

ORDINANCE NO. 96, FOURTH SERIES**AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA ANNEXING
LAND LOCATED IN BELGRADE TOWNSHIP, NICOLLET 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 in Exhibit A be annexed to the City of North Mankato Minnesota, was duly presented to the Council of the City of North Mankato on the 7th day of August, 2017; and

WHEREAS, said property is unincorporated and abuts the City of North Mankato 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 farmland and annexation is requested to facilitate the extension of city services for the residential development of the property; and

WHEREAS, the City of North Mankato held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on September 18, 2017, following thirty (30) days written notice by certified mail to the Township of Belgrade and to all landowners within and contiguous to the area legally described in Exhibit A, 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 NORTH MANKATO
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 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 North Mankato, Minnesota, are hereby extended to include the following described property, said land abutting the City of North Mankato 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:

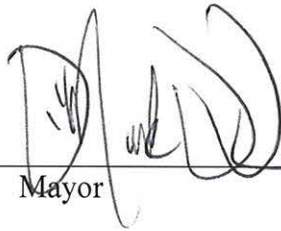
That part of the Southwest Quarter of Section 35, Township 109 North Range 27 West, Nicollet County, Minnesota, described as:

Beginning at the northwest corner of Trail's West Estates, according to the plat thereof on file and of record with the Nicollet County Recorder; thence South 89 degrees 23 minutes 44 seconds East, (Minnesota County Coordinate System - Nicollet County Zone - HARN NAD83 - 1996), along the north line of said Trail's West Estates and along the north line of North Gate No. 2, according to the plat thereof on file and of record with the Nicollet County Recorder, a distance of 1309.05 feet; thence North 00 degrees 36 minutes 16 seconds East, 125.00 feet; thence North 20 degrees 16 minutes 33 seconds East, 63.72 feet; thence North 00 degrees 36 minutes 16 seconds East, 75.00 feet; thence North 89 degrees 23 minutes 44 seconds West, 1055.91 feet; thence North 54 degrees 24 minutes 23 seconds West, 72.12 feet; thence North 89 degrees 23 minutes 44 seconds West, 125.00 feet; thence North 00 degrees 36 minutes 16 seconds East, 430.00 feet; thence North 89 degrees 23 minutes 44 seconds West, 99.98 feet to the northeasterly corner of Outlot B, Parks Edge Addition, according to the plat thereof on file and of record with the Nicollet County Recorder; thence South 00 degrees 08 minutes 19 seconds East, along the easterly line of said Outlot B, a distance of 731.42 feet to the point of beginning. Containing 9.07 acres.

The above described property consists of a total of 9.07 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 in Exhibit B.

4. That the population of the area legally described herein and hereby annexed is 0.
5. The City of North Mankato pursuant to Minnesota Statutes §414.036, and in accordance with the reimbursement agreement (Exhibit C) that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to Belgrade Township of \$677.30 and shall not receive any further property tax income from the land commencing with the tax year 2017.
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 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 North Mankato 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 Nicollet County Auditor, and the Belgrade 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 North Mankato, Minnesota, this
18th day of September 2017.



Mayor

ATTEST:



City Clerk

(City Seal)

EXHIBIT A

PROPERTY OWNER PETITION TO MUNICIPALITY FOR ANNEXATION BY ORDINANCE - 120 Acres or Less

IN THE MATTER OF THE PETITION OF CERTAIN PERSONS FOR THE
ANNEXATION OF CERTAIN LAND TO THE CITY OF NORTH MANKATO,
MINNESOTA
PURSUANT TO MINNESOTA STATUTES § 414.033, SUBD. 2(3)

TO: Council of the City of North Mankato, Minnesota

PETITIONER(S) STATE: All of the property owners in number are required to commence a proceeding under Minnesota Statutes § 414.033, Subd. 2(3).

