

**CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA**

ORDINANCE NUMBER 456

**AN ORDINANCE CORRECTING ORDINANCE NUMBER 455 PERMITTING
ANNEXATION BY ORDINANCE**

WHEREAS, a petition signed by all the property owners, requesting that property legally described as:

The West 227.7 feet of the North 300 feet of the South 702.7 feet of the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼) in Section Thirty-five (35), Township Thirty-seven (37), Range Twenty-nine (29), Benton County, Minnesota.

Except that portion of Trunk Highway 25 and less any portion of the Property already located within the municipal limits of the City of Foley.

(the "Property") (Tax PID 020053400)

be annexed to the City of Foley Minnesota, was duly presented to the Council of the City of Foley on the 4th day of May, 2021, filed with Municipal Boundary Adjustment in the Office of Administrative Hearings, and assigned docket number A-8335 ; and

WHEREAS, the description of the Property has since been determined to include a small portion of land already within the municipal limits of the City of Foley;

WHEREAS, the description of the Property to be annexed into the City of Foley should be described as follows:

The West 227.7 feet of the North 300 feet of the South 702.7 feet of the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼) in Section Thirty-five (35), Township Thirty-seven (37), Range Twenty-nine (29), Benton County, Minnesota.

Except that portion of Trunk Highway 25 and less any portion of the Property already located within the municipal limits of the City of Foley.

(the "Corrected Property"); and

WHEREAS, all other recitals and findings adopted by the Foley City Council in Ordinance 455 remain accurate.

NOW, THEREFORE, the City Council of the City of Foley hereby ordains as follows:

1. The City Council hereby determines that the Corrected Property abuts the city limits and is or is about to become urban or suburban in nature and will be connected to city services, including public sewer facilities.

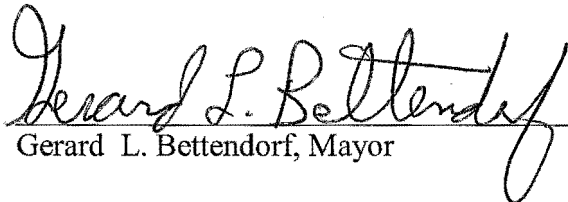
2. None of the Corrected Property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.

3. The corporate limits of the City of Foley, Minnesota, are hereby extended to include the Corrected Property, said land abutting the City of Foley. 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 as **Exhibit A**.

4. That the City Administrator of the City of Foley 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 Benton County Auditor, and the Gilmanton Township Clerk.

5. 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 Foley, Minnesota, this 17th day of May, 2021.


Gerard L. Bettendorf, Mayor

ATTEST:


Sarah A. Brunn, City Administrator

(City Seal)

EXHIBIT A

(Map of Property to be annexed)



**CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA**

ORDINANCE NUMBER 455

**AN ORDINANCE OF THE CITY OF FOLEY, MINNESOTA ANNEXING
LAND LOCATED IN GILMANTON TOWNSHIP, BENTON 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 as:

**The West 227.7 feet of the North 300 feet of the South 702.7 feet of the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼) in Section Thirty-five (35), Township Thirty-seven (37), Range Twenty-nine (29), Benton County, Minnesota.
(the "Property") (Tax PID 020053400)**

be annexed to the City of Foley Minnesota, was duly presented to the Council of the City of Foley on the 4th day of May, 2021; and

WHEREAS, the Property is unincorporated and abuts the City of Foley on its southern 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 a residential home and annexation is requested to facilitate the extension of city services for the existing residential home on the Property; and

WHEREAS, the City of Foley held a public hearing pursuant to Minnesota Statutes § 414.033, Subd. 2b, on May 4th, 2021, following thirty (30) days written notice by certified mail to the Town of Gilmanton and to all landowners within and contiguous to the Property 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 Foley hereby ordains as follows:

1. 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 Property will be connected to 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 Foley, Minnesota, are hereby extended to include the following described property, said land abutting the City of Foley 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 owners of the Property.

The Property consists of a total of approximately 1.57 acres. 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 as **Exhibit A**.

4. That the population of the area legally described and hereby annexed is 2.

5. The City of Foley, pursuant to Minnesota Statutes § 414.036, 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 Gilmanton ("Town") as follows:


The City agrees to reimburse the Town an amount equal to seven years of property taxes for the Property based on 2021 rates and values. Payment of \$3,054.45 will be made in a lump sum within six months after the annexation is effective.

6. There are no special assessments or debt incurred by the Town outstanding for the Property.

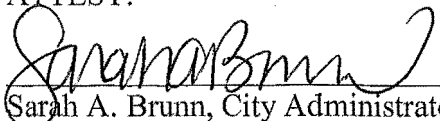
7. That the City Administrator of the City of Foley is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Benton County Auditor, and the Gilmanton Township Clerk.

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 Foley, Minnesota, this 4th day of May, 2021.


