

1130917

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1130917

Fee: \$46.00

TRANSFER ENTERED

July 19, 2013  
(Year)

OFFICE OF COUNTY RECORDER  
OTTER TAIL COUNTY, MINNESOTA

Certified, Filed, and/or Recorded:  
July 19, 2013 3:30 PM

Well Certificate [ ] Rec'd

Brian Armstrong, Recorder

Wayne Stein, County Auditor

Returned To: REC'D BY  
MBA  
CITY OF UNDERWOOD

JUL 29 2013

By: PA  
Deputy

PO BOX 106  
UNDERWOOD, MN 56586

By: LL

ORDINANCE NO. 82

AN ORDINANCE OF THE CITY OF UNDERWOOD, MINNESOTA ANNEXING LAND  
LOCATED IN TORDENSKJOLD TOWNSHIP, OTTER TAIL 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 Underwood, Minnesota, was duly presented to the Council of the City of Underwood on the 6<sup>th</sup> day of May, 2013; and

WHEREAS, said property is unincorporated and abuts the City of Underwood on its southern 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 commercial and annexation is requested to facilitate the extension of city services for the commercial development of the property; and

WHEREAS, the City of Underwood held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on July 10, 2013, at 7:00 p.m. at the Underwood Community Center, following thirty (30) days written notice by certified mail to the Township of Tordenskjold 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 applicable in that there will be a change in the electric utility service provider resulting from the annexation of the territory to the municipality. The City of Underwood has complied with said statute by mailing notice to petitioner at least thirty (30) days prior to adoption of the ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNDERWOOD 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 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 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 Underwood, Minnesota, are hereby extended to include the following described property, said land abutting the City of Underwood 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:

**That part of Government Lot 1 of Section 6, Township 132 North, Range 41 West, Otter Tail County, Minnesota described as follows:**

**Commencing at the Northeast corner of said Section 6; thence South 00°39'57" West (Assumed Bearing) along the East Line of said Section 6 a distance of 596.02 feet to the Southerly Right-of-Way Line of State Trunk Highway Number 210, said point being the point of beginning; thence continuing South 00°39'57" West along the East Line of said Section 6 a distance of 237.16 feet; thence North 89°20'03" West a distance of 352.35 feet; thence North 10°47'30" East a distance of 393.45 feet to the Southerly Right-of-Way Line a distance of 154.73 feet; thence South 79°12'30" East along said Southerly Right-of-Way Line a distance of 20.46 feet to the point of beginning.**

**Containing 2.50 Acres.**

**Together with an Easement for Ingress and Egress purposes, said Easement is described as follows:**

**Beginning at the afore described Point A; thence North 79°12'30" West along the Southerly Right-of-Way Line of State Trunk Highway Number 210 a distance of 535.92 feet; thence South 10°47'30" West a distance of 66.00 feet; thence South 79°12'30" East a distance of 535.92 feet to the westerly line of the afore described parcel of land; thence North 10°47'30" East along said westerly line a distance of 66.00 feet to the point of beginning. Containing 0.81 Acres.**

**Subject to an Easement along the East Line for County Road Number 35. Also subject to any other Easements or Restrictions of record.**

The above described property consists of a total of 2.5 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 and hereby annexed is 0.

5. The City of Underwood, pursuant to Minnesota Statutes § 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 Township of Tordenskjold in accordance with the following schedule:

Parties have agreed in writing to payment terms as follows:

2013: 100% of property taxes to Tordenskjold Township

2014: 80% of property taxes to Tordenskjold Township

2015: 60% of property taxes to Tordenskjold Township

2016: 40% of property taxes to Tordenskjold Township

2017: 20% of property taxes to Tordenskjold Township

2018: 0% of property taxes to Tordenskjold Township.

Property taxes will be based on unimproved tax amount.

6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Township to the annexed property and any portion of debt incurred by the Township prior to the annexation and attributable to the property 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 Township on the subject area for which reimbursement is required.