It is hereby requested by:

 X the sole property owner; or
 all of the property owners (If the land is owned by both husband and wife, both
must sign the petition to represent all owners.)

of the area proposed for annexation to annex certain property described herein lying in the Township of Belgrade to the City of North Mankato, County of Nicollet, Minnesota.

The area proposed for annexation is described as follows:

That part of the Southwest Quarter of Section 35, Township 109 North Range 27 West, Nicollet County, Minnesota, described as:

Beginning at the northwest corner of Trail's West Estates, according to the plat thereof on file and of record with the Nicollet County Recorder; thence South 89 degrees 23 minutes 44 seconds East, (Minnesota County Coordinate System - Nicollet County Zone - HARN NAD83 - 1996), along the north line of said Trail's West Estates and along the north line of North Gate No. 2, according to the plat thereof on file and of record with the Nicollet County Recorder, a distance of 1309.05 feet; thence North 00 degrees 36 minutes 16 seconds East, 125.00 feet; thence North 20 degrees 16 minutes 33 seconds East, 63.72 feet; thence North 00 degrees 36 minutes 16 seconds East, 75.00 feet; thence North 89 degrees 23 minutes 44 seconds West, 1055.91 feet; thence North 54 degrees 24 minutes 23 seconds West, 72.12 feet; thence North 89 degrees 23 minutes 44 seconds West, 125.00 feet; thence North 00 degrees 36 minutes 16 seconds East, 430.00 feet; thence North 89 degrees 23 minutes 44 seconds West, 99.98 feet to the northeasterly corner of Outlot B, Parks Edge Addition, according to the plat thereof on file and of record with the Nicollet County Recorder; thence South 00 degrees 08 minutes 19 seconds East, along the easterly line of said Outlot B, a distance of 731.42 feet to the point of beginning. Containing 9.07 acres.

1. There is 1 property owner in the area proposed for annexation. (If a property owner owns more than one parcel in the area proposed for annexation, he/she is only counted once as an owner - the number of parcels owned by a petitioner is not counted.)
2. The land abuts the municipality and the area to be annexed is 120 acres or less, and the area to be annexed is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available.

Except as provided for by an orderly annexation agreement, this clause may not be used to annex any property contiguous to any property previously annexed under this clause within the preceding 12 months if the property is owned by the same owners and annexation would cumulatively exceed 120 acres.

3. Said property is unincorporated, abuts on the city's N S E W (circle one) boundary(ies), and is not included within any other municipality.
4. The area of land proposed for annexation, in acres, is 9.07 acres.
5. The reason for the requested annexation is to accommodate residential development.

PETITIONERS REQUEST: That pursuant to Minnesota Statutes § 414.033, the property described herein be annexed to and included within the City of North Mankato, Minnesota.

Dated: 8-2-17

Signatures: Mark Huit

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd. 2b, before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), a municipality must hold a public hearing and give 30 days' written notice by certified mail to the town or towns affected by the proposed ordinance and to all landowners within and contiguous to the area to be annexed.

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd. 11, when a municipality declares land annexed to the municipality under subdivision 2, clause (3), and the land is within a designated floodplain, as provided by section 103F.111, subdivision 4, or a shoreland area, as provided by section 103F.205, subdivision 4, the municipality shall adopt or amend its land use controls to conform to chapter 103F, and any new development of the annexed land shall be subject to chapter 103F.

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd. 12, when a municipality annexes land under subdivision 2, clause (2), (3) or (4), property taxes payable on the annexed land shall continue to be paid to the affected town or towns for the year in which the annexation becomes effective. If the annexation becomes effective on or before August 1 of a levy year, the municipality may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the town may continue to levy on the annexed area for that levy year, and the municipality may not levy on the annexed area until the following levy year.

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd 13, at least 30 days before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), the petitioner must be notified by the municipality that the cost of electric utility service to the petitioner may change if the land is annexed to the municipality. The notice must include an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation.

