

ORDINANCE NO. 13

AN ORDINANCE OF THE CITY OF HILLS, ANNEXING LAND
LOCATED IN THE TOWNSHIP OF MARTIN, ROCK COUNTY, MINNESOTA
TO THE CITY OF HILLS, ROCK COUNTY, MINNESOTA, PURSUANT
TO MINN. STAT. § 414.033, SUBD. 2(3), PERMITTING ANNEXATION BY ORDINANCE

THE CITY OF HILLS DOES HEREBY ORDAIN:

Section 1. That the unincorporated land legally described in Exhibit 1 (the "subject area"), which is attached hereto and incorporated herein by reference, located in the Township of Martin, Rock County, Minnesota, is land that is contiguous to and abuts the municipal corporate limits of the City of Hills, Rock 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 Hills; and is land that is existing or proposed for immediate urban or suburban development.

Section 2. That all the owners of the subject area have requested annexation for purposes of immediately connecting the existing urban or suburban commercial property to the City of Hills's public utility systems and has submitted a petition to the City Council of the City of Hills for annexation of said land.

Section 3. That the City of Hills held a public hearing pursuant to Minn. Stat. § 414.033, subd. 2b, on April 11, 2011, following thirty (30) days written notice by certified mail to the Township of Martin and to all landowners within and contiguous to the subject area.

Section 4. That the corporate limits of the City of Hills are hereby extended to include the subject area, which is shown on the map attached hereto and incorporated herein by reference as Exhibit 2, and which contains 49.56 acres, and the same is hereby annexed to be included within the City of Hills, Rock County, Minnesota.

Section 5. That the population of the subject area that is hereby annexed is 0.

Section 6. That with respect to the property taxes payable on the subject area that is hereby annexed, the total Township taxes payable 2011 are \$1.32. The City of Hills recommends that it be ordered to make a cash payment to the Township of Martin for the period and in accordance with the following schedule:

In the first year following the year the City of Hills could first levy on the annexed area, 2011, an amount equal to one hundred (100%) percent of the property taxes distributed to the Township of Martin in regard to the annexed area in the last year the property taxes from the annexed were payable to the Township, as and for a final payment.

Section 7. That there are no special assessments assigned by the Township to the subject area and there is no debt incurred by the Township prior to the annexation and attributable to the

subject area for which reimbursement is required.

Section 8. That upon the effective date of the annexation of the subject area as established in Section 10 below, the zoning for the entirety of the subject area shall be "Residential" as defined in the City's Zoning Code.

Section 9. That the City Administrator of the City of Hills 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 Rock County Auditor, and the Martin Township Clerk.

Section 10. That this Ordinance shall be in full force and effective and final upon the date this Ordinance is approved by the Minnesota Office of Administrative Hearings.

Passed and adopted this 11th day of April, 2011.

CITY OF HILLS

By: 

Lexi Moore, Mayor

ATTEST:

By: 

Connie Wiertzema, City Clerk

Published: April 14, 2011

Approved by Minnesota Office of Administrative Hearings: _____

Effective Date: _____

EXHIBIT 1
Legal Description

**TRACTS 3, 4, AND 5 ON THE SURVEY LABELED EXHIBIT A, ATTACHED HERETO
AND INCORPORATED BY REFERENCED;**

AND,

**THE PROPERTY DESCRIBED ON THE COPY OF THE SURVEY LABELED
EXHIBIT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE.**

