

ORDINANCE NO. 02- 2014

**AN ORDINANCE OF THE CITY OF HINCKLEY ANNEXING LAND LOCATED
IN THE TOWN OF BARRY, PINE 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 Hinckley Minnesota, was duly presented to the Council of the City of Hinckley on the 10th day of December 2013; and

WHEREAS, said property is unincorporated and abuts the City of Hinckley on its north 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 undeveloped and annexation is requested to facilitate the extension of city services for the residential development of the property; and

WHEREAS, the City of Hinckley held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on January 28th, 2014, following thirty (30) days written notice by certified mail to the Town of Barry 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 HINCKLEY
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 residential 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 Hinckley, Minnesota, are hereby extended to include the following described property, said land abutting the City of Hinckley 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 the South Half of the Southeast Quarter (S1/2-SE1/4) and that part of the North Half of the Southeast Quarter (N1/2-SE1/4), Section 29, Township 41, Range 20, Pine County, Minnesota, described as follows: Commencing at the North Quarter corner of said Section 29; thence South 00 degrees 57 minutes 55 seconds East, bearing based on the Pine County Coordinate Database NAD 83, 3381.63 feet along the North-South Quarter line of said Section 29 to its intersection with the westerly extension of the south line of ZHINGWAAK OODENA SECOND ADDITION, according to the recorded plat thereof, on file in the Pine County, Minnesota, Recorder's Office, the point of beginning of the tract to be described; thence North 89 degrees 02 minutes 05 seconds East 1875.23 feet along said westerly extension of the south line of ZHINGWAAK OODENA SECOND ADDITION and along the south line of said ZHINGWAAK OODENA SECOND ADDITION to the west line of the East 736.00 feet of said N1/2-SE1/4; thence South 1 degree 37 minutes 46 seconds East 1466.85 feet along said west line of the East 736.00 feet of said N1/2-SE1/4 and along the west line of the East 736.00 feet of said S1/2-SE1/4 to the north line of the South 500.00 feet of said S1/2-SE1/4; thence North 89 degrees 18 minutes 55 seconds West 1392.82 feet along said north line of the South 500.00 feet of the S1/2-SE1/4 to the east line of the West 500.00 feet of said S1/2-SE1/4; thence North 00 degrees 57 minutes 55 seconds West 200.08 feet along said east line of the West 500.00 feet of the S1/2-SE1/4 to the north line of the South 700.00 feet of said S1/2-SE1/4; thence North 89 degrees 18 minutes 55 seconds West 500.21 feet along said north line of the South 700.00 feet of the S1/2-SE1/4 to said North-South Quarter line; thence North 00 degrees 57 minutes 55 seconds West 1212.17 feet along said North-South Quarter line to the point of beginning.

The above-described property consists of a total of 59.95 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 zero.
5. The City of Hinckley, 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 Town of Barry in accordance with the following schedule:
 - a. In the first year following the year in which the City of Hinckley could first levy on the annexed area, an amount equal to \$452.74; and
 - b. In the second and final year, an amount equal to \$452.74.

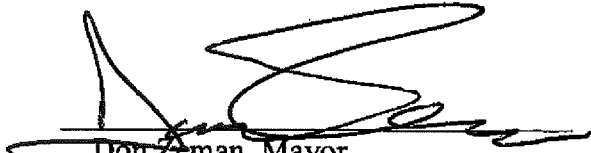
The above two-year repayment schedule is based on and equal to the total amount payable under the former law, but adjusted to be paid in two equal payments in accordance with the 2006 amendments to Minn. Stat. §414.036.

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, there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

7. That the City Clerk of the City of Hinckley 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 Pine County Auditor, and the Barry 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 Hinckley, Minnesota, this 11th day of March, 2014.


Don Zeman, Mayor

ATTEST:



Kyle Morell, City Clerk

(City Seal)

