

ORDINANCE NO. 06-05

**AN ORDINANCE ANNEXING LOT ONE OF LOT 8 OF LOT A OF
SECTION 32, TWP 22 N, RGE 46 W, BIG STONE COUNTY, MINNESOTA
CONTAINING .02 ACRES MORE OF LESS, INTO THE MUNICIPAL
LIMITS OF THE CITY OF ORTONVILLE, MINNESOTA**

WHEREAS, Lois J. Pflueger and Robert R. Pflueger, her husband, (Petitioners) have filed with the City of Ortonville (City) a petition asking to have certain real property owned by them described as Lot 8 of Lot A of Section 32, Twp 22 N, Rge 46 W, Big Stone County, Minnesota containing .02 acres more of less, be annexed by the City into its corporate limits, and

WHEREAS, within 10 days of the presentation and filing of said Petition, true and correct copies of said Petition and attached Exhibits have been served upon :

Christine Scotillo, Director,
Office of Administrative Hearings
Municipal Boundary Adjustments
658 Cedar Street Room 300
St. Paul, MN 55155

Big Stone County Board of Commissioners
c/o Ms. Michelle Knutson, Big Stone County Auditor
20 2nd Street Southeast
Ortonville, MN 56278

Big Stone Township Town Board
c/o Ms. Holly Wellendorf, Board Clerk
74695 Ridgeview Road
Ortonville, MN 56278

by then and there depositing said copies properly enveloped, with postage prepaid and addressed to the last known addresses, at the Post Office in Ortonville, Minnesota in accordance with Minnesota Statutes Section 414.033, Subd. 5, and

WHEREAS, more than 90 days have elapsed since the serving of said copies and Exhibits and no written objections have been submitted or received by the City from the above recipients or any other person or entities. and

WHEREAS, the City Council, based upon the said Petition and the attached exhibits, now determines that:

1. The Petitioners are the sole property owners of said Lot 8 (Eight).

2. Lot 8 presently is located in Big Stone Township, Big Stone County, Minnesota, is unincorporated, abuts on the City's North boundary, and is not included within any other municipality.
3. The area of land proposed for annexation is Unplatted and consists of .02 total acres.
4. The reason for the annexation is to make Lot 8 a part of the existing road used as entrance to the homestead of the petitioners which is already within the corporate limits of the City.
5. The area proposed for annexation will be zoned residential.
6. The Petitioners have complied with M.S. 414.033, Subd. 5.
7. All of the area proposed for annexation is urban or suburban in character and not in a flood plain or shoreline area and is not populated.
8. The area to be annexed is not included in any other boundary adjustment proceeding pending before the Office of Administrative Hearings-Municipal Boundary Adjustments.
9. The area proposed for annexation is not included in any area that has already been designated for orderly annexation pursuant to M.S. 414.033; is not encumbered by any Township special assessments and has no portion of Township debt incurred by the Town prior to the annexation and attributable to the property to be annexed but for which no special assessments are outstanding.
10. The Town Board of Big Stone Township, at its regular monthly meeting on September, 19, 2006, with all members present and voting determined that the total payment in lieu of taxes to be made by the City pursuant to Minn. Stats. 414.033, Subd 12, was the total sum of One dollar, based upon the current tax of \$452.00 ($452/.02\text{Acres}=9\text{cents}$) for the entire tract in Big Stone Township of which Lot 8 is a part.
11. The Council of the City of Ortonville agrees and hereby determines that the total sum of \$1.00 is a just and reasonable payment to Big Stone Township as City's obligation in lieu of taxes.

Now Therefore, the Council of the City of Ortonville does ordain that:

1. Lot 8 of A of Section 32, Twp 22 N, Rge 46 W, Big Stone County, Minnesota containing .02 acres more or less, is hereby annexed into the municipal limits of the City of Ortonville.

