

**ORDINANCE NO. 470****AN ORDINANCE OF THE CITY OF LA CRESCENT ANNEXING LANDS LOCATED  
IN THE TOWN OF LA CRESCENT, HOUSTON 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 be annexed to the City of La Crescent, Minnesota, was duly presented to the Council of the City of La Crescent on the 13<sup>th</sup> day of June, 2011; and

WHEREAS, said property is unincorporated and abuts the City of La Crescent on its 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

WHEREAS, said property is currently suburban in nature and annexation is requested to facilitate the extension of city services for the suburban residential property; and

WHEREAS, the City of La Crescent held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on June 13, 2011, following thirty (30) days written notice by certified mail to the Town of La Crescent and to all landowners within and contiguous to the area legally described herein, 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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CRESCENT  
HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is suburban in nature and the owners of the property have requested annexation for the purpose of connecting to the City of La Crescent public utility system, and have submitted a Petition for annexation.

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 Statutes § 414.0325.

3. The corporate limits of the City of La Crescent, Minnesota, are hereby extended to include the following described property, said land abutting the City of La Crescent 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:

Lot Twenty-Two (22), Block One (1), Crescent Valley Subdivision to the Township of La Crescent, according to the plat thereof on file and of record in the Office of the County Recorder in and for Houston County, Minnesota.

AND

Part of the Southwest Quarter of the Southeast Quarter of Section Nine (9), Township 104 North, Range 4 West, described as commencing at the Southeast corner of said Section Nine (9); thence West along the section line a distance of 2073.5 feet, thence North 06°45' East, a distance of 557.85 feet to the point of beginning; thence continue North 06°45' East 105.55 feet; thence South 88°41' West 135.21 feet; thence South 06°45' West, 86.58 feet (to the North line of that property deeded from Esther B. and Gerhard R. Spande to Orvie R. and Jean Marie Wetzel, on March 27, 1964, recorded April 16, 1964, in Book 208 of Deeds at page 527); thence South 83°45' East (more or less, along the North line of the property described in said Spande to Wetzel deed), 133.86 feet to the point of beginning; containing 0.30 acres, more or less.

AND

That part of the Southwest Quarter of the Southeast Quarter (SW¼ SE¼) of Section Nine (9), Township One Hundred Four (104), Range Four (4), described as commencing at the Southeast corner of said Section Nine (9); thence west along the section line a distance of 2073.5 feet; thence north 6°45' east a distance of 347.85 feet to the point of beginning; thence continue north 6°45' east a distance of 105 feet; thence north 83°15' west a distance of 172.79 feet; thence south 6°45' west a distance of 105 feet; thence south 83°15' east a distance of 172.79 feet to the point of beginning.

AND

Lot Twenty (20), Block One (1), Crescent Valley Subdivision to the Township of La Crescent, according to the plat thereof on file and of record in the Office of the County Recorder in and for Houston County, Minnesota.

The above described property consists of a total of two (2) 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 as Exhibit A.

4. That the population of the area legally described herein and hereby annexed is 12.
5. The City of La Crescent, pursuant to Minnesota Statute § 414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to the Town of La Crescent in accordance to the following schedule:
  - a. In the first year in which the City of La Crescent may levy property taxes on the subject area following the annexation thereof, an amount equal to one hundred percent (100%) of the property taxes distributed to La Crescent Township in regard to the subject area in the last year the property taxes from the subject area were payable to the Township (e.g. if 2012 is the first year that the City of La Crescent may levy on the subject area, in 2011 the City would pay



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La Crescent Township 100% of the property taxes from the subject area distributed to the Township in 2011);

b. In each of the second and third years, an amount equal to the first year payment described in 5(a) above.

6. That pursuant to Minnesota Statute § 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 there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

7. That the City Administrator of the City of La Crescent 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 Houston County Auditor, and the La Crescent Township Clerk.

8. 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.

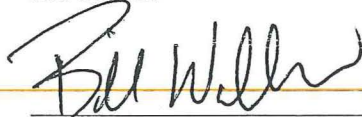
PASSED AND ADOPTED by the City Council of the City of La Crescent, Minnesota, this 13<sup>th</sup> day of June, 2011.

SIGNED:



\_\_\_\_\_  
Mayor

ATTEST:



\_\_\_\_\_  
City Administrator

REC'D BY  
MBA  
JUL 25 2011

