

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE CITY OF DANUBE, MINNESOTA ANNEXING LAND LOCATED IN TROY TOWNSHIP, RENVILLE COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3), PERMITTING ANNEXATION BY ORDINANCE

WHEREAS, a petition signed by the sole property owner, requesting that property legally described herein be annexed to the City of Danube Minnesota, was duly presented to the Council of the City of Danube on March 8, 2021; and

WHEREAS, said property is unincorporated and abuts the City of Danube on its South 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 agriculture use and annexation is requested to facilitate the extension of city services for the commercial development of the property; and

WHEREAS, the City of Danube and Troy Township are in agreement that the City compensate the Township in the amount of \$62.00 per year for 8 years for the Township's share of the property taxes, for a total of \$496.00, which the City will pay within two years;

WHEREAS, the City of Danube held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on April 21, 2021, following thirty (30) days written notice by certified mail to the Township of Troy, and to all landowners within and contiguous to the area legally described herein 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 DANUBE 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 the commercial use is being proposed for said property the construction of which requires or will need city services, including public water and 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 Danube, Minnesota, are hereby extended to include the following described property, said land abutting the City of Danube 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 the sole property owner of the land, to wit:

That part of the North Half of the Northeast Quarter of Section 7, Township 115 North, Range 35 West of the Fifth Principal Meridian, Renville County, Minnesota described as follows: Commencing at the northeast corner of said Section 7; thence on an assumed bearing of North 89 degrees 13 minutes 30 seconds West, along the north line of said Section 7, a distance of 1313.49 feet to the point of beginning of the land to be described; thence on a bearing of South 00 degrees 21 minutes 12 seconds West a distance of 518.25 feet; thence on a bearing of North 89 degrees 34 minutes 57 seconds East a distance of 222.20 feet; thence on a bearing of South 00 degrees 01 minutes 20 seconds West a distance of 240.72 feet; thence on a bearing North 87 degrees 57 minutes 19 seconds West a distance of 739.38 feet; thence on a bearing of North 00 degrees 21 minutes 12 seconds East a distance of 737.95 feet to the north line of said Section 7; thence on a bearing of South 89 degrees 13 minutes 30 seconds East, along the north line of said Section 7, a distance of 515.50 feet to the beginning.

The above-described property consists of a total of 10.0 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and survey drawing are attached hereto.

4. That the population of the area legally described and hereby annexed is zero residents.

5. The City of Danube, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described herein and hereby annexed, shall reimburse the Township of Troy in the amount of \$62.00 per year for 8 years for the Township's share of the property taxes, for a total of \$496.00, which the City will pay within two years.


6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments, there are no special assessments assigned by the Town to the annexed property nor is there any debt to be incurred by the Town attributable to the property.

7. That the City Clerk of the City of Danube 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 Renville County Auditor, and the Troy Township Clerk.

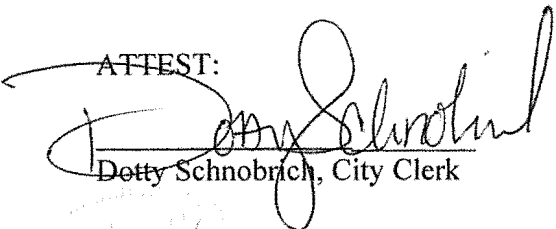
8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Danube, Minnesota, this

21st day of April, 2021.


Gene Alex, Mayor

ATTEST:


Dotty Schnobrich, City Clerk

(City Seal)

