

ANNEXATION ORDINANCEOrdinance No. 10

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF BACKUS TO INCLUDE CERTAIN UNINCORPORATED UNPLATTED LAND OWNED BY THE CITY OF BACKUS AS WELL AS LAND WHICH ABUTS THE CITY OF BACKUS AND WHICH HAS BEEN THE SUBJECT OF PETITIONS FOR ANNEXATION BY ALL OWNERS OF SAID PROPERTY.

WHEREAS, the following described land is owned by the City of Backus:

Parcel 1: The North 300.00 feet of the South 683.00 feet of the West 130.00 feet of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 29, Township 139 North, Range 30 West, Cass County, Minnesota. Subject to Easements, reservations and restrictions of record, if any.

AND

The Southerly Six Hundred Eighty-three (683) feet of the Westerly One Hundred Thirty feet (130) of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$): Section Twenty-nine (29), Township One Hundred Thirty-nine (139), Range Thirty (30) LESS The North Three Hundred feet (300) of the Southerly Six Hundred Eighty-three feet (683) of the Westerly One Hundred Thirty feet (130) of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) Section Twenty-nine (29), Township One Hundred Thirty-nine (139), Range Thirty (30), Cass County, Minnesota.

AND

That part of Government Lot 3, Section 30, Township 139 North, Range 30 West, Cass County, Minnesota described as follows: Beginning at the Southeast corner of said Government Lot 3, thence North 00 degrees 39 minutes 53 seconds East assumed bearing along the east line of said government Lot 3, a distance of 192.95 feet; thence North 89 degrees 55 minutes 30 seconds West 19.27 feet; thence South 00 degrees 10 minutes 21 seconds East, 192.87 feet to the south line of said Government Lot 3; thence South 89 degrees 39 minutes 34 seconds East along said south line of Government Lot 3, a distance of 16.45 feet to the point of beginning.

Subject to mineral reservation, roadway, power and utility line easements, and Cass County ordinance regulations, if any, of record or in use; and

WHEREAS, pursuant to Minnesota Statute Section 414.033, Subd. 2 (3), the city of Backus has received Annexation Petitions from all owners or people having ownership interests in the property described below:

Parcel 2: The East 197.52 feet of the North 357.01 feet of the South 683.00 feet of Government Lot 3, Section 30, Township 139 North, Range 30 West, Cass County, Minnesota. Subject to easements, reservations and restrictions of record, if any. 1.62

AND

Parcel 3: The East 585.53 feet of the South 683.00 feet of Government Lot 3, Section 30, Township 139 North, Range 30 West, Cass County, Minnesota, Except the North 357.01 feet of the East 197.52 feet thereof less 7.56

That part of Government Lot 3, Section 30, Township 139 North, Range 30 West, Cass County, Minnesota described as follows: Beginning at the Southeast corner of said Government Lot 3, thence North 00 degrees 39 minutes 53 seconds East assumed bearing along the east line of said government Lot 3, a distance of 192.95 feet; thence North 89 degrees 55 minutes 30 seconds West, 19.27 feet; thence South 00 degrees 10 minutes 21 seconds East, 192.87 feet to the south line of said Government Lot 3; thence South 89 degrees 39 minutes 34 seconds East along said south line of Government Lot 3, a distance of 16.45 feet to the point of beginning. Subject to right of way for First Avenue and subject to easements, reservations and restrictions of record, if any.

Together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Reservations, Declarations, Restrictions, and Easements of record, if any; and

WHEREAS, the City held a public hearing regarding the proposed annexation on January 8, 2007, at 7:15 p.m. at the Backus City Hall and has given thirty (30) days written notice by certified mail to the township affected by this Ordinance and to all landowners within and contiguous to the area to be annexed; and

WHEREAS, the City of Backus has received Waiver Agreements from the said owners as to any applicable thirty (30) day notice periods that might apply relative to the cost impact of changes in utility services provided for under Minnesota Statutes Section 414.033, Subd. 13,

SECTION I

NOW THEREFORE, the City Council hereby determines that the territory described herein is either owned by the Municipality or abuts upon the City Limits and/or Municipally-owned property, is about to become urban or suburban in character, that none of the territory is now included within the City limits, that the area proposed to be annexed is not currently being served by any other municipal sewer system, and that the population of the subject property is zero (0) persons.