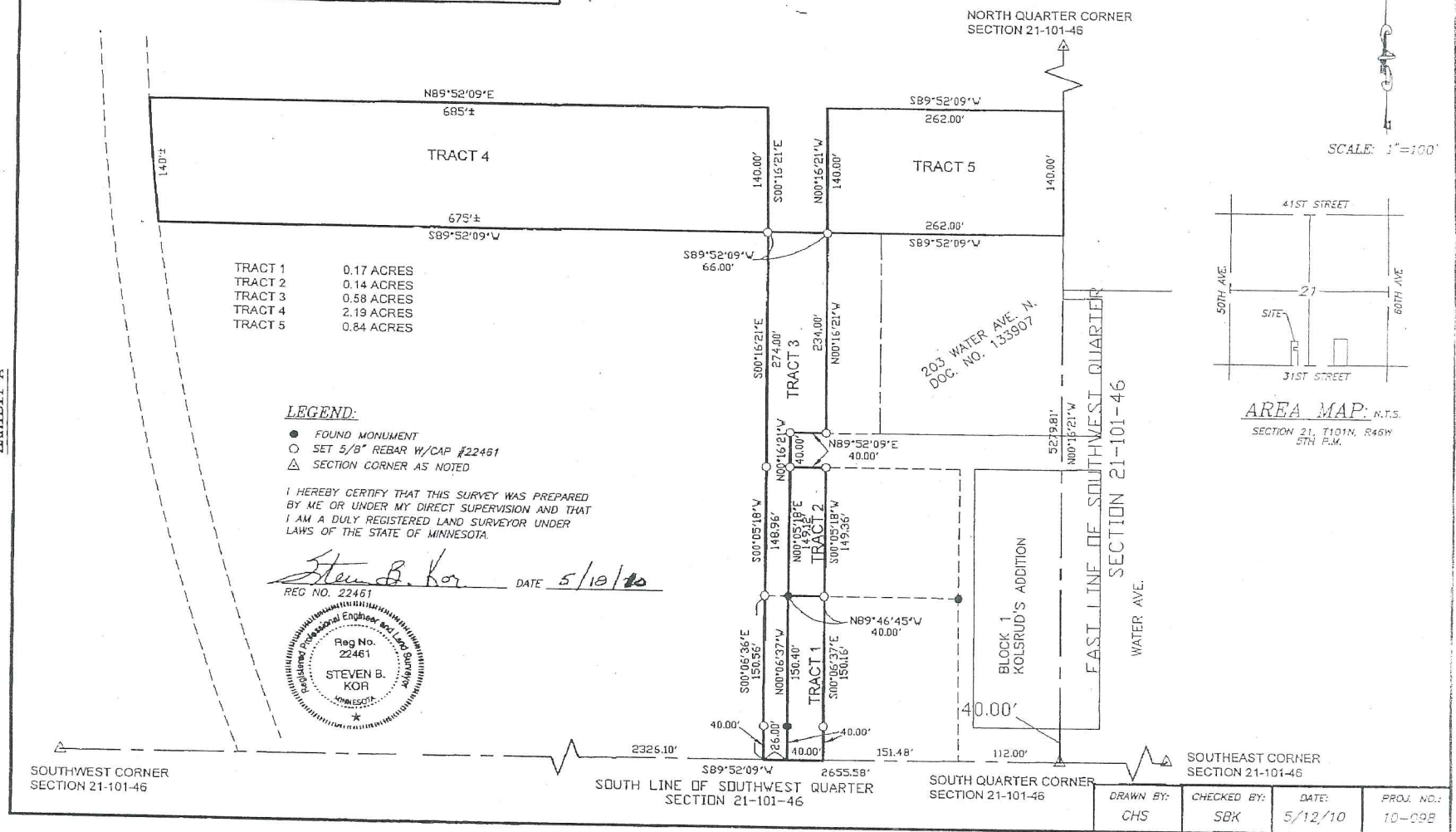
REC'D BY
MBA

APR 25 2011

DAKOTA LAND SURVEYING & ENGINEERING, INC.

2000 West 42nd Street, Suite C, Shoreview, MN 55126 Ph: (612) 331-4488 Fax: (612) 331-3745
204 Alameda, Ironwood, MN 56538 Ph: (218) 882-3828 Fax: (218) 882-3745

EXHIBIT A



REC'D BY
MBA

APR 25 2011

DAKOTA LAND SURVEYING & ENGINEERING, INC.

