

**CITY OF WINTHROP  
ORDINANCE NUMBER  
277**

REC'D BY  
MMS

OCT 27 2005

**AN ORDINANCE OF THE CITY OF WINTHROP  
ANNEXING LAND LOCATED IN THE TOWN OF CORNISH,  
SIBLEY COUNTY, MINNESOTA  
TO THE CITY OF WINTHROP, SIBLEY COUNTY,  
MINNESOTA PURSUANT TO  
MINN. STAT. § 414.033, SUBD. 2 (3), PERMITTING  
ANNEXATION BY ORDINANCE  
(LILLIAN R. SCHREIBER)**

**WHEREAS**, A CERTAIN PETITION DATED JUNE 8<sup>TH</sup>, 2005 AND FILED WITH THE CITY CLERK ON JUNE 30<sup>TH</sup>, 2005, HEREINAFTER DESCRIBED WAS DULY PRESENTED TO THE CITY COUNCIL ON THE FIFTH (5<sup>TH</sup>) DAY OF JULY, 2005; AND

**WHEREAS**, THE PETITION WAS SIGNED BY DR. JANICE PETERSON, DVM, THE OWNER'S DAUGHTER, WHO HAS POWER OF ATTORNEY, SEEKING PUBLIC SEWER FACILITIES, WHICH ARE NOT NOW AVAILABLE; AND

**WHEREAS**, PURSUANT TO MINN. STAT. § 414.033, SUBD. 13, THE PETITIONER(S) WERE DULY NOTIFIED OF ANY CHANGES IN THEIR ELECTRIC UTILITY COSTS; AND

**WHEREAS**, ON AUGUST 15<sup>TH</sup>, 2005 A HEARING WAS DULY HELD BY THE GOVERNING BODY OF THE CITY OF WINTHROP, MINNESOTA, ON THE PROPOSED ANNEXATION AFTER AT LEAST 30 DAYS' MAILED NOTICE BY CERTIFIED MAIL TO THE TOWN AND ALL LANDOWNERS WITHIN AND CONTIGUOUS TO THE AREA TO BE ANNEXED; AND

**WHEREAS**, THE LAND DESCRIBED IN THE PETITION ABUTS UPON THE CITY LIMITS AT THE WEST BOUNDARY THEREOF; THE AREA TO BE ANNEXED IS 60 ACRES OR LESS; THE AREA TO BE ANNEXED IS NOT PRESENTLY SERVED BY THE PUBLIC SEWER FACILITIES; THE PROPERTY IS UNINCORPORATED UNPLATTED LAND, FOUR-TENTHS (.4) OF AN ACRE IN AREA, AND DOES NOT LIE IN A FLOOD PLAIN OR SHORE LAND AREA.

**NOW, THEREFORE, THE CITY COUNCIL ORDAINS:**

**SECTION I.** THE CITY COUNCIL HEREBY DETERMINES THAT THE TERRITORY DESCRIBED HEREIN ABUTS UPON THE CITY LIMITS AND IS URBAN OR SUBURBAN IN CHARACTER DUE TO COMMERCIAL AND RESIDENTIAL EXPANSION.

**SECTION II.** THE POPULATION OF THE TERRITORY IS ONE (1).

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**SECTION III. TERRITORY ANNEXED.** THE CORPORATE LIMITS OF THE CITY ARE HEREBY EXTENDED TO INCLUDE THE PLATTED (UNPLATTED) LAND DESCRIBED IN ATTACHMENT "A", AND THE SAME IS HEREBY ANNEXED TO AND INCLUDED WITHIN THE CITY AS EFFECTUALLY AS IF IT HAD ORIGINALLY BY A PART THEREOF.

**SECTION IV. FILING.** THE CITY CLERK IS HEREBY DIRECTED TO FILE CERTIFIED COPIES OF THIS ORDINANCE WITH A) MINNESOTA PLANNING (OFFICE OF STRATEGIC AND LONG RANGE PLANNING)/MUNICIPAL BOUNDARIES ADJUSTMENT SECTION, B) THE SECRETARY OF STATE, C) THE CORNISH TOWN CLERK, AND D) THE SIBLEY COUNTY AUDITOR.

**SECTION V. EFFECTIVE DATE.** THIS ORDINANCE TAKES EFFECT UPON ITS PASSAGE AND PUBLICATION AND THE FILING OF THE CERTIFIED COPIES AS DIRECTED IN SECTION 3, AND APPROVAL OF THE ORDINANCE BY THE MINNESOTA PLANNING.

