

RECEIVED

By: OAH on March 25, 2024

ORDINANCE NO. 2024-01

**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 12th day of February, 2024; and

WHEREAS, said property is unincorporated and abuts the City of Elgin on the property's north 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 located within a flood plain, wetland, 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 expansion of the city-owned cemetery and future development of the other annexed property; and

WHEREAS, the City Council of the City of Elgin held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on March 20, 2024, 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 February 21, 2024 and at a regular meeting on March 20, 2024 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, Elgin Zoning Ordinance Article 7, Section B states that all land annexed into the City will be zoned Agricultural District (A); 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 cemetery and either, or a combination thereof, residential or commercial uses are 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:

See attached Exhibit A.

The above-described property consists of a total of 11.85 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. \$43.55 on or before December 31, 2024; and
 - b. \$43.55 on or before January 31, 2025.
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 Agricultural District (A) 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 the Minnesota Office of Administrative Hearings.

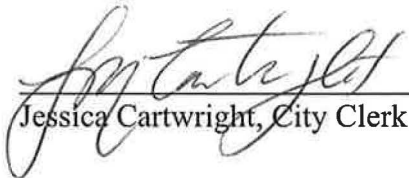
PASSED AND ADOPTED by the City Council of the City of Elgin, Minnesota , this 20th day of February, 2024.

CITY OF ELGIN



Kevin Keilholtz, Acting Mayor

Attested:



Jessica Cartwright, City Clerk

Exhibit A

TRACT A DESCRIPTION:

That part of the West Half of the Northeast Quarter of Section 27, Township 108, Range 12, Wabasha County, Minnesota, lying southerly of County Road 25 and westerly of Highway 42, described as follows:

Commencing at the North Quarter corner of said Section 27; thence on an assumed bearing of South 0 degrees 07 minutes 07 seconds East, along the North-South Quarter line of said Section 27, a distance of 138.00 feet to the point of beginning of the land to be described; thence continue South 0 degrees 07 minutes 07 seconds East, along said North-South Quarter line, a distance of 642.74 feet; thence South 89 degrees 44 minutes 24 seconds East, a distance of 675.59 feet; thence South 0 degrees 55 minutes 18 seconds East, a distance of 339.07 feet; thence North 89 degrees 20 minutes 59 seconds East, a distance of 189.63 feet; thence South 1 degree 02 minutes 41 seconds East, a distance of 164.21 feet; thence South 45 degrees 37 minutes 38 seconds West, a distance of 57.98 feet; thence South 89 degrees 10 minutes 50 seconds West, a distance of 149.87 feet; thence South 1 degree 15 minutes 20 seconds East, a distance of 135.57 feet; thence North 89 degrees 02 minutes 42 seconds West, a distance of 353.97 feet to the east line of the west 330.00 feet of the Northeast Quarter of said Section 27; thence North 0 degrees 07 minutes 07 seconds West, along said east line, a distance of 363.00 feet; thence North 67 degrees 56 minutes 52 seconds West, a distance of 356.34 feet to a point on the west line of the Northwest Quarter of the Northeast Quarter of said Section 27, distant 355.00 feet north of the southwest corner thereof; thence South 0 degrees 07 minutes 07 seconds East, along said west line, a distance of 355.00 feet to the southwest corner of the Northwest Quarter of the Northeast Quarter of said Section 27; thence South 0 degrees 07 minutes 07 seconds East, along the west line of the Southwest Quarter of the Northeast Quarter of said Section 27, a distance of 30 feet, more or less, to the westerly extension of the northerly line of Block 1 of the Original Plat of the TOWN OF ELGIN; thence easterly along said extension and along the north line of said Block 1, to the northeast corner of said Block 1; thence South 0 degrees 23 minutes 37 seconds East, along the east line of said Block 1, a distance of 400.00 feet to the southeast corner of said Block 1; thence North 89 degrees 36 minutes 23 seconds East, along the easterly extension of the south line of said Block 1, a distance of 66.00 feet to the east line of Water Street, as platted in said TOWN OF ELGIN; thence South 0 degrees 23 minutes 37 seconds East, along said east line of Water Street, a distance of 479.00 feet to a point 100.00 feet north of the southwest corner of the Mill Lot, as platted in said TOWN OF ELGIN; thence North 89 degrees 36 minutes 23 seconds East, parallel with the south line of said Mill Lot, a distance of 100.00 feet; thence South 0 degrees 23 minutes 37 seconds East, parallel with the west line of said Mill Lot, a distance of 100.00 feet to the south line of said Mill Lot, also being the north line of Outlot A of WHITEWATER WAY; thence North 89 degrees 36 minutes 23 seconds East, along the northerly line of said Outlot A, a distance of 81.50 feet to an angle point on the northerly line of said Outlot A, thence North 0 degrees 23 minutes 37 seconds West, along said boundary line of Outlot A, and along the west line of Outlot B, of said WHITEWATER WAY, a distance of 297.00 feet to the north line of said

