

ORDINANCE NO. 103

AN ORDINANCE OF THE CITY OF HOLDINGFORD, MINNESOTA ANNEXING LAND LOCATED IN THE TOWN OF HOLDING, STEARNS COUNTY, MINNESOTA, PURSUANT TO MINNESOTA STATUTES, SECTION 414.033, SUBDIVISION 2(3), PERMITTING ANNEXATION BY ORDINANCE

WHEREAS, a petition signed by all the property owners, dated May 21, 2018, requesting that property legally described (herein or attached exhibit) (the "Property") be annexed to the City of Holdingford, Minnesota (the "City"), has been duly presented to the City Council of the City; and

WHEREAS, the original petition has been updated and executed by the owner of the Property, the Gregory G. Konsor Trust, as of September 17, 2018, to reflect the statutory annexation process found in Minnesota Statutes, Section 414.033, Subdivision 2(3); and

WHEREAS, the Property is unincorporated, located in the Town of Holding, Minnesota (the "Town"), and abuts the City on its northern boundary; is less than 120 acres; and is not presently served by public sewer facilities, or public sewer facilities are not otherwise available; and

WHEREAS, the Property is not located within a flood plain or shoreland area; and

WHEREAS, the Property is currently semi-rural in character and annexation is requested to facilitate the extension of City services for the commercial and recreational development of the Property; and

WHEREAS, the City Council of the City held a public hearing pursuant to Minnesota Statutes, Section 414.033, Subdivision 2b, on September 17, 2018, and written notice was sent by certified mail to the Town of Holding and to all landowners within and contiguous to the area legally described (herein or attached exhibit), to be annexed; and

WHEREAS, the provisions of Minnesota Statutes, Section 414.033, Subdivision 13, are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the Property to the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HOLDINGFORD, MINNESOTA, HEREBY ORDAINS AS FOLLOWS:

1. Property to be Urban or Suburban in Nature. The City Council hereby determines that the Property abuts the City limits and is, or is about to, become urban or suburban in nature in that the commercial and recreational uses being proposed for the Property requires or will need City services, including public sewer facilities.

2. Property Not Located in City. 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, Section 414.0325.

3. Annexation of Property. The corporate limits of the City are hereby extended to include the following described Property, said land abutting the City 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:

- Block 1, Lot 2, Roman's View Plat 2, Stearns County, Minnesota (approximately 12.3 acres)
- Block 1, Lot 1, Roman's View Plat 2, Stearns County, Minnesota (approximately 8.45 acres)
- Outlot A, Roman's View Plat 2, Stearns County, Minnesota (approximately 9.68 acres)
- Outlot B, Roman's View Plat 2, Stearns County, Minnesota (approximately 2.54 acres)
- That part of Lot 2 of Auditor's Subdivision No. 14 of Section 9, Township 126 North, Range 30 West, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Stearns County, Minnesota (being located in the Northwest Quarter of the Southwest Quarter of said Section 9), described as follows:

Commencing at the Northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 9, thence South 00 degrees 08 minutes 07 seconds East on an assumed bearing along the East line of said Northwest Quarter of the Southwest Quarter 631.15 feet to the point of beginning of the land to be described; thence continuing South 00 degrees 08 minutes 07 seconds East, along said East line 420.59 feet to its intersection with the center line of Stearns County Road 17; thence South 43 degrees 12 minutes 50 seconds West, along said center line 124.38 feet; thence North 76 degrees 05 minutes 43 seconds West 472.82 feet; thence North 03 degrees 45 minutes 22 seconds East 459.40 feet; thence South 83 degrees 14 minutes 30 seconds East 516.63 feet to the point of beginning.

The above described Property consists of a total of 38.91 acres, more or less, and all parcels are owned by the Gregory G. Konsor Trust. Copies of the corporate boundary map showing the Property to be annexed and its relationship to the corporate boundaries of the City and all appropriate plat maps are attached hereto.

4. Population. The population of the area legally described and hereby annexed consists of one household.

5. Payment from City to Town. The City intends, pursuant to Minnesota Statutes, Section 414.036, that with respect to the aggregated property taxes payable on the Property, hereby annexed, shall make a cash payment to the Town in accordance with a written agreement separately agreed to between the City and the Town.


6. No Special Assessments or Debt Allocable to Property. Pursuant to Minnesota Statutes, Section 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, there are no special assessments or debt incurred by the Town that are allocated to the Property.

