

RESOLUTION # 2005-11 SUMMARY FOR PUBLICATION

ORDINANCE NO. 1.406**AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF DEER RIVER TO INCLUDE CERTAIN LAND OWNED BY PRIVATE PARTIES AND ABUTTING THE CITY OF DEER RIVER.**

WHEREAS, the City of Deer River has filed a Notice of Intent for the Annexation of Certain Land to the City of Deer River upon the Town of Morse, pursuant to the provisions of Minn. Stat. §414.033, Subd.3, regarding the annexation to the City of Deer River of that certain real estate located within the County of Itasca, State of Minnesota, described as follows:

1. (Wade Wilson) That part of Lot Two (2), Section Thirty-five (35), Township One Hundred Forty-five (145), North, Range Twenty-five (25) West of the Fifth Principal Meridian, described as follows: South from the quarter corner between Section 26 and 35 along North and South quarter line of Section 35 a distance of 117.6 feet; thence in a Southeasterly direction on a bearing of South 58 degrees 51 minutes 15 Seconds East, a distance of 967.55 feet to the point of beginning; thence Southeast on same bearing a distance of 100.0 feet; thence right at 90 degrees in a southwest direction on a distance of 150.0 feet; thence right at 90 degrees (along the North boundary of US Highway #2) a distance of 100.0 feet; thence right at 90 degrees in a northeast direction a distance of 150.0 feet to the point of beginning. **Revised Description 1.**

2. (Patrick Winkelback) That part of Lot Two (2), Section Thirty-five (35), Township One Hundred Forty-five (145), North, Range Twenty-five (25) West of the Fifth Principal Meridian, described as follows: South from the quarter corner between Sections Twenty-six (26) and Thirty-five (35), Township One Hundred Forty-five (145) North, Range Twenty-five (25) West of the Fifth Principal Meridian, a distance of 117.6 feet; thence in a southeasterly direction on a bearing of South 58 degrees 51 minutes 15 seconds East a distance of 767.55 feet to the point of beginning. Thence Southeasterly on same bearing (S.58°51'15"E.) a distance of 75.0 feet; thence right at 90 degrees in a southwest direction a distance of 150.0 feet; thence right at 90 degrees (along the North boundary of U.S. Highway #2) a distance of 75.0 feet; thence right at 90 degrees in a northeasterly direction a distance of 150.0 feet to the point of beginning. A tract containing .034 acres. **Revised Description 2:**

3. (Patrick Winkelback) That part of Lot Two (2), Section Thirty-five (35), Township One Hundred Forty-five (145), North, Range Twenty-five (25) West of the Fifth Principal Meridian, described as follows: South from one-fourth section corner between Sections Twenty-six (26) and Thirty-five (35), Township One Hundred Forty-five (145) North, Range Twenty-five (25) West of the Fifth Principal Meridian, on a south bearing along North and South ¼ line Section 35, Township 145, Range 25, a distance of 117.6 feet; thence in a southeasterly direction on a bearing South 58 degrees 51 minutes 15 seconds East a distance of 542.55 feet to the point of beginning; thence southeasterly on same bearing (S.55-51-15E) a distance of 62.5 feet; thence right at 90 degrees in a southwesterly direction a distance of 150 feet to the North boundary of U.S. Highway #2; thence right at 90 degrees in a northwesterly direction along the North boundary of U.S. Highway #2 a distance of 62.5 feet; thence right at 90 degrees in a northerly direction a distance of 150 feet to the point of beginning. **Revised Description 5:**

