

**RECEIVED**

By: OAH on October 5, 2022

**ORDINANCE NO. 2022-05**

**AN ORDINANCE OF THE CITY OF ELGIN, MINNESOTA ANNEXING  
LAND LOCATED IN ELGIN 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 Elgin, Minnesota, via Minnesota Statute §§ 414.033, Subdivision 2(3) was duly presented to the Council of the City of Elgin on the 18<sup>th</sup> day of August, 2022; and

**WHEREAS**, said property is unincorporated and abuts the City of Elgin on the property's west side; 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 tillable agriculture land and annexation is requested to facilitate the extension of city services for the residential and urban development of the property; and

**WHEREAS**, the City Council of the City of Elgin held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on October 3, 2022, following 30 days written notice by certified mail to the Town of Elgin and to all landowners within and contiguous to the area to be annexed which is legally described herein; and

**WHEREAS**, the City Council of the City of Elgin considered the petition at a regular public meeting on September 21, 2022 and at a special public meeting on October 3, 2022 following the public hearing stated above; 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 Elgin that the electricity rate may increase, and the property owners have signed a

waiver stating that the City must provide the specific increase in rate that may occur as a result of the property being annexed into the City of Elgin (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-1 Residential; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELGIN 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 and retention pond use is being proposed for said property the construction of which requires or will need city services, including public sewer facilities or a public retention pond.
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 Elgin, Minnesota, are hereby extended to include the following described property, said land abutting the City of Elgin 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 Northwest Quarter of Section 35, Township 108 North, Range 12 West, Wabasha County, Minnesota, described as follows:***

***Commencing at the Northwest Corner of the Northwest Quarter of said Section 35; thence South 00 degrees 00 minutes 46 seconds West (Note: All bearings are based on the Wabasha County Coordinate System, NAD '83, Adjusted 1996), along the West line of said Northwest Quarter, a distance of 1317.36 feet to the North line of the Southwest Quarter of the Northwest Quarter, being the Point of Beginning; thence South 00 degrees 00 minutes 46 seconds West, along said West line, 917.36 feet; thence South 89 degrees 49 minutes 05 seconds East, 308.00 feet; thence North 00 degrees 00 minutes 46 seconds East, parallel with said West line, 916.90 feet to the North line of said Southwest Quarter of the Northwest Quarter; thence North 89 degrees 43 minutes 54 seconds West along the North line of said Southwest Quarter of the Northwest Quarter, 308.00 feet to the Point of Beginning.***

The above-described property consists of a total of 6.48 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 Elgin, 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 Elgin in accordance with the following schedule:

- a. \$10.60 on or before December 31, 2022, or within 35 days after the City of Elgin receives final approval from the Administrative Law Judge should such approval come after December 20, 2022; and
- b. \$10.59 on or before January 31, 2023 or within the first 31 days of the year following the year in which the City of Elgin receives final approval from the Administrative Law Judge should such approval come after December 20, 2022.

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 Elgin 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 Elgin 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 Elgin 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 Elgin, Minnesota , this 3<sup>rd</sup> day of October, 2022.