**SECTION VI. TAXATION.** (1) IF THE ANNEXATION BECOMES EFFECTIVE ON OR BEFORE AUGUST 1<sup>ST</sup> OF A LEVY YEAR, THE CITY OF WINTHROP MAY LEVY ON THE ANNEXED AREA BEGINNING (WITH THIS SAME LEVY YEAR); OR (2) IF THE ANNEXATION BECOMES EFFECTIVE AFTER AUGUST 1<sup>ST</sup> OF A LEVY YEAR, CORNISH TOWNSHIP MAY LEVY CONTINUE TO LEVY ON THE ANNEXED AREA FOR THIS LEVY YEAR. IN THE FIRST YEAR FOLLOWING THE YEAR IN WHICH THE CITY OF WINTHROP CAN FIRST LEVY ON THE ANNEXED AREA, AND THEREAFTER, PROPERTY TAXES SHALL BE PAID TO THE CITY, WHICH SHALL THEN MAKE CASH PAYMENTS TO CORNISH TOWNSHIP FOR THE PERIOD AND IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

- I. IN THE FIRST YEAR FOLLOWING THE YEAR THE CITY OF WINTHROP CAN FIRST LEVY ON THE ANNEXED AREA, AN AMOUNT EQUAL TO 90% OF THE PROPERTY TAXES DISTRIBUTED TO CORNISH TOWNSHIP IN REGARD TO THE ANNEXED AREA IN THE LAST YEAR THE PROPERTY TAXES FROM ANNEXED AREA WERE PAYABLE TO CORNISH TOWNSHIP;
- II. IN THE SECOND YEAR, AN AMOUNT EQUAL TO 70%;
- III. IN THE THIRD YEAR, AN AMOUNT EQUAL TO 50%;
- IV. IN THE FOURTH YEAR, AN AMOUNT EQUAL TO 30%; AND
- V. IN THE FIFTH YEAR, AN AMOUNT EQUAL TO 10%

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**ADOPTED** BY THE CITY COUNCIL OF THE CITY OF WINTHROP,  
MINNESOTA, THIS TWELFTH (12<sup>TH</sup>) DAY OF SEPTEMBER 2005.

**AYES:** ROIGER, MUTH, BERSKOW, MACHAIEK


**NAYS:** NONE

**PRESENT-NOT VOTING:** NONE

**ABSENTEE:** TREBELHORN

  
MAYOR

ATTEST

  
CITY CLERK

FIRST READING: SEPTEMBER 6<sup>TH</sup>, 2005

SECOND READING/ADOPTION: SEPTEMBER 12<sup>TH</sup>, 2005

PUBLICATION: OCTOBER 12<sup>TH</sup>, 2005

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NOV 01 2005

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

THE FOLLOWING DESCRIBED PARCEL, VIZ: BEGINNING 44 28/33 RODS NORTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION NUMBER ONE (1), IN TOWNSHIP NUMBER ONE HUNDRED TWELVE (112) NORTH OF RANGE NUMBER THIRTY (30) WEST, THENCE NORTH ALONG THE EAST LINE OF SAID SECTION, 100 FEET, THENCE WEST 435 FEET, THENCE SOUTH 100 FEET, THENCE EAST 435 FEET TO THE PLACE OF BEGINNING EXCEPTING THE FOLLOWING DESCRIBED PARCEL:

