

ORDINANCE NO. 280 - 3RD SERIES

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, ANNEXING GOVERNMENT LOT SEVEN (7) IN SECTION TWELVE (12), TOWNSHIP ONE HUNDRED FIFTY-ONE (151) NORTH, RANGE FIFTY (50) WEST OF THE 5TH PRINCIPAL MERIDIAN; AND PART OF GOVERNMENT LOTS ONE (1), TWO (2), SIX (6), SEVEN (7), AND NINE (9), AND PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4 NW1/4), SECTION SEVEN (7), TOWNSHIP ONE HUNDRED FIFTY-ONE (151) NORTH, RANGE FORTY-NINE (49) WEST OF THE 5TH PRINCIPAL MERIDIAN; AND PART OF GOVERNMENT LOT SEVEN (7), SECTION SIX (6), TOWNSHIP ONE HUNDRED FIFTY-ONE (151) NORTH, RANGE FORTY-NINE (49) WEST OF THE 5TH PRINCIPAL MERIDIAN; HUNTSVILLE TOWNSHIP, POLK COUNTY, MINNESOTA.

THE CITY OF EAST GRAND FORKS ORDAINS:

Section 1. This annexation ordinance is being passed and adopted pursuant to the provisions of Minnesota Statute §414.033, Subd. 2 (1).

Section 2. The City of East Grand Forks, Minnesota (hereinafter referred to as the "City") acquired the title to the area to be annexed via that certain Warranty Deed dated June 30, 2003 and recorded June 30, 2003 in the Office of the Polk County, Minnesota, Recorder as Document No. 604369.

Section 3. The area to be annexed abuts the City, contains approximately 157.21 acres, more or less, and is not presently served by public sewer facilities.

Section 4. The notice requirement of Minnesota Statute §414.033, Subd. 2b is not applicable to the City's adoption of this ordinance since the subject property is being annexed pursuant to the provisions of Minnesota Statute §414.033, Subd. 2 (1).

Section 5. The notice requirement of Minnesota Statute §414.033, Subd. 3 is not applicable to the City's adoption of this ordinance since the perimeter of the area to be annexed is less than 60 percent bordered by the City, and the area to be annexed is greater than 40 acres.

Section 6. The area to be annexed is unpopulated.

Section 7. The City hereby annexes real property situated in the County of Polk, State of Minnesota, legally described as follows, to-wit:

Government Lot Seven (7), Section Twelve (12), Township One Hundred Fifty-One (151) North, Range Fifty (50) West of the Fifth Principal Meridian, containing 21.40 acres, more or less, **(No. 2A on the attached map)**,

AND

That part of Government Lot One (1) and Government Lot Two (2) of Section Seven (7), Township One Hundred Fifty-one (151) North, Range Forty-nine (49) West of the Fifth Principal Meridian, lying south of the Burlington Northern Railway, described as follows:

Beginning at the northwest corner of Section 7, the same being the northwest corner of Government Lot 1; thence east along the section line between Section 6 and Section 7 to a point 72.2 feet west of the intersection of said section line with the southerly boundary of the right-of-way of said Burlington Northern Railway; thence south along the west boundary of the tract conveyed by Warranty Deed recorded on June 24, 1970 in Book 391 of Deeds on page 271 in the office of the Register of Deeds in and for Polk County, Minnesota, a distance of 124.2 feet; thence deflecting 64 degrees 41 minutes left and Southeasterly along the southerly line of said tract a distance of 540.0 feet to the west side of a private roadway; thence deflecting 64 degrees 41 minutes right and south along the west side of said roadway to the south line of said Government Lot 1, and continuing on the same tangent line in Government Lot 2 to the north bank of the Red Lake River, or a total distance of 1572 feet, more or less; thence southwesterly along the north bank of said Red Lake River to the west line of said Section 7; thence north along said section line for 2724 feet, more or less, to the northwest corner of Section 7, containing 42.80 acres, more or less (**No. 2B on the attached map**),

AND

That part of Government Lots One (1), Two (2), Six (6) and Seven (7) of Section Seven (7), Township One Hundred Fifty-one (151) North, Range Forty-nine (49) West of the Fifth Principal Meridian, described as follows:

Commencing at an iron monument marking the northwest corner of Section 7; thence East along the section line between Sections 6 and 7 a distance of 660.4 feet to the center line of the Burlington Northern Railway, formerly Great Northern Railway; thence deflecting 26 degrees 40 minutes right and southeasterly along said center line a distance of 392.5 feet; thence deflecting 64 degrees 41 minutes right and southerly a distance of 1050.95 feet to a point perpendicularly distance 950.0 feet southwest from the center line of said Burlington Northern Railway track, which point is the point of beginning of the premises conveyed herein; deflecting thence 64 degrees 41 minutes left and Southeasterly parallel with said Railway and 950 feet distance from the center line thereof a distance of 2921 feet, more or less, to the north bank of the Red Lake River; thence Westerly along the north bank of said Red Lake River to a point in Government Lot 2, said point being the south terminus of the east boundary line of the tract of land conveyed by Warranty Deed recorded on April 24, 1973, in the office of the Register of Deeds in and for Polk County, Minnesota, in Book 408 of Deeds on page 453; thence North along the east line of the aforesaid tract a distance of 658 feet, more or less, to a point 50 feet west of the point of beginning; thence deflecting 90 degrees 00 minutes right and East 50 feet to the point of beginning; containing 36.00 acres, more or less **(No. 3 on the attached map)**,