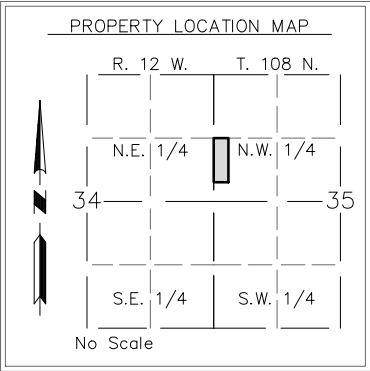
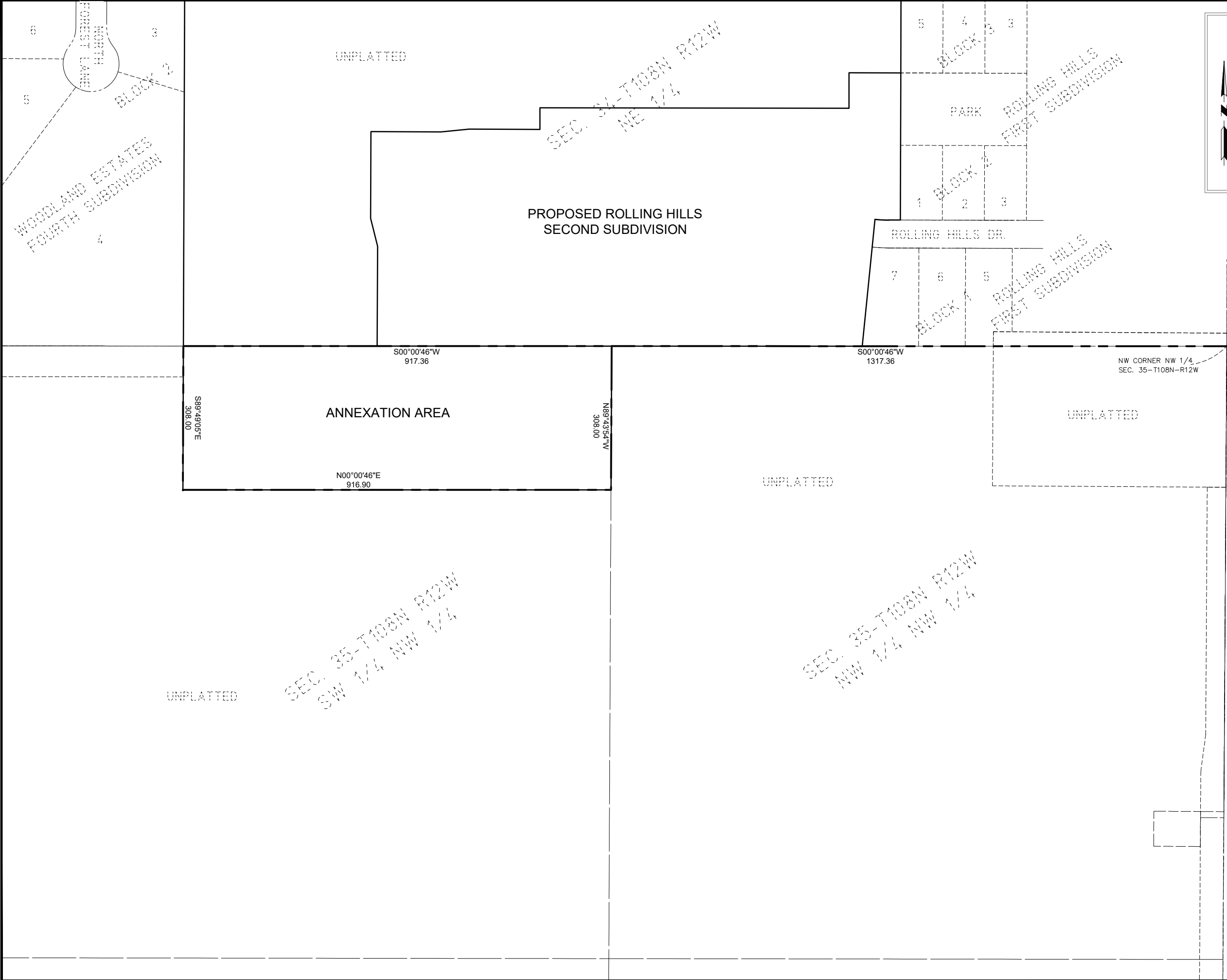
CITY OF ELGIN



Tim Boardman, Mayor

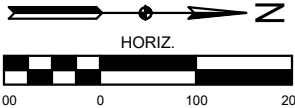
Attested:

  
\_\_\_\_\_  
Jessica Cartwright, City Clerk



LEGEND

● — FOUND 5/8" REBAR  
UNLESS OTHERWISE NOTED



07/25/2022 AREA OF ANNEXATION

ROLLING HILLS SUBDIVISION  
ELGIN, MINNEOSTA  
2022

SCALE:  
AS SHOWN

WHKS PROJECT NO.  
09535

DRAWN BY:  
JPP

CHECKED BY:  
DAM

SHEET  
1 OF 1


REVISIONS

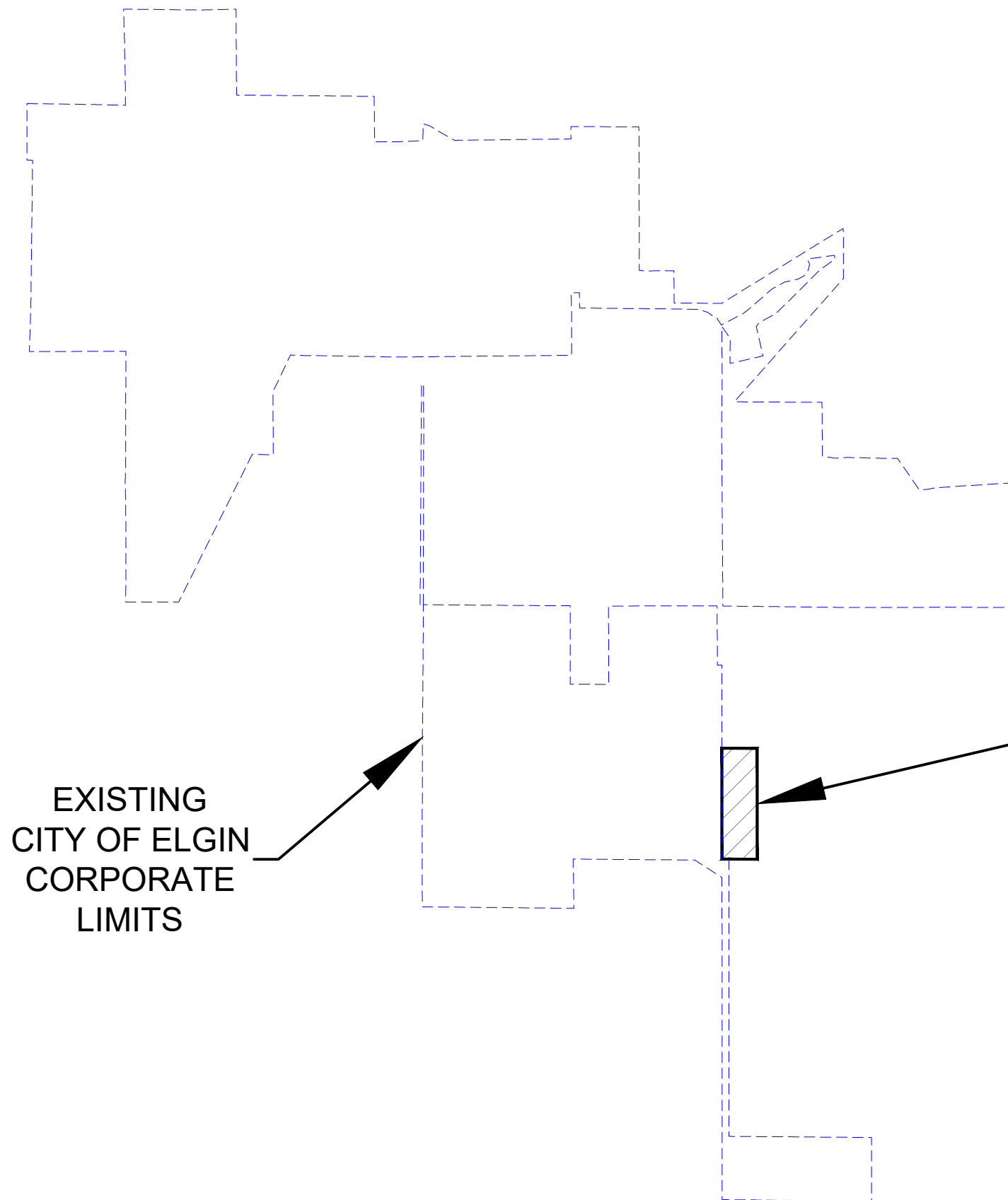
NO.	DATE	DESCRIPTION

I hereby certify that this plan, specification or report was prepared by me or under my direct personal supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

PRELIMINARY ONLY - NOT FOR CONSTRUCTION

Name \_\_\_\_\_ Date \_\_\_\_\_ License No. \_\_\_\_\_

  
engineers + planners + land surveyors



ANNEXATION  
AREA

EXISTING  
CITY OF ELGIN  
CORPORATE  
LIMITS