SKETCH AND DESCRIPTION

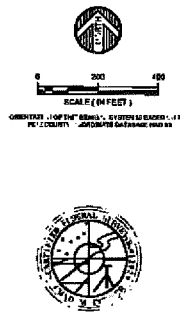
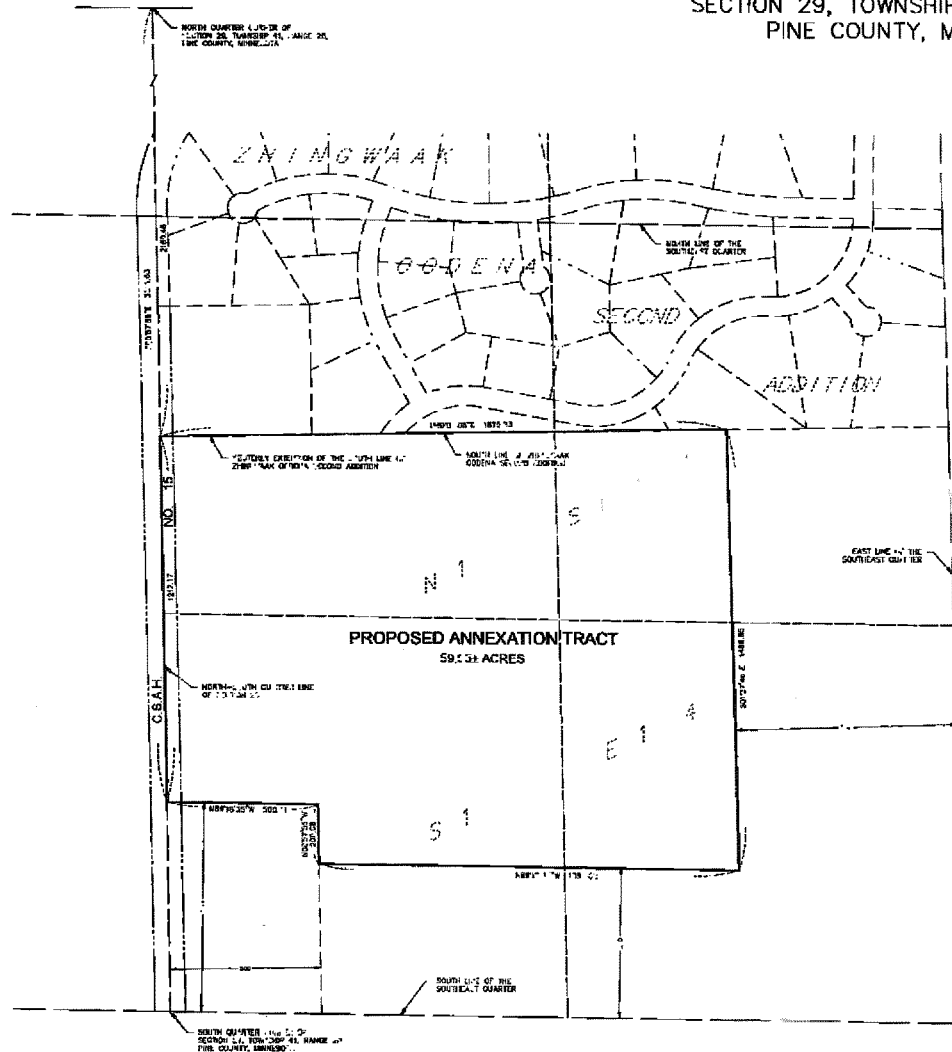
PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER AND
PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER,
SECTION 29, TOWNSHIP 41, RANGE 20,
PINE COUNTY, MINNESOTA

REC'D BY
MBA

MAR 21 2014

PROPOSED ANNEXATION TRACT DESCRIPTION:

That part of the South Half of the Southeast Quarter (S1/2-SE1/4) and that part of the North Half of the Southeast Quarter (N1/2-SE1/4), Section 29, Township 41, Range 20, Pine County, Minnesota, described as follows: Commencing at the North Quarter corner of said Section 29; thence South 00 degrees 57 minutes 55 seconds East, bearing based on the Pine County Coordinate Database NAD 83, 3981.83 feet along the North-South Quarter line of said Section 29 to its intersection with the westerly extension of the south line of ZHINGWAAK CODENA SECOND ADDITION, according to the record plat thereof, on file in the Pine County, Minnesota, Recorder's Office, the point of beginning of the tract to be described; thence North 88 degrees 02 minutes 05 seconds East 115.523 feet along said westerly extension of the south line of ZHINGWAAK CODENA SECOND ADDITION and along the south line of said ZHINGWAAK CODENA SECOND ADDITION to the west line of the East 738.00 feet of said N1/2-SE1/4; then, a South 1 degree 37 minutes 43 seconds East 1488.86 feet along said west line of the East 738.00 feet of said N1/2-SE1/4 and along the west line of the East 738.00 feet of said S1/2-SE1/4 to the north line of the South 500.00 feet of said S1/2-SE1/4; thence North 89 degrees 18 minutes 55 seconds West 1192.82 feet along said north line of the South 500.00 feet of the S1/2-SE1/4 to the east line of the West 500.00 feet of said S1/2-SE1/4; thence North 00 degrees 57 minutes 55 seconds West 200.08 feet along said east line of the West 500.00 feet of the S1/2-SE1/4 to the north line of the South 700.00 feet of said S1/2-SE1/4; thence North 89 degrees 16 minutes 55 seconds West 500.21 feet along said north line of the South 700.00 feet of the S1/2-SE1/4 to said North-South Quarter line; thence North 00 degrees 57 minutes 55 seconds West 1212.17 feet along said North-South Quarter line to the point of beginning.



DATE: 11.08.2013	BY: [Signature]	APPROVED BY: [Signature]	BY: [Signature]	PREPARED FOR: [Signature]	FILED: [Signature]	DATE: 11.08.2013
<p>THIS DOCUMENT IS THE PROPERTY OF THE STATE OF MINNESOTA. IT IS LOANED TO YOU BY THE STATE OF MINNESOTA. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE STATE OF MINNESOTA.</p>						
<p>WISCONSIN SOUTH SURVEYING</p>						
<p>ENGINEERS ARCHITECTS LAND SURVEYORS ENVIRONMENTAL SERVICES</p>						

REC'D BY
MBA

MAR 24 2014

