

ORDINANCE NO. 93

AN ORDINANCE OF THE CITY OF WILLOW RIVER, MINNESOTA ANNEXING LAND LOCATED IN KETTLE RIVER TOWNSHIP, PINE 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 on the attached Exhibit "A" be annexed to the City of Willow River, Minnesota, was duly presented to the Council of the City of Willow River on the 5th day of April, 2021; and

WHEREAS, said property is unincorporated and abuts the City of Willow River on its Southern 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 PID-R17.0110.000 residential; PID- R17.0105.000 residential/recreational; PID- R17.0107.000 non-homestead seasonal residential recreational; and annexation is requested to facilitate the extension of city services for the (PID- R17.0110.000- residential) and (PIDs R17.0105.000 and R17.0107.000- commercial) development of the property; and

WHEREAS, the City of Willow River held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on June 7, 2021, following thirty (30) days written notice by certified mail to the Town of Kettle River and to all landowners within and contiguous to the area legally described on attached Exhibit A, 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 WILLOW RIVER 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 residential use for PID R.17.0110.000 and commercial use for PID R17.0105.000 and PID R17.0107.000 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 Willow River, Minnesota, are hereby extended to include the following described property, said land abutting the City of Willow River 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:

See Exhibit "B" hereinafter Attached

The above-described property consists of a total of 17.9 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 or attached exhibit) and hereby annexed is 5.

5. The City of Willow River, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described on attached Exhibit "A" hereby annexed, shall make a cash payment to the Town of Kettle River in accordance with the following schedule:

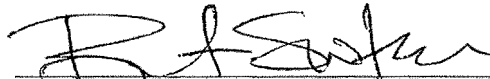
- a. In the first year following the year in which the City of Willow River could first levy on the annexed area, an amount equal to \$235.87; and
- b. In the second year, an amount equal to \$235.87.

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 on Exhibit "A" attached hereto, there are no special assessments or debt incurred by the Town on the subject area for which reimbursement is required.

7. That the City Clerk of the City of Willow River 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 Pine County Auditor, and the Kettle River 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 Willow River, Minnesota , this 6th day of July, 2021.



Mayor

ATTEST:



City Clerk

(City Seal)

EXHIBIT A
(LEGAL DESCRIPTION)

A parcel of property lying and being in the Northeast Quarter of Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Eleven (11), Township Forty-four (44), Range Twenty (20), described as follows, to-wit: Beginning at a point 33 feet East of the Northwest corner of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ as a point of beginning of the parcel to be herein described; thence East along the North boundary line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ a distance of 284.5 feet, thence South along a line parallel to the West line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, a distance of 1,320 feet, more or less, to the South boundary line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence West along the South boundary line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ a distance of 284.5 feet, more or less, to a point which is 33 feet East of the Southwest corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence North along a line parallel to the West line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and 33 feet distant therefrom a distance of 1,320 feet, more or less, to the point of beginning.

Parcel R 17.0110.000

East Ten (10) acres of Northeast Quarter of Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), Section Eleven (11), Township Forty-four (44), Range Twenty (20), less Highway right-of-way of Highway 35, EXCEPT the South Three Hundred (300) feet of said East Ten (10) acres.
Subject to Highway Easement in favor of the State of Minnesota, and
Subject to mineral rights in favor of the State of Minnesota
Subject to Pine County Subdivision and Platting Ordinance and to the Ordinance for the Management of Shoreland Areas of Pine County, Minnesota.

Parcel R 17.0105.000

All that part of the Northeast Quarter of Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Eleven (11), Township Forty-four (44), Range Twenty (20), lying Easterly of U.S. Interstate Highway Number 35 as the same is now located over and across said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ except the East 10 acres heretofore conveyed to Patrick R. Wood and Jean E. Wood, husband and wife, on July 2, 1962, the amount of the land hereby conveyed being approximately 1.89 acres, more or less.