Mill Lot, being the northwesterly corner of said Outlot B, thence North 89 degrees 36 minutes 23 seconds East, along the north line of said Mill Lot, and along the northerly line of said Outlot B, a distance of 95 feet, more or less, to the centerline of the North Fork of the White Water River; thence northeasterly, along said centerline, to the east line of the West Half of the Northeast Quarter of said Section 27; thence North 0 degrees 11 minutes 13 seconds West, along said east line, a distance of 985 feet, more or less, to the northeast corner of the West Half of the Northeast Quarter of said Section 27; thence North 89 degrees 38 minutes 25 seconds West, along said north line, a distance of 1178.15 feet to a point distant 136.00 feet east from the North Quarter corner of said Section 27; thence South 44 degrees 41 minutes 56 seconds West, a distance of 192.94 feet to the point of beginning.

AND

That part of the Northeast Quarter of the Northwest Quarter of Section 27, Township 108, Range 12, Wabasha County, Minnesota, and that part of Auditors Lots 4, 5, 6 and 7, of said Section 27, lying westerly of Highway 42 and easterly of Outlot 1, original plat of the TOWN OF ELGIN, described as follows:

Commencing at the North Quarter corner of said Section 27; thence southerly, along the North-South Quarter line of said Section 27, to the intersection with a line parallel with and distant 50 feet southeasterly, as measured at right angles to, the centerline of the railroad right of way originally acquired by the Plainview Railroad Company, now owned by Wabasha County, being the point of beginning of the land to be described; thence southwesterly, parallel with said centerline, to the northwesterly corner of Lot 6, Block 6, BRYANT ADDITION to TOWN OF ELGIN; thence easterly along the northerly line of said Block 6 and the northerly lines of Outlots 26, 25 and 24 of ELGIN VILLAGE, and its easterly extension, to the North-South Quarter line of said Section 27; thence northerly, along said North-South Quarter line to the point of beginning.

EXCEPT

Those parts lying to the right of the following described line:

Commencing at the North Quarter corner of said Section 27; thence on an assumed bearing of South 0 degrees 07 minutes 07 seconds East, along the North-South Quarter line of said Section 27, a distance of 1125.74 feet to the intersection with easterly extension of the northerly lines of said Outlots 24, 25 and 26 of ELGIN VILLAGE; thence South 89 degrees 36 minutes 23 seconds West, along said line, 73.69 feet to the westerly right of way of Highway 42 and the point of beginning of the line to be described; thence northeasterly along said line 475.16 feet along a nontangential curve concave to the southeast having a central angle of 13 degrees 42 minutes 59 seconds and a radius of 1984.86 feet, the chord of said curve bears North 08 degrees 49 minutes 27 seconds East; thence continue northeasterly 1170.07 feet, along a tangential concave to the southeast having a central angle of 33 degrees 46 minutes 33 seconds and a radius of 1984.86 feet to the south line of County Road 25; thence North 89 degrees 38 minutes 10 seconds West along said line, 197.78 feet and said line there terminating.

TRACT B DESCRIPTION:

That part of the West Half of the Northeast Quarter of Section 27, Township 108, Range 12, Wabasha County, Minnesota, described as follows:

Commencing at the North Quarter corner of said Section 27; thence on an assumed bearing of South 0 degrees 07 minutes 07 seconds East, along the North-South Quarter line of said Section 27, a distance of 780.74 feet to the point of beginning of the land to be described; thence South 89 degrees 44 minutes 24 seconds East, 675.59 feet; thence South 0 degrees 55 minutes 18 seconds East, 260.00 feet; thence South 89 degrees 44 minutes 24 seconds East, 20.00 feet; thence North 0 degrees 55 minutes 18 seconds West, 430.04 feet; thence North 89 degrees 44 minutes 24 seconds West, 679.28 feet to the westerly right of way of highway 42; thence southwesterly along said line 49.02 feet along a nontangential curve concave the southeast having a central angle of 1 degree 24 minutes 54 seconds and a radius of 1984.86 feet, the chord of said curve bears South 16 degrees 23 minutes 23 seconds West from the point of beginning; thence South 0 degrees 07 minutes 07 seconds East, 122.91 feet to the point of beginning.