2000 West 4th Street, Suite C, Moorhead, MN 56501 P: (218) 224-1188 F: (218) 224-0746
2000 Avenue, Moorhead, MN 56501 P: (218) 224-1188 F: (218) 224-0746

TRACT 1

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 101 NORTH, RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF HILLS, ROCK COUNTY, MINNESOTA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 21; THENCE SOUTH 89 DEGREES 52 MINUTES 09 SECONDS WEST GEODETIC BEARING ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION A DISTANCE OF 303.48 FEET, 302 FEET (R.); THENCE NORTH 00 DEGREES 06 MINUTES 37 SECONDS WEST A DISTANCE OF 40.00 FEET TO AN IRON STAKE FOUND; THENCE CONTINUE NORTH 00 DEGREES 06 MINUTES 37 SECONDS WEST A DISTANCE OF 150.40 FEET, 150 FEET (R.) TO AN IRON STAKE FOUND; THENCE SOUTH 89 DEGREES 46 MINUTES 45 SECONDS EAST A DISTANCE OF 40.00 FEET TO AN IRON STAKE; THENCE SOUTH 00 DEGREES 06 MINUTES 37 SECONDS EAST A DISTANCE OF 150.18 FEET TO AN IRON STAKE; THEN CONTINUE SOUTH 00 DEGREES 06 MINUTES 37 SECONDS EAST A DISTANCE OF 40.00 FEET TO SAID SOUTH LINE. THENCE SOUTH 89 DEGREES 52 MINUTES 09 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 40.00 FEET TO SAID POINT OF BEGINNING.

SAID TRACT IS SUBJECT TO ROADWAY EASEMENTS AND ANY OTHER EASEMENTS OF RECORD, IF ANY.

TRACT 2

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 101 NORTH, RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF HILLS, ROCK COUNTY, MINNESOTA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 21; THENCE SOUTH 89 DEGREES 52 MINUTES 09 SECONDS WEST GEODETIC BEARING ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION A DISTANCE OF 303.48 FEET, 302 FEET (R.); THENCE NORTH 00 DEGREES 06 MINUTES 37 SECONDS WEST A DISTANCE OF 190.40 FEET TO POINT OF BEGINNING; THENCE NORTH 00 DEGREES 05 MINUTES 18 SECONDS EAST A DISTANCE OF 149.12 FEET, 150 FEET (R.) TO AN IRON STAKE ON THE SOUTH LINE OF NORTH 2ND STREET; THENCE NORTH 89 DEGREES 52 MINUTES 09 SECONDS EAST ALONG SAID SOUTH LINE OF NORTH 2ND STREET A DISTANCE OF 40.00 FEET TO AN IRON STAKE; THENCE SOUTH 00 DEGREES 05 MINUTES 18 SECONDS WEST A DISTANCE OF 149.36 FEET TO AN IRON STAKE; THENCE NORTH 89 DEGREES 46 MINUTES 45 SECONDS WEST A DISTANCE OF 40.00 FEET TO SAID POINT OF BEGINNING.

SAID TRACT IS SUBJECT TO ROADWAY EASEMENTS AND ANY OTHER EASEMENTS OF RECORD, IF ANY.