7. That the City Clerk of the City of Underwood 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 Otter Tail County Auditor, and the Tordenskjold 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 Underwood, Minnesota, this 10<sup>th</sup> day of July 2013.

  
\_\_\_\_\_  
Mayor, Paul Hoff

ATTEST:

  
\_\_\_\_\_  
City Clerk, Anna Kiser

(City Seal)

AGREEMENT

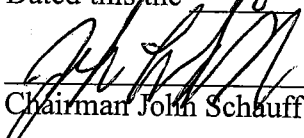

It is agreed, by and between the City of Underwood, party of the first part, and Tordenskjold Township, party of the second parts, as follows:

1. Party of the second part agrees to confirm and ratify and agrees to the annexation of Underwood Oil, Inc. to the City of Underwood.
2. Party of the first part shall pay to party of the second part the agreed upon percentage of property taxes as follows:

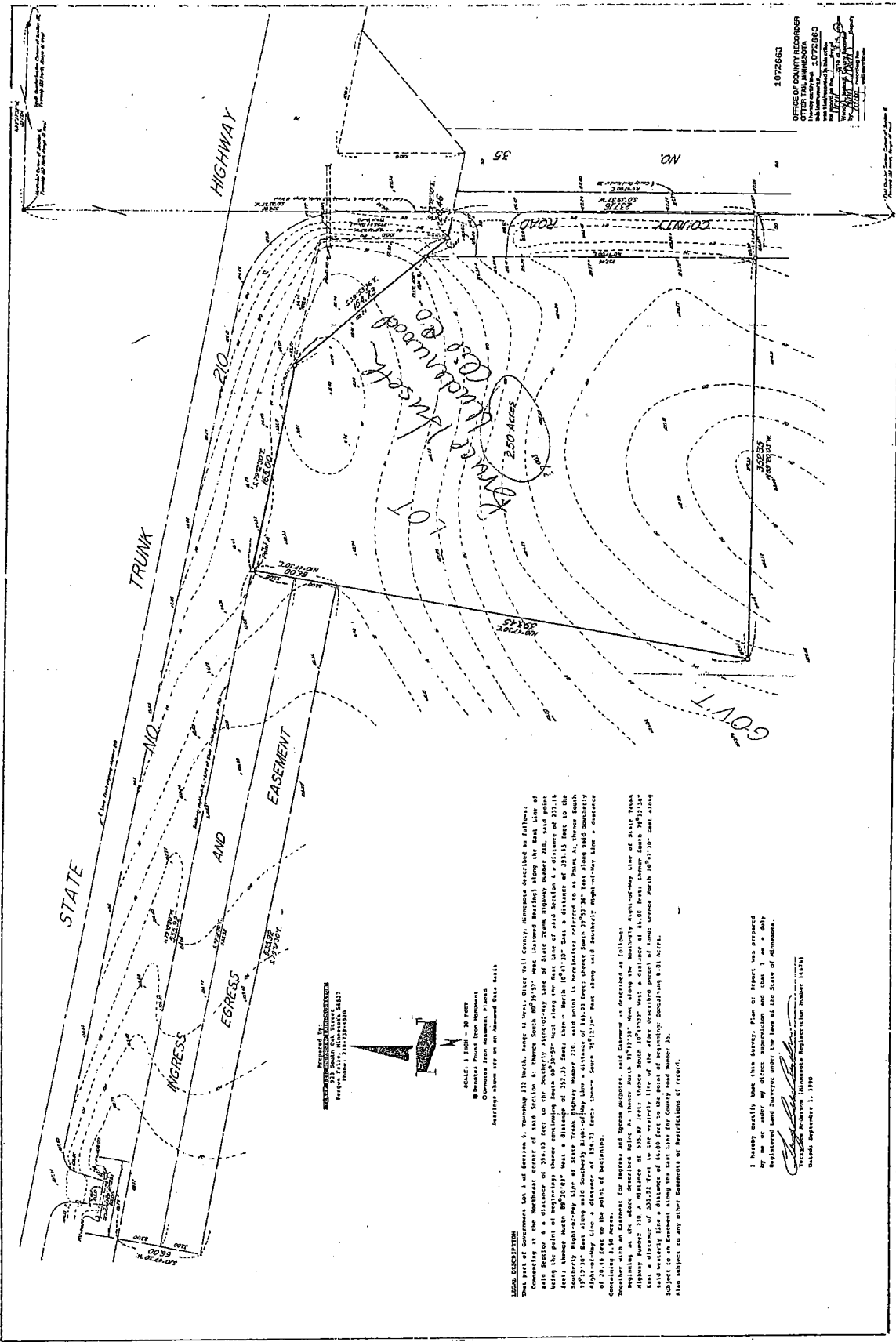
2014 - \$393.14 (100%)  
 2015 - \$314.88 (80%)  
 2016 - \$235.88 (60%)  
 2017 - \$157.26 (40%)  
 2018 - \$78.63 (20%)

