

# RECEIVED

by OAH on October 20, 2017

**ORDINANCE NO. 35 THIRD SERIES**  
**(Uncodified)**

**AN ORDINANCE OF THE CITY OF ROSEAU, MINNESOTA, ANNEXING TO THE CITY OF ROSEAU CERTAIN REAL ESTATE LOCATED IN SPRUCE TOWNSHIP, ROSEAU COUNTY, MINNESOTA, PURSUANT TO MINNESOTA STATUTES SECTION § 414.033, ENTITLED "ANNEXATION BY ORDINANCE" SUBDIVISION 2 (3).**

**WHEREAS**, Jeffrey O. Swanson and Angela O. Swanson, husband and wife, have Petitioned the City of Roseau, Minnesota, to annex by Ordinance the following described real estate currently located in Spruce Township, Roseau County, Minnesota:

The Northerly 159 feet of the Southerly 204 feet of the Northerly 668 feet of Government Lot 1, Section 19, Township 162 North, Range 39 West, LESS the Easterly 903.6 feet thereof, AND ALSO LESS the Westerly 195 feet thereof.

**Said parcel abuts the City of Roseau.**

**AND WHEREAS**, the above described parcel:

- (a) Is urban or suburban in character or about to become so;
- (b) Is all residential property;
- (c) Contains 0.71 acres  $\pm$  (being less than 120 acres);
- (d) Is not presently served by public water, public wastewater facilities and public water and public wastewater facilities are not otherwise available;
- (e) Consists of 0.71 acres  $\pm$  which abut the corporate limits of the City of Roseau;

- (f) Contains no existing conditions under Minnesota Statutes § 414.033 Subdv. 2(3), which would prohibit the annexation of the above described land (real estate) by Ordinance.

**AND WHEREAS**, the provisions of Minnesota Statutes § 414.033 Subdv. 13 are not applicable for the reason that the current electrical provider, the City of Roseau, will continue to provide electrical services to the subject real estate, and therefore there will be no need for an estimate of the cost impact of any change in electric utility service; and

**WHEREAS**, the City of Roseau previously set a Public Hearing on the above described Petition for Annexation by Ordinance said hearing to be held on Monday, October 2, 2017, at 5:30 p.m. at the City Council Chambers on the 2<sup>nd</sup> floor of the Roseau City Center building, 121 Center Street East, Suite 201, Roseau, Minnesota 56751; and

**WHEREAS**, Notice of said Public Hearing was given in accordance with Minnesota law by Certified Mail to Spruce Township, Roseau County, Minnesota, and to all landowners within, or contiguous to the area to be annexed, and further that said Notice was published in two (2) consecutive editions of the Roseau Times Region newspaper; and

**WHEREAS**, the Public Hearing above described was duly held on Monday, October 2, 2017, at the time and location above specified; and

**WHEREAS**, all persons desiring to be heard with respect to the requested annexation were heard at said Hearing; and

**WHEREAS**, following the closing of the Public Hearing the City Council of the City of Roseau approved the Petitioners' request for annexation to the City of Roseau.

**NOW THEREFORE**, the City of Roseau, Minnesota, does ordain as follows:

**SECTION 1.** That the corporate limits of the City of Roseau, Minnesota are hereby extended to include the following described real estate and said lands are hereby annexed to be included within the City of Roseau, Roseau County, Minnesota:

The Northerly 159 feet of the Southerly 204 feet of the Northerly 668 feet of Government Lot 1, Section 19, Township 162 North, Range 39 West, LESS the Easterly 903.6 feet thereof, AND ALSO LESS the Westerly 195 feet thereof.

**SECTION 2.** In conjunction with Minnesota Statutes § 414.036, with respect to the property taxes payable on the area legally described above hereby annexed to the City of Roseau, the City of Roseau shall make cash payments to Spruce Township in accordance with the following schedule:

- (a) In the first year following the year the City of Roseau could first levy on the annexed area, an amount equal to \$46.00.
- (b) In the second year, an amount equal to \$46.00.

With respect to the requirements under Minnesota Statutes § 414.036 regarding 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 to be annexed, but for which no special assessments are outstanding, for the real estate described above, the City has determined that there are no special assessments or debt incurred by the Township on the subject real estate for which reimbursement is required.

**SECTION 3.** That in accordance with Minnesota Statutes § 414.033 Subdv. 7 this annexation ordinance shall be filed with the Chief Administrative Law Judge of the Office of Administrative Hearings-Municipal Boundary


Adjustments (hereinafter designated "Judge"), with Spruce Township, with the Roseau County Auditor, and with the Secretary of State of the State of Minnesota; and upon the approval by the Judge a copy of the annexation ordinance shall be delivered immediately by the City Council of the City of Roseau, Minnesota, to the Roseau County Auditor.

