFORD TOWNSHIP PURSUANT TO MINNESOTA STATUTES 414.033, subd. 2(3)**

**WHEREAS**, a certain petition dated January 22, 2003, requesting that the property as hereinafter described be annexed to the City of Browerville, Minnesota, was duly presented to this Council by Douglas and Corrine Stroschein on the 12<sup>th</sup> day of June 2003; and

**WHEREAS**, a certain petition dated May 20, 2003, requesting that the property as hereinafter described be annexed to the City of Browerville, Minnesota, was duly presented to this Council by Christ the King Cemetery Board on the 12<sup>th</sup> day of June 2003; and

**WHEREAS**, all property owners of the affected property have submitted a petition in writing and made a request of the City of Browerville for annexation.

**WHEREAS**, said properties are unincorporated and abut the City of Browerville on its southerly and easterly boundaries; and

**WHEREAS**, said property is less than 60 acres; and

**WHEREAS**, said properties are not presently served by public sewer and water facilities or public sewer and water facilities are not otherwise available; and

**WHEREAS**, the City of Browerville is in need of additional industrial/commercial development sites; and

**WHEREAS**, the proposed property, in part, is suitable for development of industrial/commercial site; and

**WHEREAS**, the property requested for annexation is located geographically close to existing wastewater treatment facilities; and

**WHEREAS**, all properties are adjacent to public sewer and water; and

**WHEREAS**, the property to be annexed is urban or suburban or about to become so because of its proximity to US Highway 71, the wastewater treatment facilities and perceived need by the city council and community of the expansion of residential, commercial or industrial expansion; and

**WHEREAS**, to facilitate said development, the property owners have requested city services be extended to said properties; and

**WHEREAS**, notice of public hearing was given to those parties specified in Minnesota Statutes 414.033, subd. 2b; and

**WHEREAS**, a public hearing was duly held by the Browerville City Council on the 15<sup>th</sup> day of April 2004; and

**WHEREAS**, the municipality has notified the Petitioners that the cost of electric utilities service to the Petitioner may change if the land is annexed to the municipality. The City of Browerville does not provide electrical service. All electrical services are provided by Minnesota Power and Light; and

**WHEREAS**, the legal description to the property to be annexed is as follows:

a. Beginning at a point seven hundred thirty-three (733) feet East of the Northwest corner of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Seventeen (17), Township One Hundred Thirty (130), Range Thirty-Three (33) West (the Northeast corner of St. Peter's Church Cemetery). Thence running East Thirty-Five Rods (35) along the North One Hundred Thirty (130), Range Thirty-Three (33), thence running South Twenty-Six (26) Rods, thence West Thirty-Five Rods (35) more or less to the Southeast corner of St. Peter's Church Cemetery, thence running North Twenty-Six (26) Rods to the place of beginning, EXCEPT the South 100 feet thereof.

b. Beginning at a point four hundred and twenty-five (425) feet East of the Northwest corner of the Northeast quarter of Section Seventeen (17) in Township one hundred and thirty (130) Range thirty-three (33) (the Northeast corner of the Polish Catholic Cemetery) thence due East three hundred and eight (308) feet thence due South four hundred and twenty-five feet (425) thence West three hundred sixteen and one half ( $316 \frac{1}{2}$ ) feet more or less to the Southeast corner of said Polish Catholic Cemetery thence North four hundred and twenty-five (425) feet along the East line of said Polish Catholic Cemetery to place of beginning containing three (3) acres more or less. The above grounds being used for a cemetery.

c. Commencing at the Northwest corner of the Northwest quarter of the Northeast quarter of Section Seventeen (17) in Township one hundred and thirty (130) Range thirty-three (33), thence East on the Section Line twenty-five and one third ( $25 \frac{1}{3}$ ) rods, thence North twenty-five and one third ( $25 \frac{1}{3}$ ) rods to place of beginning containing four (4) acres, more or less. The above grounds being used for cemetery purposes.

d. Lot 2, Block 1, East Park Meadows, Section 17, Township 130, Range 33.

