

ORDINANCE NO. 1-2021

**AN ORDINANCE OF THE CITY OF BROOTEN, MINNESOTA ANNEXING
LAND LOCATED IN BANGOR TOWNSHIP, POPE 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 Ordinance No. 1-2021 Exhibit A be annexed to the City of Brooten, Minnesota, was duly presented to the Council of the City of Brooten on the 12th day of July, 2021; and

WHEREAS, said property is unincorporated and abuts the City of Brooten and is less than 120 acres and is not presently served by public wastewater facilities or public wastewater 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 land and annexation is requested to facilitate the extension of city services for the commercial development of the property; and

WHEREAS, the City of Brooten held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on September 27, 2021 following thirty (30) days written notice by certified mail to the Town of Bangor and to all landowners within and contiguous to the area legally described on Ordinance No. 1-2021 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 BROOTEN, MINNESOTA HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is about to become urban or suburban in nature in that commercial use is being proposed for said property the construction of which requires or will need city services, including public wastewater 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 Brooten, Minnesota, are hereby extended to include the following described property, said land abutting the City of Brooten and being 120 acres or less in area, and is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land, to wit:

The South 497.83 feet, of the East 700.00 feet, of the Northeast Quarter of the Southeast Quarter, of Section 36, Township 124, Range 36, Pope County, Minnesota, as measured and perpendicular to the south and east lines thereof.

The above-described property consists of a total of eight (8) 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 on Ordinance No. 1-2021 Exhibit A and hereby annexed is zero (0).

5. The City of Brooten, pursuant to Minnesota Statutes § 414.036, and the township of Bangor, pursuant to Minnesota Statutes § 414.036, agree that with respect to the property taxes payable on the area legally described on Ordinance No. 1-2021 Exhibit A, hereby annexed, shall be payable to the City of Brooten for taxes commencing in the first year that the City can levy the annexed area and no portion thereof shall be payable to Bangor Township. A written agreement to this effect is attached hereto labeled Ordinance No. 1-2021 Exhibit B and incorporated herein by reference.

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 Ordinance No. 1-2021 Exhibit A, there are no special assessments or debt incurred by the Township for which reimbursement is required.

7. That the City Clerk of the City of Brooten 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 Pope County Auditor, and the Bangor 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 Brooten, Minnesota, this
27th day of September, 2021.



Mayor

ATTEST:

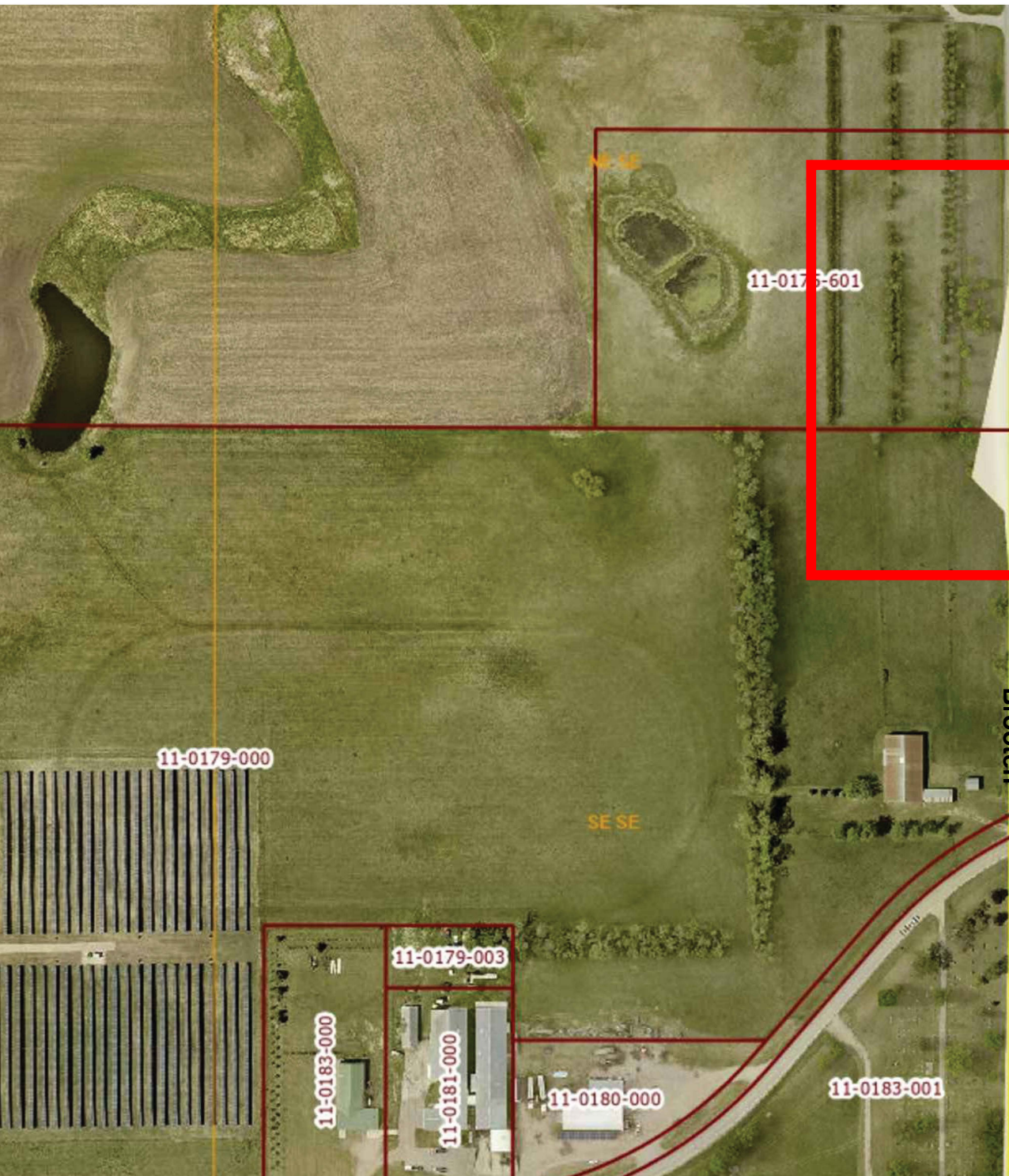


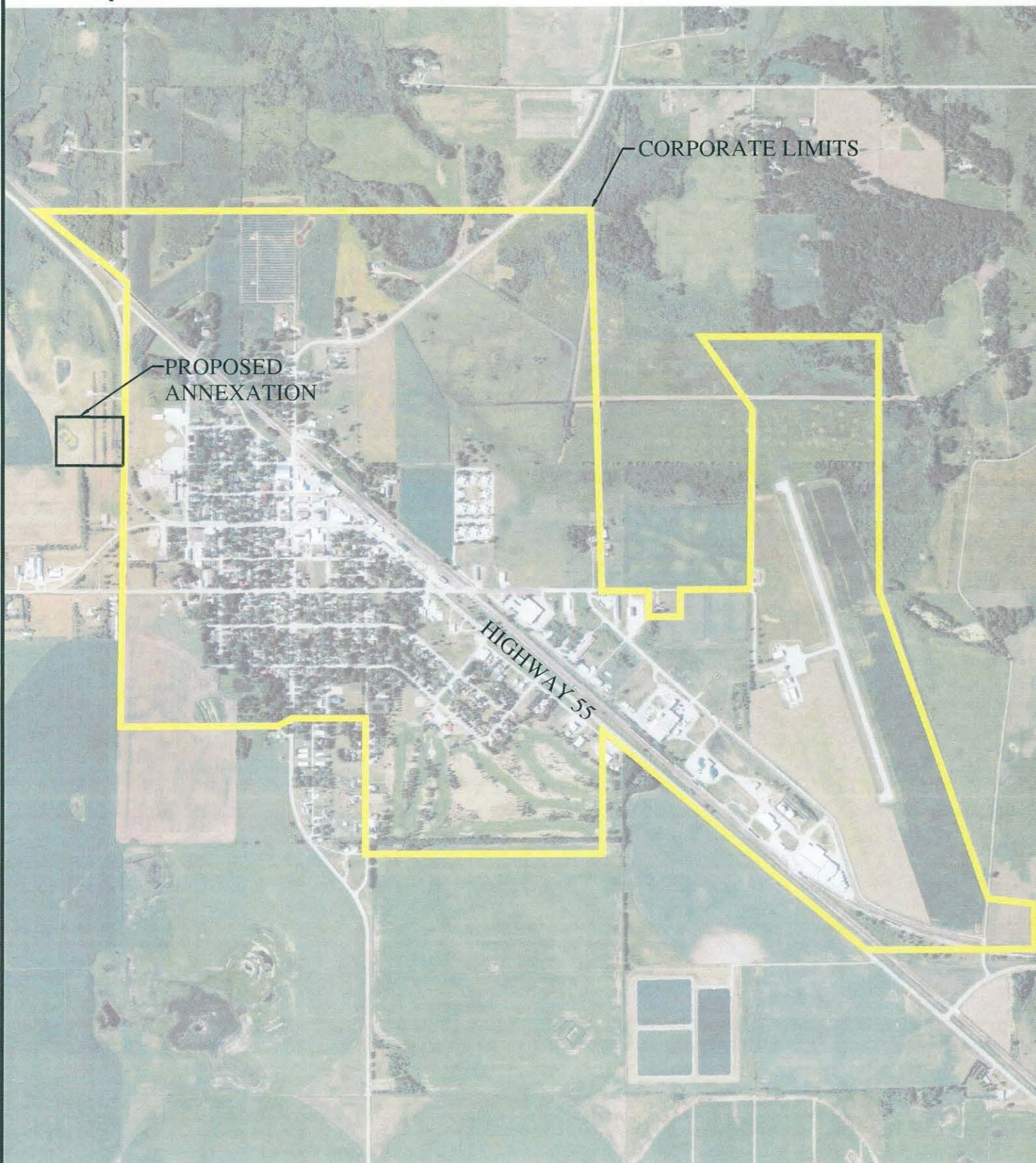
City Clerk

(City Seal)

Ordinance No. 1-2021 Exhibit A

The South 497.83 feet, of the East 700.00 feet, of the Northeast Quarter of the Southeast Quarter, of Section 36, Township 124, Range 36, Pope County, Minnesota, as measured and perpendicular to the south and east lines thereof.





Project Number: 214018

BOLLIGinc
engineering & environmental
Willmar, Minnesota
PH: 320.235.2555 FAX: 320.235.1986
www.bollig-engineering.com

Prepared for:

City of
Brooten

Proposed Annexation

Project Location

Fig. 1

**Agreement Regarding Reimbursement to Bangor Township
Pursuant to Minnesota Statute 414.036**

The parties hereto, Bangor Township, Pope County, Minnesota and the City of Brooten, Stearns County, Minnesota are government units responsible for real estate taxes within their respective areas. This agreement is made pursuant to the authority conferred upon the parties by Minnesota Statute 414.036.

NOW, THEREFORE, the undersigned governmental units agree as follows:

1. The City of Brooten was presented with a petition for annexation by ordinance of a parcel of real estate legally described as follows:

The South 497.83 feet, of the East 700.00 feet, of the Northeast Quarter of the Southeast Quarter, of Section 36, Township 124, Range 36, Pope County, Minnesota, as measured and perpendicular to the south and east lines thereof.

2. The Bangor Township Board was provided notice of the City's intent to annex this property.

3. The Bangor Township Board is aware of its rights under Minnesota Statute 414.036 and the Township Board met on September 14, 2021 to discuss the notice of the annexation that had been sent to the township on August 25, 2021 and to review issues regarding taxation of the parcel in question.

4. The township board is satisfied that the township has no liens against this parcel and that the township will not experience a loss of revenue due to this parcel being annexed to the City of Brooten and as a result, Bangor Township hereby agrees that with regard to property taxes on the parcel described above to be annexed, the real estate taxes shall be payable to the City of Brooten for taxes commencing in the first year that the city can levy on the annexed area and that no portion thereof shall be payable to Bangor Township.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed on the date set forth below.

BANGOR TOWNSHIP

DATE: 10/5/21 By: [Signature]
Chairperson
Board of Supervisor

ATTEST:

By: [Signature]
Township Clerk

CITY OF BROOTEN

DATE: 9/27/21 By: [Signature]
Mayor

ATTEST:

By: [Signature]
City Clerk