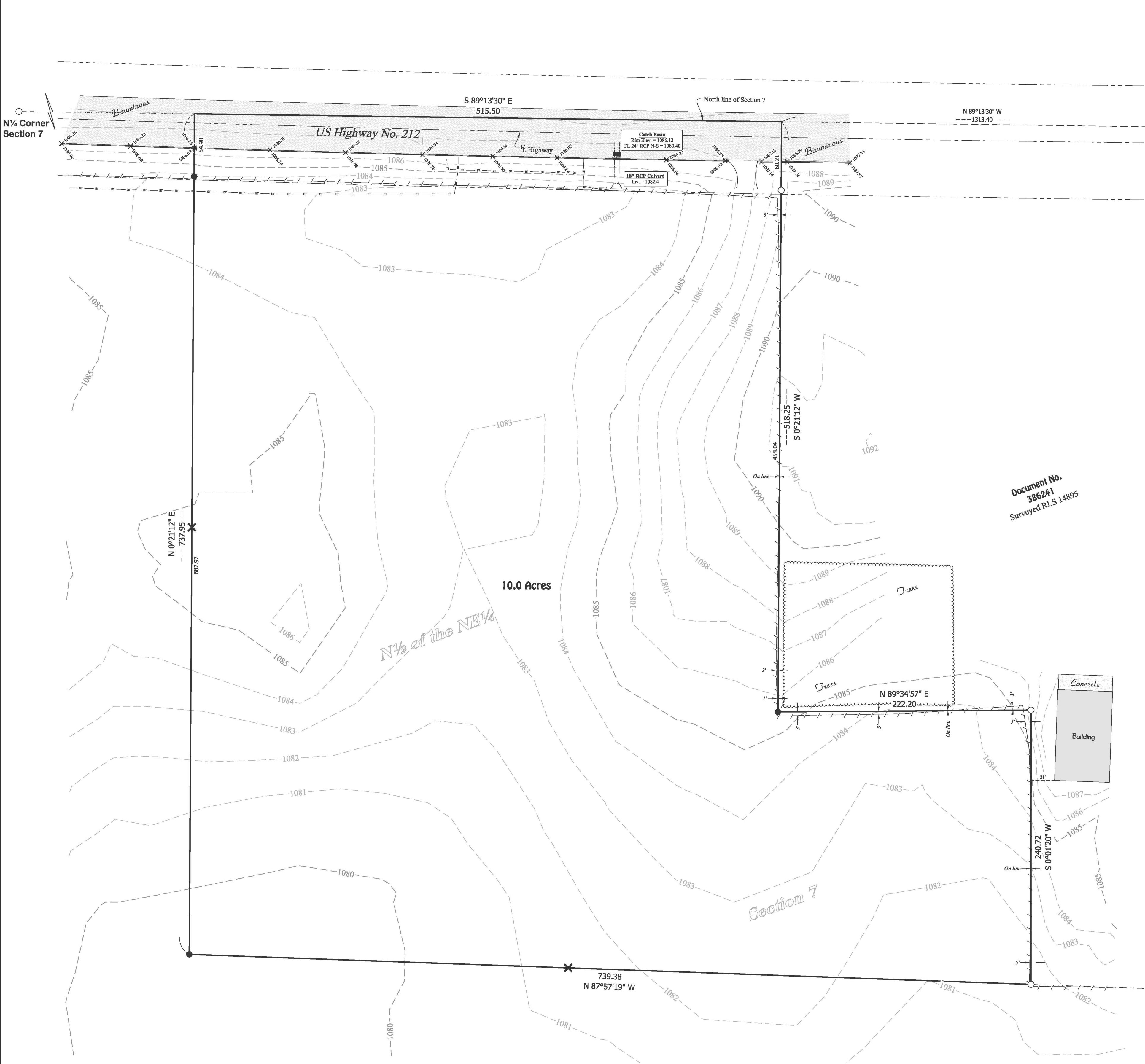
Attachments: Corporate boundary and annexation area map
Survey drawing

THIS INSTRUMENT WAS DRAFTED BY:

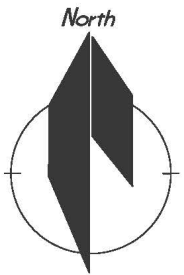
Aaron D. Walton, City Attorney
Attorney I.D. No. 0352767
Walton Law Group, PLLC
801 East Lincoln Avenue
P.O. Box 87
Olivia, MN 56277-0087
Telephone No. 320-523-2323
Fax No. 320-523-1844
Email: aaron@waltonlg.com

Municipal Boundary Adjustment Unit Contact

Star Holman star.holman@state.mn.us 651-361-7909
(July 2019)



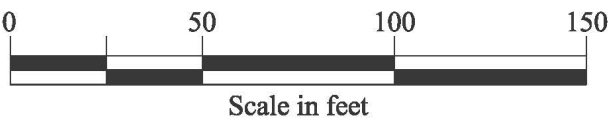
This is a survey of:
part of:
N½ of the NE¼
Located in:
**Section 7, T115N-R35W, Troy Township,
Renville County, Minnesota**



This drawing prepared by:
Bonnema Runke Stern Inc.