SECTION II

The corporate limits of this City are hereby extended to include the unplatted land described as follows, and the same is hereby annexed to and included within the City as effectually as if it had originally been a part thereof, subject to this Ordinance being approved by the Office of Administrative Hearings, Municipal Boundary Adjustment Unit, said land being described as follows . to-wit:

Parcel 1: The North 300.00 feet of the South 683.00 feet of the West 130.00 feet of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 29, Township 139 North, Range 30 West, Cass County, Minnesota. Subject to Easements, reservations and restrictions of record, if any.

AND

The Southerly Six Hundred Eighty-three (683) feet of the Westerly One Hundred Thirty feet (130) of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$): Section Twenty-nine (29), Township One Hundred Thirty-nine (139), Range Thirty (30) LESS The North Three Hundred feet (300) of the Southerly Six Hundred Eighty-three feet (683) of the Westerly One Hundred Thirty feet (130) of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) Section Twenty-nine (29), Township One Hundred Thirty-nine (139), Range Thirty (30), Cass County, Minnesota.

AND

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minutes 30 seconds West 19.27 feet; thence South 00 degrees 10 minutes 21 seconds East, 192.87 feet to the south line of said Government Lot 3; thence South 89 degrees 39 minutes 34 seconds East along said south line of Government Lot 3, a distance of 16.45 feet to the point of beginning.

Subject to mineral reservation, roadway, power and utility line easements, and Cass County ordinance regulations, if any, of record or in use.

AND

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AND

Parcel 3: The East 585.53 feet of the South 683.00 feet of Government Lot 3, Section 30, Township 139 North, Range 30 West, Cass County, Minnesota, Except the North 357.01 feet of the East 197.52 feet thereof less

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Together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Reservations, Declarations, Restrictions, and Easements of record, if any.

SECTION III

Pursuant to Minnesota Statutes Section 414.036, the reimbursement to the affected township shall be \$0.00. This reimbursement rate is based on the finding that the subject property has been previously exempt from real estate taxes because it was owned by the City of Backus or the Pine River/Backus Public School District. Approximately 33% of the subject parcel will continue to be exempt as it is owned by the City and/or a local 501(c)(3)

entity. The balance of the subject parcel is privately owned and subject to real estate taxes. The taxing authorities, however, have not yet established the amount of the real estate taxes which would be payable in 2008.

SECTION IV

The City Clerk is hereby directed to file certified copies of this Ordinance with the Office of Administrative Hearings, Municipal Boundary Adjustment Unit; Minnesota Secretary of State; the Township Clerk for Powers Township; and the Cass County Auditor.

SECTION V

This Ordinance takes effect upon its passage and publication and the filing of the certified copies as directed in Section 4 and the approval of the ordinance by the Office of Administrative Hearings, Municipal Boundary Adjustment Unit.

Passed and adopted by the City Council of the City of Backus this 4th day of June, 2007.

CITY OF BACKUS, MINNESOTA

By Cloie F. Smith
Cloie F. Smith, Mayor

ATTEST:

Carol Vredenburg
Carol Vredenburg
City Clerk



POWERS TOWNSHIP

BACKUS, MINNESOTA 56435

REC'D BY
MME JUN 11 2007

June 7, 2007


Carol Vredenburg
Clerk/Treasurer
P O BOX 44
Backus, Minnesota 56435

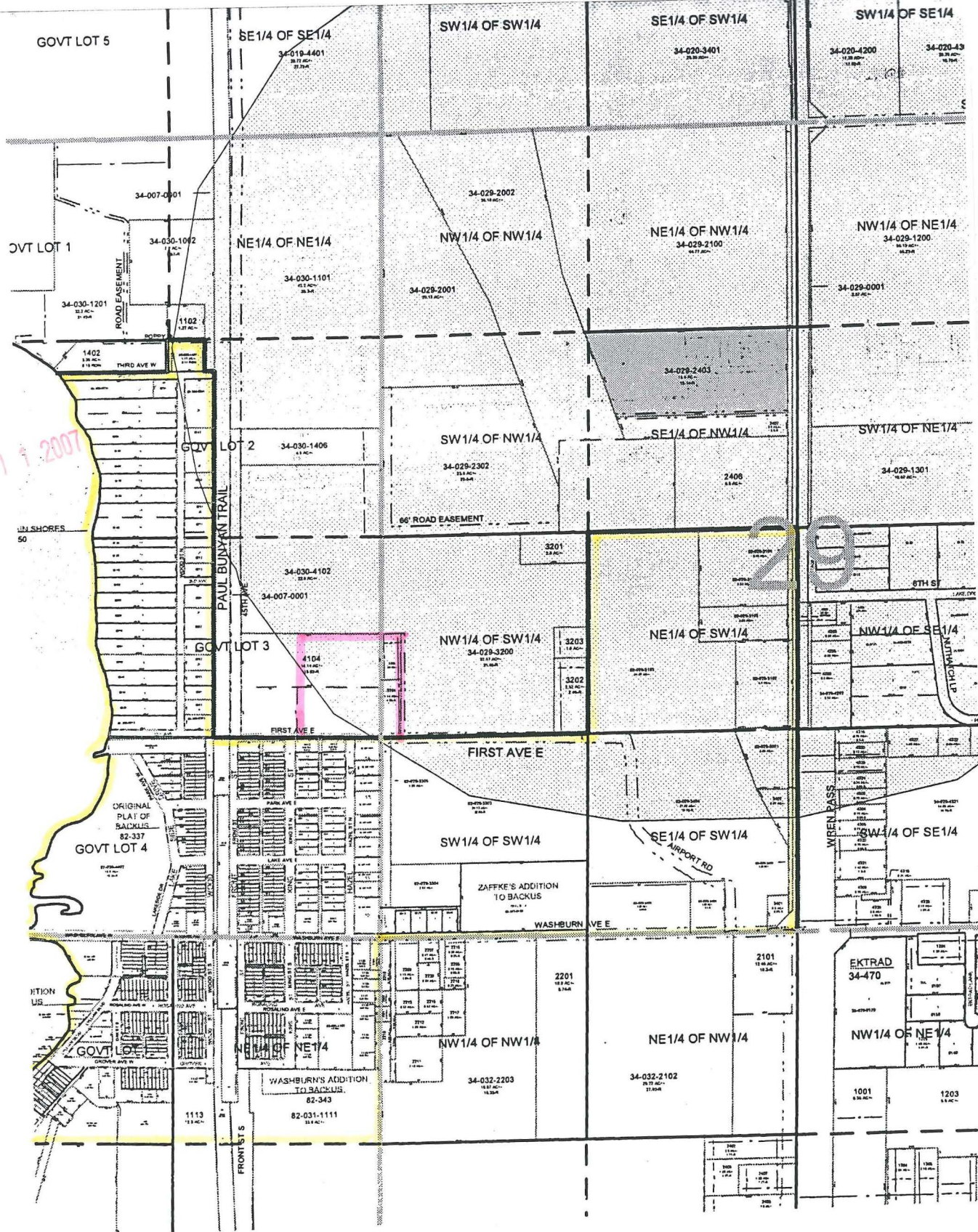
Dear Ms Vredenburg and City Council:

This letter is regard to Backus City Ordinance Number 10, the annexation of properties owned by the City of Backus, Bi-CAP, and Henry and Sharon Krumwiede.

The Powers Township Board acknowledges the amount of \$0.00 as reimbursement of subject property taxes and finds this acceptable.

Signed:


Harley Kaiser, Chairman
Powers Township Board



REC'D BY
M.M.B
JUN 1 2007

Warning
 Drawing for reference only.
 Drawing prepared by Cass County for tax purposes only.
 Cass County does not assume any liability for errors,
 omissions or inaccuracies herein contained.
 Not to be used for boundary location!

1:13899