4. **(Wade Wilson)** That part of Lot Two (2), Section Thirty-five (35), Township One Hundred Forty-five (145), North, Range Twenty-five (25) West of the Fifth Principal Meridian, described as follows: South from one-fourth section corner between Sections Twenty-six (26) and Twenty-five (25), Township One Hundred Forty-five (145) North, Range Twenty-five (25) West of the Fifth Principal Meridian, on a south bearing along North and South $\frac{1}{4}$ line Section 35, Township 145, Range 25, a distance of 117.6 feet; thence in a southeasterly direction on a bearing South 58 degrees 51 minutes 15 seconds East a distance of 905.05 feet to the point of beginning; thence southeasterly on same bearing (S.50-51-15E) a distance of 62.5 feet; thence right at 90 degrees in a southwesterly direction a distance of 150 feet to the North boundary of U.S. Highway #2; thence right at 90 degrees in a northwesterly direction along the North boundary of U.S. Highway #2 a distance of 62.5 feet; thence right at 90 degrees in a northeasterly direction a distance of 150 feet to the point of beginning. **Revised Description 6:**

5. **(Sherf-Tanner, Inc.)** The West Ninety feet (W.90') of that portion of Lot Two (2), Section Thirty-five (35), Township One Hundred Forty-five (145) North, Range Twenty-five (25) West of the Fifth Principal Meridian, described as follows: South from $\frac{1}{4}$ section corner between Sections 26 and 35, Township 145 North, Range 25 West of the 5th P.M. on a south bearing along North and South $\frac{1}{4}$ line Section 35, Township 145, Range 25, a distance of 117.6 feet; thence in southeasterly direction on a bearing of South 58 degrees 51 minutes 15 seconds East, a distance of 1292.55 feet to point of beginning; thence southeasterly on same bearing (S.58-51-15E) a distance of 371.45 feet to the East line of said Government Lot 2; thence south along said East line, a distance of 175.3 feet to the North boundary of U.S. Highway #2; thence in a northwesterly direction along said North boundary a distance of 462.45 feet to a point; thence right at 90 degrees, a distance of 150 feet to the point of beginning, excepting the East 35 feet thereof. **The W.90' of Revised Description 7:**

6. **(Kenneth Vickerman)** That portion of Lot Two (2), Section Thirty-five (35), Township One Hundred Forty-five (145) North, Range Twenty-five (25) West of the Fifth Principal Meridian, described as follows: South from $\frac{1}{4}$ section corner between Sections 26 and 35, Township 145 North, Range 25 West of the 5th P.M. on a south bearing along North and South $\frac{1}{4}$ line Section 35, Township 145, Range 25, a distance of 117.6 feet; thence in southeasterly direction on a bearing of South 58 degrees 51 minutes 15 seconds East, a distance of 1292.55 feet to point of beginning; thence southeasterly on same bearing (S.58-51-15E) a distance of 371.45 feet to the East line of said Government Lot 2; thence south along said East line, a distance of 175.3 feet to the North boundary of U.S. Highway #2; thence in a northwesterly direction along said North boundary a distance of 462.45 feet to a point; thence right at 90 degrees, a distance of 150 feet to the point of beginning, excepting the East 35 feet thereof, and excepting the West 90 feet thereof. **Revised Description 7 less the W.90'**

7. **(Northern Star Cooperative Services, Inc.)** That part of Government Lot Two (2), Section Thirty-five (35), Township One Hundred Forty-five (145) North, Range Twenty-five (25) West of the Fifth Principal Meridian, described as follows: Commencing at the northwest corner of said Government Lot 2; thence on an assumed bearing of South along the west line of said Government Lot 2 a distance of 117.60 feet, more or less, to the intersection with a line drawn parallel with and distance 225.00 feet northeasterly as measured at a right angle to the centerline of U.S. Highway Number 2; thence South 58 degrees 51 minutes 15 seconds East along said parallel line 1292.55 feet to the point of beginning of the tract to be herein described; thence North 58 degrees 51 minutes 15 seconds