7. Ordinance Filing. That the City Clerk of the City 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 Stearns County Auditor/Treasurer, and the Town of Holding Clerk.

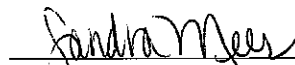
8. Effective Date. This Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Holdingford, Minnesota , this 17th day of September, 2018.



Susan Marstein, Mayor

ATTEST:



Sandra Meer, City Clerk

(City Seal)

THIS INSTRUMENT WAS DRAFTED BY:

Eckberg Lammers, P.C.
1809 Northwestern Avenue
Stillwater, MN 55082
(651) 439-2878

ORDINANCE NO. 103A

AN ORDINANCE OF THE CITY OF HOLDINGFORD, MINNESOTA, AMENDING ORDINANCE NO. 103

WHEREAS, on September 17, 2018, the City Council of the City of Holdingford, Minnesota, adopted Ordinance No. 103, *An Ordinance of the City of Holdingford, Minnesota Annexing Land Located in the Town of Holding, Stearns County, Minnesota, Pursuant to Minnesota Statutes, Section 414.033, Subdivision 2(3), Permitting Annexation by Ordinance* (the "Ordinance"); and

WHEREAS, the Ordinance was certified, filed and recorded with the Stearns County Auditor-Treasurer's Office on December 18, 2018, as Document No. A1535292; and

WHEREAS, Section 5 of the Ordinance provides as follows: "Payment from City to Town. The City intends, pursuant to Minnesota Statutes, Section 414.036, that with respect to the aggregate property taxes payable on the Property, hereby annexed, shall make a cash payment to the Town in accordance with a written agreement separately agreed to between the City and the Town."; and

WHEREAS, the "written agreement" described in Section 5 of the Ordinance is that certain Property Tax Agreement (the "Property Tax Agreement"), entered into and effective March 5, 2019, between the City and the Town, which agreement was approved by the City Council of the City on February 11, 2018, and by the Town Board of the Town on March 5, 2019; and

WHEREAS, the purpose of this Ordinance is to amend Section 5 of the Ordinance to more accurately describe the Property Tax Agreement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HOLDINGFORD, MINNESOTA, HEREBY ORDAINS AS FOLLOWS:

1. Revision of Section 5 of the Ordinance. Section 5 of the Ordinance shall be replaced in its entirety with the following language:

Payment from City to Town. The City will, pursuant to Minnesota Statutes, Section 414.036, that with respect to the aggregate property taxes payable on the Property, hereby annexed, make a cash payment to the Town in accordance with that certain Property Tax Agreement, dated effective March 5, 2019, and approved by the City Council of the City on February 11, 2019, and the Town Board of the Town on March 5, 2019.

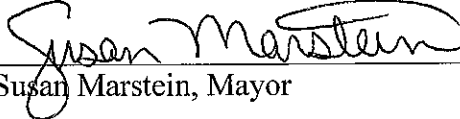
2. No Other Changes to the Ordinance. Ordinance No. 103 shall remain unchanged and unamended, except as provided in this Ordinance.

3. Capitalized Terms. All capitalized but undefined terms in this Ordinance shall have defined terms as provided for in Ordinance No. 103.

4. Ordinance Filing. The City Clerk of the City 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 Stearns County Auditor-Treasurer, and the Town of Holding Clerk.

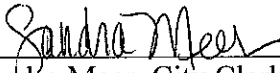
5. Effective Date. This Ordinance and Ordinance No. 103 shall be in full force and effect and final upon the date said ordinances are approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Holdingford, Minnesota,
this 11th day of March, 2019.



Susan Marstein, Mayor

ATTEST:



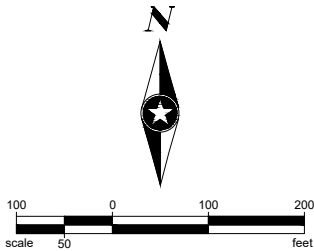
Sandra Meer, City Clerk

(City Seal)

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TOTAL PROJECT AREA: 38.91 AC