**SECTION 4.** All ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed.

**SECTION 5.** This ordinance shall take effect and be in full force following its passage, publication and approval by the Judge.

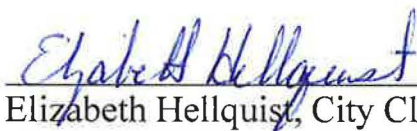
Dated this 2nd day of October, 2017.

APPROVED:



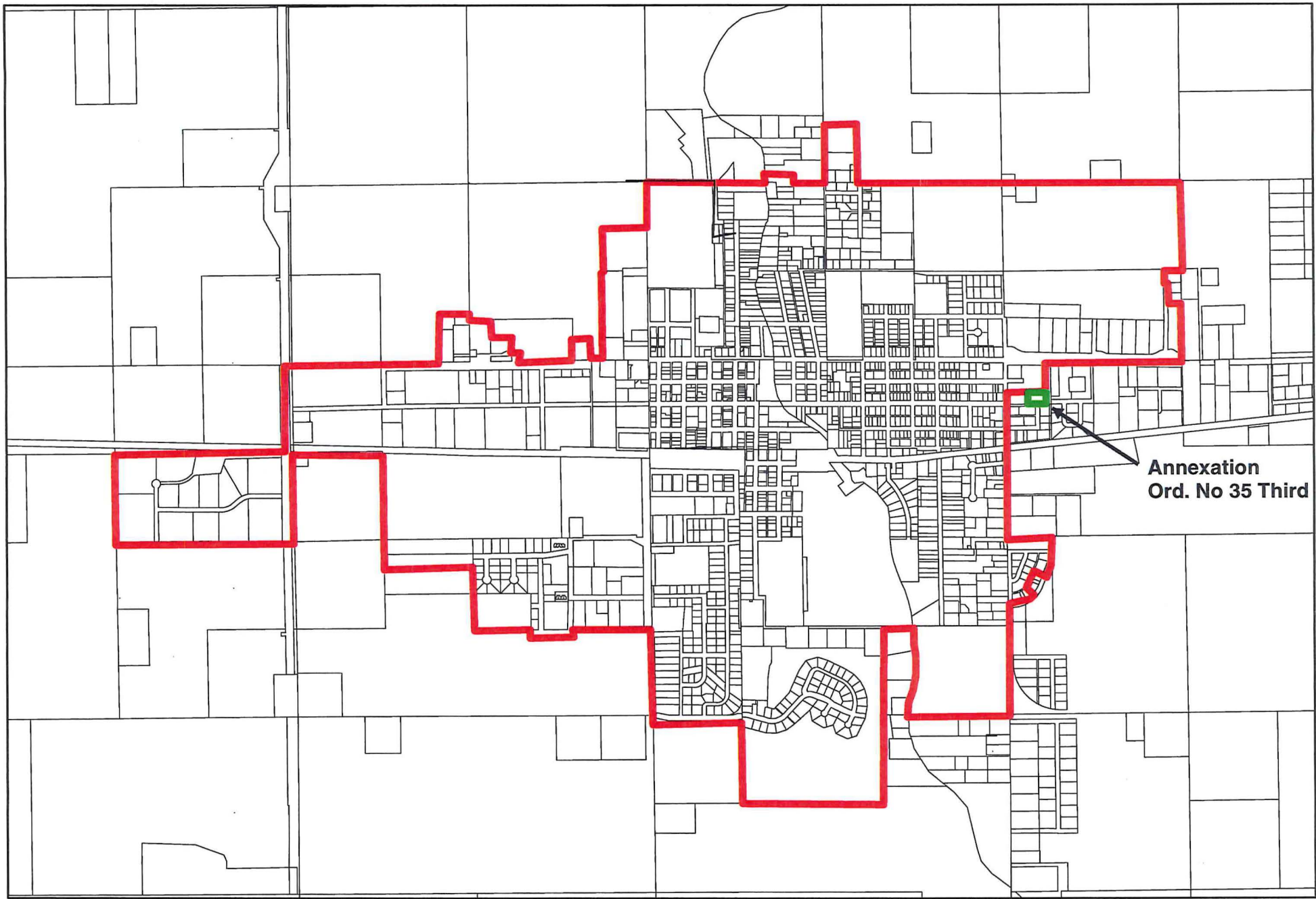
Jeff Pelowski, Mayor

ATTEST:



Elizabeth Hellquist, City Clerk/Treasurer

(Publication in the Roseau Times Region Newspaper on the 7th day of October, 2017.)



**Annexation  
Ord. No 35 Third**

City of Roseau  
City Limits - Annexation  
October 7, 2017