

ORDINANCE NO. 19, Second Series**AN ORDINANCE OF THE CITY OF TWO HARBORS, MINNESOTA ANNEXING
LAND LOCATED IN SILVER CREEK TOWNSHIP, LAKE COUNTY, MINNESOTA,
PURSUANT TO MINN. STAT. § 414.033 SUBD. 2 (3), PERMITTING ANNEXATION BY
ORDINANCE**

WHEREAS, the real estate described below ("Land") is not presently within the corporate limits of any incorporated city; and

WHEREAS, the Land abuts upon the corporate limits of the City of Two Harbors ("City"), is not in a flood plain but is a portion of the Land is in a shoreland area; and

WHEREAS, the City has adopted land use controls that conform to Chapter 103F of the Minnesota Statutes; and

WHEREAS, the Land is owned entirely by Jensen-Re Partnership ("Owner"), is presently unoccupied and unpopulated, and consists of approximately twenty-two (22) acres; and

WHEREAS, on or before October 1, 2002, the City received notice from Blue Waters Development Corporation ("FKA Owner") of its intent ("Notice of Intent") to petition the City to annex the Land and this notice was confirmed by letter dated January 25, 2003 from David H. Salene, Inc., as a representative of FKA Owner; and

WHEREAS, on or before February 10, 2002, the City notified the FKA Owner that the cost of electric utility service to the Land will change if the Land is annexed and, further, provided FKA Owner an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation; and

WHEREAS, on or about May 12, 2003, the City received a petition ("Petition") for annexation from the FKA Owner to annex the Land; and

WHEREAS, Owner has succeeded to all of the rights of FKA Owner in the Land and has consented to and joined in the Notice of Intent and Petition; and

WHEREAS, the City is required by Section 414.033 Subd. 2b to provide thirty (30) days written notice by certified mail to Silver Creek Township and to all landowners within and contiguous to the area to be annexed that a public hearing is to be held on July 12, 2004 about this matter prior to the adoption of this Ordinance; and

WHEREAS, the Land is about to be urban or suburban in character and the annexation is required to protect the public health, safety and welfare and is in the best interests of the Land proposed for annexation; and

WHEREAS, the Land will be zoned MUW upon its being annexed by the City; and

WHEREAS, if this annexation becomes effective on or before August 1, 2004, the City may levy on the annexed area beginning with 2004; and

WHEREAS, in the first year following the year when the City can first levy on the annexed area and thereafter, property taxes on the annexed land shall be paid to the municipality, but the municipality shall make a cash payment to the Silver Creek Township and in accordance with the following schedule:

- i. In the first year following the year the City could first levy on the annexed area, an amount equal to 90% of the property taxes distributed to the Silver Creek Township in regard to the annexed area in the last year the property taxes from the annexed area were payable to the Silver Creek Township;
- ii. In the second year, an amount equal to seventy percent (70%);
- iii. In the third year, an amount equal to fifty percent (50%);
- iv. In the fourth year, an amount equal to thirty percent (30%);
- v. In the fifth year, an amount equal to ten percent (10%).

NOW THEREFORE IN FUTHERANCE OF THE FOREGOING WHEREAS CLAUSES THE CITY COUNCIL OF THE CITY OF TWO HARBORS, MINNESOTA HEREBY ORDAINS:

SECTION 1. Real Estate Annexed. The corporate limits of the City of Two Harbors are hereby extended to include the property legally described as follows:

See Exhibit A attached hereto.

SECTION 2. Filing Copies. The City Administrator is directed to file copies of this ordinance with the County Auditor of Lake County, the Town Clerk of the Silver Creek Township, and Minnesota Planning – Boundary Adjustment.

SECTION 3. Whereas Clauses. The Whereas Clauses set forth above are hereby adopted as findings of fact of the City Council of the City of Two Harbors.

SECTION 4. Zoning. The real estate described in Section 1 of this Ordinance hereof shall be zoned MUW upon the effective date of annexation.

SECTION 5. Purpose and Intent. The purpose and intent of this Ordinance is to annex the real property legally described as Exhibit A attached hereto to the corporate limits of the City of Two Harbors for the purposes set forth in the whereas clauses to this Ordinance.

SECTION 6. Effective Date of Annexation. This ordinance shall be effective (a) thirty (30) days after (1) its passage and (2) approval by the Mayor and (b) its publication once in the legal newspaper for the City of Two Harbors and (c) the filing of the copies as directed in Section 2 and (d) the approval by Minnesota Planning's Municipal Boundary Adjustments Office.

Adopted this 12th day of July A.D., 2004.

