

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY OF MOORHEAD ANNEXING LAND LOCATED IN CLAY COUNTY, MINNESOTA, TO THE CITY OF MOORHEAD, CLAY COUNTY, MINNESOTA, PURSUANT TO MINN. STAT. § 414.033, SUBD. 2(3) PERMITTING ANNEXATION BY ORDINANCE.

WHEREAS, the City of Moorhead has received a petition for annexation from all landowners of the property to be annexed; and

WHEREAS, under state law, the landowner has the right to request annexation into the City of Moorhead, and the City of Moorhead has authority to annex such property.

NOW, THEREFORE, THE CITY OF MOORHEAD DOES HEREBY ORDAIN

Section 1. That the unincorporated land legally described in Exhibit A, which is attached hereto and incorporated herein by reference, located in Moorhead Township, Clay County, Minnesota, is land that abuts the municipal corporate limits of the City of Moorhead, Clay County, Minnesota (the "Property"); the land 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, and the municipality received a petition for annexation from all the property owners of the land.

Section 2. That the landowner of the Property and the City of Moorhead previously entered into a 46th Avenue South Access and Annexation Agreement dated May 16, 2019, wherein the landowner was granted access to the Property to accommodate construction of a proposed project of self-service storage units; and the parties agreed that the landowner was to petition for the Property to become part of the City within one (1) year of receiving a certificate of occupancy for the first available structure.

Section 3. That the City of Moorhead held a public hearing pursuant to Minn. Stat. § 414.033, subd. 2b, on January 11, 2021, following thirty (30) days' written notice by certified mail to Moorhead Township and to all landowners within and contiguous to the area, legally described in Exhibit A, to be annexed.

Section 4. That the corporate limits of the City of Moorhead are hereby extended to include the land legally described in Exhibit A, containing approximately 6.3 acres, and the same is hereby annexed to be included within the City of Moorhead, Clay County, Minnesota.

Section 5. That the population of the area legally described in Exhibit A, and hereby annexed is 0.

Section 6. That with respect to the property taxes payable on the area legally described in Exhibit A, hereby annexed, the City of Moorhead shall make a cash payment to Moorhead Township in an amount equal to Moorhead Township's lost revenue for the period of one year (\$178.00 based on the 2020 tax statement), as follows:

- a. In the first year following the year the City of Moorhead could first levy on the annexed area, a payment of \$89.00 will be made to Moorhead Township.
- b. In the second year following the year the City of Moorhead could first levy on the annexed area, a payment of \$89.00 will be made to Moorhead Township.

Section 7. That the City Manager of the City of Moorhead is hereby authorized and

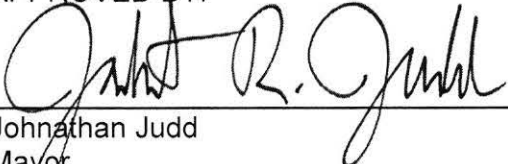
directed to file a copy of this Ordinance with the Minnesota Office of Administrative Hearings Municipal Boundary Adjustments Office, the Minnesota Secretary of State, the Clay County Auditor, and the Moorhead Township Clerk.

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

This Ordinance shall take effect upon publication in accordance with Moorhead City Charter.

PASSED: January 25, 2021 by the City Council of the City of Moorhead.

APPROVED BY:



Johnathan Judd
Mayor

ATTEST:



Christina Rust
City Clerk

First Reading: 01/11/2021
Second Reading: 01/25/2021
E-Post Date: 01/15/2021
Publication: 03/18/2021

EXHIBIT A
Legal Description of the Property

That part of the Southeast Quarter of Section 29, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, described as follows:

COMMENCING at the northwest corner of the Southeast Quarter of said Section 29; thence South 00°23'05" East (assumed bearing), along the west line of the Southeast Quarter of said Section 29, for a distance of 26.00 feet to the southwest corner of Stonemill Estates First Addition, on file at the Clay County Recorder's Office; thence North 89°44'11" East, along the south line of said Stonemill Estates First Addition, for a distance of 292.00 feet to a point of intersection with the east line of a tract of land described in Document No. 432753, on file at said Recorder's Office, and the TRUE POINT OF BEGINNING; thence continue North 89°44'11" East, along the south line of said Stonemill Estates First Addition, for a distance of 431.17 feet to a point of tangential curve to the left, radius 221.00 feet; thence easterly, along said curve to the left and along the south line of said Stonemill Estates First Addition, for a distance of 108.28 feet, through a central angle of 28°04'21", chord bearing North 75°42'00" East; thence North 89°44'11" East, along the south line of said Stonemill Estates First Addition, for a distance of 47.75 feet to the northeast corner of a tract of land described in Document No. 726399, on file at said Recorder's Office; thence South 00°23'05" East, along the east line of a tract of land described in said Document No. 726399, for a distance of 472.29 feet to a point of intersection with the north line of Mar-Brak Subdivision, on file at said Recorder's Office; thence North 89°56'52" West, along the north line of said Mar-Brak Subdivision, for a distance of 628.00 feet to the southeast corner of a tract of land described in Document No. 448160, on file at said Recorder's Office; thence North 00°23'05" West, along the east line of a tract of land described in said Document No. 448160, for a distance of 279.78 feet to the northeast corner of a tract of land described in said Document No. 448160, said corner also being the southwest corner of a tract of land described in said Document No. 432753; thence South 89°53'45" East, along the south line of a tract of land described in said Document No. 432753, for a distance of 45.00 feet to the southeast corner of a tract of land described in said Document No. 432753; thence North 00°23'05" West, along the east line of a tract of land described in said Document No. 432753, for a distance of 163.34 feet to the TRUE POINT OF BEGINNING.