TRACT 3

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 101 NORTH, RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF HILLS, ROCK COUNTY, MINNESOTA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 21; THENCE SOUTH 89 DEGREES 52 MINUTES 09 SECONDS WEST GEODETIC BEARING ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION A DISTANCE OF 303.48 FEET, 302 FEET (R.) TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 06 MINUTES 37 SECONDS WEST A DISTANCE OF 40.00 FEET TO AN IRON STAKE FOUND; THENCE CONTINUE NORTH 00 DEGREES 06 MINUTES 37 SECONDS WEST A DISTANCE OF 150.40 FEET, 150(R.) TO AN IRON STAKE FOUND; THENCE NORTH 00 DEGREES 05 MINUTES 18 SECONDS EAST A DISTANCE OF 149.12 FEET, 150 (R.) TO AN IRON STAKE; THENCE NORTH 00 DEGREES 05 MINUTES 18 SECONDS WEST A DISTANCE OF 40.00 FEET TO AN IRON STAKE; THENCE NORTH 89 DEGREES 52 MINUTES 09 SECONDS EAST A DISTANCE OF 40.00 FEET TO AN IRON STAKE; THENCE NORTH 00 DEGREES 06 MINUTES 37 SECONDS WEST A DISTANCE OF 234.00 FEET TO AN IRON STAKE; THENCE SOUTH 89 DEGREES 52 MINUTES 09 SECONDS WEST A DISTANCE OF 66.00 FEET TO AN IRON STAKE; THENCE SOUTH 00 DEGREES 05 MINUTES 18 SECONDS WEST A DISTANCE OF 149.36 FEET TO AN IRON STAKE; THENCE SOUTH 00 DEGREES 06 MINUTES 36 SECONDS EAST A DISTANCE OF 150.56 FEET TO AN IRON STAKE; THENCE CONTINUE SOUTH 00 DEGREES 06 MINUTES 36 SECONDS EAST A DISTANCE OF 40.00 FEET TO SAID SOUTH LINE OF THE SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 52 MINUTES 09 SECONDS EAST ALONG SAID SOUTH LINE A DISTANCE OF 26.00 FEET TO SAID POINT OF BEGINNING.

SAID TRACT IS SUBJECT TO ROADWAY EASEMENTS AND ANY OTHER EASEMENTS OF RECORD, IF ANY.

TRACT 4

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 101 NORTH, RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF HILLS, ROCK COUNTY, MINNESOTA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 21; THENCE SOUTH 89 DEGREES 52 MINUTES 09 SECONDS WEST GEODETIC BEARING ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION A DISTANCE OF 303.48 FEET, 302 FEET (R.); THENCE NORTH 00 DEGREES 06 MINUTES 37 SECONDS WEST A DISTANCE OF 40.00 FEET TO AN IRON STAKE FOUND; THENCE CONTINUE NORTH 00 DEGREES 06 MINUTES 37 SECONDS WEST A DISTANCE OF 150.40 FEET, 150(R.) TO AN IRON STAKE FOUND; THENCE NORTH 00 DEGREES 05 MINUTES 18 SECONDS EAST A DISTANCE OF 149.12 FEET, 150 (R.) TO AN IRON STAKE; THENCE NORTH 89 DEGREES 52 MINUTES 09 SECONDS WEST A DISTANCE OF 40.00 FEET TO AN IRON STAKE; THENCE NORTH 00 DEGREES 16 MINUTES 21 SECONDS WEST A DISTANCE OF 40.00 FEET TO AN IRON STAKE; THENCE NORTH 00 DEGREES 15 MINUTES 21 SECONDS WEST A DISTANCE OF 234.00 FEET TO AN IRON STAKE; THENCE SOUTH 89 DEGREES 52 MINUTES 09 SECONDS WEST A DISTANCE OF 66.00 FEET TO AN IRON STAKE BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 52 MINUTES 09 SECONDS WEST A DISTANCE OF +/- 575.00 FEET TO AN IRON STAKE ON THE EASTERLY RIGHT OF WAY LINE OF THE BNSF RAILWAY (THIS LINE REFERRED TO AS LINE A); THENCE NORTHERLY ALONG SAID RIGHT OF WAY A DISTANCE OF +/- 140.00 FEET TO AN IRON STAKE; THENCE ON A LINE PARALLEL TO AND 140.00 FEET NORTH OF LINE A, NORTH 89 DEGREES 52 MINUTES 09 SECONDS EAST A DISTANCE OF +/- 585.00 FEET TO AN IRON STAKE; THENCE SOUTH 00 DEGREES 15 MINUTES 21 SECONDS EAST A DISTANCE OF 140.00 FEET TO SAID POINT OF BEGINNING.

