

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF DETROIT LAKES,
MINNESOTA TO INCLUDE CERTAIN UNINCORPORATED UNPLATTED
LAND ABUTTING UPON THE CITY LIMITS
(1.4 Acres – Nustad Property)

WHEREAS, Certain territory described below is not presently included within the corporate limits of any incorporated city or borough; and

WHEREAS, Sixty (60) percent or more of the perimeter of this territory is bordered by lands already included with the corporate limits of the City and is deemed to be urban or suburban in character; and

WHEREAS, The City Council of the City of Detroit Lakes passed a resolution on October 10, 2006 announcing its intent to annex the property herein described;

NOW THEREFORE, the City Council of the City of Detroit Lakes, Minnesota, does hereby ordain:

Section 1. The City Council hereby determines: 1) that the territory described herein abuts upon the City limits and is urban or suburban in character; and 2) that none of the territory is now included within the limits of any city.

Section 2. The population of the territory is 2.

Section 3. The territory to be annexed is 1.4 acres more or less.

Section 4. Upon annexation, the territory annexed will be zoned "R-2" One & Two Family Residential District.

Section 5. Territory Annexed. The corporate limits of the City of Detroit Lakes are hereby extended to include the unplatted territory described as follows and the same hereby annexed to and included within the City as effectually as if it had been originally been a part thereof:
That part of Government Lot 3, Section 10, Township 138 North, Range 41 West of the Fifth Principal Meridian in Becker County, Minnesota described as follows:

Commencing at a found iron monument which designates the northwest corner of said Government Lot 3; thence South 02 degrees 00 minutes 42 seconds East 369.69 feet on an assumed bearing along the west line of said Government Lot 3; thence North 87 degrees 59 minutes 18 seconds East 1498.45 feet to a found iron monument; thence South 32 degrees 29 minutes 58 seconds West 319.40 feet to a found iron monument; thence North 05 degrees 50 minutes 02 seconds West 106.41 feet to an iron monument; thence North 68 degrees 33 minutes 04 minutes West 79.29 feet to an iron monument, said point is the point of beginning; thence South 68 degrees 33 minutes 04 seconds East 79.29 feet to an iron monument; thence North 05 minutes 50 seconds 02 seconds West 106.41 feet to an iron monument; thence South 32 degrees 29 minutes 58 seconds West 29.11 feet to an iron monument; thence North 68 degrees 33 minutes 04 seconds West 202.74 feet to an iron monument; thence South 01 degree 24 minutes 02 seconds East 71.62 feet to an iron monument; thence Continuing South 01 degree 24 minutes 02 seconds East 311.32 feet to an iron monument; thence continuing South 01 degree 24 minutes 02 seconds East 19 feet, more or less, to the water's edge of Curfman Lake (Dead Shot Bay); thence easterly along the water's edge of said Curfman Lake (Deadshot Bay) to the intersection with a line which bears South 02 degrees 31 minutes 55 seconds East from the point of beginning; thence North 02 degrees 31 minutes 55 seconds West 30 feet, more or less, to an iron monument; thence continuing North 02 degrees 31

minutes 55 seconds West 294.9 feet to the point of beginning. The above described tract contains 1.4 acres, more or less.

SUBJECT TO an easement for road purposes over and across the above tract described as follows:

Beginning at an iron monument at the afore mentioned point of beginning; thence South 68 degrees 33 minutes 04 seconds East 79.29 feet to an iron monument; thence North 05 degrees 50 minutes 02 seconds West 106.41 feet to an iron monument; thence South 32 degrees 29 minutes 58 seconds West 29.11 feet to an iron monument; thence North 68 degrees 33 minutes 04 seconds West 202.74 feet to an iron monument; thence South 01 degree 24 minutes 02 seconds East 71.62 feet to an iron monument; thence south 68 degrees 33 minutes 04 seconds East 150.00 feet to the point of beginning.

Said tract contains 1.40 acres more or less.

Section 6. Alteration Of Boundaries

No alteration of the stated boundaries is appropriated and no consideration by Municipal Boundary Adjustments is necessary. Upon receipt of this ordinance, Municipal Boundary Adjustments may review and comment but within 30 days shall order the annexation of the area herein described. The City Administrator is directed to forward this ordinance to the Municipal Boundary Adjustments upon approval and passage.

Section 7. Reimbursement To Township

The City of Detroit Lakes by Agreement with Lake View Township will reimburse the township for property taxes as follows:

<u>Year</u>	<u>Percentage</u>	<u>Amount</u>
2008	100%	\$360
2009	100%	\$360
2010	100%	\$360
2011	100%	\$360
2012	100%	\$360

Reimbursement of property taxes to the Town shall be based on the property taxes collected by the Town in the last year it collected taxes on the annexed area. However, the City at its discretion may make a lump sum payment of \$1,700 in January of 2008 as payment in full for this reimbursement.