Subject to existing road right of way.

TRACT C DESCRIPTION:

That part of the Northeast Quarter of the Northwest Quarter of Section 27, Township 108, Range 12, Wabasha County, Minnesota, and that part of Auditors Lots 4, 5, 6 and 7, of said Section 27, lying entirely in Highway 42, described as follows:

Commencing at the North Quarter corner of said Section 27; thence on an assumed bearing of South 0 degrees 07 minutes 07 seconds East, along the North-South Quarter line of said Section 27, a distance of 657.83 feet to westerly right of way of Highway 42 and the point of beginning of the land to be described; thence continue South 0 degrees 07 minutes 07 seconds East, along said North -South Quarter line, 467.91 feet to the easterly extension of the northerly lines of Outlots 24, 25 and 26 of ELGIN VILLAGE; thence South 89 degrees 36 minutes 23 seconds West along said line, 73.69 feet to said westerly right of way of Highway 42; thence northeasterly along said line 475.16 feet along a nontangential curve concave to the southeast having a central angle of 13 degrees 42 minutes 59 seconds and a radius of 1984.86 feet, the chord of said curve bears North 08 degrees 49 minutes 27 seconds East to the point of beginning.

EXISTING PARCEL DESCRIPTION:
Per Document No. A 296532

That part of the West Half of the Northeast Quarter of Section 27, Township 108, Range 12, Wabasha County, Minnesota, described as follows:

Commencing at the North Quarter corner of said Section 27; thence on an assumed bearing of South 0 degrees 07 minutes 07 seconds East, along the North-South Quarter line of said Section 27, a distance of 138.00 feet to the point of beginning of the land to be described; thence continue South 0 degrees 07 minutes 07 seconds East, along said North-South Quarter line, a distance of 642.74 feet; thence South 89 degrees 44 minutes 24 seconds East, a distance of 675.59 feet; thence South 0 degrees 55 minutes 18 seconds East, a distance of 339.07 feet; thence North 89 degrees 20 minutes 59 seconds East, a distance of 189.63 feet; thence South 1 degree 41 minutes 41 seconds East, a distance of 164.21 feet; thence South 45 degrees 37 minutes 38 seconds West, a distance of 57.98 feet; thence South 89 degrees 10 minutes 50 seconds West, a distance of 149.87 feet; thence South 89 degrees 10 minutes 50 seconds West, a distance of 149.87 feet; thence South 1 degree 15 minutes 20 seconds East, a distance of 135.57 feet; thence North 89 degrees 02 minutes 42 seconds West, a distance of 353.97 feet to the east line of the west 330.00 feet of the Northeast Quarter of said Section 27; thence North 0 degrees 07 minutes 07 seconds West, along said east line, a distance of 363.00 feet; thence North 67 degrees 56 minutes 52 seconds West, a distance of 356.34 feet to a point on the west line of the Northwest Quarter of the Northeast Quarter of said Section 27, distant 355.00 feet north of the southwest corner thereof; thence South 0 degrees 07 minutes 07 seconds East, along said west line, a distance of 355.00 feet to the southwest corner of the Northwest Quarter of the Northeast Quarter of said Section 27; thence South 0 degrees 07 minutes 07 seconds East, along the west line of the Southwest Quarter of the Northeast Quarter of said Section 27, a distance of 30 feet, more or less, to the westerly extension of the northerly line of Block 1 of the Original Plat of the TOWN OF ELGIN; thence easterly along said extension and along the north line of said Block 1, to the northeast corner of said Block 1; thence South 0 degrees 23 minutes 37 seconds East, along the east line of said Block 1, a distance of 400.00 feet to the southeast corner of said Block 1; thence North 89 degrees 36 minutes 23 seconds East, along the easterly extension of the south line of said Block 1, a distance of 66.00 feet to the east line of Water Street, as platted in said TOWN OF ELGIN; thence South 0 degrees 23 minutes 37 seconds East, along said east line of Water Street, a distance of 479.00 feet to a point 100.00 feet north of the southwest corner of the Mill Lot, as platted in said TOWN OF ELGIN; thence North 89 degrees 36 minutes 23 seconds East, parallel with the south line of said Mill Lot, a distance of 100.00 feet; thence South 0 degrees 23 minutes 37 seconds East, parallel with the west line of said Mill Lot, a distance of 100.00 feet to the south line of said Mill Lot, also being the north line of Outlot A of WHITEWATER WAY; thence North 89 degrees 36 minutes 23 seconds East, along the northerly line of said Outlot A, a distance of 81.50 feet to an angle point on the northerly line of said Outlot A, thence North 0 degrees 23 minutes 37 seconds West, along said boundary line of Outlot A, and along the west line of Outlot B, of said WHITEWATER WAY, a distance of 297.00 feet to the north line of said Mill Lot, being the northwesterly corner of said Outlot B, thence North 89 degrees 36 minutes 23 seconds East, along the north line of said Mill Lot, and along the northerly line of said Outlot B, a distance of 95 feet, more or less, to the centerline of the North Fork of the White Water River; thence northeasterly, along said centerline, to the east line of the West Half of the Northeast Quarter of said Section 27; thence North 0 degrees 11 minutes 13 seconds West, along said east line, a distance of 985 feet, more or less, to the northeast corner of the West Half of the Northeast Quarter of said Section 27; thence North 89 degrees 38 minutes 25 seconds West, along said north line, a distance of 1178.15 feet to a point distant 136.00 feet east from the North Quarter corner of said Section 27; thence South 44 degrees 41 minutes 56 seconds West, a distance of 192.94 feet to the point of beginning.

