

ORDINANCE NO. 01 - 12

AN ORDINANCE OF THE CITY OF PROCTOR ANNEXING LAND LOCATED IN MIDWAY TOWNSHIP, ST. LOUIS 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 as follows:

The East ½ of the Northeast ¼ of Section 21, Township 49 Range 15, EXCEPT that part platted as JOHN'S ACRES

WHEREAS, said property is unincorporated and abuts the City of Proctor on its southerly 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 designated as residential and annexation is requested to facilitate the extension of city services for the development of the property; and

WHEREAS, the City of Proctor held a public hearing pursuant to Minnesota Statutes § 414.033 on January 30, 2012.

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

1. The City Council hereby determines that the property hereinafter described abuts the city limits or is about to become urban or suburban in nature in that commercial 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 with the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.035.
3. The corporate limits of the City of Proctor, Minnesota are hereby extended to include the following described property, said land abutting the City of Proctor 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:

The East ½ of the Northeast ¼ of Section 21, Township 49 Range 15, EXCEPT that part platted as JOHN'S ACRES

The above described property consists of a total of 67.4 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 is as indicated above is zero.
5. The City of Proctor, pursuant to Minnesota Statutes § 414.036, with respect to the property taxes payable on the area legally described herein, and hereby annexed, shall make a cash payment to the Town of Midway in accordance with the following schedule:
 - a. In the first year in which the City of Proctor could first levy on the annexed area, an amount equal to \$400.00.
 - b. In the second and final year, an amount equal to \$400.00.
6. 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 and hereby annexed there are no special assessments.
7. That the City Clerk of the City of Proctor is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the St. Louis County Auditor, and the Midway 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 PROCTOR,
Minnesota, this 13th day of FEBRUARY, 2012

REC'D BY
MBA

FEB 15 2012

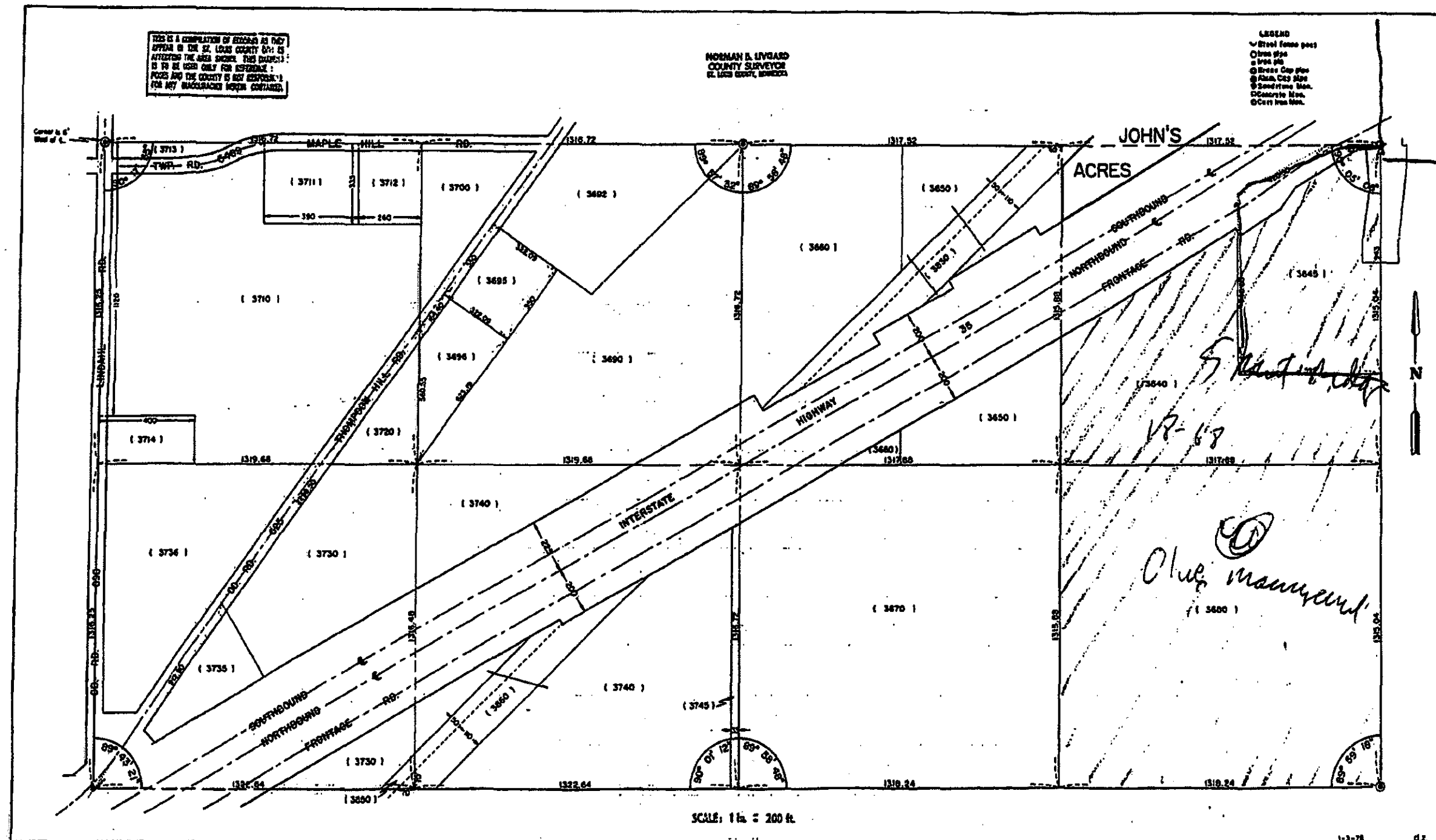
David Brennan
Mayor

ATTEST:

James Rohwedder
City Clerk

- - 1942

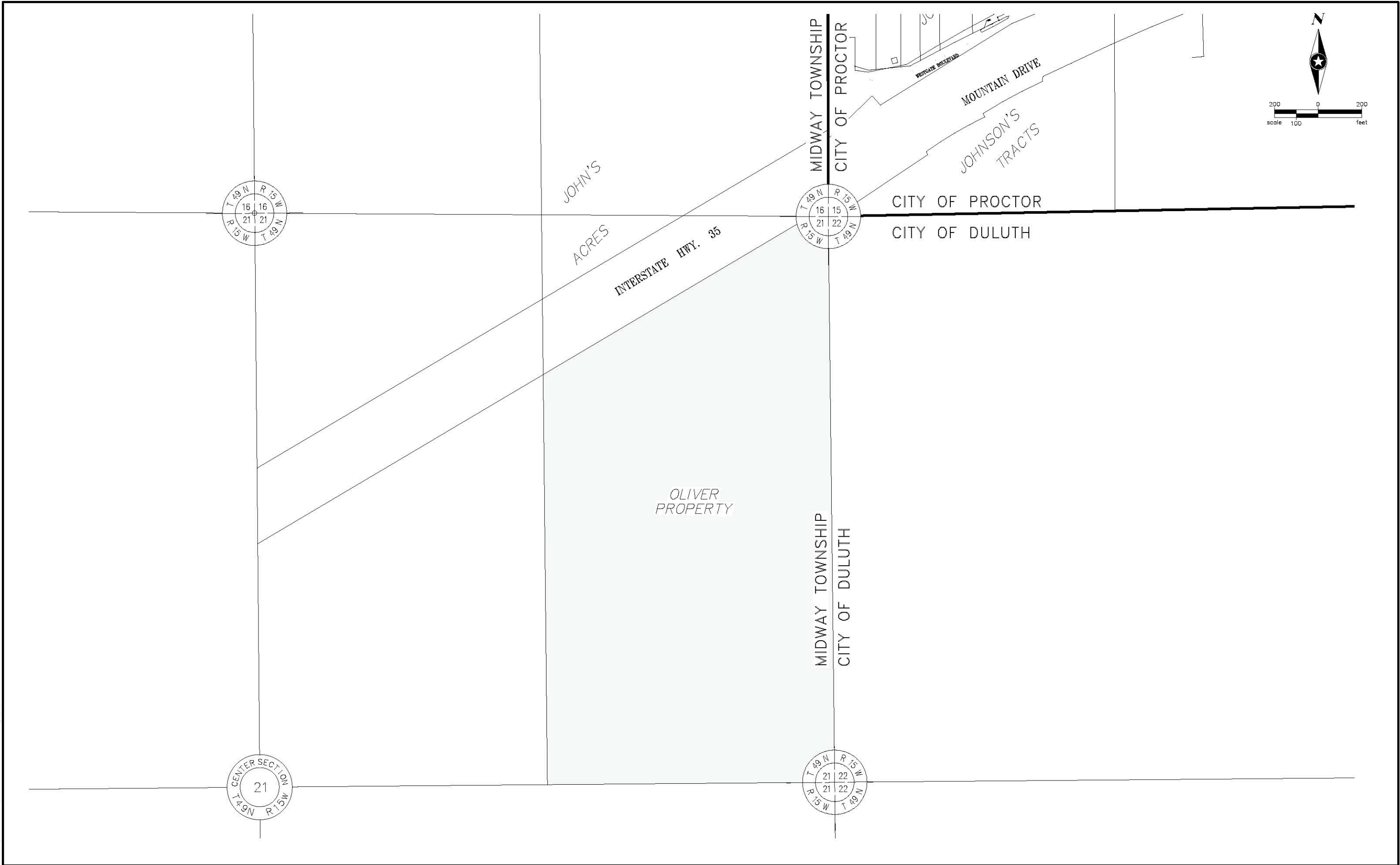
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N.1/2 SEC. 21 T.49 N. R.15 W.

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DRAWN BY: KLA					
DESIGNER: -					
CHECKED BY: JM					
DESIGN TEAM	NO.	BY	DATE	REVISIONS	

SEH

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**PROCTOR,
MINNESOTA**

**OLIVER PROPERTY
ANNEXATION EXHIBIT**

FILE NO.
PROCT 119317