AND

All that part of Government Lots One (1), Two (2), Six (6) and Seven (7), and that part of the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4), Section Seven (7), Township One Hundred Fifty-one (151) North, Range Forty-nine (49) West of the Fifth Principal Meridian, lying Southwesterly and adjacent to and 600.0 feet perpendicularly distance from the Railroad Right-Of-Way Line which is located Southwesterly and 350.0 feet perpendicularly distance from the centerline of the Railroad, containing 45.19 acres, more or less **(No. 4 on the attached map)**,

AND

All that part of Government Lot One (1), Section Seven (7), Township One Hundred Fifty-one (151) North, Range Forty-nine (49) West, of the Fifth Principal Meridian, Polk County, Minnesota, described as follows:

Commencing on the center line of the railway of the Great Northern Railway Company, as now located and constructed, at a point 392.5 feet distance Southeasterly measured along said center line, from the North line of said Section 7; thence south at an angle of 64 degrees 41 minutes with said center line along the East side of a private road for a distance of 387.19 feet to a point perpendicularly distant 350 feet southerly from said center line, the beginning of this description; thence Southeasterly at an angle of 64 degrees 41

minutes parallel with said center line and 350 feet distant therefrom for a distance of 241.3 feet; thence at right angles Southwesterly for distance of 100 feet; thence at right angles Northwesterly for a distance of 194 feet to the easterly side of said private road; thence North for a distance of 110.63 feet to the point of beginning, containing one-half ($\frac{1}{2}$) acre, more or less **(No. 5 on the attached map)**,

AND

That part of Government Lot Nine (9), Section Seven (7), Township One Hundred Fifty-one (151) North, Range Forty-nine (49) West of the Fifth Principal Meridian, Polk County, Minnesota, lying south of the Great Northern Railroad and described as follows:

Commencing at a point of the north bank of the Red Lake River, said point being distance 1125 feet due West from the section line between Sections 7 and 8 of said Township and Range; thence Northerly parallel to and 1125 feet west from said Section line a distance of 780 feet, more or less, to an iron monument on the southerly boundary line of the Great Northern Railway right-of-way; thence Northwesterly along said south boundary of right-off-way to the west line of said Government Lot 9; thence Southerly along said west line of Government Lot 9 a distance of 969 feet, more or less, to the north bank of said Red Lake River; thence Southeasterly along said north bank of said river to the point of commencement, containing 4.00 acres, more or less **(No. 6 on the attached map)**,

AND

That part of Government Lot Seven (7) lying South of the Burlington Northern Right of Way in Section Six (6), Township One Hundred Fifty-One (151) North, Range Forty Nine (49) West of the Fifty Principal meridian, containing 1.73 acres, more or less **(No. 7 on the attached map)**,

AND

That portion of Government Lot Seven (7) of Section Seven (7), Township One Hundred Fifty-One (151) North, Range Forty-Nine (49) West of the Fifth Principal Meridian, Polk County, Minnesota, more fully described as follows, to wit:

Commencing at a point of intersection with the East line of said Government Lot 7, Section 7 and a line distant 50.0 feet Southwesterly of, as measured radially to, the Burlington Northern Railroad Company's Branch line Main Track centerline as now located and constructed; thence Southerly along said East line of Government Lot 7 to a point of intersection with a line drawn parallel with and distant 350.0 feet Southwesterly of, as measured radially to,

said Main Track centerline; thence Northwesterly parallel to said Main Track centerline a distance of 900.0 feet, more or less, to the East line of that certain parcel of property conveyed from Burlington Northern Inc. to Fred R. Barrett et al., by Quitclaim Deed dated October 15, 1976, and filed for record December 3, 1976, as Document No. 42004; thence Northeasterly along said East line a distance of 300.0 feet; thence Southeasterly parallel with said Main Track centerline to the True Point of Beginning, containing 5.59 acres, more or less **(No. 8 on the attached map)**.

Main Track Centerline Description

Commencing at the Northwest corner of said Government Lot 7, Section 7; thence Northerly along the North-South centerline of said Section 7 a distance of 329.66 feet to the Point of Beginning of the Main Track centerline to be described; thence Southeasterly deflecting 115°19' to the right a distance of 1245.77 feet; thence Southeasterly along a spiral curve (delta - 0° 45') concave to the Southwest a distance of 150.0 feet; thence Southeasterly along a 1°00' curve (delta - 11° 46' 30") concave to the Southwest a distance of 1177.5 feet to a point of termination.

Section 8. The City Administrator is hereby directed to file certified copies of this ordinance with the Director of the Minnesota Office of Strategic and Long Range Planning, with Grand Forks Township, with the Polk County Auditor, and with the Minnesota Secretary of State.

Section 9. City Code Chapter 1 entitled "Definitions and General Provisions Applicable to Entire City Code Including Penalty for Violation" is hereby adopted in its entirety, by reference, as though repeated verbatim herein.

Section 10. This ordinance shall take effect and be in force from and after its passage and publication and be given the Number **280 - 3rd Series**, and after its approval by the Director of the Minnesota Office of Strategic and Long Range Planning.

VOTING AYE: Trembath, Vetter, Grassel, Tweten, Driscoll, Gander, Holy

VOTING NAY: None

ABSENT: None

The President declared the Ordinance passed.

ATTEST:

PASSED: March 16, 2004.

REC'D BY
MAB

SEP 10 2004

Craig J. Mattson
City Administrator

Shirley A. T. T. T.
President of Council

I hereby approve the foregoing Ordinance this 16th day of March, 2004.

Dymn Staus
Mayor