Parcel R 17.0107.000



**PROPERTY OWNER PETITION TO MUNICIPALITY
FOR ANNEXATION BY ORDINANCE - 120 Acres or Less**

IN THE MATTER OF THE PETITION OF CERTAIN PERSONS FOR THE
ANNEXATION OF CERTAIN LAND TO THE CITY OF WILLOW RIVER, MINNESOTA
PURSUANT TO MINNESOTA STATUTES § 414.033, SUBD. 2(3)

TO: Council of the City of Willow River, Minnesota

PETITIONER(S) STATE: All of the property owners in number are required to commence a proceeding under Minnesota Statutes § 414.033, Subd. 2(3).

It is hereby requested by:

 the sole property owner; or
 X all of the property owners (If the land is owned by both husband and wife, both
must sign the petition to represent all owners.)

of the area proposed for annexation to annex certain property described herein lying in the Township of Kettle River, to the City of Willow River, County of Pine, Minnesota.

The area proposed for annexation is described as follows:

SEE EXHIBIT "A"

1. There are 3 property owners in the area proposed for annexation. (If a property owner owns more than one parcel in the area proposed for annexation, he/she is only counted once as an owner - the number of parcels owned by a petitioner is not counted.)
2. The land abuts the municipality and the area 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.

Except as provided for by an orderly annexation agreement, this clause may not be used to annex any property contiguous to any property previously annexed under this clause within the preceding 12 months if the property is owned by the same owners and annexation would cumulatively exceed 120 acres.

3. Said property is unincorporated, abuts on the city's South boundary, and is not included within any other municipality.
4. The area of land proposed for annexation, in acres, is 17.9 acres.
5. The reason for the requested annexation. The 2 parcels that Tom & Jamie Jensen owned would like to be zoned as some sort of Mixed use Residential/Campground. All licenses and would be obtained by the State of Minnesota and all of their rules would be followed. Present zoning is that of a Mobile Home park but we would want zoning changed for a campground. The other tract of land owned by Mlaskoch would be zoned as residential.

-2-

PETITIONERS REQUEST: That pursuant to Minnesota Statutes § 414.033, the property described herein be annexed to and included within the City of Willow River, Minnesota.

Signatures:  *Brett Mlaskoch* 02/25/2021
2/25/2021 4:35:05 PM CST

Shawn [Signature] 2-25-21 *Jammi Jensen* 2-25-21

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd. 2b, before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), a municipality must hold a public hearing and give 30 days' written notice by certified mail to the town or towns affected by the proposed ordinance and to all landowners within and contiguous to the area to be annexed.

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd. 11, when a municipality declares land annexed to the municipality under subdivision 2, clause (3), and the land is within a designated floodplain, as provided by section 103F.111, subdivision 4, or a shoreland area, as provided by section 103F.205, subdivision 4, the municipality shall adopt or amend its land use controls to conform to chapter 103F, and any new development of the annexed land shall be subject to chapter 103F.

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd. 12, when a municipality annexes land under subdivision 2, clause (2), (3) or (4), property taxes payable on the annexed land shall continue to be paid to the affected town or towns for the year in which the annexation becomes effective. If the annexation becomes effective on or before August 1 of a levy year, the municipality may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the town may continue to levy on the annexed area for that levy year, and the municipality may not levy on the annexed area until the following levy year.

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd. 13, at least 30 days before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), the petitioner must be notified by the municipality that the cost of electric utility service to the petitioner may change if the land is annexed to the municipality. The notice must include an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation.