Municipal Boundary Adjustment Unit Contacts

Star Holman star.holman@state.mn.us 651-361-7909

Katie Lin katie.lin@state.mn.us 651-361-7911

(June 2011)

EXHIBIT B



Legend

- City Limits
- Medians
- Roadways
- Parcels (5-24-2016)
- Lakes & Ponds
- Minnesota River



Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of North Mankato is not responsible for any inaccuracies herein contained.

0 566 Feet

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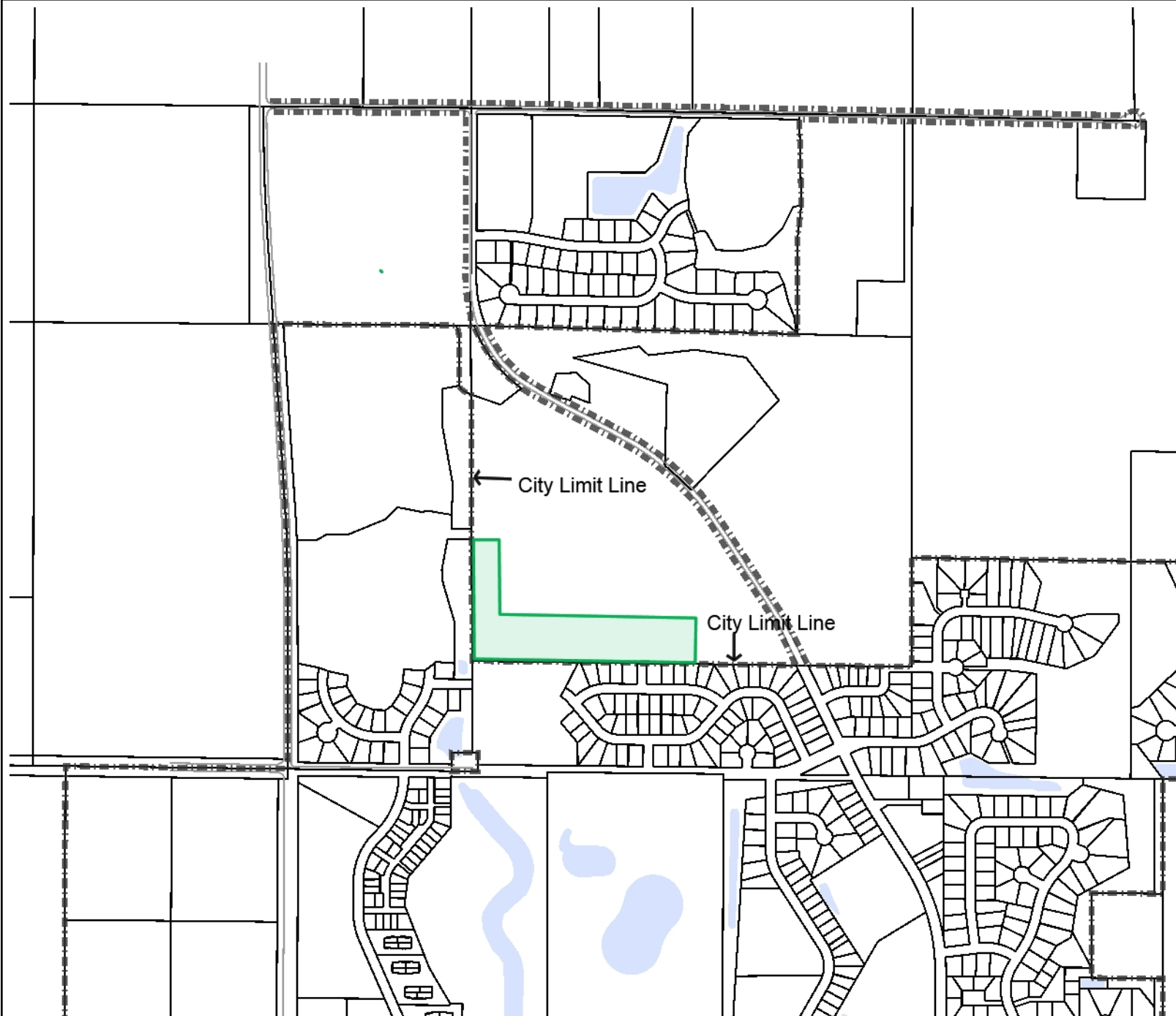
**BOLTON
& MENK**

Real People. Real Solutions.