**NOW THEREFORE, THE CITY OF BROWERVILLE DOES HEREBY ORDAIN AS FOLLOWS:**

1. The City Council hereby determines that the property as hereinafter described is requesting public sewer and water facilities, and that none of property is now included within the limits of any city.
2. **Territory annexed.** The corporate limits of the City of Browerville are hereby extended to include the following described territory, said land abutting the City of Browerville and being 60 acres or less in area, and is not presently served by public sewer and water facilities or public sewer and water facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land, Todd County, Minnesota, to wit:

a. Beginning at a point seven hundred thirty-three (733) feet East of the Northwest corner of the Northeast Quarter (NE ¼ ) of Section Seventeen (17), Township One Hundred Thirty (130), Range Thirty-Three (33) West (the Northeast corner of St. Peter's Church Cemetery). Thence running East Thirty-Five Rods (35) along the North One Hundred Thirty (130), Range Thirty-Three (33), thence running South Twenty-Six (26) Rods, thence West Thirty-Five Rods (35) more or less to the Southeast corner of St. Peter's Church Cemetery, thence running North Twenty-Six (26) Rods to the place of beginning, EXCEPT the South 100 feet thereof.

b. Beginning at a point four hundred and twenty-five (425) feet East of the Northwest corner of the Northeast quarter of Section Seventeen (17) in Township one hundred and thirty (130) Range thirty-three (33) (the Northeast corner of the Polish Catholic Cemetery) thence due East three hundred and eight (308) feet thence due South four hundred and twenty-five feet (425) thence West three hundred sixteen and one half (316 ½) feet more or less to the Southeast corner of said Polish Catholic Cemetery thence North four hundred and twenty-five (425) feet along the East line of said Polish Catholic Cemetery to place of beginning containing three (3) acres more or less. The above grounds being used for a cemetery.

c. Commencing at the Northwest corner of the Northwest quarter of the Northeast quarter of Section Seventeen (17) in Township one hundred and thirty (130) Range thirty-three (33), thence East on the Section Line twenty-five and one third (25 1/3) rods, thence North twenty-five and one third (25 1/3) rods to place of beginning containing four (4) acres, more or less. The above grounds being used for cemetery purposes.

d. Lot 2, Block 1, East Park Meadows, Section 17, Township 130, Range 33.

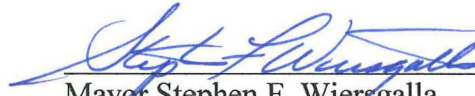
3. **Population.** There are zero (0) people residing on the above described land.
4. **Property Taxes.** Christ the King Cemetery pays no property tax and Minnesota Statutes 414.033, subd. 12 are not applicable. Pursuant to



Minnesota Statutes 414.033, subd. 12, the property taxes due and payable in 2004 on the annexed land shall be paid to the Township of Hartford, Minnesota. Thereafter, the City of Browerville shall make a cash payment to the Township of Hartford in accordance with the following schedule:

- a. 2005 – an amount equal to ninety percent (90%) of the property taxes distributed to the town in regard to the annexed area in 2004;
  - b. 2006 – an amount equal to seventy percent (70%) of the property taxes distributed to the town in regard to the annexed area in 2004;
  - c. 2007 – and amount equal to fifty percent (50%) of the property taxes distributed to the town in regard to the annexed area in 2004;
  - d. 2008 – and amount equal to thirty percent (30%) of the property taxes distributed to the town in regard to the annexed area in 2004;
  - e. 2009 – and amount equal to ten percent (10%) of the property taxes distributed to the town in regard to the annexed area in 2004.
5. **Filing.** The City Administrator is directed to file certified copies of this ordinance with the Secretary of State, the County Auditor of the county in which the property is located, the Town clerk of the affected township and the Minnesota Department of Administration, Municipal Boundary Adjustments.
6. **Effective date of annexation.** This ordinance takes effect upon its passage and publication and the filing of certified copies as directed in paragraph 5 and approved by the Minnesota Department of Administration, Municipal Boundary Adjustments.

