

ORDINANCE NO. 2006-32

AN ORDINANCE OF THE CITY OF MOORHEAD ANNEXING LAND
LOCATED IN THE TOWN OF MOORHEAD, CLAY COUNTY, MINNESOTA
TO THE CITY OF MOORHEAD, CLAY COUNTY, MINNESOTA, PURSUANT TO MINN. STAT.
§ 414.033, SUBD. 2(3), PERMITTING ANNEXATION BY ORDINANCE

WHEREAS, the City of Moorhead has received a petition for annexation from all landowners of the property to be annexed; and

WHEREAS, under state law the landowner has the right to request annexation into the City of Moorhead, and the City of Moorhead has authority to annex such property; and

WHEREAS, under the law of the State of Minnesota cities have no authority outside the provisions of Chapter 414 to regulate annexation of land in Minnesota; and

NOW THEREFORE THE CITY OF MOORHEAD DOES HEREBY ORDAIN:

Section 1. That the unincorporated land legally described in Exhibit A, which is attached hereto and incorporated herein by reference, located in the Town of Moorhead, Clay County, Minnesota, is land that is contiguous to and abuts the municipal corporate limits of the City of Moorhead, Clay County, Minnesota; is land that is 120 acres or less in size; is land that is not presently served by public wastewater facilities, and for which public wastewater facilities are not otherwise available than through the City of Moorhead; and is land that is existing or proposed for immediate urban or suburban development.

Section 2. That the property-owner of the property legally described in Exhibit A has requested annexation for purposes of immediately redeveloping the land for additional urban or suburban commercial uses and has submitted a petition to the City Council of the City of Moorhead for annexation of said land.

Section 3. That the City of Moorhead has, or will, hold a public hearing pursuant to Minn. Stat. § 414.033, subd. 2b, on October 16, 2006, following thirty (30) days written notice by certified mail to the Town of Moorhead and to all landowners within and contiguous to the area, legally described in Exhibit A, to be annexed.

Section 4. That the corporate limits of the City of Moorhead are hereby extended to include the land legally described in Exhibit A, and shown on the map attached hereto and incorporated herein by reference as Exhibit B, containing approximately 0.928 acres, and the same is hereby annexed to be included within the City of Moorhead, Clay County, Minnesota.

Section 5. That the population of the area legally described in Exhibit A, and hereby annexed is 0.

Section 6. That with respect to the property taxes payable on the area legally described in Exhibit A, hereby annexed, the City of Moorhead shall make a cash payment to the Town of Moorhead for the period and in accordance with the following schedule:

- a. In the first year following the year the City of Moorhead could first levy on the annexed area, an amount equal to \$13.05.
- b. In the second year, an amount equal to \$13.05.

Section 7. That the City Manager of the City of Moorhead is hereby authorized and directed to file a copy of this Ordinance with the Minnesota Office of Administrative Hearings Municipal Boundary Adjustments Office, the Minnesota Secretary of State, the Clay County Auditor, and the Moorhead Township Clerk.


Section 8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Minnesota Office of Administrative Hearings.

PASSED and adopted by the City Council of the City of Moorhead this 16th day of October, 2006.

CITY OF MOORHEAD

By: 
MARK VOXLAND, Mayor

ATTEST:

By: 
KAYE BUCHHOLZ, City Clerk
Becky L. Jahnke, Deputy City Clerk

First Consideration: October 2, 2006
Second Consideration: October 16, 2006
Date of Publication: October 30, 2006

Drafted by: Community Services, City of Moorhead

Exhibit A**Legal Description:****Parcel 21.029.4201**

That Part of the Southeast Quarter of Section 29, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, Lying northerly of the following described Line: Commencing at the Northwest corner of the Southeast quarter of said section 29, as located and described in document no. 610772, on file at the Clay County Recorder's Office, thence north $89^{\circ} 44' 11''$ East (assumed bearing), along the northerly line of the southeast quarter of said section 29, for a distance of 292.0 feet, more or less, to a point of intersection with the easterly line of a tract of land described in document no. 432753, on file at said recorder's office, and the true point of beginning of said line; thence south $00^{\circ} 19' 50''$ east, along the easterly line of a tract of land described in said document No. 432753, for a distance of 26.0 feet; thence north $89^{\circ} 44' 11''$ East, parallel with the northerly line of the southeast quarter of said Section 29, for a distance of 430.89 feet to a point of tangential curve to the left, radius 221.00 feet; thence northeasterly along said curve to the left, for a distance of 108.28 feet, central angle $28^{\circ} 04' 21''$ to a point of intersection with the northerly line of the southeast quarter of said Section 29, and there terminating said line.

Together with:

Any and all interest in that part of the northeast quarter of said Section 29, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, Lying easterly of the U.S. Highway No. 75 Right-of-Way and Northerly of, and contiguous with, the northerly line of the Southeast Quarter of said Section 29.. Said tract of land contains 13,030 square feet, more or less and is subject to easements of record.

