

ORDINANCE NO. 2021-05

**AN ORDINANCE OF THE CITY OF MAZEPPA, MINNESOTA ANNEXING
LAND LOCATED IN MAZEPPA TOWNSHIP, WABASHA 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 herein be annexed to the City of Mazeppa, Minnesota, via Minnesota Statute §§ 414.033, Subdivision 2(3) was duly presented to the Council of the City of Mazeppa on the 8th day of October, 2021; and

WHEREAS, said property is unincorporated and abuts the City of Mazeppa on its southeast, southwest, and west boundaries; 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 used as wood lands in some areas and tillable agriculture land in some areas and annexation is requested to facilitate the extension of city services for the residential and urban development of the property; and

WHEREAS, the City of Mazeppa held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on December 8, 2021, following 30 days written notice by certified mail to the Town of Mazeppa and to all landowners within and contiguous to the area to be annexed which is legally described herein; and

WHEREAS, provisions of Minnesota Statutes § 414.033 Subd. 13 has been satisfied as follows: the land is bare land and is not serviced by electricity, the property owners have received a notice by the City of Mazeppa that the electricity rate may increase, and the property owners have signed a waiver of the specific increase in rate that may occur as a result of the property being annexed into the City of Mazeppa (such written statement is attached hereto); and

WHEREAS, the property located within the municipal limits that is connected to the property being proposed to be annexed in is zoned as R-3; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAZEPPA HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the property legally described herein abuts the city limits and is or is about to become urban or suburban in nature in that residential use 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 Mazeppa, Minnesota, are hereby extended to include the following described property, said land abutting the City of Mazeppa 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:

That part of the Southwest Quarter of Section 5, Township 109 North, Range 14 West, Wabasha County, Minnesota, described as follows:

Commencing at the northwest corner of said Southwest Quarter of Section 5; thence South 01 degree 22 minutes 45 seconds East, assumed bearing along the west line of said Southwest Quarter of Section 5, a distance of 227.86 feet to the point of beginning of the land to be described; thence continue South 01 degree 22 minutes 45 seconds East a distance of 319.73 feet to the northwest corner of Outlot C, SCENIC HEIGHTS SUBDIVISION, on file and of record in the Office of the County Recorder, Wabasha County, Minnesota; thence South 66 degrees 12 minutes 37 seconds East, a distance of 125.64 feet; thence South 01 degree 22 minutes 45 seconds East, a distance of 50.77 feet; thence South 59 degrees 27 minutes 53 seconds East, a distance of 238.19 feet; thence North 36 degrees 08 minutes 38 seconds East, a distance of 306.08 feet to the most northerly corner of said Outlet C; thence North 59 degrees 56 minutes 22 seconds West, a distance of 588.76 feet to the point of beginning.

The above-described property consists of a total of 3.23 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 and hereby annexed is zero.
5. The City of Mazeppa, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to the Town of Mazeppa in accordance with the following schedule:
 - a. \$4.35 on or before March 31, 2022, or 35 days after the City of Mazeppa receives final approval from the Administrative Law Judge; and
 - b. \$4.35 on or before January 1, 2023.

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 herein there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

7. That the City Clerk of the City of Mazeppa 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 Wabasha County Recorder, the Wabasha County Auditor, and the Mazeppa Township Clerk, and the cost of such filings are hereby the responsibility of the property owners as a condition of approving the annexation petition.

8. That the property legally described herein shall be zoned as R-3 Residential District at the time of approval by the Administrative Law Judge within the Minnesota Office of Administrative Hearings.

9. That the City Clerk of the City of Mazeppa is hereby authorized and directed to publish this ordinance in accordance with Minnesota law, and the cost of such publication is hereby the responsibility of the property owners as a condition of approving the annexation petition.

10. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by an Administrative Law Judge within the Minnesota Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Mazeppa, Minnesota, this 12th day of January, 2022.

CITY OF MAZEPPA


Chris Hagfors, Mayor

1-12-22
Date

Attested:


Karl Nahrgang, City Administrator-Clerk

1/13/2022
Date

ANNEXATION EXHIBIT

Northwest Corner of
Southwest Quarter
Sec. 5, T. 109, R. 14

West Line of SW1/4

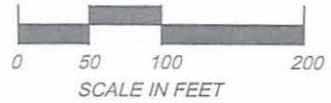
Point of Beginning

PARCEL A - To be Annexed into the City of Mazeppa

That part of the Southwest Quarter of Section 5, Township 109 North, Range 14 West, Wabasha County, Minnesota, described as follows:

Commencing at the northwest corner of said Southwest Quarter of Section 5; thence South 01 degree 22 minutes 45 seconds East, assumed bearing along the west line of said Southwest Quarter of Section 5, a distance of 227.86 feet to the point of beginning of the land to be described; thence continue South 01 degree 22 minutes 45 seconds East a distance of 319.73 feet to the northwest corner of Outlot C, SCENIC HEIGHTS SUBDIVISION, on file and of record in the Office of the County Recorder, Wabasha County, Minnesota; thence South 66 degrees 12 minutes 37 seconds East, a distance of 125.64 feet; thence South 01 degree 22 minutes 45 seconds East, a distance of 50.77 feet; thence South 59 degrees 27 minutes 53 seconds East, a distance of 238.19 feet; thence North 36 degrees 08 minutes 38 seconds East, a distance of 306.08 feet to the most northerly corner of said Outlot C; thence North 59 degrees 56 minutes 22 seconds West, a distance of 588.76 feet to the point of beginning.