SAID TRACT IS SUBJECT TO ROADWAY EASEMENTS AND ANY OTHER EASEMENTS OF RECORD, IF ANY

TRACT 5

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 101 NORTH, RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF HILLS, ROCK COUNTY, MINNESOTA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 21; THENCE SOUTH 89 DEGREES 52 MINUTES 09 SECONDS WEST GEODETIC BEARING ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION A DISTANCE OF 303.48 FEET, 302 FEET (R.); THENCE NORTH 00 DEGREES 06 MINUTES 37 SECONDS WEST A DISTANCE OF 40.00 FEET TO AN IRON STAKE FOUND; THENCE CONTINUE NORTH 00 DEGREES 06 MINUTES 37 SECONDS WEST A DISTANCE OF 150.40 FEET, 150(R.) TO AN IRON STAKE FOUND; THENCE NORTH 00 DEGREES 05 MINUTES 18 SECONDS EAST A DISTANCE OF 149.12 FEET, 150 (R.) TO AN IRON STAKE; THENCE NORTH 00 DEGREES 15 MINUTES 21 SECONDS WEST A DISTANCE OF 40.00 FEET TO AN IRON STAKE; THENCE NORTH 89 DEGREES 52 MINUTES 09 SECONDS EAST A DISTANCE OF 40.00 FEET TO AN IRON STAKE; THENCE NORTH 00 DEGREES 16 MINUTES 21 SECONDS WEST A DISTANCE OF 234.00 FEET TO AN IRON STAKE BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 15 MINUTES 21 SECONDS WEST A DISTANCE OF 140.00 FEET TO AN IRON STAKE; THENCE NORTH 89 DEGREES 52 MINUTES 09 SECONDS EAST A DISTANCE OF 262.00 FEET TO AN IRON STAKE ON THE EAST LINE OF SAID QUARTER; THENCE SOUTH 00 DEGREES 16 MINUTES 21 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 140.00 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 02 SECONDS WEST A DISTANCE OF 262.00 FEET TO SAID POINT OF BEGINNING.

SAID TRACT IS SUBJECT TO ROADWAY EASEMENTS AND ANY OTHER EASEMENTS OF RECORD, IF ANY

EXHIBIT A (CONTINUED)

DRAWN BY:	CHECKED BY:	DATE:	PROJ. NO.:
CHS	SBK	5/12/10	10-053

DAKOTA LAND SURVEYING & ENGINEERING, INC.

2000 South 4th Street, Suite 200, St. Paul, MN 55102-1000
 Tel: (612) 222-1000 Fax: (612) 222-1001
 E-mail: info@dakotaland.com Web: www.dakotaland.com

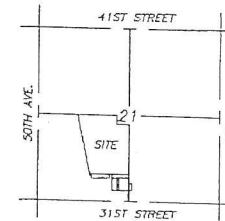
NORTH LINE OF THE NORTHWEST QUARTER
 SECTION 21-101-46