Legend

- City Limits
- Road Edge
- Parcels (5-24-2016)
- Lakes & Ponds
- Minnesota River



0 823 Feet

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Legend



City Limits

Roads

US TRUNK HWY

COUNTY STATE AID HWY

MUNICIPAL STATE AID STREET

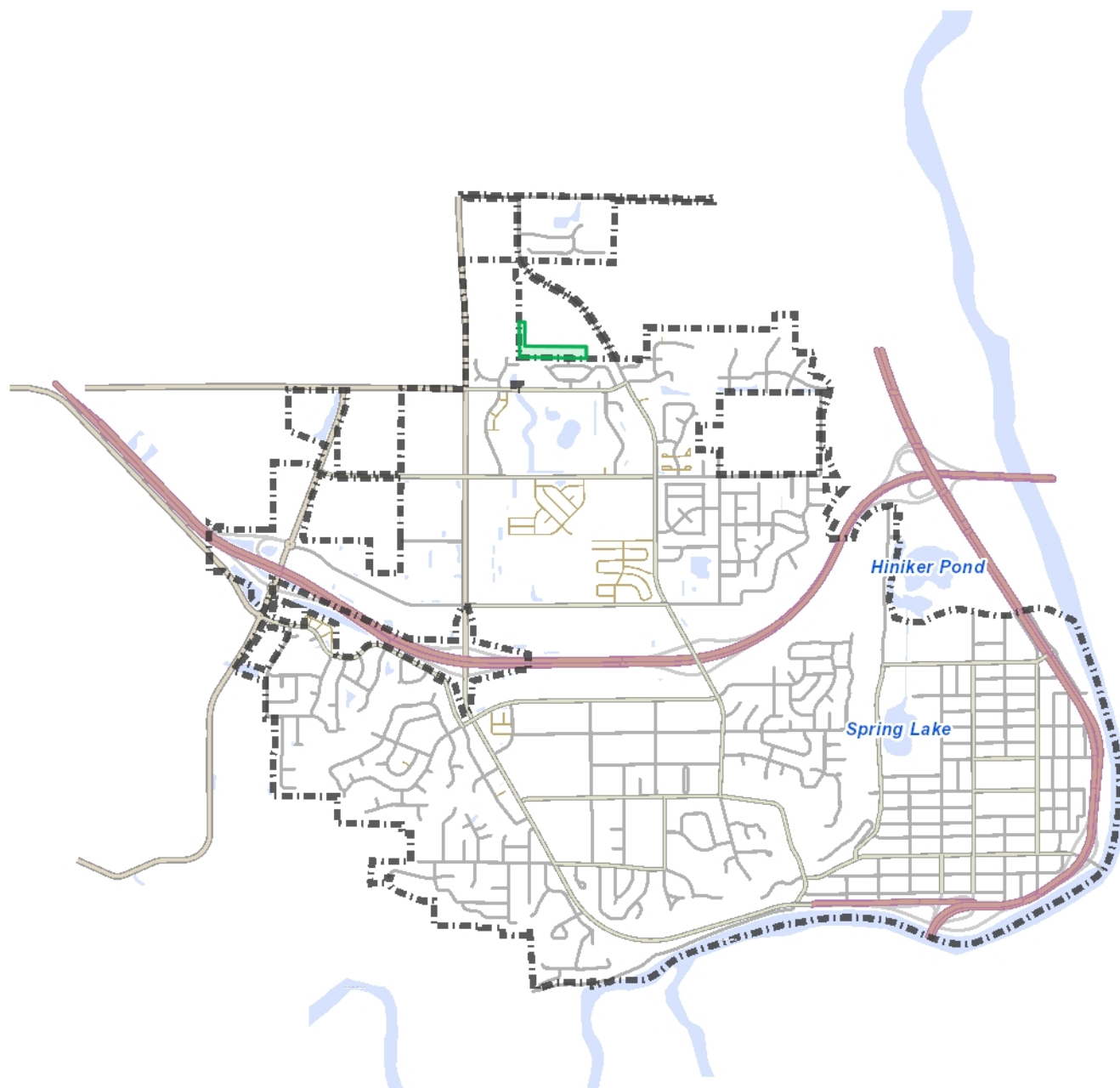
LOCAL STREET

RAMP

PRIVATE STREET

Lakes & Ponds

Minnesota River



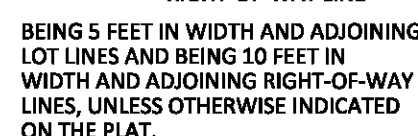
0 3,291 Feet

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Disclaimer:

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LOT AREAS	
	SQL.FT. ACRES
1	13847 0.32
2	8676 0.20
3	8869 0.20
4	9164 0.21
1	9845 0.23
2	9375 0.22
1	9375 0.22
2	9375 0.22
1	9375 0.22
2	9375 0.22
1	9375 0.22
1	9375 0.22
2	7500 0.17
3	7500 0.17
3	7500 0.17
4	10000 0.23
1	11982 0.28
2	7500 0.17
3	7500 0.17
4	7500 0.17
5	7500 0.17
6	7500 0.17
7	7500 0.17
8	7500 0.17
9	7500 0.17
10	7500 0.17
11	7500 0.17
12	10625 0.24
	55403 1.27

PARCEL CURVE DATA					
SEGMENT	LENGTH	RADIUS	DELTA	CH LENGTH	CH BEARING
C1	76.69	200.00	21°58'10"	76.22	N11°35'21"E
C2	21.38	200.00	6°07'26"	21.37	N25°38'09"E
C3	73.55	300.00	14°02'48"	73.36	N21°40'28"E
C4	73.55	300.00	14°02'48"	73.36	N7°37'40"E
C5	76.34	360.00	12°08'58"	76.19	S10°45'53"W
C6	68.64	140.00	28°05'36"	67.96	S14°39'04"W

INSTRUMENT OF DEDICATION

Know all men by these presents that I, Hiniker Homes, Inc., a Minnesota corporation, fee owner of the following described property to wit:

That part of the Southwest Quarter of Section 35, Township 109 North Range 27 West, Nicollet County, Minnesota, described as:

Beginning at the northwest corner of Trail's West Estates, according to the plat thereof on file and of record with the Nicollet County Recorder; thence South 89 degrees 23 minutes 44 seconds East, (Minnesota County Coordinate System - Nicollet County Zone - HARN NAD83 - 1996), along the north line of said Trail's West Estates and along the north line of North Gate No. 2, according to the plat thereof on file and of record with the Nicollet County Recorder; thence North 89 degrees 23 minutes 44 seconds East, 130.00 feet; thence North 125.00 feet; thence North 20 degrees 16 minutes 33 seconds East, 63.72 feet; thence North 00 degrees 36 minutes 16 seconds East, 75.00 feet; thence North 89 degrees 23 minutes 44 seconds West, 1055.91 feet; thence North 54 degrees 22 minutes 23 seconds West, 72.12 feet; thence North 89 degrees 23 minutes 44 seconds West, 125.00 feet; thence North 36 minutes 16 seconds East, 430.00 feet; thence North 89 degrees 23 minutes 44 seconds West, 99.98 feet to the northeasterly corner of Outlot B, Parks Edge Addition, according to the plat thereof on file and of record with the Nicollet County Recorder; thence South 00 degrees 00 minutes 00 seconds East, 731.42 feet to the point of beginning. Containing 9.07 acres.

do hereby declare that we have caused the above described property to be surveyed and
platted and monuments to be set, that we have named said platted area NORTHGATE NO. 3, and
that we dedicate to the public use the public way and easements as shown hereon.