2. City shall pay to Big Stone Township as a result of State of Minnesota Annexation legislation effective August 1, 2006, the total sum of One dollar.
3. This Ordinance shall be effective upon passage, publication and after the filing copies of the annexation Ordinance with the Director of Municipal Boundary Adjustments in the Office of Administrative Hearings; the Clerk of Big Stone Township; the County Auditor of Big Stone County and the Secretary of State of the State of Minnesota and is final on the date of the Director of the Municipal Boundary Adjustment Office of the Department of Administration of the State of Minnesota's approval.

Dated: October 2, 2006

CITY OF ORTONVILLE, MINNESOTA



Blair Johnson
Mayor

ATTEST:



Charleen K. Grossman
Clerk/Administrator

1st Reading -	October 2, 2006
2nd Reading -	October 16, 2006
Adoption -	October 16, 2006
Publication -	October 24, 2006

LOT 8 OF LOT A OF SEC. 32, T 122 N, R 46 W

That part of LOT A SECTION 32, T 122 N, R 46 W, according to the recorded plat thereof, described as follows:

Commencing at the northeast corner of Outlot 4 of Government Lot 4, according to the recorded AUDITOR'S PLAT OF OUTLOT 3 & 4 OF GOV. LOT 4 OF SEC. 32 - T 122 N - R 46 W;

thence South 00 degrees 05 minutes 39 seconds East, assumed bearing along the east line of said Outlot 4 of Government Lot 4 and along the east line of Outlots 3 and 1 of Government Lot 4, a distance of 944.99 feet to the point of beginning of the land to be described;

thence continuing South 00 degrees 05 minutes 39 seconds East, along said east line of Outlot 1 of Government Lot 4, a distance of 45.00 feet to the boundary line of said Outlot 1 of Government Lot 4;

thence North 89 degrees 54 minutes 21 seconds East, along said boundary line of Outlot 1 of Government Lot 4, a distance of 45.00 feet, said boundary line also being the north line of said Outlot 1;

thence North 45 degrees 05 minutes 39 seconds West 63.64 feet to the point of beginning, containing 1012 square feet (0.02 acres) more or less.

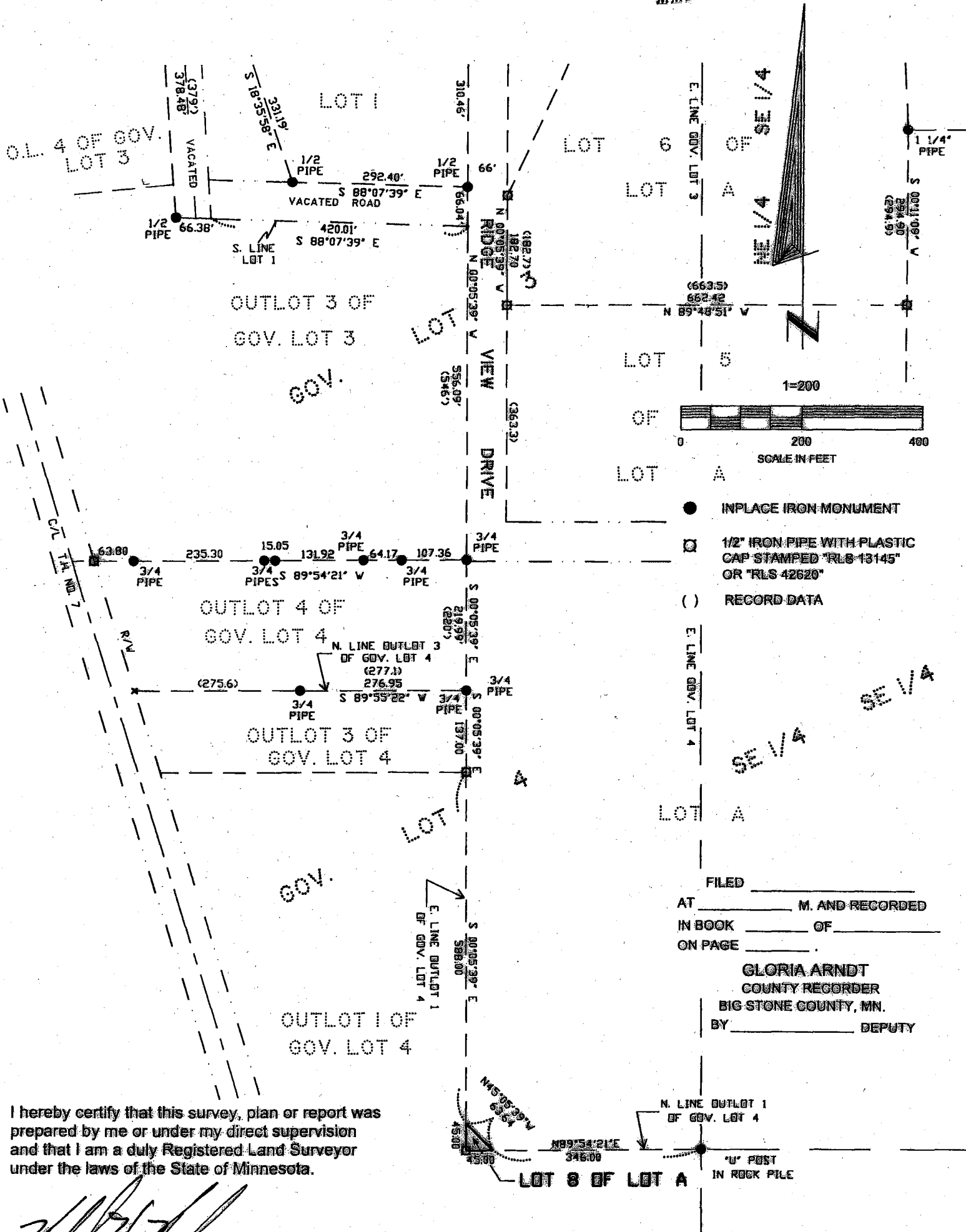
SURVEY PLAT OF:

**LOT 8 OF LOT A OF
SEC. 32, T 122 N, R 46 W**
BEING LOCATED WITHIN GOV. LOT 4, SEC. 32, T 122 N, R 46 W

EXHIBIT A

RECD BY
MMS

APR 20 2006



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Michael H. Nyberg
Michael H. Nyberg

Date Aug. 9, 2005 License No. 13145

ADJUTANT GEN. H. L. BRIDGE TO H.
J. L.

BEGINNING at NE corner of Section 32, Township 122 N., Range 46W; thence in a Southerly direction on the East boundary of said Section 32 for a distance of 4308.0'; thence in a Westerly direction with a delta angle of $89^{\circ}50'$ for a distance of 1711.8' to an iron pipe on fence line; thence West on the same line to intersection with T.E. #103 right-of-way line; thence East on the same line to the point of beginning of the tract described; thence in a Southerly direction with a delta angle of 90° for a distance of 633.0'; thence in an easterly direction with a delta angle of $90^{\circ}00'$ for a distance of 391.0' to 1/16 line; thence in a Southerly direction along said 1/16 line to the intersection with Golf Club Road right-of-way line; thence in a westerly direction along said right-of-way line to intersection with T.E. #103 right-of-way line; thence in a Northwest-erly direction along said right-of-way line to the intersection with the North boundary line of the lot described, and there terminating; the lot herein described is to be known as Outlot 1, of Government Lot 4, Section 32, Township 122 N., Range 46 W.

EXHIBIT B

OFFICE OF REGISTER OF DEEDS
STATE OF MINNESOTA, (32)
COUNTY OF BIG STONE

I hereby certify that the within instrument was filed in this office for record on the 19th day of September, 1951 A. D. 1951 at 4 o'clock P. M. and was duly recorded in Book _____ of _____ on page _____

REGISTER OF DEEDS.

By _____ Deputy

I hereby certify that this survey was made under my direction and that the same is approved by me and that the same is correct and true.

I hereby certify that made under my direction, per Mason's Minnesota Statutes mandatory thereof and sup Dated at Ortonville, September 1951.

