

JUN 09 2011

ROONEY

ORDINANCE NO. 2011-RO \_\_\_\_\_

AN ORDINANCE OF THE CITY OF \_\_\_\_\_ BENA \_\_\_\_\_ ANNEXING LAND LOCATED IN THE TOWN OF  
\_\_\_\_\_ BENA \_\_\_\_\_, \_\_\_\_\_ CASS \_\_\_\_\_ COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES §  
414.033 SUBDIVISION 2(3), PERMITTING ANNEXATION BY ORDINANCE

WHEREAS, a petition signed by all the property owners, requesting that property  
legally described (herein or attached exhibit) be annexed to the City of  
\_\_\_\_\_ BENA \_\_\_\_\_ Minnesota, was duly presented to the Council of the City of  
\_\_\_\_\_ BENA \_\_\_\_\_ on the 24TH day of MAY, 2011; and

WHEREAS, said property is unincorporated and abuts the City of  
\_\_\_\_\_ BENA \_\_\_\_\_ on its East boundary; is less than 120 acres; is not  
presently served by public sewer facilities or public sewer facilities are not  
otherwise available; and

WHEREAS, said property is not located within a flood plain or shoreland area; and  
(If property is within a designated floodplain or shoreland area, city shall adopt  
or amend its land use controls to conform with chapter 103F. New development of  
annexed area shall be subject to chapter 103F) Minnesota Statutes § 414.033 Subd.  
11.

WHEREAS, said property is currently RESIDENTIAL and annexation is requested to  
facilitate the extension of city services for the residential development of the  
property; and

WHEREAS, the City of \_\_\_\_\_ BENA \_\_\_\_\_ held a public hearing pursuant to Minnesota  
Statutes § 414.033 Subd. 2b, on 5/24/2011, following thirty (30)  
days written notice by certified mail to the Town of \_\_\_\_\_ BENA \_\_\_\_\_ and to all  
landowners within and contiguous to the area legally described (herein or attached  
exhibit), to be annexed; and

WHEREAS, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in  
that there will be no change in the electric utility service provider resulting from  
the annexation of the territory to the municipality. (Or if they are applicable,  
either a statement of compliance OR property owners can waive. Attach written  
statement of waiver signed by property owner.)

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_ BENA \_\_\_\_\_ HEREBY  
ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the property as hereinafter described  
abuts the city limits and is or is about to become urban or suburban in nature in  
that \_\_\_\_\_ PERSONAL \_\_\_\_\_ use is being proposed for said property the  
construction of which requires or will need city services, including public sewer  
facilities.

2. None of the property is now included within the limits of any city, or in any  
area that has already been designated for orderly annexation pursuant to Minnesota  
Statute § 414.0325.

3. The corporate limits of the City of \_\_\_\_\_ BENA \_\_\_\_\_, Minnesota, are hereby  
extended to include the following described property, said land abutting the City of  
\_\_\_\_\_ BENA \_\_\_\_\_ and being 120 acres or less in area, and is not presently served  
by public sewer facilities or public sewer facilities are not otherwise available,  
and the City having received a petition for annexation from all the property owners  
of the land, to wit:

72-027-1404 TRACT 1: THAT PART OF THE EAST HALF OF SOUTHEAST QUARTER OF NORTHEAST  
QUARTER (E1/2 SE1/4 NE1/4), SECTION TWENTY-SEVEN (27), TOWNSHIP ONE HUNDRED  
FORTY-FIVE (145), RANGE TWENTY-EIGHT (28), DESCRIBED AS FOLLOWS: BEGINNING AT THE

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SOUTHEAST CORNER OF SAID SE1/4 OF NE1/4; THENCE WESTERLY ALONG THE SOUTH LINE THEREFORE 165.00 FEET; THENCE NORTHERLY PARALLEL TO THE EAST LINE OF SAID SE1/4 OF NE1/4 264.00 FEET; THENCE EASTERLY PARALLEL TO SAID SOUTH LINE 165.00 FEET TO SAID EAST LINE; THENCE SOUTHERLY ALONG SAID EAST LINE 264.00 FEET TO THE POINT OF BEGINNING.

