

ORDINANCE NO. 19.15

**AN ORDINANCE OF THE CITY OF BUFFALO, MINNESOTA ANNEXING
LAND LOCATED IN BUFFALO TOWNSHIP, WRIGHT 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 Buffalo, Minnesota, was duly presented to the Council of the City of Buffalo on the 2nd day of March, 2015; and

WHEREAS, said properties 1 and 2 are unincorporated and abut the City of Buffalo on its North boundaries; each is less than 120 acres; each is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

WHEREAS, said properties 1 and 2 are 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 1 is the Wright County Public Works building site, and property 2 is residential. Annexation is requested to facilitate the extension of city services for properties 1 and 2; and

WHEREAS, the City of Buffalo held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on April 20, 2015, following thirty (30) days written notice by certified mail to the Town of Buffalo and to all landowners within and contiguous to the area legally described herein,

Property 1: PID 202-000-173204

That part of the NW 1/4 of the NW 1/4, Government Lot 2, and of Government Lot 3, all in Section 17, Township 120, Range 25, Wright County, Minnesota, described as follows:

Beginning at the southwest corner of said Government Lot 3; thence N 0°13'42" E on an assumed bearing, along the west line of the NW 1/4 of said Section 17, a distance of 1719.60 feet; thence S 82°34'57" E a distance of 1549.97 feet to the northwesterly right of way line of Minnesota Highway Number 25; thence S 41°10'52" W, along said right of way line, a distance of 1263.09 feet; thence southwesterly, along said right of way line, on a tangent curve, concave southeasterly having a radius of 7714.44 feet and a central angle of 4°22'28" a distance of 588.98 feet; thence S 63°26'51" W, along said right of way line, not tangent to the last said curve, a distance of 178.18 feet; thence S 89°32'32" E, along said right of way line, a distance of 100.00 feet; thence southwesterly, along said right of way line, on a curve not tangent to the last described line, concave southeasterly, having a radius of 7714.44 feet (the chord bears S 35°54'49" W 40.51 feet) a distance of 40.51 feet to the south line of said Government Lot 3; thence N 89°32'32" W, along said south line, a distance of 258.52 feet to the point of beginning, subject to road easements along the south and west lines thereof.

Exception A:

That part of the NW 1/4 of the NW 1/4, Government Lot 2, and Government Lot 3, all in Section 17, Township 120, Range 25, Wright County, Minnesota, described as follows:

Commencing at the southwest corner of said Government Lot 3; thence N 0°13'42" E on an assumed bearing, along the west line of the NW 1/4 of said Section 17, a distance of 1719.60 feet; thence S 82°34'57" E a distance of 954.56 feet to the actual point of beginning; thence continue S 82°34'57" E a distance of 595.41 feet to the northwesterly right of way line of Minnesota State Highway Number 25; thence S 41°10'52" W, along said right of way line, a distance of 763.09 feet; thence N 82°34'57" W a distance of 91.29 feet; thence N 0°13'42" E a distance of 639.41 feet to the point of beginning.

Exception B:

That part of Government Lot 3, Section 17, Township 120, Range 25, Wright County, Minnesota, that lies northwesterly of the northwesterly right of way line of Minnesota State Highway Number 25 and southerly of the following described line:

Commencing at the southwest corner of said Government Lot 3; thence northerly along the west line of said Government Lot 3 a distance of 571.68 feet to the actual beginning of the line to be described; thence easterly, deflecting 90°00' to the right a distance of 709.91 feet to the northwesterly right of way line of said Minnesota State Highway Number 25 and said line there terminating. Subject to the right of way of a township road along the west line of said Government Lot 3 and subject to the right of way of Wright County Road Number 138 along the south line of said Government Lot 3.

Property 2: PID 202-000-172203

That part of the Northwest Quarter of Section 17, Township 120, Range 25, Wright County, Minnesota, described as follows: Commencing at the Southwest corner of the Northwest Quarter of said Section 17; thence North 00 degrees 13 minutes 42 seconds East, assumed bearing, along the west line of said Section 17, a distance of 1719.60 feet to the south line of a tract recorded in Book 299 of Deeds page 7; thence South 82 degrees 34 minutes 57 seconds East, along the south line, a distance of 501.14 feet to the east line of the West 497.2 feet thereof, as measured along the North line of said Section 17; thence continue South 82 degrees 34 minutes 57 seconds East 491.12 feet to the point of beginning of the tract to be described; thence continue South 82 degrees 34 minutes 57 seconds East, along said south line, a distance of 558.22 feet to the Northwest right of way line of Minnesota State Highway 25, as occupied by the State of Minnesota in Final Certificate recorded in Book 254 of Deeds on pages 163 to 189; thence North 41 degrees 10 minutes 22 seconds East along said right of way, a distance of 327.57 feet; thence North 83 degrees 59 minutes 04 seconds West, a distance of 772.42 feet; thence South 00 degrees 13 minutes 42 seconds West, a distance of 255.45 feet to the actual point of beginning. 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 BUFFALO, MINNESOTA
HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the properties 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 Buffalo, Minnesota, are hereby extended to include the following described property, said land abutting the City of Buffalo 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:

Property 1:

That part of the NW 1/4 of the NW 1/4, Government Lot 2, and of Government Lot 3, all in Section 17, Township 120, Range 25, Wright County, Minnesota, described as follows:

Beginning at the southwest corner of said Government Lot 3; thence N 0°13'42" E on an assumed bearing, along the west line of the NW 1/4 of said Section 17, a distance of 1719.60 feet; thence S 82°34'57" E a distance of 1549.97 feet to the northwesterly right of way line of Minnesota Highway Number 25; thence S 41°10'52" W, along said right of way line, a distance of 1263.09 feet; thence southwesterly, along said right of way line, on a tangent curve, concave southeasterly having a radius of 7714.44 feet and a central angle of 4°22'28" a distance of 588.98 feet; thence S 63°26'51" W, along said right of way line, not tangent to the last said curve, a distance of 178.18 feet; thence S 89°32'32" E, along said right of way line, a distance of 100.00 feet; thence southwesterly, along said right of way line, on a curve not tangent to the last described line, concave southeasterly, having a radius of 7714.44 feet (the chord bears S 35°54'49" W 40.51 feet) a distance of 40.51 feet to the south line of said Government Lot 3; thence N 89°32'32" W, along said south line, a distance of 258.52 feet to the point of beginning, subject to road easements along the south and west lines thereof.

Exception A:

That part of the NW 1/4 of the NW 1/4, Government Lot 2, and Government Lot 3, all in Section 17, Township 120, Range 25, Wright County, Minnesota, described as follows:

Commencing at the southwest corner of said Government Lot 3; thence N 0°13'42" E on an assumed bearing, along the west line of the NW 1/4 of said Section 17, a distance of 1719.60 feet; thence S 82°34'57" E a distance of 954.56 feet to the actual point of beginning; thence continue S 82°34'57" E a distance of 595.41 feet to the northwesterly right of way line of Minnesota State Highway Number 25; thence S 41°10'52" W, along said right of way line, a distance of 763.09 feet; thence N 82°34'57" W a distance of 91.29 feet; thence N 0°13'42" E a distance of 639.41 feet to the point of beginning.

Exception B:

That part of Government Lot 3, Section 17, Township 120, Range 25, Wright County, Minnesota, that lies northwesterly of the northwesterly right of way line of Minnesota State Highway Number 25 and southerly of the following described line:

Commencing at the southwest corner of said Government Lot 3; thence northerly along the west line of said Government Lot 3 a distance of 571.68 feet to the actual beginning of the line to be described; thence easterly, deflecting 90°00' to the right a distance of 709.91 feet to the northwesterly right of way line of said Minnesota State Highway Number 25 and said line there terminating. Subject to the right of way of a township road along the west line of said Government Lot 3 and subject to the right of way of Wright County Road Number 138 along the south line of said Government Lot 3.

Contains approximately 23 acres.

Property 2:

That part of the Northwest Quarter of Section 17, Township 120, Range 25, Wright County, Minnesota, described as follows: Commencing at the Southwest corner of the Northwest Quarter of said Section 17; thence North 00 degrees 13 minutes 42 seconds East, assumed bearing, along the west line of said Section 17, a distance of 1719.60 feet to the south line of a tract recorded in Book 299 of Deeds page 7; thence South 82 degrees 34 minutes 57 seconds East, along the south line, a distance of 501.14 feet to the east line of the West 497.2 feet thereof, as measured along the North line of said Section 17; thence continue South 82 degrees 34 minutes 57 seconds East 491.12 feet to the point of beginning of the tract to be described; thence continue South 82 degrees 34 minutes 57 seconds East, along said south line, a distance of 558.22 feet to the Northwest right of way line of Minnesota State Highway 25, as occupied by the State of Minnesota in Final Certificate recorded in Book 254 of Deeds on pages 163 to 189; thence North 41 degrees 10 minutes 22 seconds East along said right of way, a distance of 327.57 feet; thence North 83 degrees 59 minutes 04 seconds West, a distance of 772.42 feet; thence South 00 degrees 13 minutes 42 seconds West, a distance of 255.45 feet to the actual point of beginning.

Contains 3.99 acres.

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 two (2).
5. The City of Buffalo, 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 Buffalo in accordance with the following schedule:

OPTION A:

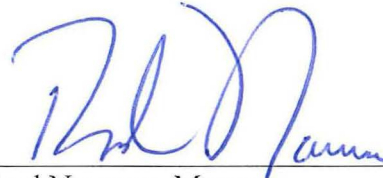
- a. In the first year following the year in which the City of Buffalo could first levy on the annexed area, an amount equal to \$ 678.23 and
- b. In the second and final year, an amount equal to \$678.23.
(Or payments can extend up to 8 years.)

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 Buffalo 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 Wright County Auditor, and the Buffalo Township Clerk.

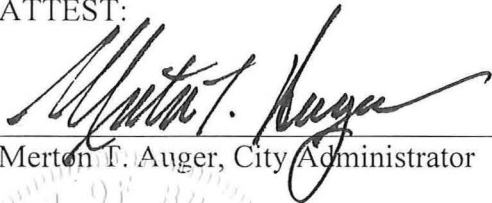
8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Buffalo, Minnesota, this 20th day of April, 2015.



Brad Nauman, Mayor

ATTEST:



Merton T. Auger, City Administrator

(City Seal)