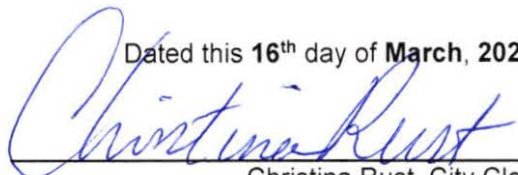
(Clay County Parcel No. 21.029.4201)

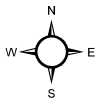
CERTIFICATION

STATE OF MINNESOTA
COUNTY OF CLAY
CITY OF MOORHEAD

I do hereby certify that the above Resolution is a true and accurate copy of the Resolution adopted by the Council of the City of Moorhead at an authorized meeting held on the **25th** day of **January, 2021**, as shown by the minutes of the meeting in my possession.

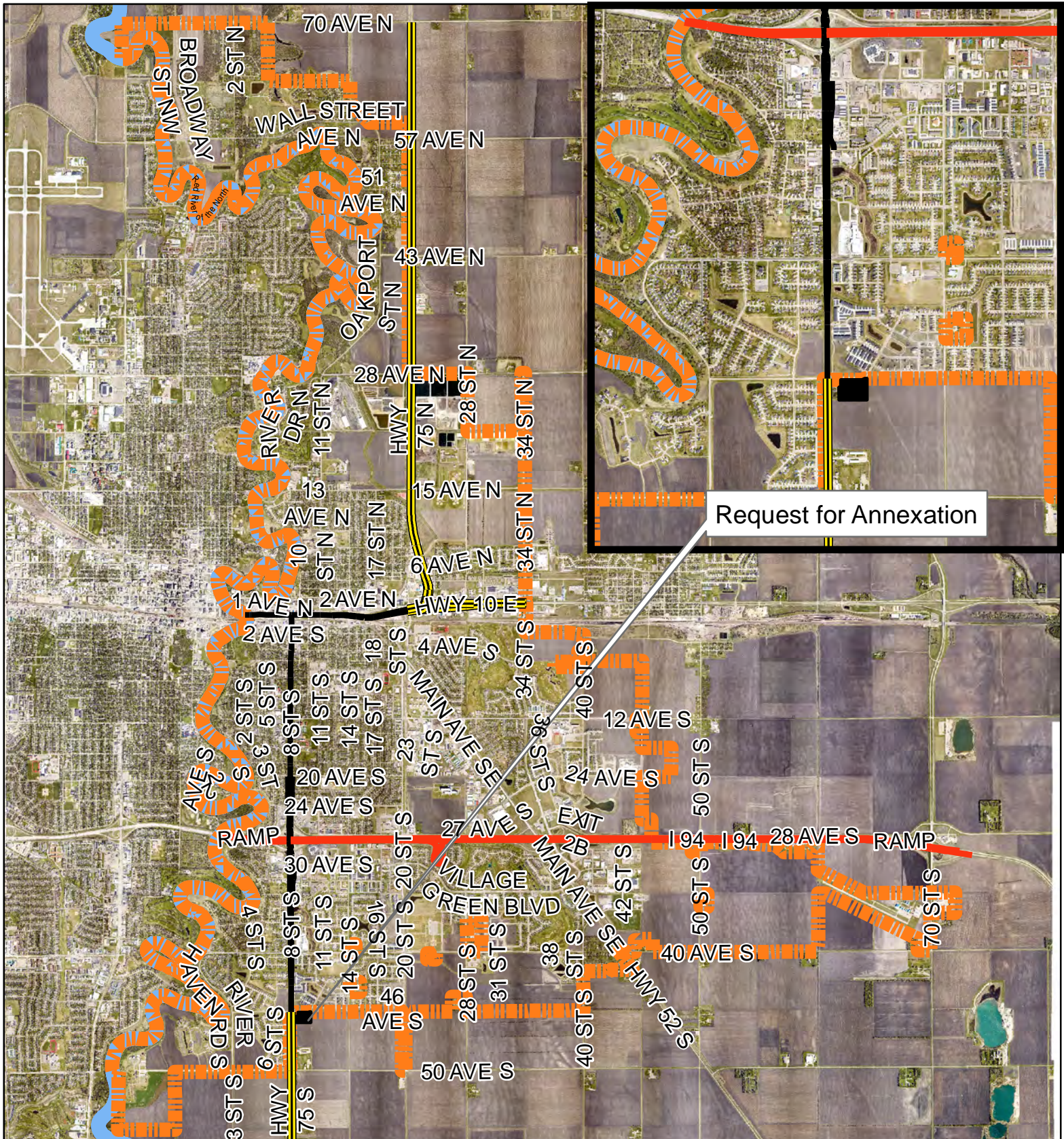
Dated this **16th** day of **March, 2021**.


Christina Rust, City Clerk



City of Moorhead - Annexation

825 46th Ave S
21.029.4201



Request for Annexation

- Local Road
- HWY 10/75 Alignment
- HWY 10/75
- I-94


- Storemoor Annexation
- Moorhead City Limits
- Red River

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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.


Curtis A. Skarphol
MN License No. 42303

1/15/2021
Date

ANNEXATION EXHIBIT



Fargo	Drawn by CAS	Date 1-15-21	CITY OF MOORHEAD SE 1/4 OF SECTION 29, T. 139 N., R. 48 W. CITY OF MOORHEAD, CLAY COUNTY, MINNESOTA PROJECT NO. 6019-0132	SHEET 2 of 2
	Checked by CAS	Scale -		