Section 8. Filing. The City Clerk is hereby directed to file certified copies of this Ordinance with the Minnesota Department of Administration- Municipal Boundary Adjustments, the Secretary of State, the Town Clerk, and the County Auditor.


Section 9. Effective Date of Annexation. This Ordinance takes effect upon passage and publication and the filing of certified copies as directed in Section 8, and approval as required by State Law.

Passed and adopted by the City Council of the City of Detroit Lakes, Minnesota, this 13th day of March 2007.

Approved this 13th day of March 2007.

REC'D BY
MMB

MAR 23 2007


Larry G. Buboltz, Mayor


Lynne Krieger, City Clerk


First Reading: February 13, 2007

Second Reading: March 13, 2007

State of Minnesota)
County of Becker) SS
City of Detroit Lakes)

I do hereby certify that the foregoing ordinance is a true and correct copy of the ordinance presented to and adopted by the City Council of the City of Detroit Lakes, Minnesota on the 13th day of March, 2007.

Dated this 13th day of March 2007


Asst. City Administrator

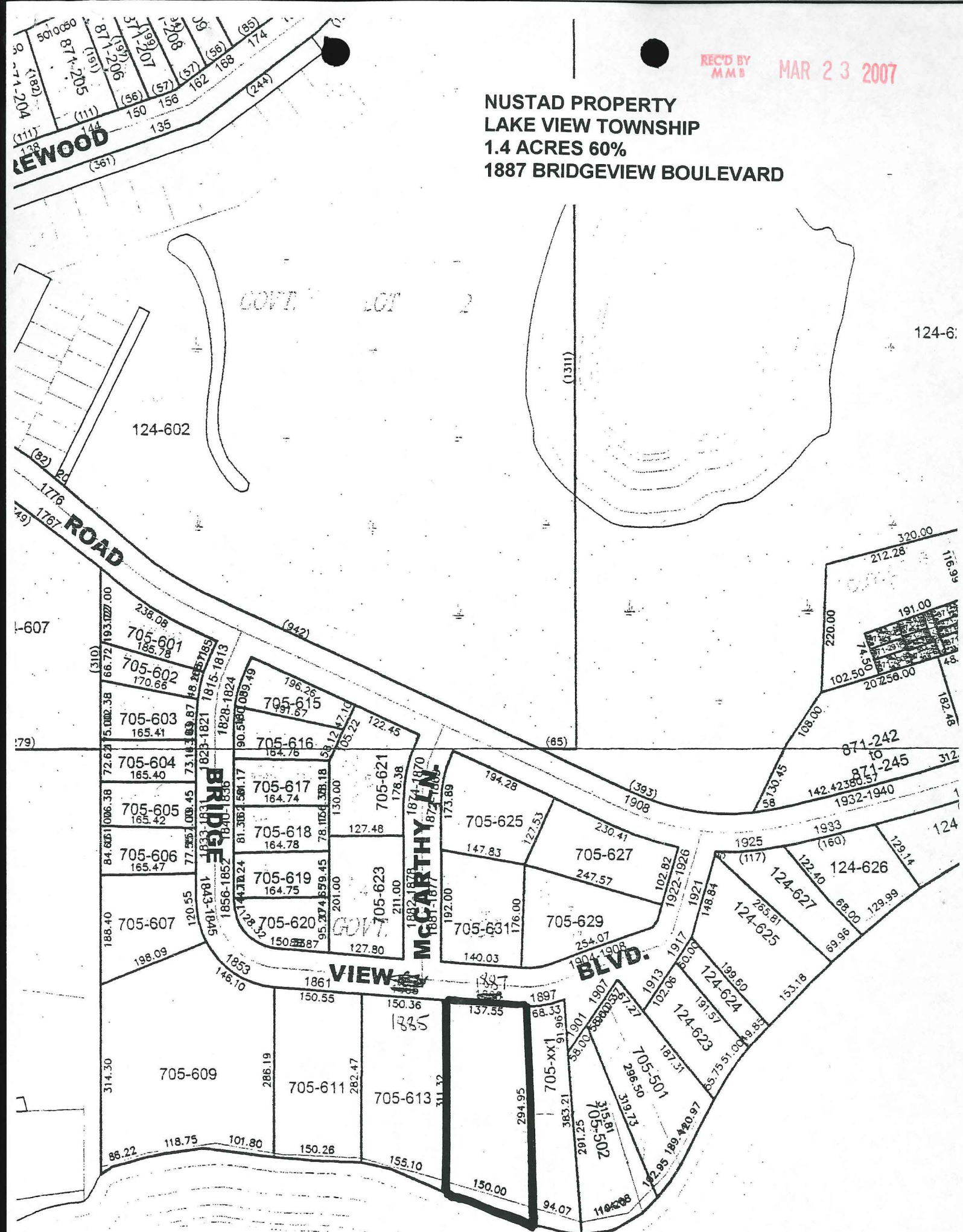
REC'D BY
MMB

MAR 23 2007

REC'D BY
MMI

MAR 23 2007

NUSTAD PROPERTY
LAKE VIEW TOWNSHIP
1.4 ACRES 60%
1887 BRIDGEVIEW BOULEVARD



REC'D BY
M M B

FEB 22 2007

JOINT RESOLUTION & AGREEMENT
BETWEEN THE CITY OF DETROIT LAKES & LAKE VIEW TOWNSHIP RELATIVE TO
THE REIMBURSEMENT OF TAXES FOR THE ANNEXATION OF 1.4 ACRES OF
LAND TO THE CITY OF DETROIT LAKES
(DAVE AND PAM NUSTAD PROPERTY)

WHEREAS, The City of Detroit Lakes and Lake View Township wish to enter into a Joint Agreement with the City of Detroit Lakes relative to reimbursement of taxes as specified in State Statute and the annexation of the Nustad property.

NOW, THEREFORE Be it agreed upon and resolved by the City of Detroit Lakes and Lake View Township as follows:

- 1) The Township will collect taxes as usual in the year of annexation on the annexed property;