West along said parallel line 78.14 feet; thence North 31 degrees 08 minutes 45 seconds East 200.00 feet; thence South 58 degrees 51 minutes 15 seconds East 300.00 feet, more or less to the west line of the East 35.00 feet of said Government Lot 2; thence South 0 degrees 59 minutes 31 seconds East along said last described West line 236.19 feet, more or less, to the intersection with said parallel line bearing South 58 degrees 51 minutes 15 seconds East from the point of beginning; thence North 58 degrees 51 minutes 15 seconds West along said parallel line 347.50 feet, more or less, to the point of beginning. **Revised Description 11.**

Excluding U.S. Highway 2

and;

WHEREAS, the afore-named parties are the only owners of the above described properties, that the property is commercial and residential in nature and the population of the property area is 6, that the property is located within Morse Township and abuts on the westerly boundary of the City of Deer River, that the property is not included in any boundary adjustment proceeding pending before Minnesota Planning, Municipal Boundary Adjustments, that the property has an area of less than 10 acres in size and has the potential to be served by Deer River municipal sewer and water facilities, the same which are not otherwise available, and that said property is or is about to become urban or suburban in character, and;

WHEREAS, it is in the best interests of the above described property to have municipal water and sewer service available to them, and;

WHEREAS, The City of Deer River does not provide municipal electric service, and the provider of electric service to the Petitioner will remain the same utility which provided electric service prior to any annexation, and that rates for electric service shall remain unaffected by any annexation, and that the notice provisions of Minn. Stat. §414.033 Subd.13 are inapplicable to this proceeding, and;

WHEREAS, the area proposed to be annexed is not included in any area that has been designated for orderly annexation pursuant to Minn. Stat. §414.0325, and is not part of any area included in a Community Based Planning Pilot Project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DEER RIVER, MINNESOTA, DOES HEREBY ORDAIN:

Section 1: The City Council hereby determines and finds that the property abuts the municipality, that the area to be annexed is more than 60% bordered by the City of Deer

River and forty (40) acres or less in area, that the area to be annexed is not currently served by municipal water and sewer facilities, the same which are needed to serve the above properties and all of which are unavailable from any other source, and that the municipality has served a Notice of Intent to Annex the subject property upon Morse Township and the Municipal Boundary Adjustments Unit pursuant to the provisions of Minn. Stat. §414.033, Subd. 3.

Section 2: That Morse Township has waived objections to the annexation upon certain terms and conditions as agreed to between the Town and City.

Section 3: The property is urban or suburban in nature or about to become so.

Section 4: Minn. Stat. §414.033, Subd. 13 is inapplicable and any notice required thereunder has been waived by the Petitioners.

Section 5: The corporate limits of the City of Deer River are hereby extended to include the subject property identified in the Petition, and the same is hereby annexed to and included with the City of Deer River as if the property had originally been a part thereof.

Section 6: That for the purposes of zoning in accordance with the Deer River Code of Ordinances, the property to be annexed shall be zoned as Residential.

Section 7: The City Clerk/Treasurer is directed to file certified copies of this ordinance with the office of Minnesota Planning - Municipal Boundary Adjustments, Morse Township, the County of Itasca, the Itasca County Auditor, and the Minnesota Secretary of State.

Section 8: This ordinance takes effect upon its passage and publication and filing of the certified copies as directed in Section Seven and approval of the ordinance by the office of Minnesota Planning - Municipal Boundary Adjustments.



