

ORDINANCE NO. 149**AN ORDINANCE OF THE CITY OF HARMONY, MINNESOTA ANNEXING
LAND LOCATED IN HARMONY TOWNSHIP, FILLMORE 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 Harmony, Minnesota, was duly presented to the Council of the City of Harmony on the 8th day of December 2020; and

WHEREAS, said property is unincorporated and abuts the City of Harmony 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 bare farmland and annexation is requested to facilitate the extension of city services for the commercial/industrial development of the property to accommodate the local power distributor, Dairyland Power Cooperative; and

WHEREAS, the City of Harmony held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on January 12, 2021, following thirty (30) days written notice by certified mail to the Town of Harmony and to all landowners within and contiguous to the area legally described (herein or attached exhibit), 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 HARMONY 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 commercial/industrial by the local power distributor, Dairyland Power Cooperative, 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 Harmony, Minnesota, are hereby extended to include the following described property, said land abutting the City of Harmony 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 Southeast Quarter of the Northeast Quarter of Section 10, Township 101 North, Range 10 West, Fillmore County, Minnesota, described as follows: Commencing at the southeast corner of

said Southeast Quarter of the Northeast Quarter; thence South 88 deg. 55 min. 05 sec. West along the south line of said Southeast Quarter of the Northeast Quarter 494.90 feet to the point of beginning; thence continuing South 88 deg. 55 min. 05 sec. West along said south line 825.00 feet to the southwest corner of said Southeast Quarter of the Northeast Quarter; thence North 00 deg. 55 min. 02 sec. West along the west line of said Southeast Quarter of the Northeast Quarter 543.00 feet; thence North 88 deg. 55 min. 05 sec. East 825.00 feet; thence South 00 deg. 55 min. 02 sec. East 543.00 feet to the point of beginning. Subject to the right-of-way of County State Aid Highway 22 along the south side thereof and any other easements of record.

The above described property consists of a total of 10.28 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 Harmony, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described (herein or attached exhibit), hereby annexed, shall make a cash payment to the Town of Harmony in accordance with the agreement between the City of Harmony and Harmony Township as follows:

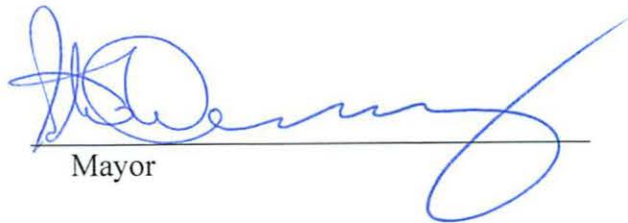
A one-time lump sum payment of 1,000.00, payable upon approval of the annexation by the State of Minnesota.

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 Harmony 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 Fillmore County Auditor, and the Harmony Township Clerk.

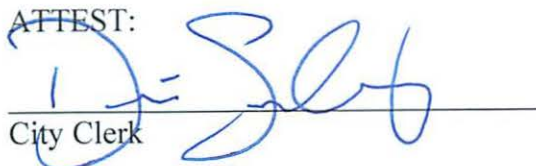
8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Harmony, Minnesota, this 12th day of January 2021.



