

CITY OF ELKO
SCOTT COUNTY, MINNESOTA

ORDINANCE NO. 167

**AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF
THE CITY OF ELKO TO INCLUDE CERTAIN
UNINCORPORATED LAND (120 ACRES OR LESS) ABUTTING
UPON THE CITY LIMITS**

WHEREAS, a certain petition requesting annexation of the real property ("Subject Property") hereinafter described was duly presented to the council on the 28th day of November, 2006;

WHEREAS, pursuant to Minn. Stat. § 414.033, subd. 2b, the Elko City Council has conducted a public hearing preceded by 30 days' written notice to consider the annexation petition.

WHEREAS, the petition was signed by all owners of the Subject Property ("Petitioner"); and

WHEREAS, the Subject Property is not presently within the corporate limits of any incorporated city; and

WHEREAS, the Subject Property abuts upon the city limits; and

WHEREAS, the Subject Property is 120 acres or less; and

WHEREAS, the City has not approved a petition by the Applicant for annexation of property contiguous to the Subject Property within one year of the petition relating to the Subject Property.

THE CITY COUNCIL OF THE CITY OF ELKO ORDAINS:

Section 1. Validity of Petition. The City Council hereby finds (1) that the Subject Property abuts upon the city limits; and (2) the Subject Property is 120 acres or less; and (3) the Subject Property is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available; (4) the Subject Property is now or about to become urban or suburban in character; and (5) the City has not approved a petition by the Applicant for annexation of property contiguous to the Subject Property within one year of the petition relating to the Subject Property.

Section 2. Subject Property Annexed. The corporate limits of the City of Elko are hereby extended to include the real property legally described in the attached Exhibit "A" now

owned by Petitioner, and the same is hereby annexed to and included within the City as effectually as if it had originally been part of the City.

Section 3. Taxes. If the annexation becomes effective on or before August 1 of any year, the City may levy on the annexed area beginning with that year. If the annexation becomes effective after August 1 of any year, the Town may continue to levy on the annexed area for that year, and the City may not levy in the annexed area until the following year. In the first year following the year when the City could first levy on the Annexed Parcel and thereafter, property taxes on the Annexed Parcels shall be paid to the City. In the first year following the year the City could first levy on the Annexed Parcels, the City shall make a cash payment to New Market Township in an amount equal to 90% of the property taxes distributed to the town in regard to the Annexed Parcels in the last year the property taxes from the Annexed Parcels were payable to the town; in the second year, an amount equal to 70 percent; in the third year, an amount equal to 50 percent; in the fourth year, an amount equal to 30 percent; and in the fifth year, an amount equal to ten percent.

Section 4. Filing. The City Clerk is directed to file certified copies of this ordinance with the Secretary of State, the County Auditor, the Town Clerk of the affected township and the Office of Strategic and Long-Range Planning.

Section 5. Effective Date of Annexation. This ordinance takes effect upon its passage and publication and the filing of certified copies as directed in Section 3, and approval of this Ordinance by the Office of Strategic and Long-Range Planning.

ADOPTED this 28th day of November, 2006, by the City Council of the City of Elko.

CITY OF ELKO
BY: 
Kent Hartzler, Mayor

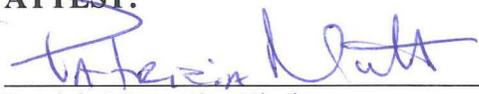
ATTEST:

Patricia Nutt, City Clerk

EXHIBIT "A"Legal Description of Subject Property to be Annexed:

The North 330 feet of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 34, Township 113 North, Range 21 West, Scott County, Minnesota and that part of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section described as follows:

Beginning at a point 393.83 feet East of the Northwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section; thence East 330 feet; thence North 264 feet; thence West 330 feet; thence South 264 feet to the place of beginning, according to the United States Government Survey thereof and situate in Scott County, Minnesota.



City of
New Market

REC'D BY
JMB

DEC 06 2006



December 6, 2006

Minnesota Planning
Municipal Boundary Adjustments
658 Cedar Street, Suite 300
St. Paul, Minnesota 55155

Re: Maxwell Property Annexation

The City of Elko notified New Market Township of the petition for annexation and date of the public hearing via postal mail. The notice was mailed on October 27, 2006.

Additionally, the New Market Township Board was notified on October 19, 2006 of the proposed annexation by ordinance and the proposed tax reimbursement. The notification was sent via electronic mail. Confirmation of receipt of the notification as received on November 2, 2006.

The Township did not appear at the public hearing on the ordinance for annexation and did not provide any comment or notice that it disagreed with the proposed tax reimbursement.

If you have any questions on this matter, please contact the City Administrator.

Respectfully,



Thomas M. Terry, City Administrator
City of Elko, City of New Market