

PUBLICATION NO.

ORDINANCE NO. 05-0423

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HUTCHINSON TO INCLUDE CERTAIN LAND (PUBLIC RIGHT OF WAY) OWNED BY MCLEOD COUNTY AND THE STATE OF MINNESOTA ABUTTING THE CITY OF HUTCHINSON PURSUANT TO MINNESOTA STATUTES 414.033, SUBDIVISION 2 (3)

WHEREAS, the property owners have filed a petition, requesting that certain land, as legally described below:

MCLEOD COUNTY PORTION:

That part of the Southwest Quarter of the Northeast Quarter and that part of the Southeast Quarter of the Northeast Quarter all in Section 5, Township 116 North, Range 29 West and that part of the Southwest Quarter of the Northwest Quarter of Section 4, Township 116 North, Range 29 West, McLeod County, Minnesota, described as follows:

Commencing at the northeast corner of Lot 8 of the Auditor's Plat of the West Half of Section 5, Township 116, Range 29, according to the map on file and of record in the office of the County Recorder, McLeod County, Minnesota; thence on an assumed bearing of South along the east line of said Lot 8 a distance of 719.75 feet to the center of a township road; thence South 64 degrees 04 minutes East along said centerline a distance of 1025.39 feet; thence North 536.26 feet to the south line of McLeod County Highway Right of Way Plat No. 47, according to the recorded plat thereof and the point of beginning of the land to be described, thence continuing North, along the last described course, to the north line of said McLeod County Highway Right of Way Plat No. 47; thence easterly, along said north line of McLeod County Highway Right of Way Plat No. 47 to the westerly line of McLeod County Highway Right of Way Plat No. 42, according to the recorded plat thereof; thence southerly, along said westerly line of the intersection with the easterly prolongation of the south line of said McLeod County Highway Right of Way Plat No. 47; thence westerly, along the south line of said McLeod County Highway Right of Way Plat No. 47, to the point of beginning.

STATE OF MINNESOTA PORTION:

That part of Parcel 13, McLeod County Highway Right of Way Plat No. 42, according to the recorded plat thereof, in the Southwest Quarter of the Northwest Quarter of Section 4, Township 116 North, Range 29 West, McLeod County, Minnesota, lying within the following described tract of land:

That part of the Southwest Quarter of the Northeast Quarter and that part of the Southeast Quarter of the Northeast Quarter all in Section 5, Township 116 North, Range 29 West and that part of the Southwest Quarter of the Northwest Quarter of Section 4, Township 116 North, Range 29 West, McLeod County, Minnesota, described as follows:

Commencing at the northeast corner of Lot 8 of the Auditor's Plat of the West Half of Section 5, Township 116, Range 29, according to the map on file and of record in the office of the County Recorder, McLeod County, Minnesota; thence on an assumed bearing of South along the east line of said Lot 8 a distance of 719.75 feet to the center of a township road, thence South 64 degrees 04 minutes East along said centerline a distance of 1025.39 feet; thence North 536.26 feet to the south line of McLeod County Highway Right of Way Plat No. 47, according to the recorded plat thereof and the point of beginning of the land to be described; thence continuing North, along the last described course, to the north line of said McLeod County Highway Right of Way Plat No. 47; thence easterly, along said north line of McLeod County Highway Right of Way Plat No. 47 and its easterly prolongation, to the centerline of County Road No. 72 (now known as State Highway No. 22), as shown on McLeod County Highway Right of Way Plat No. 42, according to the recorded plat thereof; thence southerly, along said centerline to the intersection with the easterly prolongation of the south line of said McLeod County Highway Right of Way Plat No. 47; thence westerly, along said easterly prolongation of McLeod County Highway Right of Way Plat No. 47 and along the south line of said McLeod County Highway Right of Way Plat No. 47, to the point of beginning.

be annexed to the City of Hutchinson, and

WHEREAS, McLeod County and the State of Minnesota represents that they are the sole owners of the property, that the property is unincorporated, abuts the limits of the City of Hutchinson, is not included within any other municipality, is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes 414.0325, and is approximately 5.9 acres in size.

NOW, THEREFORE, the City Council of Hutchinson, 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 5.9 acres, that the property is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes 414.0325, that the municipality has received a properly prepared Petition for Annexation from all of the owners of the property, and that the Petition complies with all of the provisions of Minnesota Statutes 414.033 Subd. 2b.