CENTER OF SECTION
 SECTION 21-101-46

45.95 ACRES

SCHOOL AND STREET BETWEEN TRACT 4 & 5
 THAT PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 101
 NORTH RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, ROCK COUNTY,
 MINNESOTA, DESCRIBED AS FOLLOWS:
 BEGINNING AT CENTER OF SECTION 21; THENCE NORTH 89 DEGREES 58
 MINUTES 27 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTHWEST
 QUARTER A DISTANCE OF 1104.31 TO THE EASTERLY RIGHT OF WAY OF THE BNSF
 RAILROAD; THENCE SOUTH 03 DEGREES 08 MINUTES 26 SECONDS EAST ALONG
 SAID EASTERLY RIGHT OF WAY A DISTANCE OF 1888.88 FEET; THENCE NORTH 89
 DEGREES 52 MINUTES 09 SECONDS EAST A DISTANCE OF 681.79 FEET; THENCE
 SOUTH 00 DEGREE 16 MINUTES 21 SECONDS EAST A DISTANCE OF 140.00 FEET;
 THENCE SOUTH 89 DEGREES 52 MINUTES 09 SECONDS EAST A DISTANCE OF
 66.00 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 21 SECONDS WEST A
 DISTANCE OF 140.00 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 09
 SECONDS EAST A DISTANCE OF 252.00 FEET TO THE EAST LINE OF SAID
 QUARTER; THENCE NORTH 00 DEGREES 16 MINUTES 21 SECONDS WEST ALONG
 SAID EAST LINE A DISTANCE OF 1883.26 FEET TO SAID POINT OF BEGINNING.

SCALE: 1"=100'



AREA MAP, N.T.S.
 SECTION 21, T101N, R46W
 5TH P.M.

SURVEYORS NOTE
 TRACTS LISTED AS EAST SLIVER AND WEST
 SLIVER ARE TO CORRECT AN OVERLAP. ONCE
 CORRECTED THEY WILL BECOME A PART OF
 SOLBERG ADDITION AND UNPLATTED SOLBERG
 PROPERTY.

LEGEND:

- FOUND MONUMENT
- SET 5/8" REBAR W/CAP #22461
- △ SECTION CORNER AS NOTED

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED
 BY ME OR UNDER MY DIRECT SUPERVISION AND THAT
 I AM A DULY REGISTERED LAND SURVEYOR UNDER
 LAWS OF THE STATE OF MINNESOTA.

