

ORDINANCE NO. 03-2007

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

WHEREAS, the City of Comstock has received a petition for annexation from the sole landowner of the property to be annexed; and

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

NOW THEREFORE THE CITY OF COMSTOCK 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 Holy Cross, Clay County, Minnesota, is land that is presently farmland, contiguous to and abuts the municipal corporate limits of the City of Comstock, 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 Comstock; is land that is not in a flood plain or shoreland area; and is land that is existing or proposed for immediate urban or suburban development insofar as C-W Valley Cooperative intends to expand its grain handling facilities onto this property. ✓

Section 2. That the sole property-owner of the property legally described in Exhibit A has requested annexation and has submitted a petition to the City Council of the City of Comstock for annexation of said land. Petitioner waived the requirements of Minnesota Statutes Section 414.033, Subdivision 13, that the City of Comstock must at least 30 days before the Petition was filed, notify Petitioner that the cost of electrical utility service to the Property may change if the land is annexed to the municipality, including an estimate of the cost impact of any change in electrical utility services, including rate changes and assessments, resulting from the annexation.

Section 3. That the City of Comstock held a public hearing pursuant to Minn. Stat. § 414.033, subd. 2b, on March 29, 2007, following thirty (30) days written notice by certified mail to the Town of Holy Cross 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 Comstock 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 2.64 acres, more or less, and the same is hereby annexed to be included within the City of Comstock, 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 Comstock shall make cash payments to the Town of Holy Cross for the period and in accordance with the following schedule:

- a. In the first year following the year the City of Comstock could first levy on the annexed area, an amount equal to \$0.95 .
- b. In the second year, an amount equal to \$0.95 .

That with respect to the requirement under Minnesota Statutes, section 414.036, with respect to any special assessments assigned by the township to the annexed property and any portion of debt incurred by the township prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described in Exhibit A, the City has determined that there are no special assessments or debt incurred by the township on the subject area for which reimbursement is required.

Section 7. That the City Clerk of the City of Comstock 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 Holy Cross 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 Comstock this 29th day of March, 2007.

CITY OF COMSTOCK

By: Thomas P. Astgaard
Mayor

ATTEST:

By: Paul E. Dwyer
City Clerk

Date of Publication: April 2, 2007

**EXHIBIT A
LEGAL DESCRIPTION**

The Subject Area to be annexed in the attached Ordinance is legally described as follows:

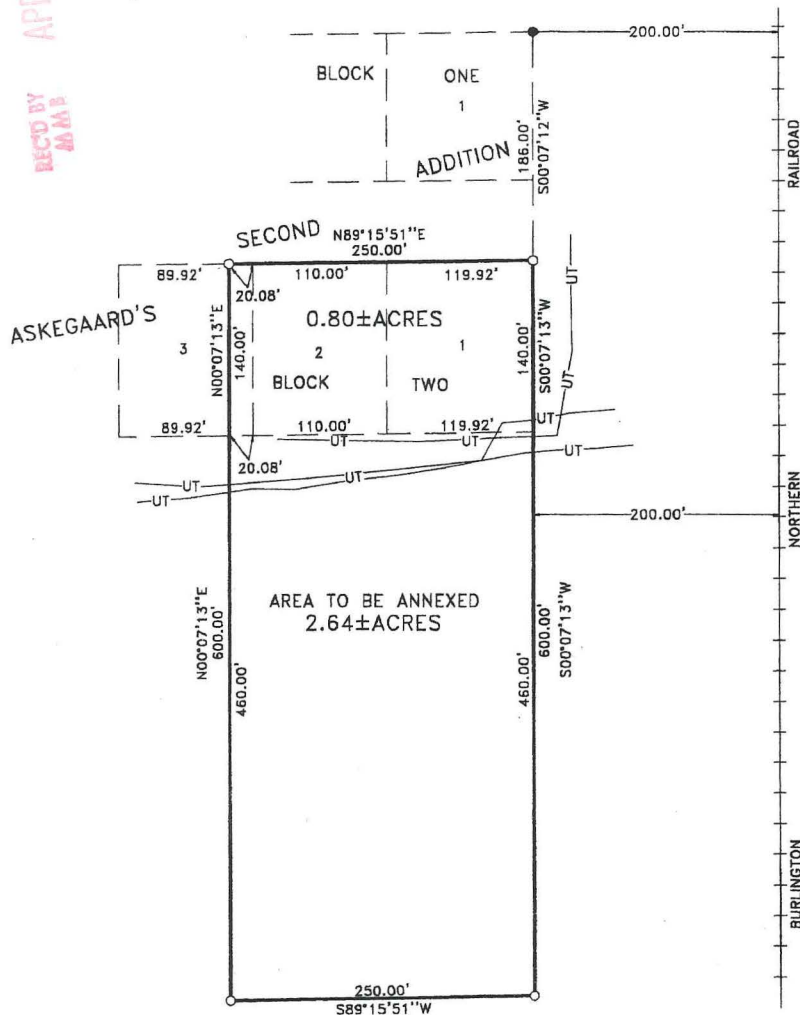
A TRACT OF LAND SITUATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 137 NORTH, RANGE 48 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, CLAY COUNTY, MINNESOTA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON MONUMENT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD, WHICH DESIGNATES THE NORTHEAST CORNER OF LOT 1 OF BLOCK ONE OF ASKEGAARD'S SECOND ADDITION; THENCE SOUTH 00 DEGREES 07 MINUTES 13 SECONDS WEST, ON AN ASSUMED BEARING, ON AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BURLINGTON NORTHERN RAILROAD, 326.00 FEET TO A POINT WHICH DESIGNATES THE SOUTHEAST CORNER OF LOT 1 OF BLOCK TWO OF SAID ASKEGAARD'S SECOND ADDITION, SAID POINT BEING THE POINT OF BEGINNING. THENCE CONTINUING SOUTH 00 DEGREES 07 MINUTES 13 SECONDS WEST, PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID BURLINGTON NORTHERN RAILROAD, 460.00 FEET TO A IRON MONUMENT; THENCE SOUTH 89 DEGREES 15 MINUTES 51 SECONDS WEST, PARALLEL WITH THE NORTH LINE OF BLOCK TWO OF ASKEGAARD'S SECOND ADDITION, 250.00 FEET TO A IRON MONUMENT; THENCE NORTH 00 DEGREES 07 MINUTES 13 SECONDS EAST, PARALLEL WITH WESTERLY RIGHT-OF-WAY LINE OF SAID BURLINGTON NORTHERN RAILROAD, 460.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 3 OF BLOCK TWO OF SAID ASKEGAARD'S SECOND ADDITION; THENCE NORTH 89 DEGREES 15 MINUTES 51 SECONDS EAST, ON AND ALONG THE SOUTH LINE OF BLOCK TWO OF SAID ASKEGAARD'S SECOND ADDITION, 250.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 2.64 ACRES, MORE OR LESS. SAID TRACT IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS WHETHER OF RECORD OR NOT, IF ANY.