AND

That part of the Northeast Quarter of the Northwest Quarter of Section 27, Township 108, Range 12, Wabasha County, Minnesota, that part of Outlot 1, original plat of the TOWN OF ELGIN and that part of Auditors Lots 4, 5, 6 and 7, of said Section 27, described as follows:

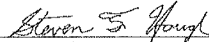
Commencing at the North Quarter corner of said Section 27; thence southerly, along the North-South Quarter line of said Section 27, to the intersection with a line parallel with and distant 50 feet southeasterly, as measured at right angles to, the centerline of the railroad right of way originally acquired by the Plainview Railroad Company, now owned by Wabasha County, being the point of beginning of the land to be described; thence southwesterly, parallel with said centerline, to the northwesterly corner of Lot 6, Block 6, BRYANT ADDITION TO TOWN OF ELGIN; thence easterly along the northerly line of said Block 6 and the northerly lines of Outlots 26, 25 and 24 of ELGIN VILLAGE, and its easterly extension, to the North-South Quarter line of said Section 27, thence northerly, along said North-South Quarter line to the point of beginning.

SURVEYORS NOTES:

1. This survey was prepared based on a cursory title review, the surveyor does not guarantee that all or any adverse interests, easements or other encumbrances are shown or that the owner listed has fee title to the property.

SURVEYORS CERTIFICATION:

I hereby certify that this survey was completed by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

 01/25/2024
Steven F. Hough Date
LS 54850

REVISED 01/29/2024... UPDATED DESCRIPTIONS FOR TRACTS A AND C
REVISED 04/04/2024... UPDATED DESCRIPTIONS FOR TRACT A

TRACT A DESCRIPTION:

That part of the West Half of the Northeast Quarter of Section 27, Township 108, Range 12, Wabasha County, Minnesota, lying southerly of County Road 25 and westerly of Highway 42, described as follows:

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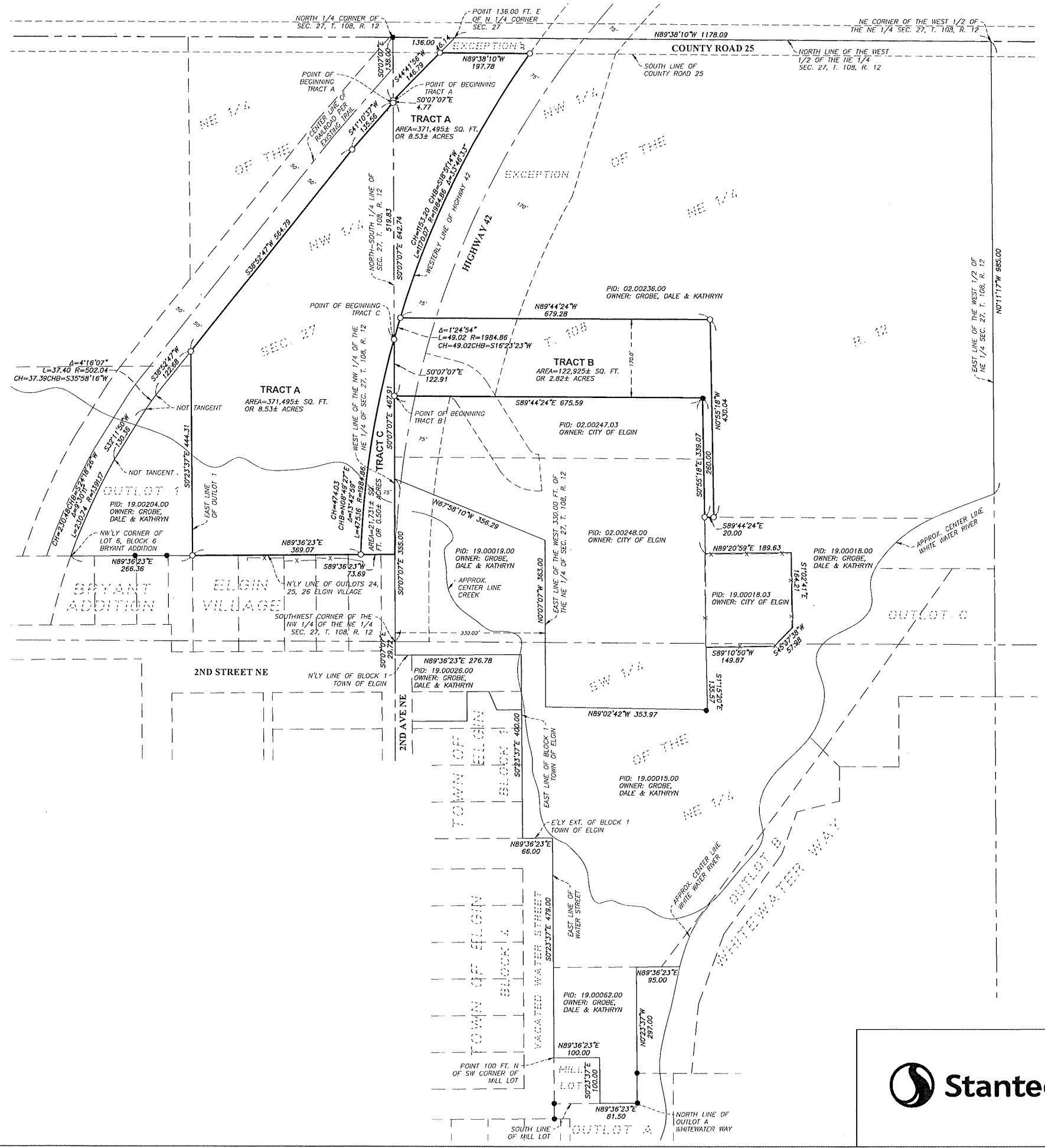
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TRACT C DESCRIPTION:

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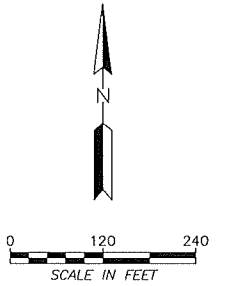
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		CLIENT NAME	PROJECT TITLE	
		CITY OF ELGIN	LOT SPLIT EXHIBIT	
OWN BY SFH	CHK'D SFH	APP'D SFH	DWG DATE SCALE	SEE CERT. SCALE BAR
PROJECT NO. 193801698		SHEET NO. 1 OF 2		



GENERAL NOTES

1. Bearings shown hereon are based on the Wabasha County Coordinate System relative to the NAD83(11) control adjustment.



- LEGEND**
- SET 1/2" x 14" IRON PIPE WITH PLASTIC CAP 54850 OR MAG NAIL W/WASHER
 - FOUND MONUMENT
 - x— FENCE LINE

	CLIENT NAME	PROJECT TITLE			
	CITY OF ELGIN	LOT SPLIT EXHIBIT			
		DWN BY SFH	CHK'D SFH	APP'D SFH	DWG DATE SEE CERT.
	PROJECT NO. 193801698	SHEET NO. 2 OF 2			