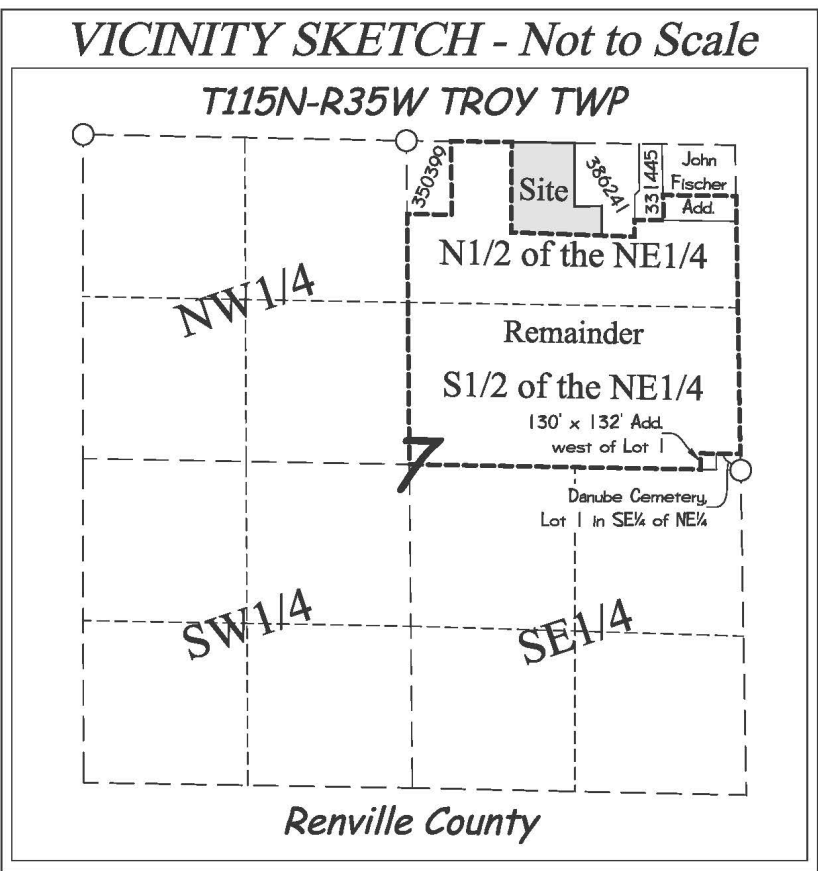
Professional Land Surveyors
4566 Hwy 71 NE - Suite 1
Willmar, MN 56201
Office (320) 231-2844 Fax (320) 231-2827

Requested by: **Engan Associates**
c/o Barbara Midgarden Marks
311 4th Street SW
Willmar, MN 56201



LEGEND

- Found Iron Monument from former survey
- Bonnema Runke Stern Inc. Placed Capped Iron Monument
- Placed conduit on the property line
- Approximate Right of Way Line
- Buried Telephone Line
- Tillage Line (Fall 2020)
- Tree Line
- Catch Basin
- Culvert



Land Description - 10.0 Acres
That part of the North Half of the Northeast Quarter of Section 7, Township 115 North, Range 35 West of the Fifth Principal Meridian, Renville County, Minnesota described as follows:

- Commencing at the northeast corner of said Section 7;
- thence on an assumed bearing of North 89 degrees 13 minutes 30 seconds West, along the north line of said Section 7, a distance of 1313.49 feet to the point of beginning of the land to be described;
- thence on a bearing of South 00 degrees 21 minutes 12 seconds West a distance of 518.25 feet;
- thence on a bearing of North 89 degrees 34 minutes 57 seconds East a distance of 222.20 feet;
- thence on a bearing of South 00 degrees 01 minutes 20 seconds West a distance of 240.72 feet;
- thence on a bearing of North 87 degrees 57 minutes 19 seconds West a distance of 739.38 feet;
- thence on a bearing of North 00 degrees 21 minutes 12 seconds East a distance of 737.95 feet to the north line of said Section 7;
- thence on a bearing of South 89 degrees 13 minutes 30 seconds East, along the north line of said Section 7, a distance of 515.50 feet to the point of beginning.