REC'D BY
APR 02 2007
MME

CERTIFICATE OF SURVEY

RITTENHOUSE & ASSOC., INC.
15 SOUTH 21ST STREET
FARGO, NORTH DAKOTA 58103
(701) 237-6542



LAND DESCRIPTION - ENTIRE TRACT

A TRACT OF LAND SITUATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 137 NORTH, RANGE 48 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, CLAY COUNTY, MINNESOTA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON MONUMENT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD, WHICH DESIGNATES THE NORTHEAST CORNER OF LOT 1 OF BLOCK ONE OF ASKEGAARD'S SECOND ADDITION; THENCE SOUTH 00 DEGREES 07 MINUTES 13 SECONDS WEST, ON AN ASSUMED BEARING, ON AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BURLINGTON NORTHERN RAILROAD, 186.00 FEET TO A IRON MONUMENT WHICH DESIGNATES THE NORTHEAST CORNER OF LOT 1 OF BLOCK TWO OF SAID ASKEGAARD'S SECOND ADDITION, SAID IRON MONUMENT BEING THE POINT OF BEGINNING. THENCE CONTINUING SOUTH 00 DEGREES 07 MINUTES 13 SECONDS WEST, ON AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BURLINGTON NORTHERN RAILROAD, 600.00 FEET TO A IRON MONUMENT; THENCE SOUTH 89 DEGREES 15 MINUTES 51 SECONDS WEST, PARALLEL WITH THE NORTH LINE OF BLOCK TWO OF SAID ASKEGAARD'S SECOND ADDITION, 250.00 FEET TO A IRON MONUMENT; THENCE NORTH 00 DEGREES 07 MINUTES 13 SECONDS EAST, PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID BURLINGTON NORTHERN RAILROAD, 600.00 FEET TO A IRON MONUMENT ON THE NORTH LINE OF LOT 3 OF BLOCK TWO OF SAID ASKEGAARD'S SECOND ADDITION; THENCE NORTH 89 DEGREES 15 MINUTES 51 SECONDS EAST, ON AND ALONG THE NORTH LINE OF BLOCK TWO OF SAID ASKEGAARD'S SECOND ADDITION, 250.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 3.44 ACRES, MORE OR LESS. SAID TRACT IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS WHETHER OF RECORD OR NOT, IF ANY.

LAND DESCRIPTION - OF AREA TO BE ANNEXED

A TRACT OF LAND SITUATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 137 NORTH, RANGE 48 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, CLAY COUNTY, MINNESOTA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON MONUMENT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD, WHICH DESIGNATES THE NORTHEAST CORNER OF LOT 1 OF BLOCK ONE OF ASKEGAARD'S SECOND ADDITION; THENCE SOUTH 00 DEGREES 07 MINUTES 13 SECONDS WEST, ON AN ASSUMED BEARING, ON AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BURLINGTON NORTHERN RAILROAD, 326.00 FEET TO A POINT WHICH DESIGNATES THE SOUTHEAST CORNER OF LOT 1 OF BLOCK TWO OF SAID ASKEGAARD'S SECOND ADDITION, SAID POINT BEING THE POINT OF BEGINNING. THENCE CONTINUING SOUTH 00 DEGREES 07 MINUTES 13 SECONDS WEST, PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID BURLINGTON NORTHERN RAILROAD, 460.00 FEET TO A IRON MONUMENT; THENCE SOUTH 89 DEGREES 15 MINUTES 51 SECONDS WEST, PARALLEL WITH THE NORTH LINE OF BLOCK TWO OF ASKEGAARD'S SECOND ADDITION, 250.00 FEET TO A IRON MONUMENT; THENCE NORTH 00 DEGREES 07 MINUTES 13 SECONDS EAST, PARALLEL WITH WESTERLY RIGHT-OF-WAY LINE OF SAID BURLINGTON NORTHERN RAILROAD, 460.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 3 OF BLOCK TWO OF SAID ASKEGAARD'S SECOND ADDITION; THENCE NORTH 89 DEGREES 15 MINUTES 51 SECONDS EAST, ON AND ALONG THE SOUTH LINE OF BLOCK TWO OF SAID ASKEGAARD'S SECOND ADDITION, 250.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 2.64 ACRES, MORE OR LESS. SAID TRACT IS SUBJECT TO EASEMENTS, RESTRICTION, RESERVATIONS, AND RIGHTS WHETHER OF RECORD OR NOT, IF ANY.



LEGEND

- = FOUND MONUMENT
- = SET MONUMENT, 5/8" X 20" REBAR, WITH RED PLASTIC CAP MARKED "RITTENHOUSE 19780"
- = SURVEYED TRACT LINE
- = PLATTED LOT LINE
- UT— = UNDERGROUND TELEPHONE LINES

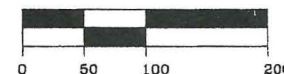
NOTE: BEARINGS ARE BASED UPON AN ASSUMED DATUM.

NOTE: FIELD VERIFY ALL UTILITIES PRIOR TO ANY CONSTRUCTION.

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.