SECTION 2. The property is public right of way maintained by the City of Hutchinson.

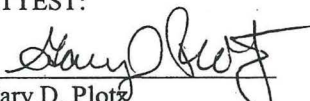
SECTION 3. The corporate limits of the City of Hutchinson are hereby extended to include the Property and the same is hereby annexed to and included within the City of Hutchinson as if the property had originally been part thereof.

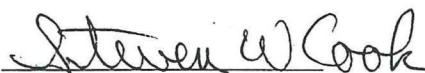
SECTION 4. The City Administrator is directed to file copies of this ordinance with the Minnesota State Planning Agency, Hassan Valley Township, the McLeod County Auditor, and the Minnesota Secretary of State.

SECTION 5. This ordinance takes effect upon its passage and publication and the filing of the copies as directed in Section 4 and approval of the Ordinance by the Minnesota State Planning Agency.

Adopted by the City Council this 8th day of November, 2005.

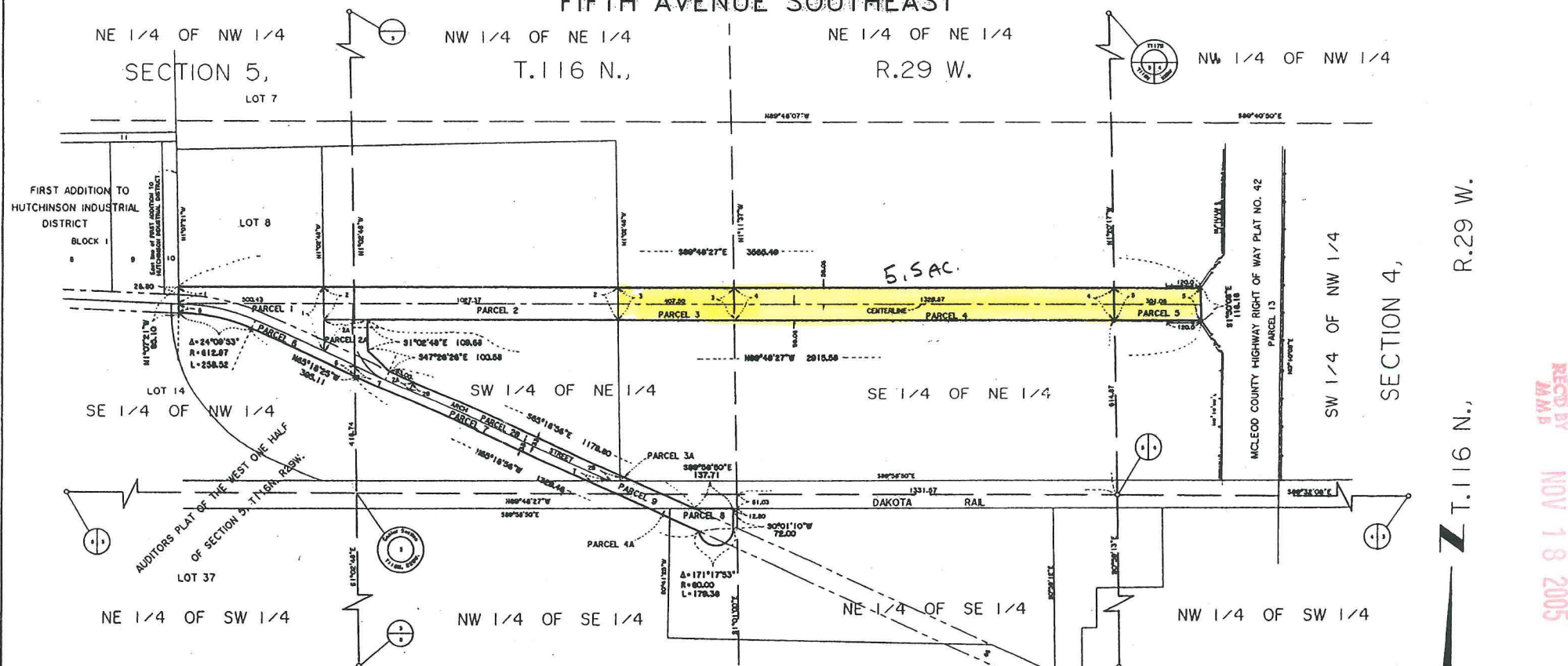
ATTEST:


Gary D. Plotz
City Administrator


Steven W. Cook
Mayor

MCLEOD COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 47

FIFTH AVENUE SOUTHEAST



RIGHT OF WAY IN SECTION 4, T.116 N., R.29 W., AND IN SECTION 5, T.116 N., R.29 W.					
PARCEL	OWNER	LOCATION	TOTAL R/W ACRES	NEW R/W ACRES	R/W INTEREST
1	Steven V. Eggert and Michele R. Eggert	NW 1/4 Sec. 3	1.441	1.035	Fee
2	City of Hutchinson, a municipal corporation	NW 1/4 and NE 1/4 Sec. 5	2.786	2.786	Fee
2A	City of Hutchinson, a municipal corporation	NW 1/4 and NE 1/4 Sec. 5	0.660	0.407	Fee
2B	City of Hutchinson, a municipal corporation	NE 1/4 Sec. 3	0.604	0.000	Fee
3	Mervin R. Heckberth and Dele E. Heckberth	NE 1/4 Sec. 5	1.100	1.100	Fee
3A	Mervin R. Heckberth and Dele E. Heckberth	NE 1/4 Sec. 5	0.010	0.000	Fee
4	Eunice M. Decker, Life Estate and Charles Fry Jay Decker and Judy M. Jay	NE 1/4 Sec. 3	3.806	3.806	Fee
4A	Eunice M. Decker, Life Estate and Charles Fry Jay Decker and Judy M. Jay	SE 1/4 Sec. 3	0.028	0.000	Fee
5	Clarence K. Kueberg	NW 1/4 Sec. 4	0.816	0.816	Fee
6	City of Hutchinson, a municipal corporation	NW 1/4 Sec. 3	0.485	0.000	Fee
7	Morris M. Fischer and Debra E. Schamp	NE 1/4 Sec. 5	0.712	0.000	Fee
8	Darrel T. Moskowitz	SE 1/4 Sec. 3	0.463	0.144	Fee
9	McLeod County Regional Rail Authority, Fee Dakota Rail, Inc., Contract Purchaser	NE 1/4 and SE 1/4 Sec. 3	0.363	0.000	Easement

The McLeod County Board of Commissioners is hereby designating the definite location of Fifth Avenue Southeast from the east line of FIRST ADDITION TO HUTCHINSON INDUSTRIAL DISTRICT and its southerly prolongation in Section 3, Township 116 North, Range 29 West, to the westerly line of MCLEOD COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 42 in Section 4, Township 116 North, Range 29 West. The portion of said Fifth Avenue Southeast as shown on this plat prepared jointly by the County Highway Department and the County Surveyor of McLeod County, Minnesota, is hereby certified as the Official Plat pursuant to Minnesota Statutes Chapter 16C.005.

Chair, McLeod County Board of Commissioners. Date _____

I hereby certify that the highway location and right of way is correctly designated on this plat.

_____, Minnesota License No. 17852. Date _____

I hereby certify that this plat was prepared by me or under my direct supervision and is a correct representation of said plat that all distances are horizontal ground distances in feet; that the difference between bearings represent plane angles in degrees, minutes and seconds; and that the right of way boundary lines are correctly designated on this plat.

_____, Minnesota License No. 24328. Date _____

I hereby certify that this instrument was filed in the office of the County Recorder for record on this _____ day of _____, 19____, at _____ o'clock _____ a.m. and was duly recorded in the county records.

_____, County Recorder, McLeod County, Minnesota.

The orientation of the bearings of this plat are based on the McLeod County Coordinate System.



CONVENTIONAL SYMBOLS

- R/W boundary _____
- Section and quarter line _____
- Statewide line _____
- Property line _____
- Existing road R/W line _____
- Access control _____
- Parcel number pointing to individual parcel maps _____
- Iron monument at section and quarter section corner _____

