

**ORDINANCE
NO. 1241**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN
PROPERTIES LOCATED IN UNORGANIZED TERRITORY,
CROW WING COUNTY, TO THE CITY OF BRAINERD,
CROW WING COUNTY MINNESOTA, PURSUANT
TO MINNESOTA STATUTE 414.033**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Lynn and Shelley Peterson, the Fee Owners of certain property in the County of Crow Wing, State of Minnesota, described as follows:

Part of Lot 20 and 21 and vacated old CSAH NO 20, River Heights, described as follows; commencing at the NE Corner of Government lot 5, thence South 00 degrees 20 minutes 00 seconds East, assumed bearing, along the East Line of said Government Lot 5 said line being the West line of said River Heights, 741.98 feet, thence North 55 degrees 55 minutes 41 seconds East 287.60 feet to the POB of the tract to be described, then South 14 Degrees 48 minutes 50 seconds East 8 feet, M/O/L, to the shore of Mississippi River, thence SW'ly along said shore to its intersection with said East line of Government Lot 5 and said West line of River Heights, thence North 00 degrees 20 minutes 00 seconds West, along said East line of Gov. Lot 5 and West line of said River Heights, 331Feet, M/O/L, to the S'ly ROW line of CSAH 20 as constructed in 1978 and now maintained, thence North 47 degrees 01 minutes 00 seconds East along said S'ly ROW, 214 feet to its intersection with the line that bears North 14 degrees 48 minutes 50 seconds West from the POB, thence South 14 degrees 48 minutes 50 seconds East 326.97 feet to the POB and all adjacent roadway right-of-way. Subject to Easements, reservation or restrictions.

AND

That part of Government Lot Five (5), of Section (4), in Township One Hundred Thirty-three (133), of Range Twenty-eight (28), described as follows: Beginning at a point on the east line of said Government Lot 5 where said east line intersects the southerly right-of-way line of C.S.A.H. No. 20 as constructed in 1978 and now maintained; thence Southwesterly along said southeasterly right-of-way line a distance of 160.00 feet; thence Southeasterly at a right angle to said right-of-way line to intersection with said east line of Government Lot 5; thence Northerly along east line of Government Lot 5 to the point of beginning.

Address: 16440 Riverside Drive
P.I.N. #99139000020X009
Section/Township/Range: 4/133.0/28

filed a petition with the City Council of the City of Brainerd pursuant to Section 414.033, Subdivision 2 (3) of the Minnesota Statutes. This property is located within Unorganized Territory of Crow Wing County. This area contains approximately **3 acres** of land.

SECTION TWO: That said realty abuts the City of Brainerd and is less than 60 acres in size.

SECTION THREE: That pursuant to Minnesota Statutes Section 414.033, Subdivision 13, the petitioner will see no change in their electric utility service at this time.

SECTION FOUR: That pursuant to Minnesota Statutes Section 414.033, Subdivision 2b, the City of Brainerd has held the required Public Hearing and notified the town along with all landowners within and contiguous to the area being annexed.

SECTION FIVE: That the Council of the City of Brainerd deems the annexation of said realty to the City of Brainerd to be in the best interest of the City of Brainerd and the territory affected and accordingly, said realty is hereby annexed to the City of Brainerd as **R-F (Rural Residential) District** so as to become and be part of the City of Brainerd and included within its corporate limits and boundaries thereof.

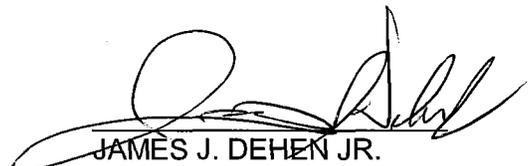
SECTION SIX: The property taxes payable on the annexed land shall continue to be paid to the affected town for the year in which the annexation becomes effective. If the annexation becomes effective on or before August 1, of a levy year, the City may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the town may continue to levy on the annexed area for that levy year, and the City may not levy on the annexed area until the following levy year. The first year following the year when the City could first levy on the annexed area, property taxes on the annexed land shall be paid to the City. However, the City shall make cash payment to the town for the period and in accordance with the following schedule:

REC'D BY
M.M.B.

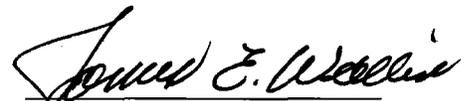
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SECTION SEVEN: This Ordinance shall take effect and be in force one week from and after its publication and is further subject to final approval of Minnesota Planning Municipal Boundary Adjustments.

Adopted this 7th day of September, 2004.


JAMES J. DEHEN JR.
President of the Council

Approved this 8th day of September, 2004.


JAMES E. WALLIN
Mayor

ATTEST:


DANIEL J. VOGT
City Administrator

Published: September 10, 2004