Mayor

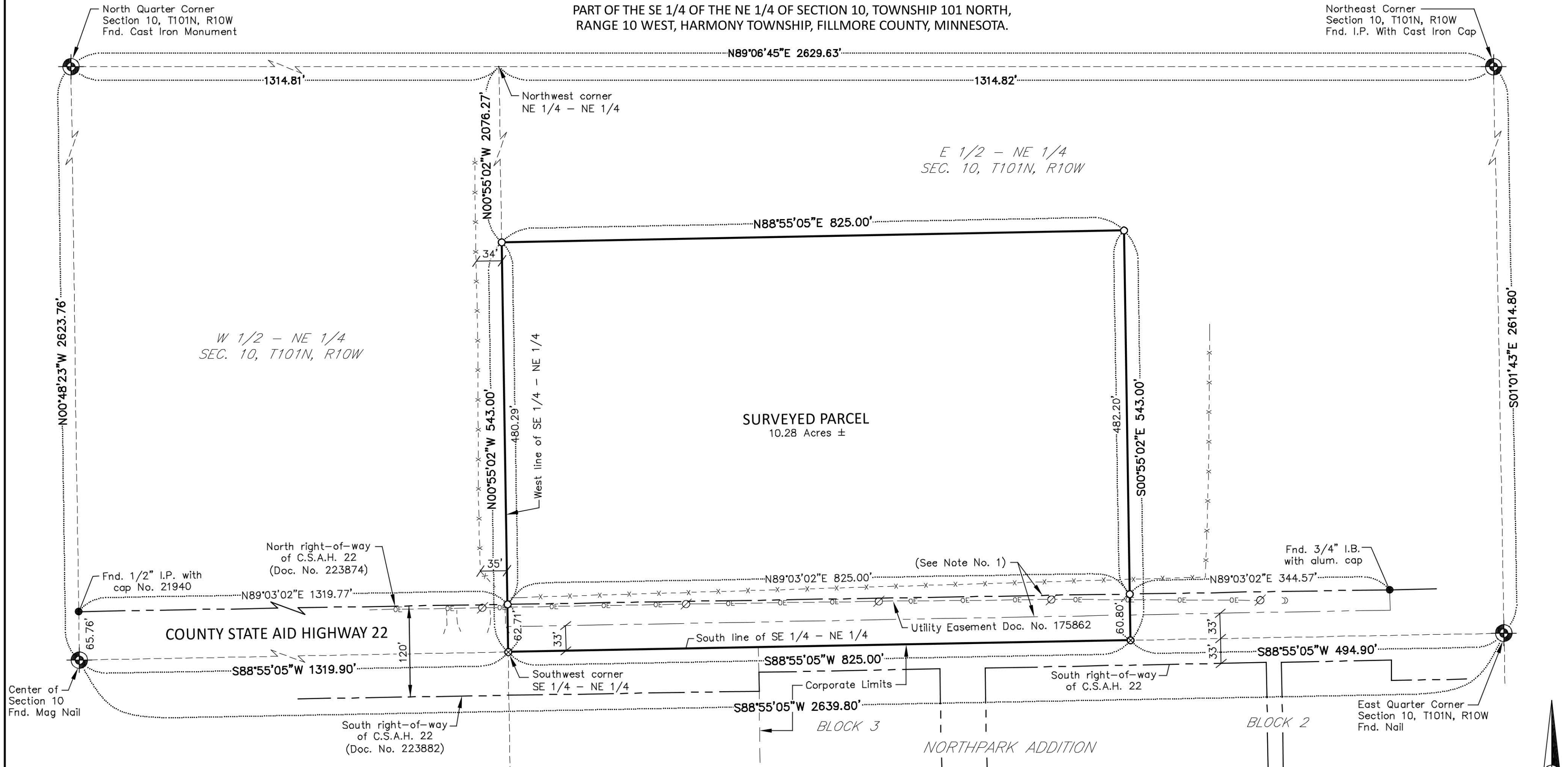
ATTEST:



City Clerk

CERTIFICATE OF SURVEY

PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 10, TOWNSHIP 101 NORTH,
RANGE 10 WEST, HARMONY TOWNSHIP, FILLMORE COUNTY, MINNESOTA.



LEGAL DESCRIPTION OF SURVEYED PARCEL:

That part of the Southeast Quarter of the Northeast Quarter of Section 10, Township 101 North, Range 10 West, Fillmore County, Minnesota, described as follows:

Commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter;
thence South 88°55'05" West along the south line of said Southeast Quarter of the Northeast Quarter 494.90 feet to the point of beginning;
thence continuing South 88°55'05" West along said south line 825.00 feet to the southwest corner of said Southeast Quarter of the Northeast Quarter;
thence North 00°55'02" West along the west line of said Southeast Quarter of the Northeast Quarter 543.00 feet;
thence North 88°55'05" East 825.00 feet;
thence South 00°55'02" East 543.00 feet to the point of beginning.