Steven B. Kor
 REG. NO. 22461

DATE 2/28/11





DRAWN BY:	CHECKED BY:	DATE:	PROJ. NO.:
CHS	SBK	9/22/10	10-202

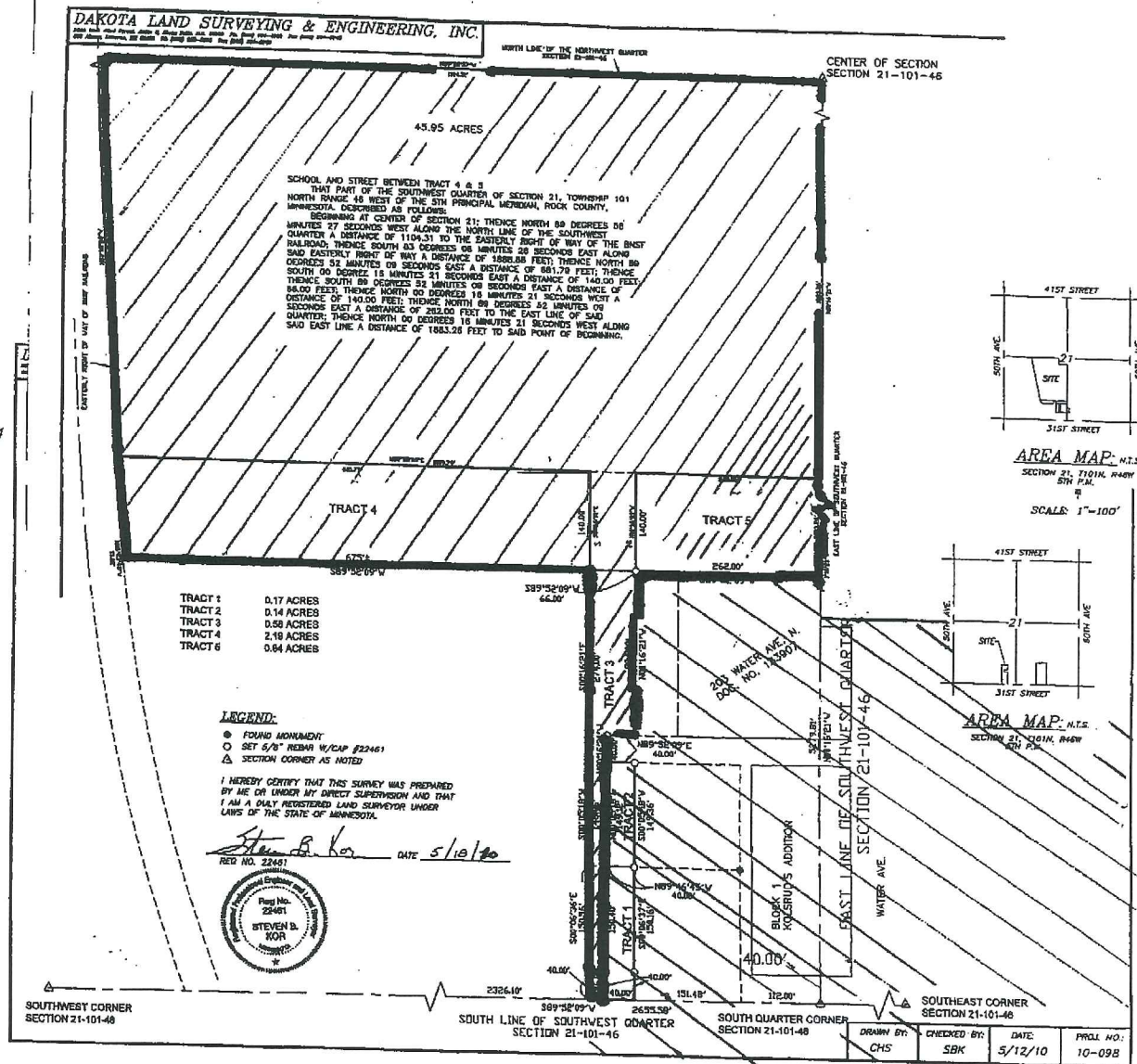
REC'D BY
 APR 25 2011

APR 25 2011

EXHIBIT 2

 property to be annexed

 Currently annexed property in city of Hills



EISMA & EISMA

ATTORNEYS AT LAW

DOUGLAS E. EISMA
DAMON T. EISMA
PAUL A. VIS
JENNIFER L. EISMA

130 EAST MAIN STREET
P.O. BOX 625
LUVERNE, MINNESOTA 56156

TELEPHONE (507) 283-4828
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jennifer@eismalaw.com

April 27, 2011

Minnesota Planning
Municipal Boundary Adjustments
P.O. Box 64620
St. Paul, MN 55164-0620

RE: AGREEMENT TO PAY REAL ESTATE TAXES TO TOWNSHIP IN ONE PAYMENT

Dear Madam or Sir:

This letter is being submitted to the Minnesota Planning Office of Municipal Boundary Adjustments in conjunction with Ordinance NO. 13, passed by the Hills City Council on April 11, 2011, annexing certain property into the City of Hills.

The City of Hills, the annexing municipality, wishes to make a one time payment of the portion of real estate taxes payable to the Township of Martin under Minn. Stat. 414.036, in the total amount of \$1.32. The city wishes to make this one time payment in lieu of paying the aforementioned sum over a period of at least 2 years but not more than 8 years as referenced in the aforementioned statute.

The Township of Martin hereby agrees to accept the one time payment of the total portion of real estate taxes owed to the township in the amount of \$1.32, rather than having the payment of said sum paid over a period of at least 2 years but not more than 8 years as referenced in the aforementioned statute.

We respectfully request that this letter be included in the documentation to be considered by the

Minnesota Planning Office of Municipal Boundary Adjustments regarding the aforementioned annexation and ordinance therefore.

Respectfully,

City of Hills

By:



Lexi Moore, Mayor

By:


Connie Wiertzema, City Clerk

Township of Martin

By:


Gawaine Diekevers, Township Supervisory Chairman