Gerard L. Bettendorf, Mayor

ATTEST:

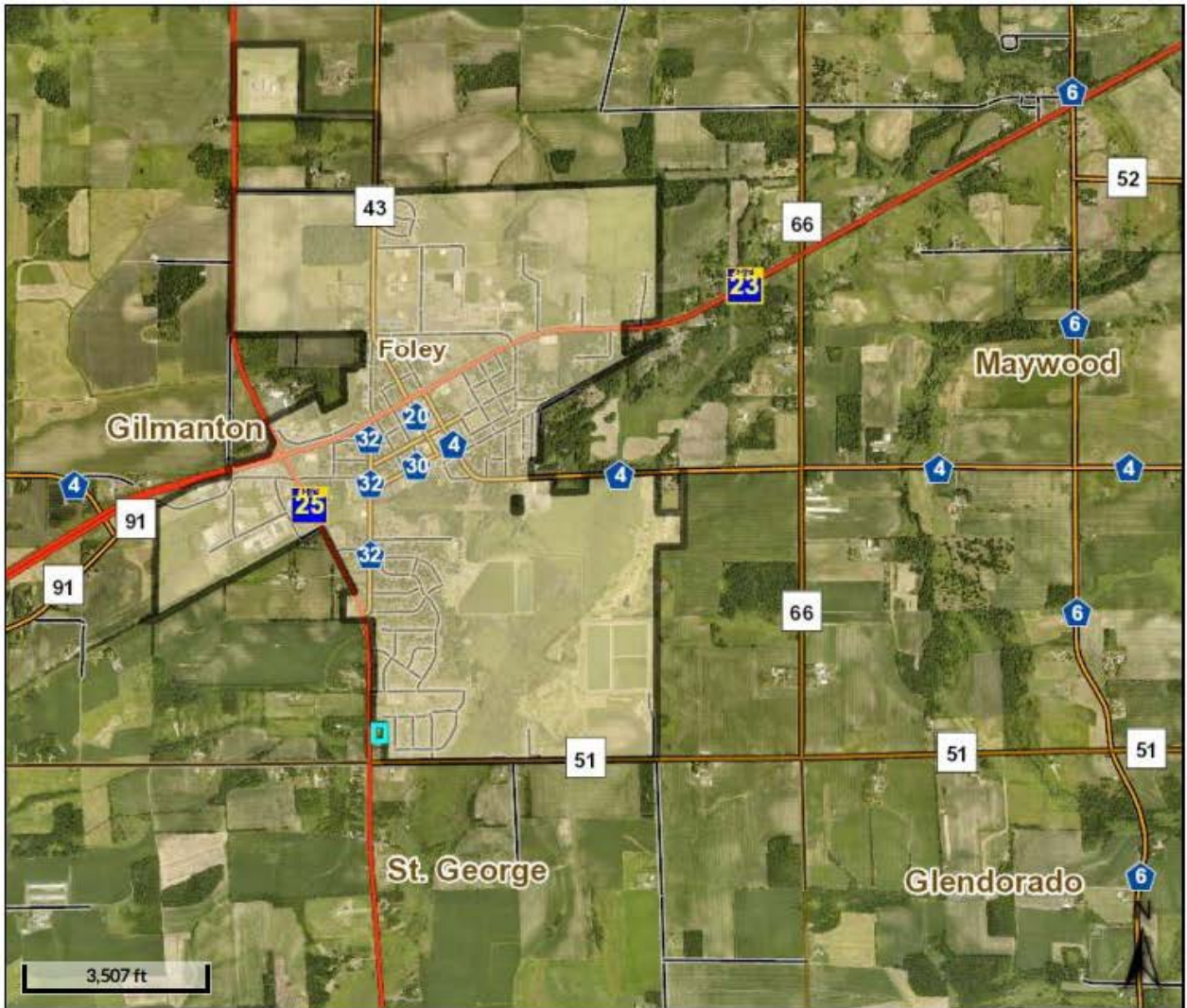

Sarah A. Brunn, City Administrator

(City Seal)

EXHIBIT A

(Map of Property to be annexed)





**RESOLUTION OF GILMANTON TOWNSHIP
CONCERNING ANNEXATION OF CERTAIN LAND
PURSUANT TO MINNESOTA STATUTES § 414.033 Subd. 2(3)**

WHEREAS, The Township of Gilmanton received a copy of a petition for annexation of certain property described as:

The West 227.7 feet of the North 300 feet of the South 702.7 feet of the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼) in Section Thirty-five (35), Township Thirty-seven (37), Range Twenty-nine (29), Benton County, Minnesota.

(the "Property") (Tax PID 020053400) and owned by Mike and Nicole Sayler; and

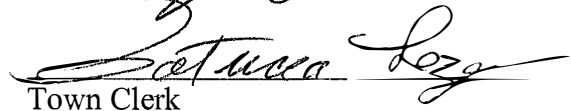
WHEREAS, The Township of Gilmanton received a copy of the City of Foley's Ordinance No. 455, annexing the Property.

NOW THEREFORE, The Gilmanton Town Board supports the petition for annexation of the Property.

Date: 5-4-21



Town Chair



Town Clerk