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Subject to Highway Easement in favor of the State of Minnesota, and

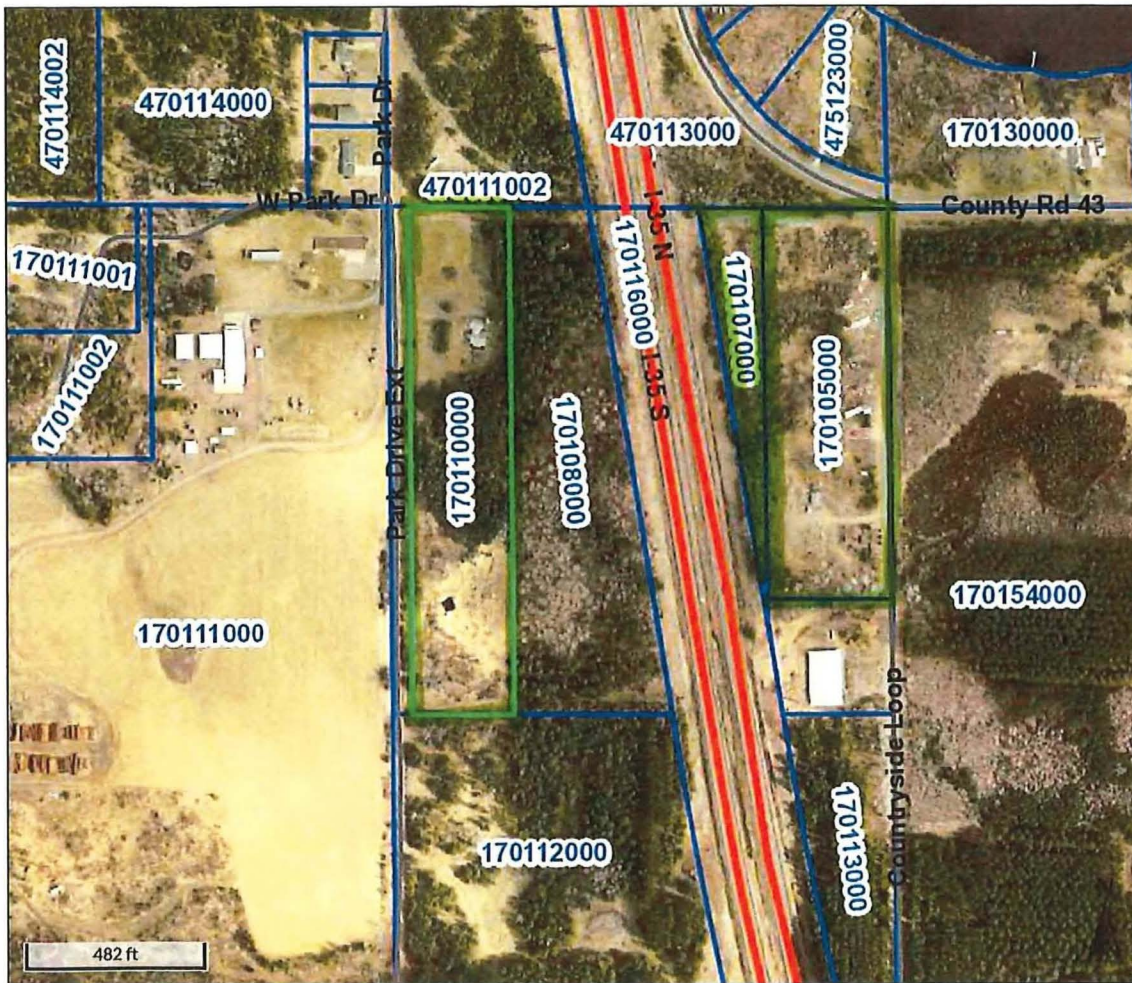
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Parcel R 17.0105.000

