

**ORDINANCE NO. 2022-03**

**AN ORDINANCE OF THE CITY OF COTTONWOOD, MINNESOTA ANNEXING  
LAND LOCATED IN LUCAS TOWNSHIP, LYON 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 to be annexed to the City of Cottonwood, Minnesota, was duly presented to the Council of the City of Cottonwood on the eighteenth day of May 2022; and

**WHEREAS**, said property is unincorporated and abuts the City of Cottonwood on its northwesterly 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 located within shoreland area; and subject to the requirements set forth in Minnesota Statutes § 414.033 Subd. 11; and

**WHEREAS**, said property is currently tillable agricultural land and annexation is requested to facilitate the extension of city services for the residential development of the property; and

**WHEREAS**, the City of Cottonwood held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on June 28, 2022, following thirty (30) days written notice by certified mail to the Town of Lucas 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 COTTONWOOD 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 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 Cottonwood, Minnesota, are hereby extended to include the following described property, said land abutting the City of Cottonwood 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:

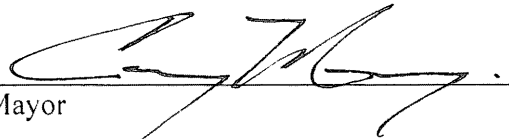
*All that part of Government Lot 3 in Section 5, Township 113 North, Range 40 West, Lyon County, Minnesota, being more particularly described as follows:*

*Beginning at the northeast corner of Lot 1 Block 1 of Idso 2nd Addition to the City of Cottonwood as filed and recorded in the office of the County Recorder in and for said Lyon County; thence South 89 degrees 11 minutes 53 seconds West, bearing based on Lyon County Coordinate System (1996 Adj.), along the south of said Government Lot 3, a distance of 50.00 feet; thence North 00 degrees 48 minutes 07 seconds West a distance of 300.00 feet; thence North 56 degrees 51 minutes 04 seconds East a distance of 386 feet, more or less, to a point on the shore line of Cottonwood Lake, said point here after know as Point "A"; beginning again from said point of beginning; thence North 89 degrees 11 minutes 53 seconds East, along the south line of said Government Lot 3, a distance of 331. feet more or less, to a point on the shoreline of Cottonwood Lake; thence northerly, along said shoreline, a distance of 550 feet, more or less, to said point "A", description there terminating.*

The above-described property consists of a total of 5.25 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 two.
5. The City of Cottonwood, 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, based on the valuation and tax capacity of the land as it exists at the time of its annexation, to the Town of Lucas in accordance with the following schedule:
  - a. In the first year following the year in which the City of Cottonwood could first levy on the annexed area, an amount equal to ten dollars and no cents (\$10.00); and
  - b. In the second year, an amount equal to ten dollars and no cents (\$10.00).
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 that 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 Cottonwood 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 Lyon County Auditor, and the Lucas 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 Cottonwood, Minnesota, this  
twenty-eight day of June, 2022.