JOHN O'BRIEN, Mayor

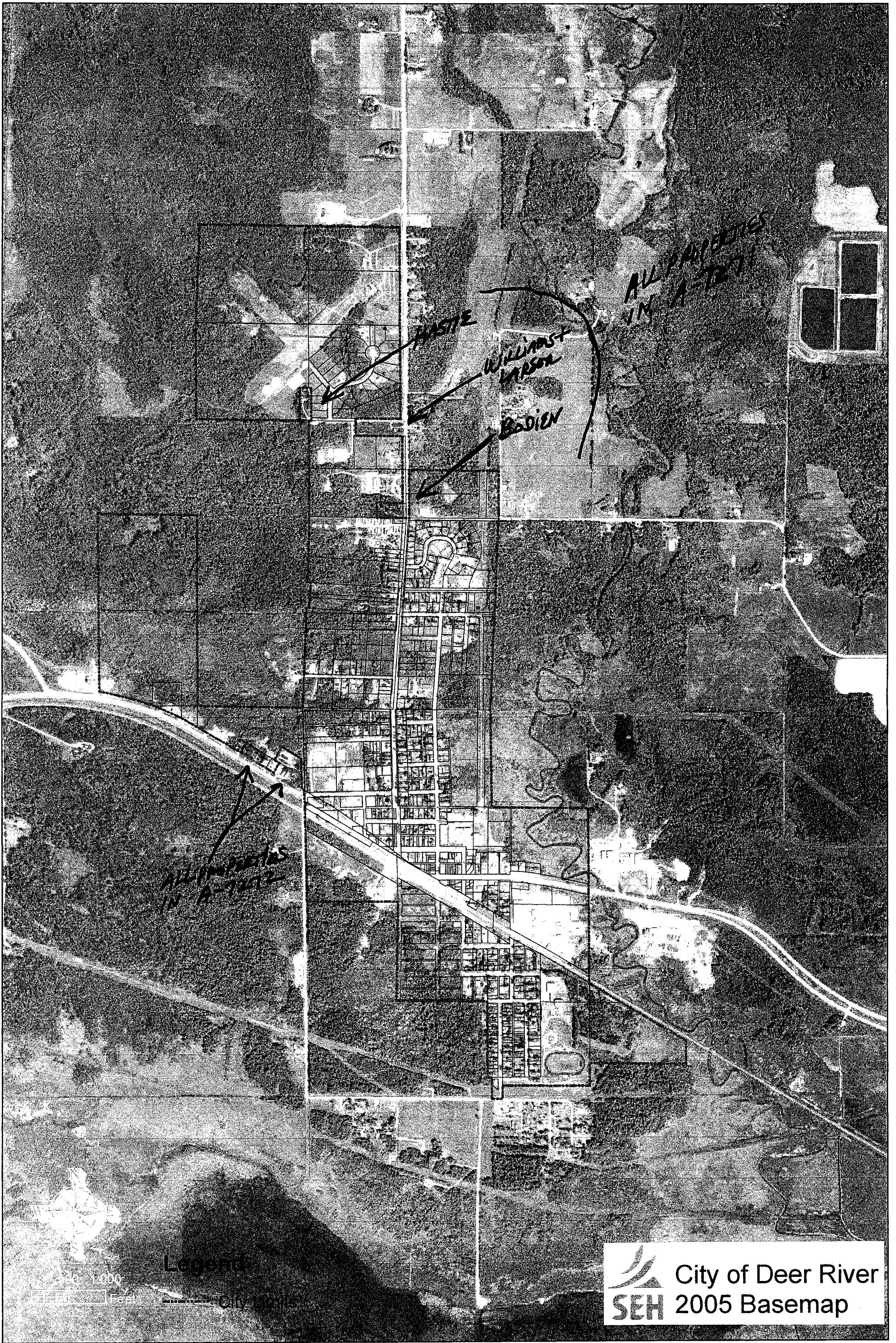
Attest: 

VICTOR WILLIAMS, SR., Clerk

REC'D BY
MMB

SEP 09 2005

Public Hearing:	<u>08-09-05</u>
Introduced:	<u>03-28-05</u>
Passed:	<u>08-22-05</u>
Published:	<u>09-01-05</u>
Effective:	<u>09-01-05</u>
Minnesota Planning passage:	<u> </u>



ALL PROPERTIES
IN A-7271

WASTE

WILLIAMS +
PARSON

BODIEN


ALL PROPERTIES
IN A-7271

Legend

1" = 1000'

Feet

City Limits

 City of Deer River
SEH 2005 Basemap

Copy