Land Description - 132.2 Acres - Remainder Parcel

NE 1/4 of Section 7, Township 115, Range 35, **excepting** therefrom the Cemetery described as Lot 1; **and also except** John Fischer's Addition to the City of Danube; **and also except** the following described tract: A tract of land located in the NW 1/4 of NE 1/4 Section 7 Township 115 Range 35, more particularly described as follows: Beginning at the intersection of the westerly line of said NW 1/4 of NE 1/4 and the centerline of U. S. Highway 212; thence south along said westerly line a distance of 600 feet; thence easterly along a line parallel to the northerly section line of NW 1/4 of NE 1/4 a distance of 365 feet; thence northerly along a line parallel to the westerly line of said NW 1/4 of NE 1/4 a distance of approximately 600 feet to the centerline of U. S. Highway 212; thence westerly along the centerline of U. S. Highway 212 approximately 365 feet back to the point of beginning; **and also except** the following described tract: That part of the Southeast Quarter of the Northeast Quarter of Section 7, Township 115 North, Range 35 West, described as follows: Commencing at the Southwest corner of Lot 1 in the Southeast Quarter of the Northeast Quarter of Section 7, Township 115 North, Range 35 West, thence West along the South line of said Northeast Quarter, 130 feet; thence North along the line parallel to the West line of said Lot 1, 132 feet; thence East along the line parallel to the South line of said Northeast Quarter to the Northwest corner of said Lot 1; thence South along the West line of said Lot 1 to the point of beginning; **and also except** the following described tract: That part of the North half of the Northeast Quarter of Section 7, Township 115 North, Range 35 West of the Fifth Principal Meridian, Troy Township, Renville County, Minnesota, described as follows: Commencing at the Northeast corner of said Section 7; thence on an geodetic bearing of North 89 degrees 13 minutes 30 seconds West, along the north line of said Section 7, a distance of 787.92 feet to the point of beginning of the land to be described; thence continuing on a bearing of North 89 degrees 13 minutes 30 seconds West, along the north line of said Section 7, a distance 525.57 feet; thence on a bearing South 0 degrees 21 minutes 12 seconds West a distance of 518.25 feet; thence on a bearing of North 89 degrees 34 minutes 57 seconds East a distance of 222.20 feet; thence on a bearing of South 0 degrees 01 minutes 20 seconds West a distance of 240.72 feet; thence on a bearing of South 87 degrees 57 minutes 19 seconds East a distance of 270.74 feet; thence on a bearing of North 0 degrees 19 minutes 19 seconds East a distance of 341.11 feet; thence on a bearing of North 43 degrees 51 minutes 20 seconds East a distance of 53.43 feet; thence on a bearing of North 0 degrees 26 minutes 13 seconds West a distance of 380.26 feet to the point of beginning; **and also except** the following described tract: That part of the NE 1/4 of NE 1/4 of Section 7, Township 115, Range 35, described as follows: Commencing at the Northeast corner of said Section 7; thence on a geodetic bearing of North 89°13'30" West along the north line of said Section 7 a distance of 600.41 feet to the northwest corner of the record plat entitled John Fischer Addition, on file in the office of the Renville County Recorder, which is also the point of beginning of the land to be described; thence continuing on a bearing of North 89°13'30" West along the north line of said Section 7 a distance of 187.51 feet; thence on a bearing of South 0°26'13" East a distance of 380.26 feet; thence on a bearing of South 43°51'20" West a distance of 53.43 feet; thence on a bearing of South 0°19'09" West a distance of 204.37 feet; thence on a bearing of South 89°13'30" East a distance of 237.56 feet to the southwest corner of said record plat entitled John Fischer Addition; thence on a bearing of North 01°21'25" West along the west line of said record plat entitled John Fischer Addition a distance of 624.00 feet to the point of beginning.

AND Lots 16, 17, 18, 19, 20, 21, 22, 23 and 24, Block 1; Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 29 and 30, Block 3; Lots 7, 8, 9, 10, 11, 12, 13, 14 and 15, Block 4; all in John Fischer's Addition to the City of Danube; and those portions or vacated South Street and Second Street lying adjacent to said lots.

AND ALSO EXCEPT
That part of the North Half of said Northeast Quarter described as follows:

- Commencing at the northeast corner of said Section 7;
- thence on an assumed bearing of North 89 degrees 13 minutes 30 seconds West, along the north line of said Section 7, a distance of 1313.49 feet to the point of beginning of the land to be described;
- thence on a bearing of South 00 degrees 21 minutes 12 seconds West a distance of 518.25 feet;
- thence on a bearing of North 89 degrees 34 minutes 57 seconds East a distance of 222.20 feet;
- thence on a bearing of South 00 degrees 01 minutes 20 seconds West a distance of 240.72 feet;
- thence on a bearing of North 87 degrees 57 minutes 19 seconds West a distance of 739.38 feet;
- thence on a bearing of North 00 degrees 21 minutes 12 seconds East a distance of 737.95 feet to the north line of said Section 7;
- thence on a bearing of South 89 degrees 13 minutes 30 seconds East, along the north line of said Section 7, a distance of 515.50 feet to the point of beginning.