Brian J. Rittenhouse

Date: March 26, 2007 REG. NO. 19780

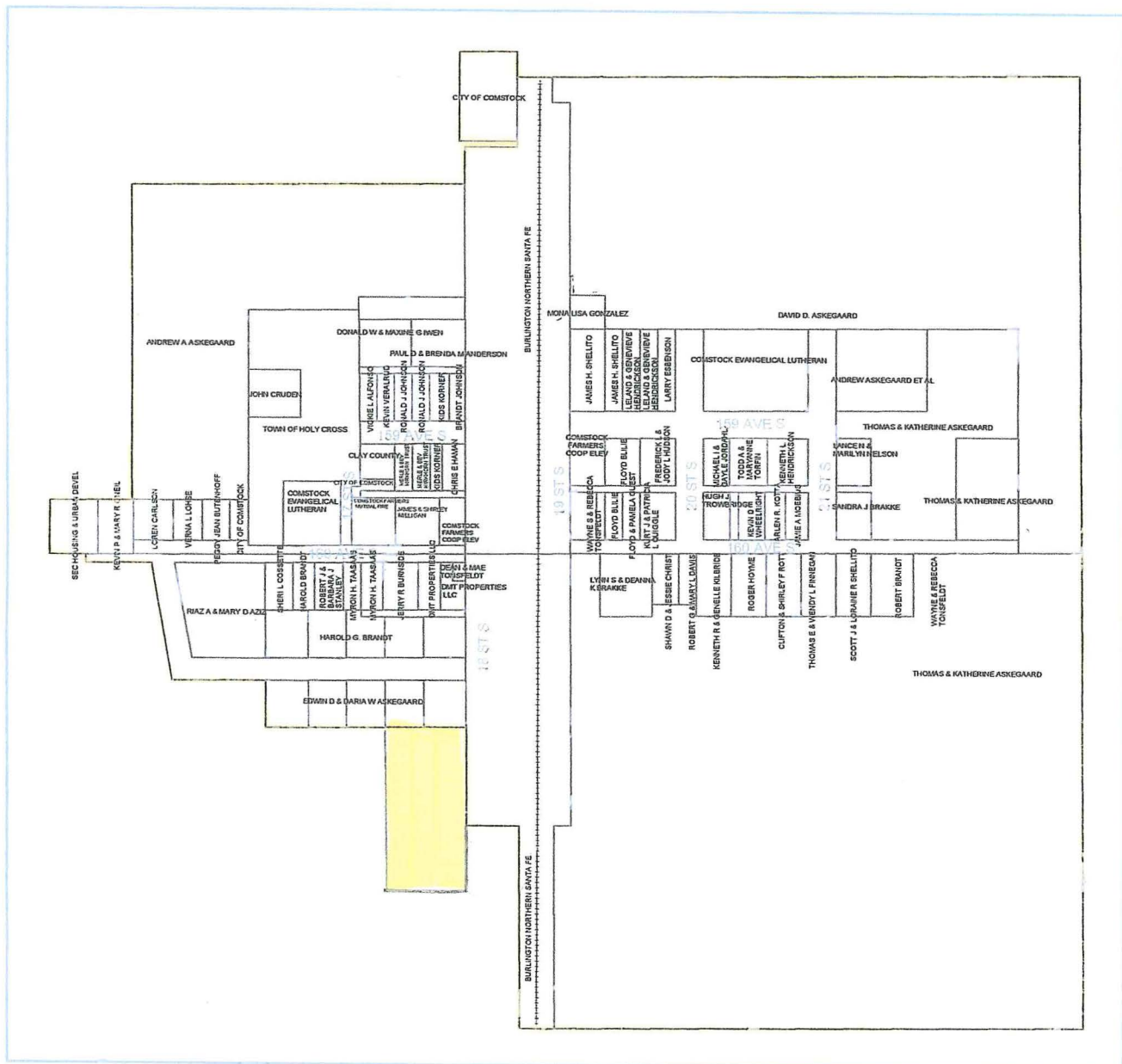


Project for: C-W VALLEY CO-OP
P.O. BOX 69
WOLVERTON, MINNESOTA 56594

Rittenhouse & Assoc. Inc.

Drawn by: LL	Project No.: 0730	Sheet: 1 OF 1
Checked by: BJR	Date: MARCH 26, 2007	Book No.: 59
App. By: BJR		

City of Comstock



0 0.2 0.4 Miles

- Comstock Parcels
- Comstock City Limits
- Railroad through Comstock

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