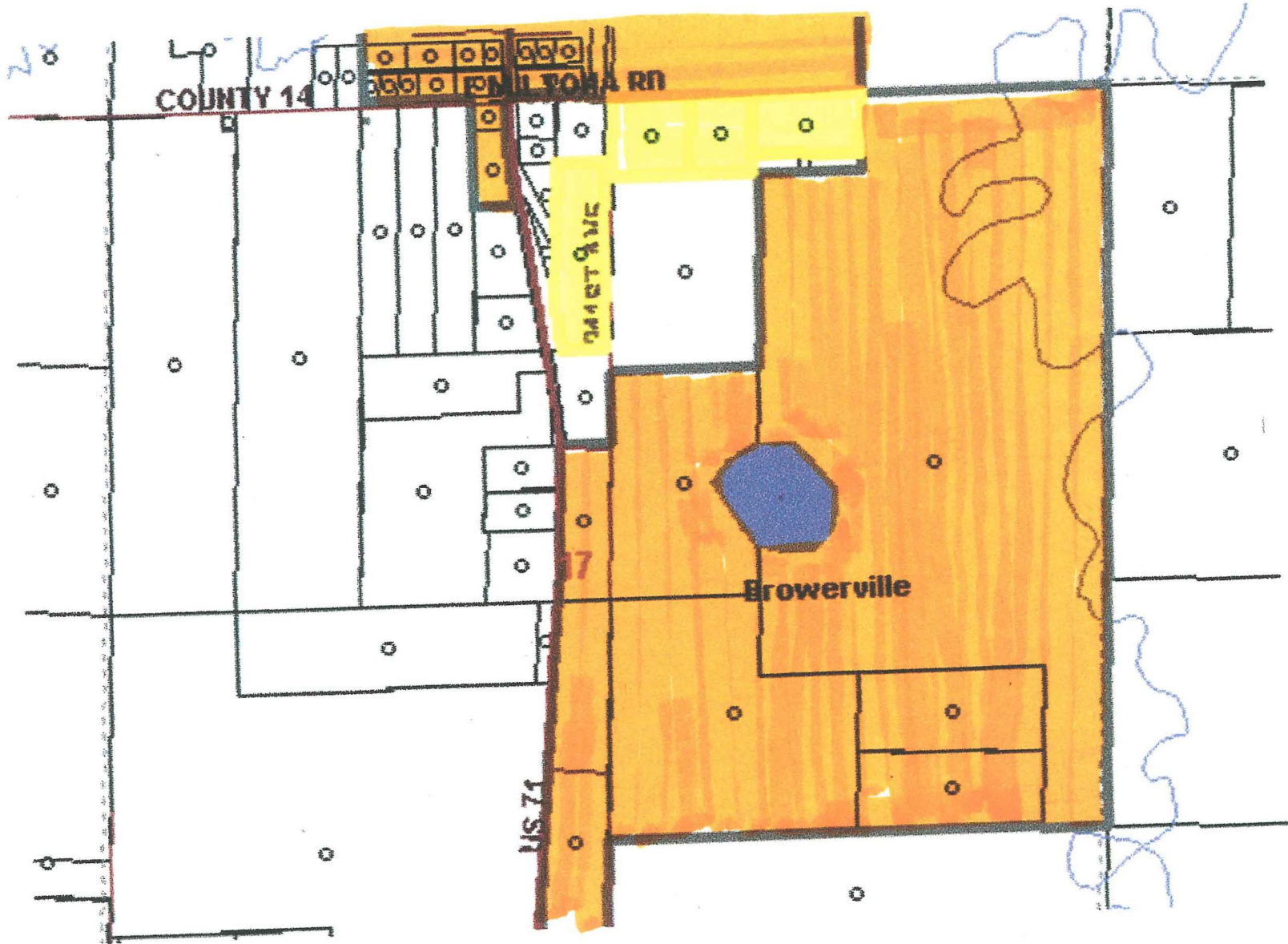
Passed and Adopted by the City Council of Browerville, Minnesota this 15<sup>th</sup> day of April 2004.

  
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Mayor Stephen F. Wiersgalla

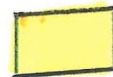
Attest:

  
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Larry M. Lemm, City Administrator

(SEAL)



**CITY BOUNDARIES**



**ANNEXED PROPERTY**