All Documents referred to on this survey can be found on file in the office of the County Recorder

Bonnema Runke Stern Inc. is not giving a title opinion or abstract of this parcel. We suggest that you contact your attorney or a title insurance company for that purpose. Easements or neighboring deed conflicts may exist which affect this parcel and are not shown on this survey.

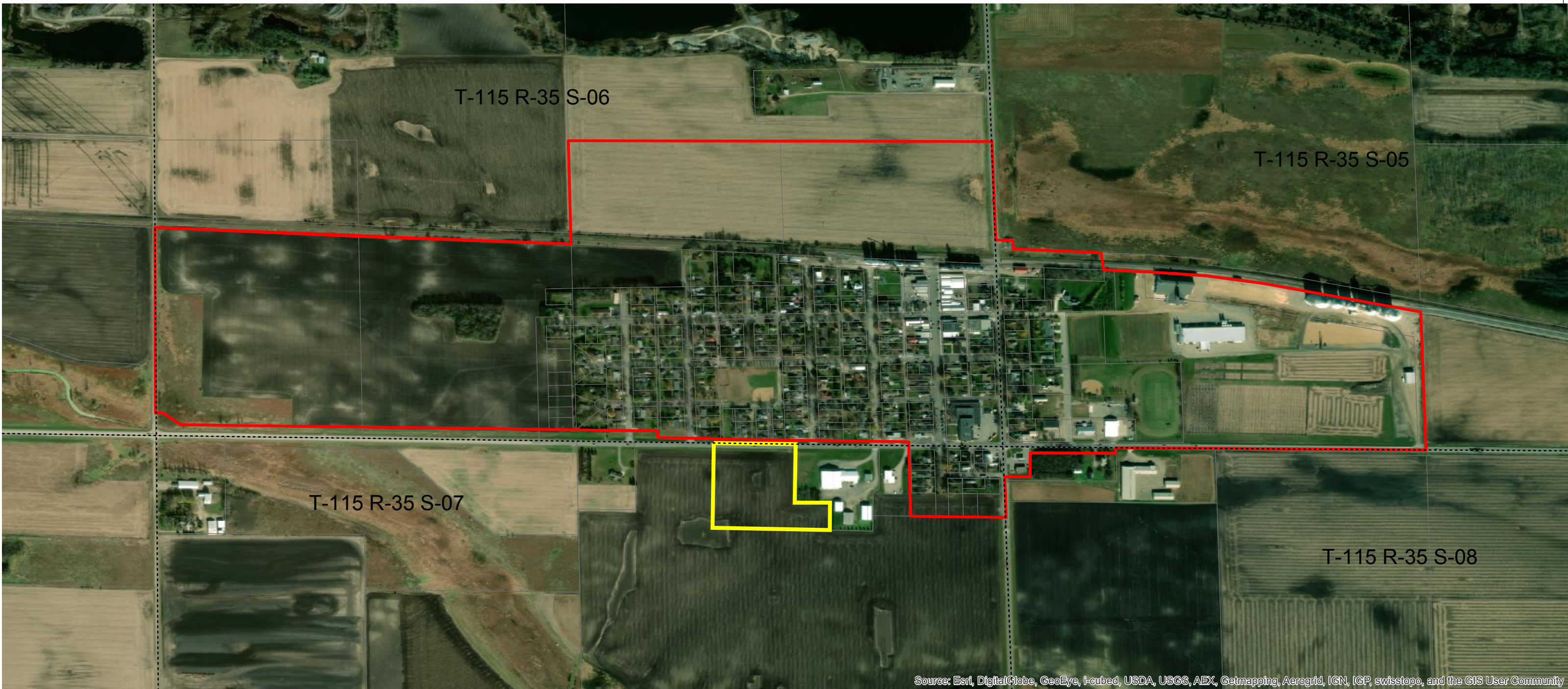
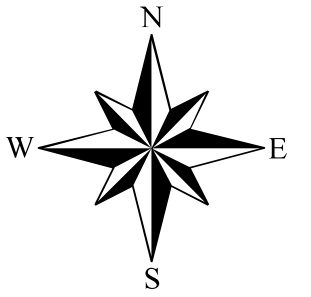
The distances shown from improvements to the property lines are shown for reference purposes only and are NOT intended for determining the property line location. Property corner monuments shall always be used when establishing the property line.

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. THE FIELD WORK WAS COMPLETED ON NOVEMBER 10, 2020.

Joshua M. Stern

Date **November 24, 2020** License No. 46169

Annexation Area Map



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

City Of Danube

0 0.3 0.6 1.2 Miles

LEGEND

- Section Line
- Existing Corporate Limits
- Proposed Annexation Area