Subject to the right-of-way of County State Aid Highway 22 along the south side thereof and any other easements of record.

NARRATIVE AND NOTES:

1) County State Aid Highway 22 was realigned circa 1976. The realignment map depicts the new centerline alignment and that the intent was to expand the right-of-way from 33 feet north of the old centerline to 60 feet north of the new centerline alignment in the Southeast Quarter of the Northeast Quarter of Section 10. Highway easement deeds correlating to the realignment map were recorded for the additional right-of-way conveyed in the Southwest Quarter of the Northeast Quarter (Document No. 223874) and the North Half of the Southeast Quarter west of Northpark Addition (Document No. 223882), but no highway easement deed of record for the conveyance of additional right-of-way was found in the Southeast Quarter of the Northeast Quarter of Section 10 although the right-of-way is occupied as such. Fillmore County may have acquired a prescriptive easement for the additional right-of-way or a signed unrecorded conveyance document may exist, but no recorded conveyance for the additional right-of-way was found at the Fillmore County Recorder's Office.

LEGEND:

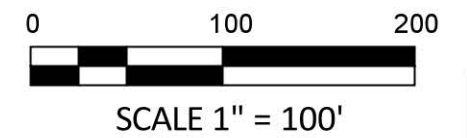
- Set 1" inside diameter x 24" iron pipe with cap No. 47030
- ⊗ Set mag nail in asphalt
- Found survey monument (Type and dia. labeled)
- I.P. Iron pipe (inside diameter labeled)
- I.B. Iron bar
- X- Fence line
- ∅ Utility pole
- OE- Overhead utility line

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Andy M. Lutichens
Andy M. Lutichens License No. 47030

DATE: October 10, 2020

Revised: November 30, 2020 (north line)