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Parcel R 17.0107.000



Overview

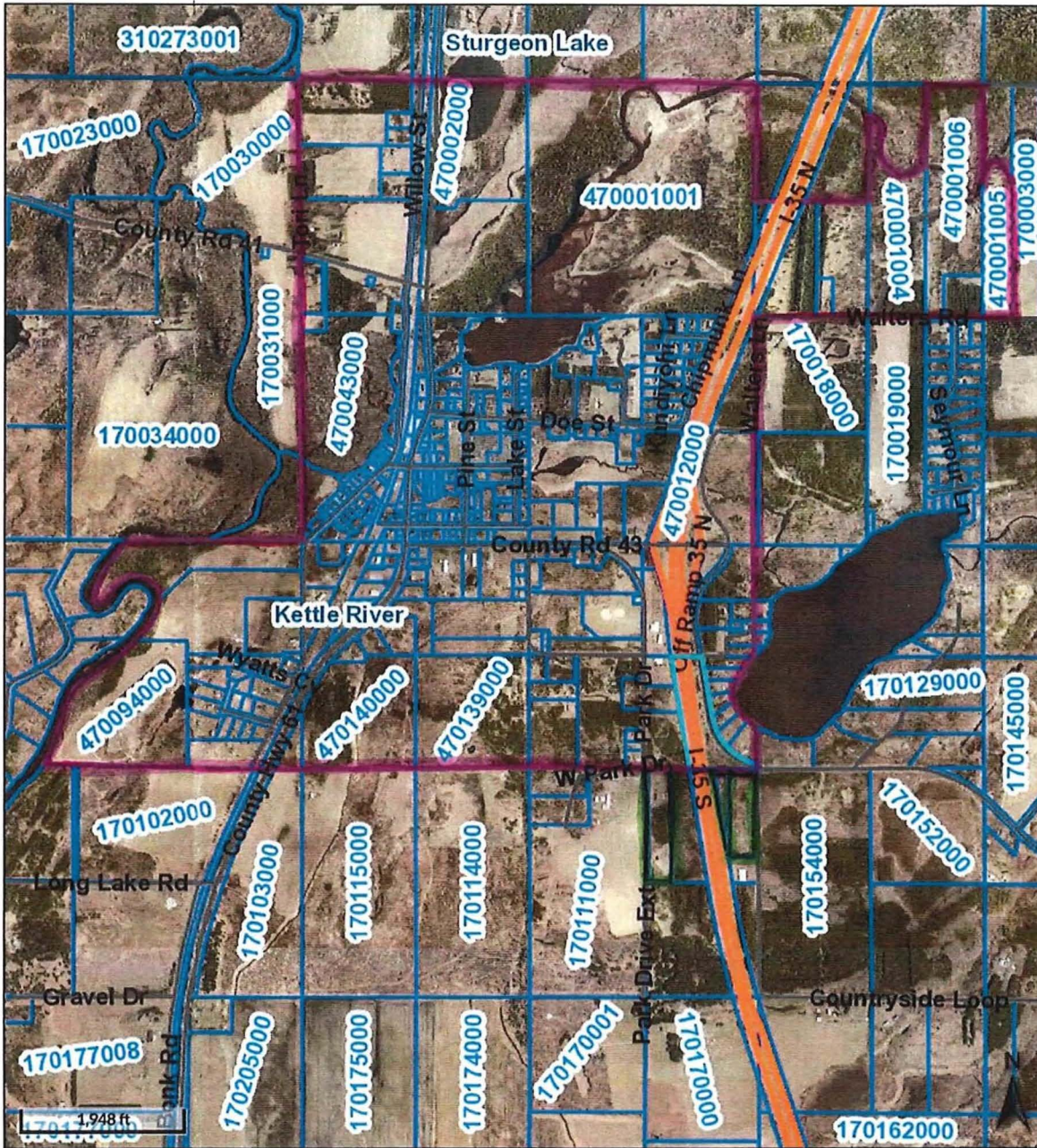


Legend

Roads

- <all other values>
- Interstate
- Hwy
- ▣ Townships
- ▣ Parcels
- ▣ Parcels w/o Labels

Properties being annexed



Overview



Legend

Roads

- <all other values>
- Interstate
- Hwy
- Corporate Limits
- Townships
- Parcels
- Parcels w/o Labels

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Developed by  **Schneider**
GEOSPATIAL

- City Limits
- To be Annexed