Dated this _____ day of _____, 2017 by Mark Hiniker, Chief Executive Officer
of Hiniker Homes, Inc.,

Mark Hiniker, Chief Executive Officer

NOTARY CERTIFICATE

State of Minnesota
County of Nicollet

On this the ____ day of _____, 2017, before me a Notary Public within and for said County, personally Mark Hiniker, who being duly sworn, did say that he is the chief executive officer of Hiniker Homes, Inc., the Minnesota corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors, and said Mark Hiniker acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

SURVEYOR'S CERTIFICATE

I, Michael M. Eichers, Licensed Land Surveyor, do hereby certify that I have surveyed or directly supervised the survey of the property described on this plat; prepared this plat or directly supervised the preparation of this plat; that this plat is a correct and true and correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments indicated on this plat have been correctly set; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of the surveyor's certification are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 2017.

Michael M. Eichers,
Licensed Land Surveyor,
Minnesota License No. 46564

On this the ____ day of _____, 2017, before me a Notary Public in and for said County, appeared Michael M. Eichers, and being duly sworn did say that he has executed the foregoing instrument.

Robert Paul Smith, Notary Public
Notary Public-Minnesota
My Commission Expires Jan. 31, 2018

APPROVALS

Be it known that on this the ____ day of _____, 2017, the Planning Commission of the City of North Mankato did duly review this plat of NORTHGATE NO. 3.

Chairman

Secretary

Be it known that on this the ____ day of _____, 2017, the City Council of the City of North Mankato did duly approve this plat of NORTHGATE NO. 3.

Mayor

Clerk

TITLE OPINION

I, Joel A. Cich, Licensed Attorney, State of Minnesota, do hereby certify that the owner as indicated hereon, represent all ownership interest in the land encompassed by this plat.

Joel A. Cich,
Licensed Attorney

PROPERTY AND PUBLIC SERVICES

I hereby certify that there are no delinquent taxes and/or delinquent special assessments, that the current taxes have been paid and that the transfer has been entered on the land described herein on the ____ day of _____, 2017.

Property and Public Services

COUNTY RECORDER

I hereby certify that this instrument was filed in my office for record on this, the ____ day of _____, 2017, at ____ o'clock, ____ M., and that it was duly recorded on _____ Plats. Number _____

FINAL PLAT
PENDING FINAL REVIEW
(08-28-2017)

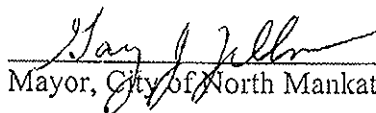
EXHIBIT C

ANNEXATION REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF NORTH MANKATO AND BELGRADE TOWNSHIP

Pursuant to Minn. Stat. Sec. 414.036:

Unless otherwise agreed to by the annexing municipality and the affected town, when an order or other approval under this chapter annexes part of a town to a municipality the order or other approval must provide a reimbursement from the municipality to the town for all or part of the taxable property annexed as part of the order. The reimbursement shall be completed in substantially equal payments over not less than two nor more than eight years from the time of annexation. The municipality must reimburse the township for all special assessments assigned by the townships 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, in substantially equal payments over a period of not less than two or no more than eight years.

In accordance with this State Statute, the City of North Mankato will reimburse Belgrade Township an annual amount based on the property taxes collected by Belgrade Township in the last year it collected taxes on any land valued over \$50,000 which the City of North Mankato annexes into its City limits. There will be no reimbursement for land valued under \$50,000 which the City annexes. Any reimbursement shall be paid for a period of five years. The City reserves the right to pre-pay at any time.



Mayor, City of North Mankato



Belgrade Township Supervisor

1-16-07

Date

1-9-2007

Date