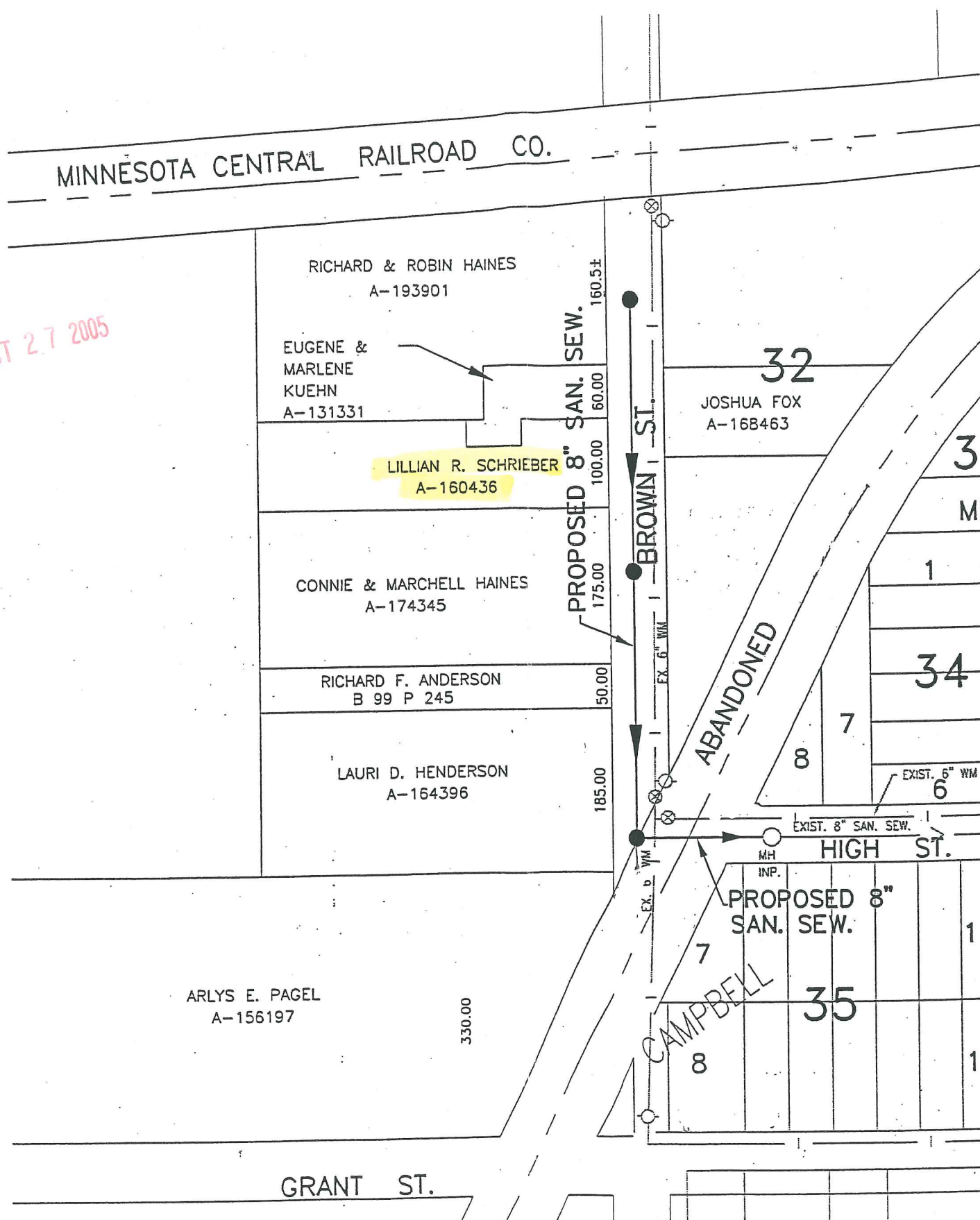
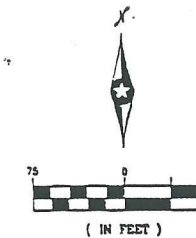
BEGINNING AT A POINT THAT IS 840 FEET NORTH AND 131 FEET WEST OF THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION ONE (1), TOWNSHIP NUMBER ONE HUNDRED TWELVE (112) NORTH OF RANGE NUMBER THIRTY (30) WEST; THENCE RUNNING DUE SOUTH 30 FEET; THENCE RUNNING DUE WEST 64 FEET; THENCE RUNNING DUE NORTH 30 FEET; AND THENCE RUNNING DUE EAST 64 FEET TO AND TERMINATING AT THE GIVEN POINT OF BEGINNING.

AND EXCEPTING THE FOLLOWING DESCRIBED PARCEL:

VIZ: BEGINNING 44 28/33 RODS NORTH AND 195 FT. WEST OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION NUMBER ONE (1), TOWNSHIP NUMBER ONE HUNDRED TWELVE (112), NORTH OF RANGE NUMBER THIRTY (30) WEST, THENCE DUE NORTH 100 FT.; THENCE DUE WEST 240 FT.; THENCE DUE SOUTH 100 FT.; THENCE DUE EAST 240 FT. TO AND TERMINATING AT THE GIVEN POINT OF BEGINNING.

MINNESOTA CENTRAL RAILROAD CO.

REC'D BY  
M.M.B. OCT 27 2005



AREA 2

Drawing name: G:\municipal\Winthrop\WINTHROP\MISC DWGS\PROPERTY OWNERS.dwg Plotted on: Dec 01, 2004 - 11:33am

DRAWN BY:	SJP			
DESIGNER:	JLB			
CHECKED BY:	TFH			
DESIGN TEAM	NO.	BY	DATE	REVISIONS

SHORT ELLIOTT HENDRICKSON INC (SEH®) 2004. ANY USE OR REUSE OF THIS PLAN/DRAWING AND THE CORRESPONDING COMPUTER AIDED DESIGN/DRAFTING FILES WITHOUT THE EXPRESS WRITTEN CONSENT OF SEH, IS PROHIBITED. SEH SHALL NOT BE RESPONSIBLE FOR ANY UNAUTHORIZED USE OR REUSE OF THE MATERIALS, OR DAMAGES RESULTING THEREFROM.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.  
 Signature: *Justin L. Black* Lic. No. 43373  
 Printed Name: JUSTIN L. BLACK Date: 12/1/04

**SEH**  
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CITY OF WINTHROP  
 MINNESOTA

2005 SANITARY SEWER &  
 WATER MAIN EXTENSIONS

FILE NO. A-WNTH0502.00	2
DATE 12/01/04	3