3. Party of the first part agrees to make scheduled payments on or before July 1 of each scheduled year.

 ATTEST:   
 Mayor Paul Hoff City Clerk Anna Kiser

Dated this the 18<sup>th</sup> day of July 2013.  
 ATTEST:   
 Chairman John Schauff Township Clerk Robin R. Lindberg

Dated this the 18 day of July 2013.



1072663  
 OFFICE OF COUNTY RECORDER  
 COTTER VAL JAMESDOTA  
 STATE OF MINNESOTA  
 The above property has been surveyed by the  
 undersigned on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2012.  
 Surveyor's Name: \_\_\_\_\_  
 License No.: \_\_\_\_\_

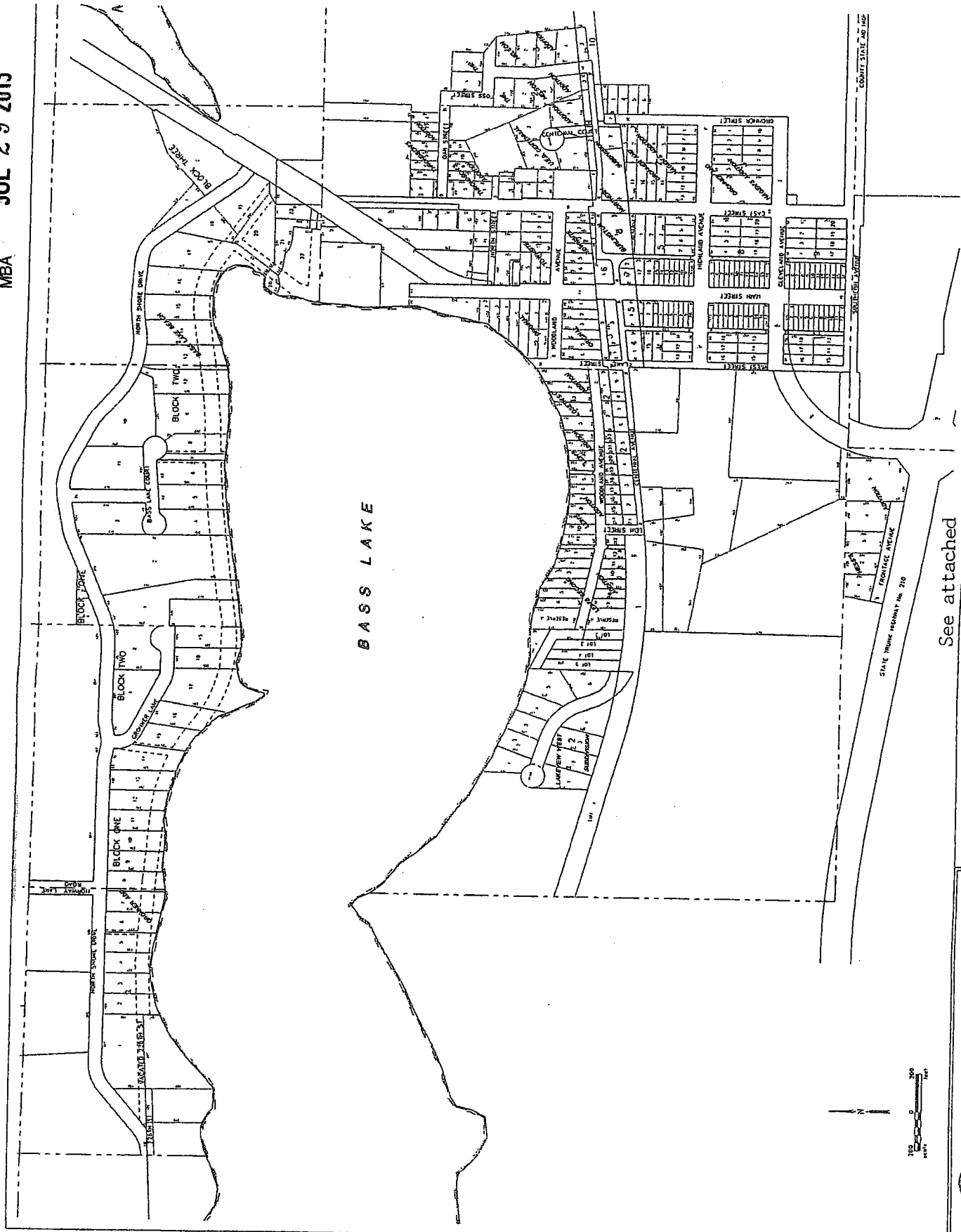
Prepared by:  
 JAMES DOTY  
 PROFESSIONAL SURVEYOR  
 MINNESOTA LICENSE NUMBER 55537  
 Phone: 763-733-5534