RECD BY NOV 18 2005

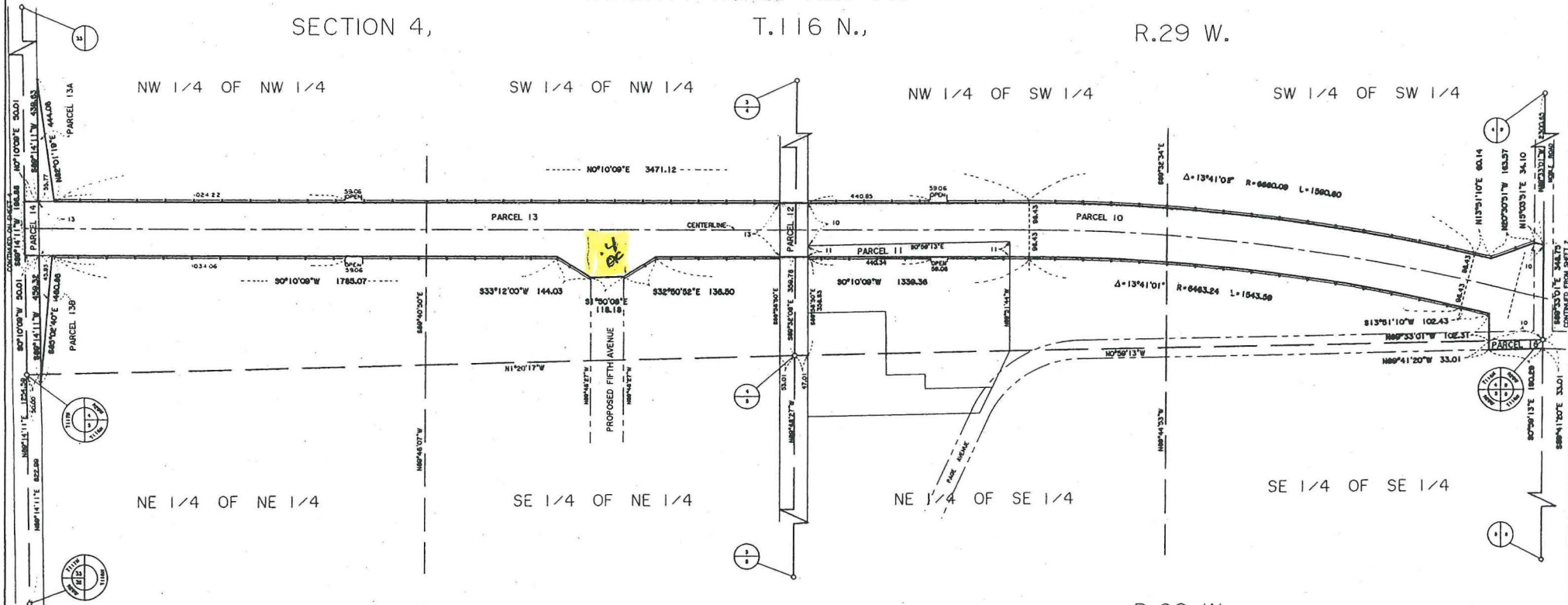
MCLEOD COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 42

COUNTY ROAD NO. 72

SECTION 4,

T.116 N.,

R.29 W.

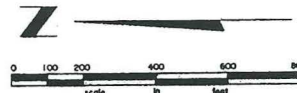


SECTION 5,

T.116 N.,

R.29 W.

RIGHT OF WAY IN SECTION 4, T.116 N., R.29 W., AND IN SECTION 5, T.116 N., R.29 W.					
PARCEL	OWNER	LOCATION	TOTAL R/W ACRES	NEW R/W ACRES	R/W INTEREST
10	Elmer A. Benda	SW 1/4 Sec. 4	11.678	11.291	Fee
11	Larry L. Felling and Marla M. Felling	SW 1/4 Sec. 4	0.805	0.805	Fee
12	McLeod County Regional Rail Authority, Fee Dakota Rail, Inc., Contract Purchaser	SW 1/4 Sec. 4	0.432	0.432	Easement
13	Clarence K. Kulberg	NW 1/4 Sec. 4	12.307	12.307	Fee
13A	Clarence K. Kulberg	NW 1/4 Sec. 4	0.281	0.281	Fee
13B	Clarence K. Kulberg	NW 1/4 Sec. 4	0.242	0.242	Fee
14	State of Minnesota	NW 1/4 Sec. 5	0.228	0.228	Easement
18	Richard Kodelbach, Fee Henry Christen Kodelbach and Eve J. Kodelbach, Life Estate	SE 1/4 Sec. 5	0.114	0.000	Fee



The orientation of the bearings of this plat are based on the McLeod County Coordinate System.

CONVENTIONAL SYMBOLS

- R/W boundary
- Section and quarter line
- State/county line
- Property line
- Existing road R/W line
- Access control
- Access opening
- Parcel number pointing to individual parcel limits
- Iron monument at section and quarter section corner

REC'D BY
M.M.B.
NOV 18 2005