- 2) The City will reimburse the township for taxes based on taxes paid in the year of annexation;

<u>Year Following Annexation</u>	<u>Reimbursement Formula</u>	<u>Amount</u>
1	100% of the taxes	\$360
2	100% of the taxes	\$360
3	100% of the taxes	\$360
4	100% of the taxes	\$360
5	100% of the taxes	\$360
TOTAL		\$1,700

NOTE: The City, at its option, may make a lump sum payment of \$1,700 in January of the year following annexation as payment in full for the reimbursement

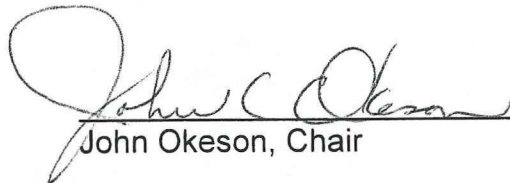
- 3) The City will enter into an Assessment Agreement with Dave and Pam Nustad. The Nustad's will not be required to connect to City sewer and water until 2010. Also, the deferred assessment in the amount of \$8,657.81 will be certified to the County for collection with payments beginning in 2011. The term of the assessment will be 15 years at 6%.
- 4) This Joint Resolution is made pursuant to and shall be construed in accordance with the laws of the State of Minnesota.
- 5) The terms, covenant, conditions and provisions of this Joint Resolution including all exhibits and attachments, shall constitute the entire

agreement between the parties hereto. This Joint Resolution shall be binding upon and inure to inure to the benefit of the respective successors and assigns of the City and the Township.

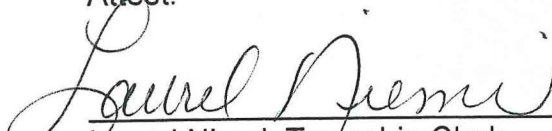
- 6) The Township agrees to immediately withdraw its objection to annexation A-7492 of the Nustad property 1.4 acres and notify the office of Municipal Boundary Adjustments.

Passed, adopted and approved by the township board of supervisors of Lake View Township, Becker County, Minnesota this 12th day of February 2007.

LAKE VIEW TOWNSHIP

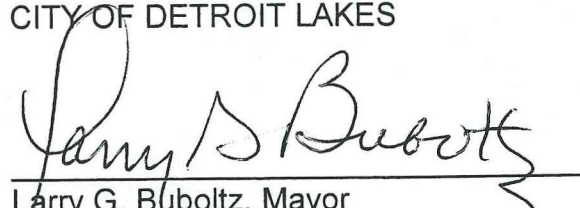

John Okeson, Chair

Attest:



Laurel Niemi, Township Clerk

Passed, adopted and approved by the City Council of the City of Detroit Lakes this 13th day of February, 2007.

CITY OF DETROIT LAKES


Larry G. Buboltz, Mayor

Attest:


Richard Grabow, City Administrator