/s/ David Battaglia
President, City Council

ATTEST:

/s/ Lee A. Klein
Administrator

Approved by the Mayor of the City of Two Harbors this 13th day of July, 2004

/s/ Robin M. Glaser
Mayor

EXHIBIT A

LAKE COUNTY, MINNESOTA

All that part of Government Lot One (1), Section Thirty-one (31), Township Fifty-three (53), Range Ten (10), described as follows: Commencing at the East Quarter Corner of said Section; thence South 0 degrees 18 minutes 00 seconds East, assumed bearing, along the east line of said Section, 1986.66 feet; thence North 37 degrees 42 minutes 00 seconds West, 286.09 feet; thence North 37 degrees 35 minutes 00 seconds West, 588.68 feet to the southeasterly line of that certain parcel deeded to Lake Superior Software, Incorporated, recorded on August 4, 1997, in Book 121 of Deeds, page 736; thence North 42 degrees 38 minutes 00 seconds East, along said southeasterly line, 203.07 feet to the southwesterly line of that certain parcel deeded to Richard B. and Jane L. Heimbach, recorded on April 24, 1973, in Book 68 of Deeds, page 756; thence North 37 degrees 35 minutes 00 seconds West, along said southwesterly line, 9.02 feet; thence North 59 degrees 03 minutes 00 seconds West, along said southwesterly line, 253.11 feet to the most northerly corner of said Lake Superior Software Incorporated parcel, the point of beginning; thence continuing North 59 degrees 03 minutes 00 seconds West, along said southwesterly line, 102.18 feet; thence North 68 degrees 01 minute 00 seconds West, along said southwesterly line, 284.86 feet; thence North 62 degrees 42 minutes 33 seconds West, along said southwesterly line, 113 feet, more or less, to the easterly line of the plat of Burlington Bay Subdivision, a plat of record in the Office of the Lake County Recorder; thence South 21 degrees 49 minutes 10 seconds West, along the easterly line of said plat, 495 feet, more or less, to the water's edge of Lake Superior; thence east southeasterly, along said water's edge, to the northwesterly line of said Lake Superior Software Incorporated parcel; thence North 36 degrees 10 minutes 56 seconds East, along said northwesterly line, 445 feet, more or less, to the point of beginning.

AND

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7), Block One (1) and Lot One (1), Block Two (2), Burlington Bay Subdivision.