72-027-1403 TRACT 3: THAT PART OF THE EAST HALF (E1/2) OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4 NE1/4), SECTION TWENTY-SEVEN (27), TOWNSHIP ONE HUNDRED FORTY-FIVE (145) NORTH, RANGE TWENTY-EIGHT (28), WEST OF THE FIFTH PRINCIPAL MERIDIAN, ACCORDING TO GOVERNMENT SURVEY THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AND STATE, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT TWO HUNDRED SIXTY-FOUR FEET NORTH (264') OF THE SOUTHEAST (SE) CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4 NE1/4), THENCE WEST THREE HUNDRED THIRTY FEET (330'), THENCE SOUTH TWO HUNDRED SIXTY-FOUR FEET (264') TO SOUTH LINE OF SAID SOUTHEAST QUARTER OF NORTHEAST QUARTER (SE1/4 NE1/4); THENCE WEST ON SAID SOUTH LINE EIGHTY-SEVEN FEET (87') TO EAST LINE OF COUNTY ROAD; THENCE NORTHEASTERLY ALONG EAST LINE OF COUNTY ROAD TO INTERSECTION OF COUNTY ROAD WITH SOUTH LINE OF U.S. GOVERNMENT DIKE ROAD; THENCE EAST ALONG SAID SOUTH LINE OF U.S. GOVERNMENT DIKE ROAD TO EAST LINE OF SOUTHEAST QUARTER OF NORTHEAST QUARTER (SE1/4 NE1/4), SECTION TWENTY-SEVEN (27), TOWNSHIP ONE HUNDRED FORTY-FIVE (145) NORTH, RANGE TWENTY-EIGHT (28), WEST OF THE FIFTH PRINCIPAL MERIDIAN; THENCE SOUTH ALONG SAID EAST LINE TO POINT OF BEGINNING.

The above described property consists of a total of 3.82 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto.

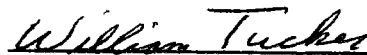
4. That the population of the area legally described (herein or attached exhibit) and hereby annexed is 5

5. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town 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 (herein or attached exhibit) there are [no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.] OR there are ....and the City will .....


6. That the City Clerk of the City of BENA is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Minnesota Office of Administrative Hearings, the Minnesota Secretary of State, the CASS County Auditor, and the UNORGANIZED Township Clerk.

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

PASSED AND ADOPTED by the City Council of the City of BENA, Minnesota, this 24 day of MAY, 2011.



WILLIAM TUCKER, Mayor



BOB ZYGLIS, COUNCILMEMBER

REC'D BY  
MBA

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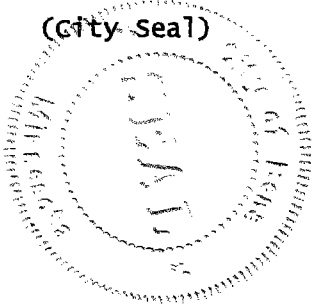
Absent @ hearing (u)  
RANDY JOHNSON, COUNCILMEMBER

Diana Stangel  
DIANA STANGEL, COUNCILMEMBER

ATTEST:

Missy Tibbetts-Charnley  
MISSY TIBBETTS-CHARNLEY, City Clerk

(City Seal)



REC'D BY  
MBA JUN 09 2011

GOVT LOT 2

SE1/4 OF NE1/4

SW1/4 OF NW1/4

83-026-2301  
13.32 AC+-

83-026-2303  
2.67 AC+-

1401  
3.68 AC+-  
0.75 ROW  
0.82 WATER

POND

027-1402  
9.52 AC+-  
0.54 ROW

151ST ST

72-027-1403  
2.82 AC+-  
0.28 ROW

83-026-2802  
9.3 AC+-  
2.17 ROW

1405  
1.00 AC+-

1404  
1.00 AC+-  
0.20 ROW

VILLAGE OF BENA

83-337

83-337-6011  
2.71 AC+-

83-337-5311  
1.03 AC+-

83-337-5312  
1.03 AC+-

83-026-3201  
9.93 AC+-

027-4108  
5.44 AC+-  
0.23 ROW

4102  
1.09 AC+-  
0.18 ROW

027-4101  
2.00 AC+-  
0.20 ROW

72-027-4103  
7.00 AC+-

4201  
0.40 AC+-

4205  
2.1 AC+-

S WINNIE RD

16TH



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