Containing 3.23 Acres, more or less.



140584 SF
3.23 AC
PARCEL A

Most Northerly Corner
Outlot C

S66°12'37"E
125.64

S01°22'45"E
50.77

Northwest Corner of
Outlot C

S59°27'53"E
238.19

N36°08'38"E
306.08

130.00
S53°52'39"E

80.65
S88°53'11"E

15th Ave NE



OUTL

169888 SF
3.90 AC
OUTLOT C
SCENIC HEIGHTS SUBDIVISION

14066 SF
0.32 AC

22156 SF
0.51 AC

22268 SF
0.51 AC

11159 SF
0.26 AC

1
1

2

3

1

10 2

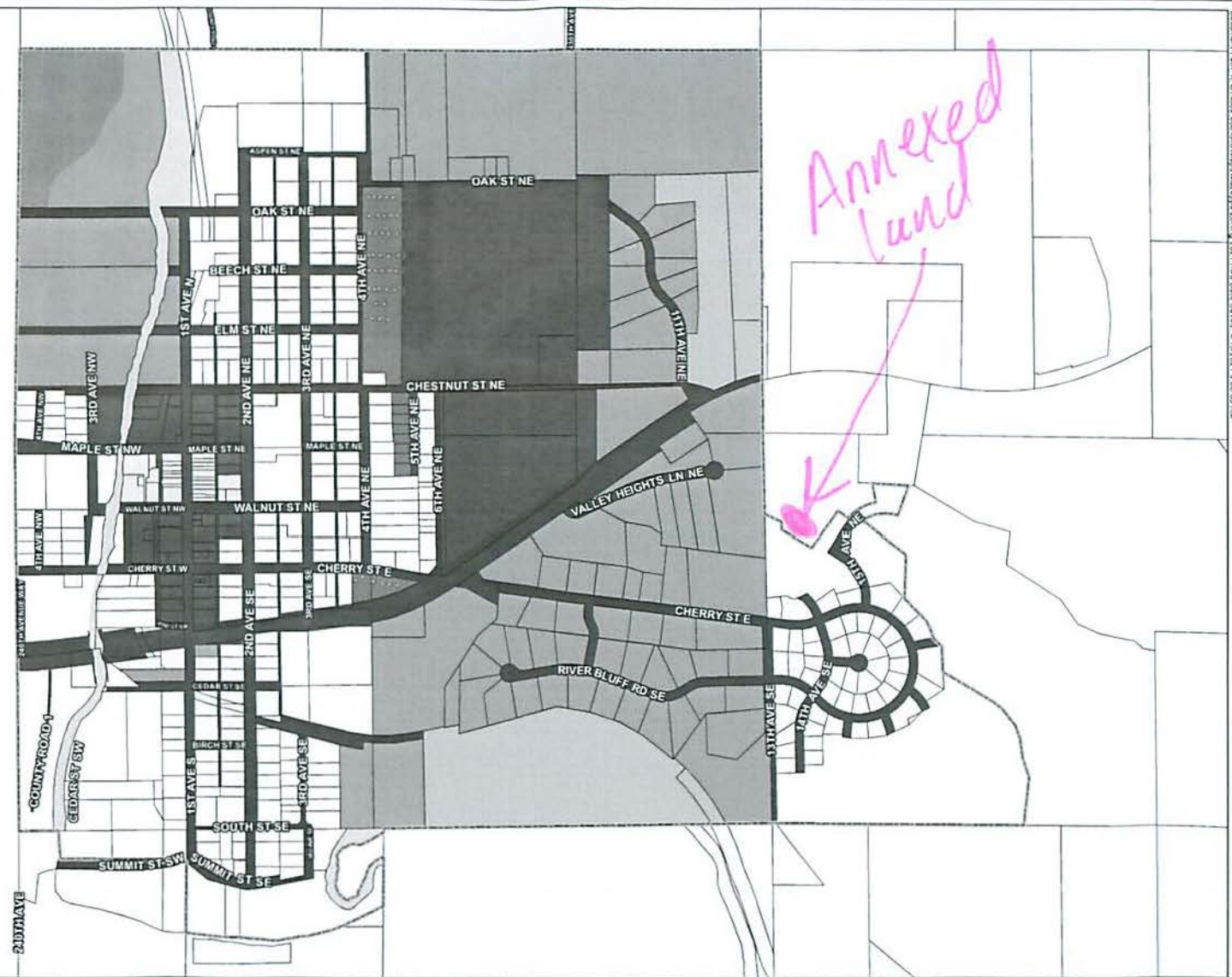
2

2

CHERRY

STREET EAST

14th Ave NE



N

0 700 Feet

1 inch = 700 feet

wsb