**LEGAL DESCRIPTION**  
 That part of Government Lot 1 of Section 13, Township 132 North, Range 41 West, Oliver Tall County, Minnesota described as follows:  
 Beginning at the southeast corner of Lot 1 of Section 13, Township 132 North, Range 41 West, Oliver Tall County, Minnesota, and running South 89°25'12" West a distance of 384.13 feet to the center of the State Trunk Highway, thence South 89°25'12" West a distance of 332.15 feet to the point of beginning, thence commencing South 89°25'12" West along the East line of said Section 13 a distance of 332.15 feet; thence North 89°25'12" West a distance of 332.15 feet; thence North 89°25'12" East a distance of 384.13 feet to the Southeast corner of the State Trunk Highway; thence South 89°25'12" West a distance of 384.13 feet to the point of beginning, and containing 250 acres, more or less, as shown on the plat hereunto annexed, subject to any other easements or restrictions of record.  
 This plat of Government Lot 1 of Section 13, Township 132 North, Range 41 West, Oliver Tall County, Minnesota, is described as follows:  
 Beginning at the stone monument which is 334.93 feet from the South 89°25'12" West along the State Trunk Highway, thence South 89°25'12" West a distance of 334.93 feet to the westerly line of the other described parcel of land; thence North 89°25'12" East along the westerly line of the other described parcel a distance of 334.93 feet; thence North 89°25'12" East a distance of 334.93 feet to the point of beginning, and containing 250 acres, more or less, as shown on the plat hereunto annexed, subject to any other easements or restrictions of record.

I hereby certify that this Survey, Plan or Report was prepared by me or under my direct supervision and that I am a duly registered land surveyor under the laws of the State of Minnesota.  
 James Doty  
 Surveyor  
 License Number: 55537

REC'D BY  
MBA  
JUL 29 2013



See attached

moore engineering, inc.  
 Consulting Engineering - Land Surveying  
 West Fargo - Fergus Falls

UNDERWOOD, MINNESOTA

CITY