  
\_\_\_\_\_  
Mayor

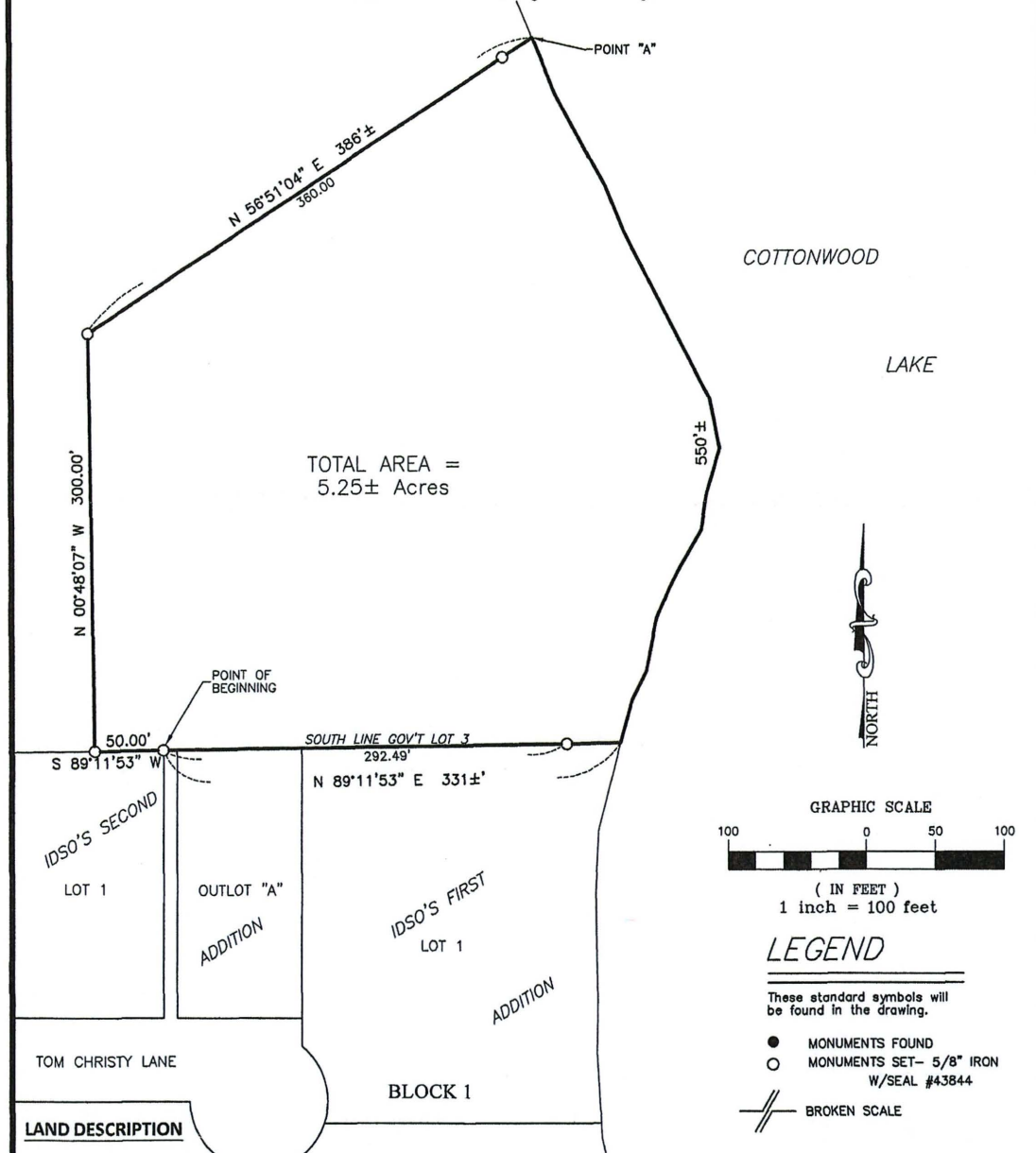
Attested:

*Seal*

  
\_\_\_\_\_  
City Clerk

# Certificate of Survey

A part of Government Lot 3 in  
Section 5-113-40, Lyon County, Minnesota.



## LAND DESCRIPTION

All that part of Government Lot 3 in Section 5, Township 113 North, Range 40 West, Lyon County, Minnesota, being more particularly described as follows:

Beginning at the northeast corner of Lot 1 Block 1 of Idso 2nd Addition to the City of Cottonwood as filed and recorded in the office of the County Recorder in and for said Lyon County; thence South 89 degrees 11 minutes 53 seconds West, bearing based on Lyon County Coordinate System (1996 Adj.), along the south of said Government Lot 3, a distance of 50.00 feet; thence North 00 degrees 48 minutes 07 seconds West a distance of 300.00 feet; thence North 56 degrees 51 minutes 04 seconds East a distance of 386 feet, more or less, to a point on the shore line of Cottonwood Lake, said point here after know as Point "A"; beginning again from said point of beginning; thence North 89 degrees 11 minutes 53 seconds East, along the south line of said Government Lot 3, a distance of 331, feet more or less, to a point on the shore line of Cottonwood Lake; thence northerly, along said shoreline, a distance of 550 feet, more or less, to said point "A", description there terminating.

Said tract is subject to any existing roadways or easements.

## SURVEYOR'S CERTIFICATION

I hereby certify that this plan, specification, 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.

*[Signature]*

DANIEL L. BUELTEL LICENSE NO: 43844

DATE: APRIL 5, 2022



Prepared for DAVID LOE

Prepared by  
Bueltel-Moseng Land Surveying, Inc.  
Marshall, MN 56258 Ph. 507-532-9043  
PROJECT NO. 22-6152



# CITY OF COTTONWOOD BOUNDARIES

Proposed property

