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REC'D BY  
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JAN 31 2005

## ORDINANCE NO. 139

### AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF AUDUBON TO INCLUDE CERTAIN UNINCORPORATED UNPLATTED LAND NOT EXCEEDING 60 ACRES IN AREA ABUTTING UPON THE CITY LIMITS.

**WHEREAS**, a certain petition dated 3 August 2004, requesting annexation of the territory hereinafter described was duly presented to the council on the 20<sup>th</sup> day of October, 2004;  
and

**WHEREAS**, the petition was signed by all owners of the territory to be annexed; and

**WHEREAS**, no objections to the annexation have been received from the town board, or the government body of any municipality whose boundaries abut upon the boundaries of the land to be annexed; and

**WHEREAS**, a hearing was duly held by the governing body of the City of Audubon, Minnesota, on the proposed annexation after at least 30 days' written notice by certified mail pursuant to statute; and

**WHEREAS**, the land described in the petition abuts upon the city limits at the easterly boundary thereof, is approximately 12 acres in size and none of it is presently included within the corporate limits of any incorporated city.;

**WHEREAS**, the land is or is about to become urban or suburban in character; is unplatted land less than 60 acres in size and is not presently served by public sewer facilities with a current population of zero (0).

#### **NOW THEREFORE:**

The council of the City of Audubon, Minnesota ordains:

**Section 1.** The city council hereby determines (1) that the territory described herein abuts upon the city limits and is or is about to become urban or suburban in character; and (2) that none of the territory is now included within the limits of any city.

JAN 31 2005

**Section 2.** The population of the territory is zero (0).

**Section 3. Territory annexed.** The corporate limits of the city are hereby extended to include the unplatted land described as follows and the same is hereby annexed to and included within the city as effectually as if it had originally been a part thereof:

Real property in the County of Becker, State of Minnesota described as follows:

TRACT A That part of Government Lot 2 of Section 15, Township 139 North, Range 42 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Commencing at an iron monument which designates the northeasterly corner of Lot 1, Block 31, of the PLAT OF THE TOWN OF AUDUBON, BECKER COUNTY, MINNESOTA, said plat is on file and of record in the office of the Recorder in said County; thence South 00 degrees 03 minutes 01 second West 300.02 feet on an assumed bearing along the easterly line of said Block 31 to an iron monument at the southeasterly corner of said Block 31; thence South 44 degrees 20 minutes 59 seconds East 114.34 feet to an iron monument on the easterly line of First Street according to said PLAT OF THE TOWN OF AUDUBON, BECKER COUNTY, MINNESOTA; thence South 00 degrees 03 minutes 01 second West 204.05 feet along the easterly line of said First Street to an iron monument, said point is the point of beginning; thence North 89 degrees 22 minutes 01 second East 200.00 feet to an iron monument; thence North 00 degrees 03 minutes 01 second East 204.05 feet to an iron monument; thence continuing North 00 degrees 03 minutes 01 second East 26.06 feet to an iron monument; thence continuing North 00 degrees 03 minutes 01 second East 205.49 feet to an iron monument; thence continuing North 00 degrees 03 minutes 01 second East 187 feet, more or less, to the north line of said Government Lot 2; thence easterly 370 feet, more or less, along the north line of said Government Lot 2 to the northeast corner of said Government Lot 2; thence southerly 1200 feet, more or less, along the east line of said Government Lot 2 to the northerly line of the Burlington Northern and Santa Fe Railroad; thence westerly 610 feet, more or less, along the northerly line of said Burlington Northern and Santa Fe Railroad to the easterly line of said First Street; thence North 00 degrees 03 minutes 01 second East 360 feet, more or less, along the easterly line of said First Street to the point of beginning. The above described tract contains 12 acres, more or less.

SUBJECT TO County Road No. 144 right of way easement over, under and across the northerly boundary of the above tract as said County Road No. 144 is located and established on January 8, 2004.

AND

TRACT B A tract of land in Government Lot Two (2), Section Fifteen (15), Township 139 North, Range 42 West of the Fifth Principal Meridian, Becker County, Minnesota, described as follows, to-wit: Commencing at an iron stake on

Minnesota, described as follows, to-wit: Commencing at an iron stake on the East line of First Street in the City of Audubon, the plat of which is on file and of record in the office of the County Recorder, Becker County, Minnesota, and which point is located 80 feet East on an extension of the North line of Block Thirty-one (31), of the Village (now City) of Audubon, from the Northeast corner of said Block 31; thence running South 150 feet on the East line of First Street to an iron stake; thence running Easterly 150 feet by deflecting to the left at an angle of 90 degrees 41 minutes, to the point of beginning of the tract herein conveyed; thence continuing along said line a distance of 50 feet; thence running Northerly 150 feet parallel to the East line of First Street by deflecting to the left at an angle of 09 degrees 19 minutes, and thence running Westerly 50 feet by deflecting to the left at an angle of 90 degrees 41 minutes; thence proceed Southerly parallel to the East line of First Street a distance of 150 feet to the point of beginning and there terminating.

**Section 4. Filing.** The city clerk is hereby directed to file certified copies of this ordinance with the Minnesota Office of Strategic and Long Range Planning, the Secretary of State, the Town Clerk, and the County Auditor.

**Section 5. Effective Date.** This ordinance takes effect upon its passage and publication and the filing of the certified copies as directed in Section 4, and approval of the ordinance by the Director of the Minnesota Office of Strategic and Long Range Planning.

Adopted by the council of the City of Audubon, Minnesota this 20<sup>th</sup> day of October, 2004.

  
Mayor

ATTEST:

  
CITY CLERK

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