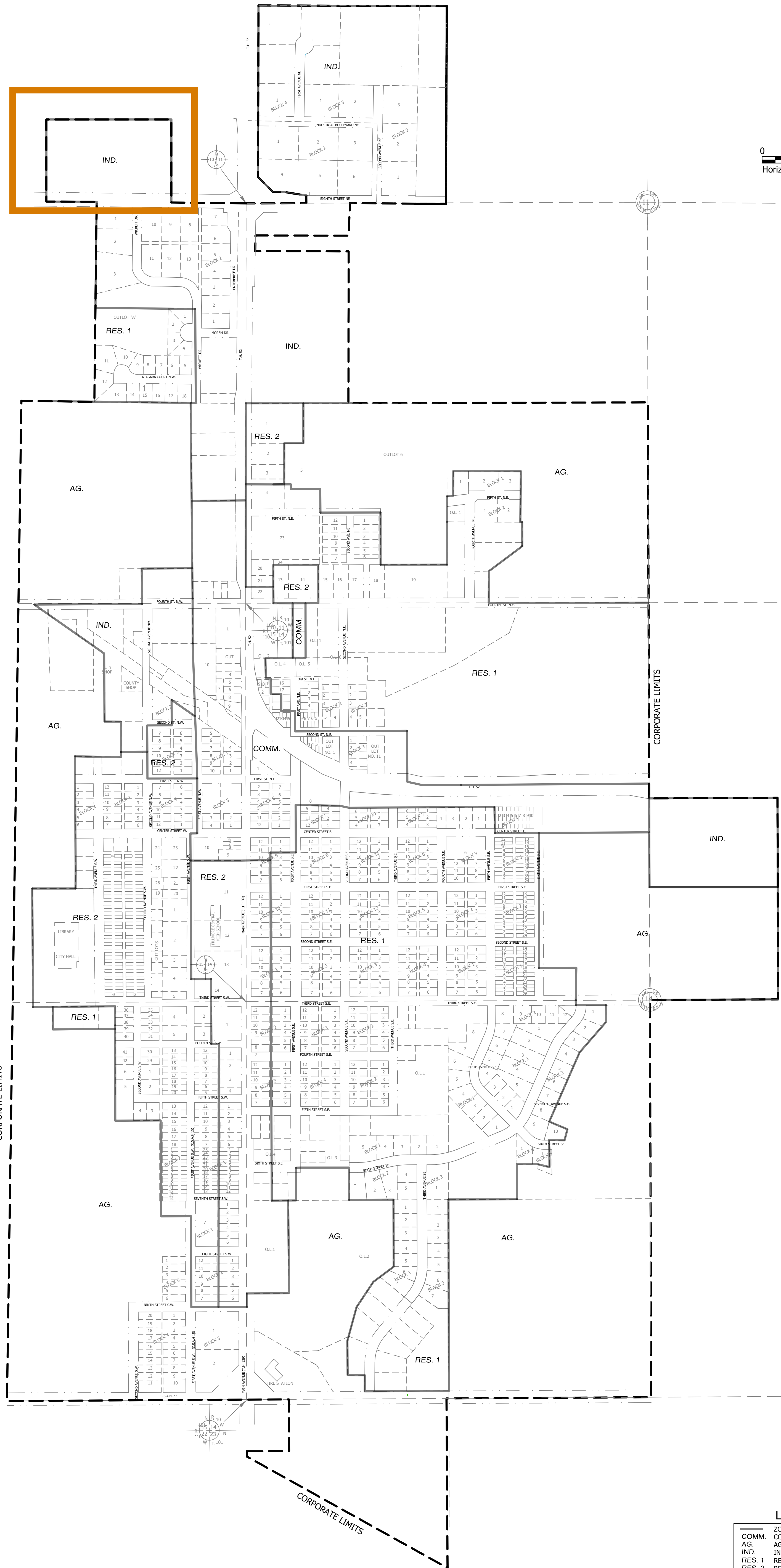
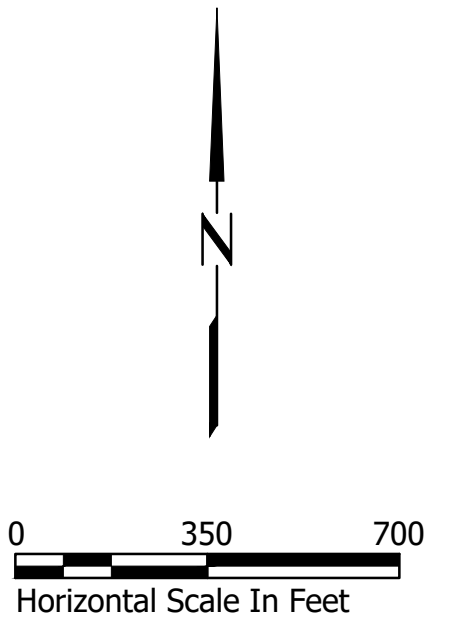
BASIS OF BEARINGS:

Bearings are based on the U.S. State Plane Coordinate System, Minnesota South Zone (2203), NAD 83 (2011 Adj.), U.S. Survey Ft.

	21240 STATE 26 CALEDONIA, MN 55921 (507) 542-4673
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SURVEY PREPARED FOR:
DAIRYLAND POWER COOPERATIVE
3200 EAST AVE. SOUTH
LA CROSSE, WI 54602

DATE: 11/30/2020	FIELD BOOK NO. 16	PROJECT NO. 20048-001.110	SHEET 1 OF 1
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LEGEND

	ZONING LINE
	COMMERCIAL DISTRICT
	AGRICULTURAL DISTRICT
	INDUSTRIAL DISTRICT
	RESIDENTIAL 1 - DISTRICT
	RESIDENTIAL 2 - DISTRICT
	CORPORATE LIMITS

ZONING BASEMAP

CITY OF HARMONY

FIGURE 4

DATE: DECEMBER 2020



6188 Rome Cir. NW
Rochester, MN 55901
www.stantec.com