Parcel 21.029.4202

That Part of the Southeast Quarter of Section 29, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, Lying Easterly of the U.S. Highway No. 75 Right-of-Way and northerly and westerly of the following described line: Commencing at the Northwest Corner of the Southeast Quarter of Said Section 29, as located and described in document no. 610772, on file at the clay County Recorder's Office, Thence North $89^{\circ} 44' 11''$ East (assumed Bearing), along the northerly line of the Southeast Quarter of said Section 29, for a distance of 75.0 feet to the easterly Right-of-Way line of said u.s.Highway no. 75; thence south $00^{\circ} 23' 05''$ east, along the easterly Right-of-Way line of said u.s.Highway No. 75, for a distance of 26.0 feet to the true point of beginning of the line to be described; thence North $89^{\circ} 44' 11''$ East, parallel with the northerly line of the southeast quarter of said section 29, for a distance of 217.00 feet, more or less to a point of intersection with the easterly line of a tract of land described in Document No. 432753, on file at said recorder's office; Thence North $00^{\circ} 19' 50''$ west, along the easterly line of a tract of land described in said document no. 432753, for a distance of 26.0 feet to a point of intersection with the northerly line of the southeast quarter of said section 29, and there terminating said line.

Together with:

Any and all interest in that part of the northeast quarter of said Section 29, Township 139 North, Range 48 West of the fifth Principal Meridian, Clay County, Minnesota, Lying easterly of the U.S. Highway No. 75 Right-of-Way and Northerly of, and contiguous with, the above described tract. Said tract of land contains 8,734 square feet, more or less and is subject to easements of record.

REC'D BY
M.M.B.

NOV 08 2006

EXHIBIT B
Boundary Map

The municipal boundary map referenced in the attached Ordinance, showing the current City of Moorhead and its relation to the Subject Area to be annexed, legally described in Exhibit A, is attached hereto.

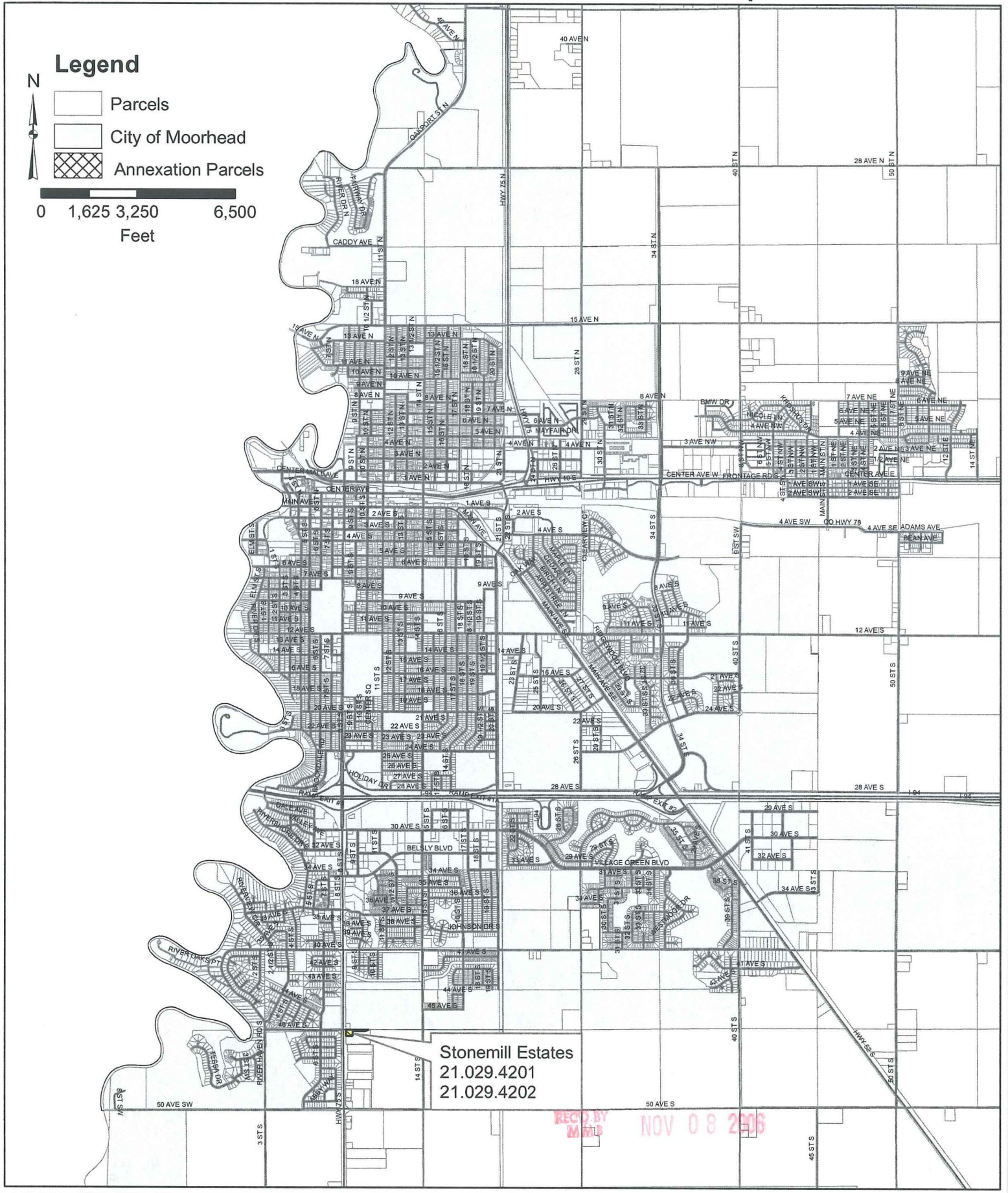
City of Moorhead, MN Annexation Parcel Location Map

Legend



-  Parcels
-  City of Moorhead
-  Annexation Parcels

0 1,625 3,250 6,500
Feet



Stonemill Estates
21.029.4201
21.029.4202

REC'D BY MTP NOV 08 2006

City of Moorhead, MN Annexation Parcel Location Map

REC'D BY
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