

STATE OF MINNESOTA)

COUNTY OF MARTIN) SS

CITY OF FAIRMONT)

ORDINANCE NO. 2004 - 5

**AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED PROPERTY
ABUTTING AND OWNED BY THE C-K-B-S PARTNERSHIP, CONSISTING OF
APPROXIMATELY 30.0 ACRES, MORE OR LESS**

Whereas, the City of Fairmont (the "City") has studied its municipal borders and the City's growth patterns; and

Whereas, 100% of the property owners of land described in paragraph A. below, have petitioned the City to annex by ordinance property located in Rutland Township which abuts the City; and

Whereas, the owners wish to have City services in the future and in order for the City to provide services the property must be annexed into the City; and

Whereas, the City desires to proceed with the annexation of said property by ordinance pursuant to Minn. § 414.033, Subd. 2 (3); and

Whereas, after a public hearing duly noticed pursuant to statute and held on September 13, 2004, the Fairmont City Council finds that: (i) the property proposed for annexation is, or is about to become, urban or suburban in character, (ii) annexation of said property is required to provide the services necessary to protect the public health, safety, and welfare, (iii) annexation would be in the best interest of the property proposed for annexation, and (iv) the City of Fairmont will most efficiently provide municipal services to the property.

Now, Therefore, be it Ordained by the City Council of the City of Fairmont as follows:

Section 1. Property to be Annexed. The corporate limits of the City are hereby amended to include the property described in paragraph A. of this section and attached Exhibit A., constituting approximately 30.0 acres, and said property is hereby annexed to and included within the corporate limits of the City pursuant to Minn. Stat. § 414.033 as if such property had originally been a part of the City.

A. Legal Description**PROPERTY DESCRIPTION****2003 TRACT - A**

A tract of land in the Southwest Quarter of the Northwest Quarter of Section 33, Township 103 North, Range 30 West in Martin County, Minnesota described as follows:

Beginning at the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 33, Township 103 North, Range 30 West in Martin County, Minnesota; thence North 0 degrees 10 minutes 24 seconds West (County Coordinate System) along the East line of the Southwest Quarter of the Northwest Quarter a distance of 1251.47 feet to an iron pipe survey marker; thence North 89 degrees 29 minutes 09 seconds West a distance of 1201.67 feet to an iron pipe survey marker on the easterly highway right-of-way line of Minnesota Trunk Highway No. 15 as shown on Minnesota Department of Transportation Right-of-way Plat No. 46-12, on file and of record in the office of the County Recorder, said right-of-way line being a non-tangential circular curve, concave easterly, having a radius of 3719.72 feet and a center of radius which bears South 89 degrees 24 minutes 01 seconds East; thence southerly along said curve through a central angle of 6 degrees 19 minutes 54 seconds an arc distance of 411.06 feet; thence South 5 degrees 43 minutes 55 seconds East a distance of 160.29 feet to a circular curve, concave westerly and having a radius of 2964.79 feet; thence southerly along said curve through a central angle of 5 degrees 00 minutes 39 seconds an arc distance of 259.29 feet; thence South 39 degrees 20 minutes 26 seconds East a distance of 155.50 feet to a non-tangential circular curve, concave southwesterly, having a radius of 987.93 feet and a center of radius which bears South 14 degrees 35 minutes 29 seconds West; thence southeasterly along said curve through a central angle of 8 degrees 37 minutes 04 seconds an arc distance of 148.59 feet; thence South 66 degrees 47 minutes 27 seconds East a distance of 400.60 feet to a circular curve, concave northerly and having a radius of 921.93 feet; thence easterly along said curve through a central angle of 22 degrees 33 minutes 43 seconds an arc distance of 363.04 feet; thence South 0 degrees 38 minutes 53 seconds West (this course and the preceding seven all being along the easterly right-of-way line of Trunk Highway No. 15) a distance of 30.99 feet to the South line of the Northwest Quarter; thence South 89 degrees 29 minutes 09 seconds East along the South line of the Northwest Quarter a distance of 196.65 feet to the point of beginning.

Said tract contains 30.000 acres.

Section 2. Population of Annexed Property. This property contains a total of 0 households with an estimated population of 0.

Section 3. Zoning. Pursuant to the Fairmont City Code Zoning Ordinance, the City designates the property to be annexed in zoning classification B-3.

Section 4. Appropriation of Filing Fee; Authorization to File Ordinance. The amount necessary to pay the filing fee required by the Minnesota Municipal Board for this annexation ordinance is hereby appropriated for such purpose, and the City Administrator is directed to make the necessary filings and provide required information to the Minnesota Municipal Board, the Township of Rutland, the Auditor of Martin County, and the Minnesota Secretary of State.

Section 5. Effective Date. This Ordinance is effective upon publication pursuant to the City Charter and approval by the Minnesota Municipal Board.


Adopted by the City Council of the City of Fairmont this 13th day of September 2004.

Approved by



Mayor, Charles Groth

Attest:



City Clerk, Lois J. Cairns

Readings: August 9, 2004

Adoption: September 13, 2004

Published: September 20, 2004

Exhibit: A





City Boundary

0 population
36 acres

Area to be annexed
abutting City Boundary