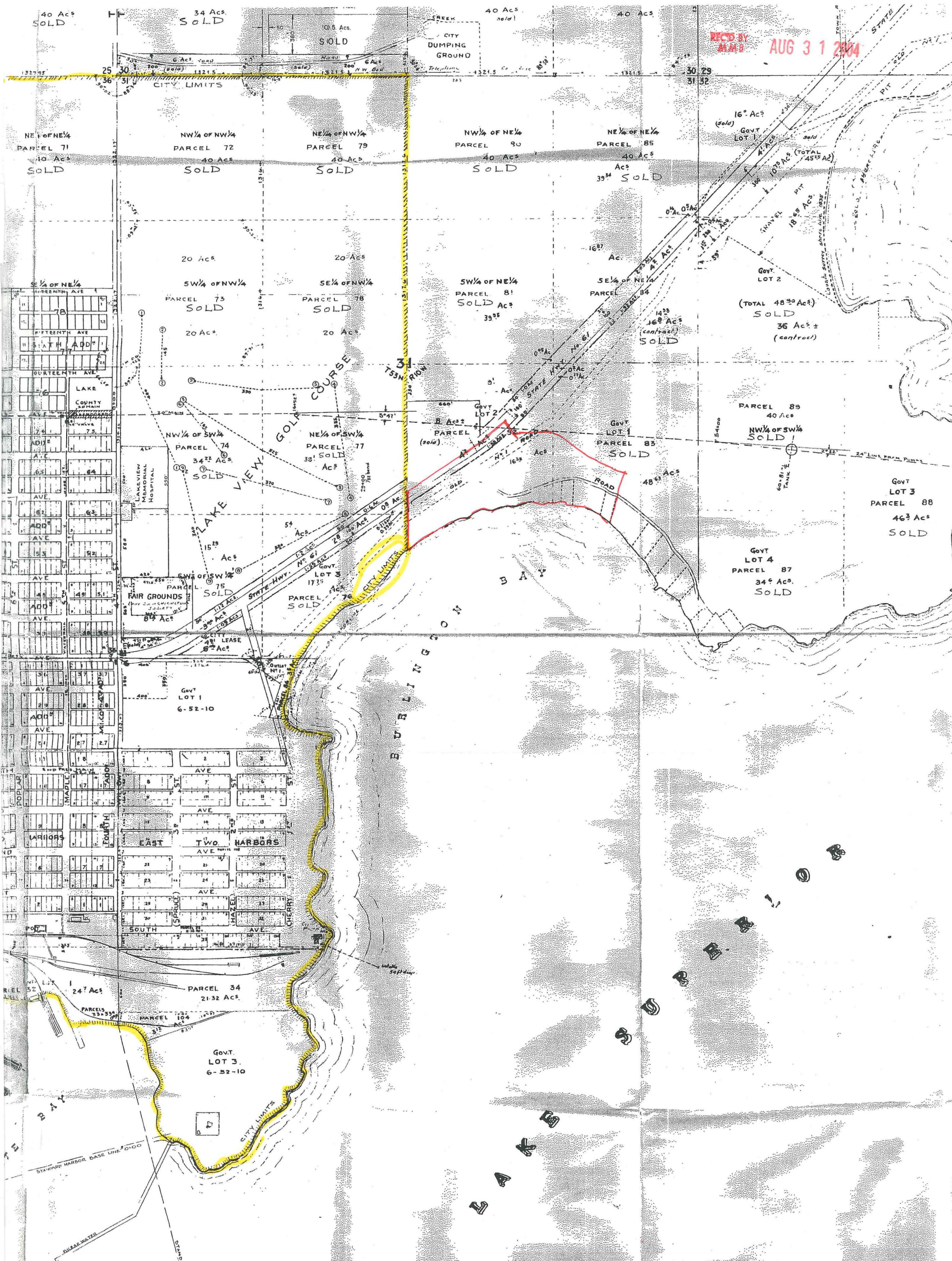
AND

Those parts of Government Lots One (1) and Two (2), Section Thirty-one (31), Township Fifty-three (53) North, Range Ten (10) West of the Fourth Principal Meridian described as follows: Commencing at the center of said Section 31; thence South 00 degrees 03 minutes 03 seconds East, assumed bearing, along the west line of said Government Lot 2 a distance of 1139.41 feet to the center line of Minnesota State Trunk Highway Number 61; thence continue South 00 degrees 03 minutes 03 seconds East 577 feet, more or less, to the shore of Lake Superior, which is the point of beginning of the land to be described; thence North 00 degrees 03 minutes 03 seconds West 577 feet, more or less, to said center line of said Highway; thence North 56 degrees 33 minutes 12 seconds East along said center line 724.09 feet; thence northeasterly along said center line on a tangential curve, concave to the northwest, having a central angle of 11 degrees 27 minutes 56 seconds, and a radius of 1909.86 feet, a distance of 382.19 feet to its intersection with the

center line of the easement for the Silver Creek Township Road; thence South 47 degrees 40 minutes 44 seconds East along said center line of said easement a distance of 257.07 feet to its intersection with a line drawn parallel to and 660 feet Southerly distant from the North line of said Government Lot 2; thence South 89 degrees 50 minutes 33 seconds East along said parallel line a distance of 229.94 feet to a point on the West line of said Government Lot 1 distant 660 feet South of the Northwest corner of said Government Lot 1; thence South 62 degrees 22 minutes 44 seconds East a distance of 287.96 feet, said course being along the line established in that deed dated April 10, 1973, executed by American Hardboard and Nu-Ply Corporation, grantor, in favor of Richard B. Heimbach and Jane L. Heimbach, grantees, as joint tenants, and recorded in the office of the County Recorder of Lake County, Minnesota, on April 24, 1973, in Book 68 of Deeds, page 756, said line being described as follows:

From the quarter corner between Sections 31 and 32, Township 53 North, Range 10 West (being the northeast corner of Government Lot 1 in said Section 31), run South 00 degrees 18 minutes East (said bearing assumed for the purpose of this description) along the line between said Sections 31 and 32 a distance of 1986.66 feet, more or less, to a point on the North line of that certain highway easement granted to the Town of Silver Creek, as more fully described in that instrument recorded in the office of the County Recorder of Lake County, Minnesota, in Book 60 of Deeds, page 263; thence Northwesterly along the North line of said highway easement a distance of 286.09 feet; thence Northeasterly at a right angle a distance of 200 feet; thence Northwesterly along a line parallel to and 200 feet from the North line of said highway easement a distance of 1271.95 feet to the POINT OF BEGINNING of said line; thence continue Northwesterly to a point on the West line of said Government Lot 1 distant 660 feet South of the Northwest corner of said Government Lot 1, and there terminating;

Thence South 22 degrees 09 minutes 16 seconds West 495 feet, more or less, to the shore of Lake Superior; thence westerly and southwesterly along said shore line to the point of beginning.



DULUTH, MISSABE AND IRON RANGE RAILWAY
IRON RANGE DIVISION



Two Harbors Minn.

SCALE: 1"=400'

REV. SEPT. 4, 1952 R.G.B.
2-65 DTF-OWB 11-65 DTF
3-63 DTF 5-66 R.L.