

## ORDINANCE NO. 2022-10-13

### AN ORDINANCE OF THE CITY OF CARLOS, MINNESOTA ANNEXING LAND LOCATED IN CARLOS TOWNSHIP, DOUGLAS 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 or attached exhibit) be annexed to the City of Carlos Minnesota, was duly presented to the Council of the City of Carlos on the 12th day of December, 2021; and

**WHEREAS**, said property is unincorporated and abuts the City of Carlos on its East 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 *(If property is within a designated floodplain or shoreland area, city shall adopt or amend its land use controls to conform with chapter 103F. New development of annexed area shall be subject to chapter 103F)* Minnesota Statutes § 414.033 Subd. 11.

**WHEREAS**, said property is currently (land use) and annexation is requested to facilitate the extension of city services for the (residential/urban/commercial/industrial) development of the property; and property owner is not requesting public services of sewer or water.

**WHEREAS**, the City of Carlos held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on September 8, 2022, following thirty (30) days written notice by certified mail to the Township of Carlos and to all landowners within and contiguous to the area legally described (herein or attached exhibit), 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 CARLOS  
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 Carlos, Minnesota, are hereby extended to include the following described property, said land abutting the City of Carlos 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:

The North 225.00 feet of the East 387.00 feet of the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) of Section 23, Township 129 North, Range 37 West, Douglas County, MN.

The above described property consists of a total of 2 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 and hereby annexed is 10.

5. The City of Carlos, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described (herein or attached exhibit), hereby annexed, shall make a cash payment to the Township of Carlos in accordance with the following schedule:

*OPTION A:*

- a. In the first year following the year in which the City of Carlos could first levy on the annexed area, an amount equal to \$28.00; and
- b. In the second year, an amount equal to \$28.00.

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 or attached exhibit) 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 Carlos 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 Douglas County Auditor, and the Carlos Township Clerk.

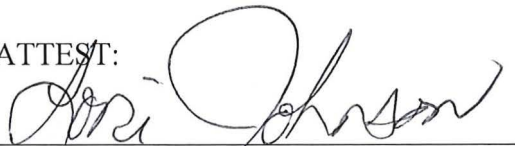
8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Carlos, Minnesota , this 13<sup>th</sup> day of October, 2022.



Mayor: Todd Burgess

ATTEST:

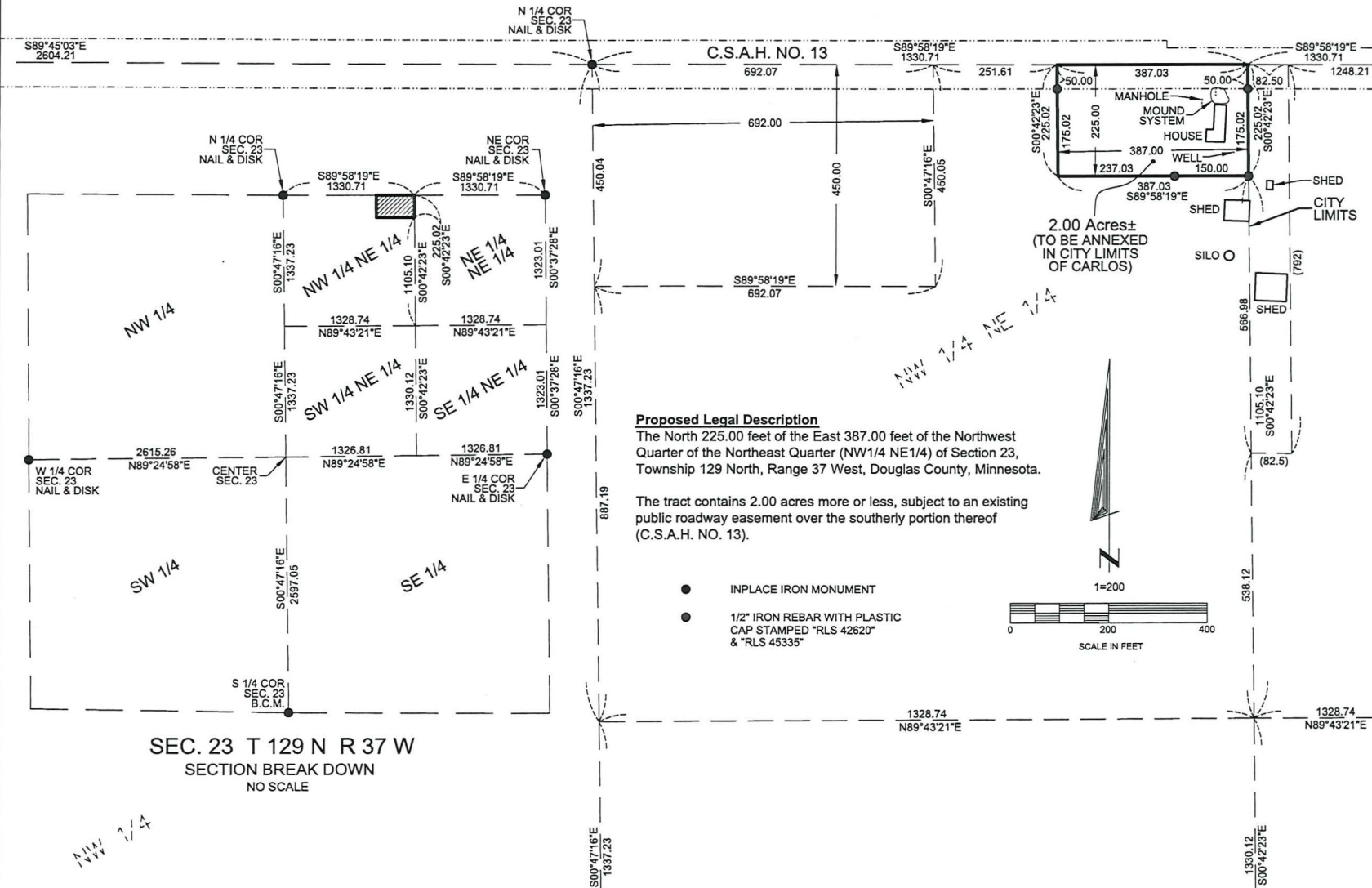


City Clerk: Lori Johnson

(City Seal)



# CERTIFICATE OF SURVEY



SEC. 23 T 129 N R 37 W

DATE: 12/1/2021 • DRAWN BY: JSM • CHECKED: BMN • JOB NO. 11059

REQUESTED BY: TOBY WEIBYE

**Nyberg SURVEYING**  
509 22ND AVE. EAST, SUITE 101  
ALEXANDRIA, MINNESOTA 56308  
PH. (320) 762-4111  
www.nybergsurveying.com

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*Brad M. Nyberg*  
Brad M. Nyberg  
Date December 1, 2021  
License No. 42620



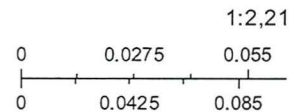
# ArcGIS Web Map



10/27/2022, 1:32:35 PM

DNR ID Water	E911 Address	County Gravel	Red: Red
City-Township	E911 Address	Municipal State Aid	Green: Green
Parcels	Railroad	Township Paved	Blue: Blue
Sections	Roads	Township Gravel	
Center Section Number	State	City	
	County Paved		

City of Carlos  
current border  
property to be  
annexed by  
ordinance



Douglas County Survey & GIS  
Douglas County, Pictometry