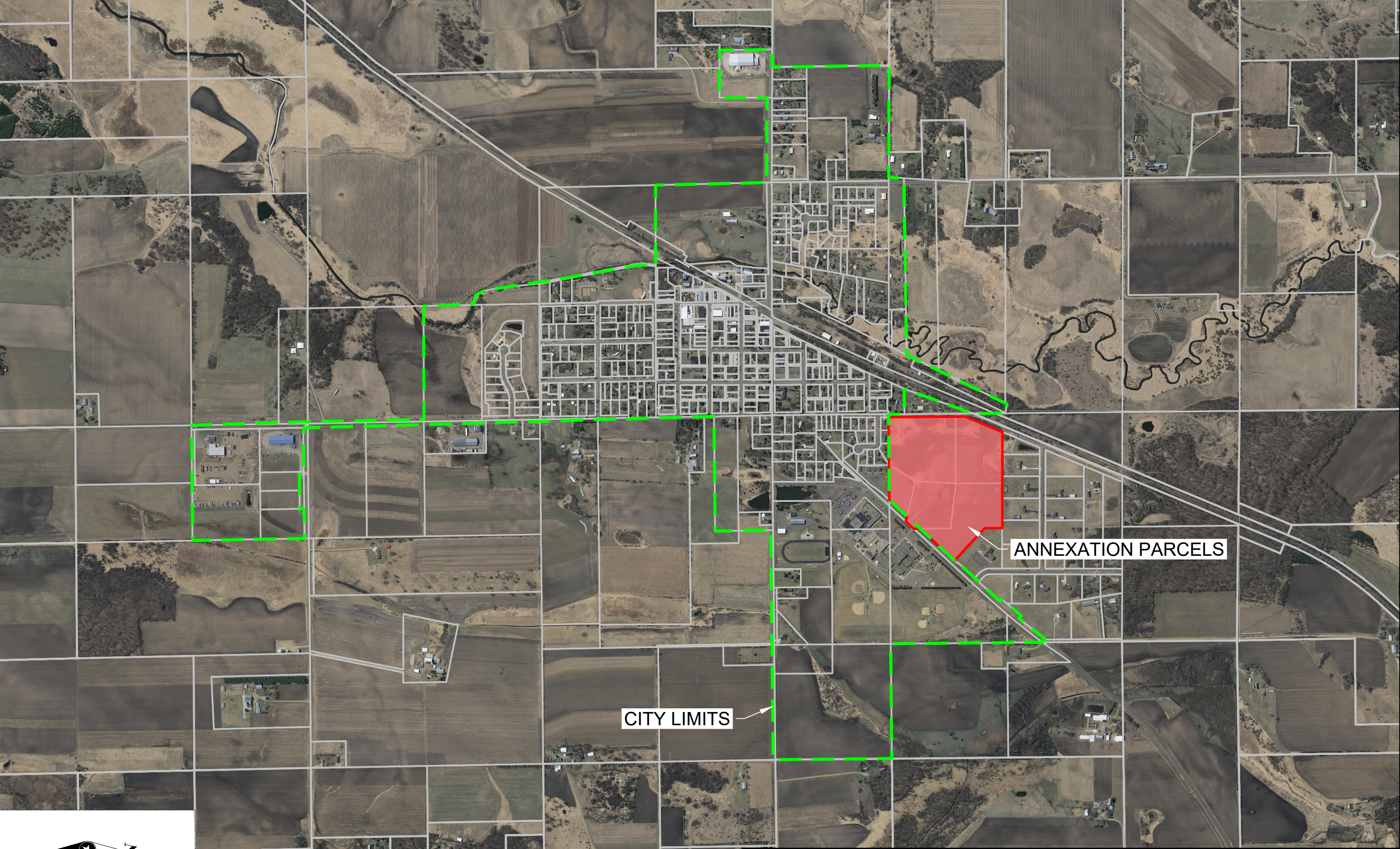
 PHONE: 320.229.4300
1200 25TH AVENUE SOUTH
P.O. BOX 1717
ST. CLOUD, MN 56302-1717
www.sehinc.com

FILE NO. KO144130
DATE: 02/21/19

PARCEL MAP KONSOR ANNEXATION HOLDINGFORD, MN
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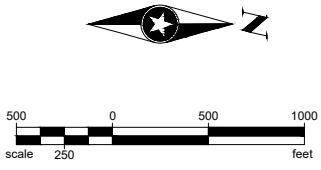
EXHIBIT NO. 1

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CITY LIMITS

ANNEXATION PARCELS



SEH
PHONE: 320.229.4300
1200 25TH AVENUE SOUTH
P.O. BOX 1717
ST. CLOUD, MN 56302-1717
www.sehinc.com

FILE NO.
KO144130
DATE:
02/12/19

PARCEL LOCATIONS
KONSOR ANNEXATION
HOLDINGFORD, MN

EXHIBIT
NO. 2