

ORDINANCE NO. 5 4th SERIES

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, ANNEXING THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 152 NORTH, RANGE 49 WEST OF THE 5th PRINCIPAL MERIDIAN, LYING EASTERLY OF THE INDUSTRIAL PARK 1st RESUBDIVISION TO THE CITY OF EAST GRAND FORKS, MINNESOTA.

THE CITY OF EAST GRAND FORKS ORDAINS:

Section 1. This annexation is being passed and adopted pursuant to the provisions of Minnesota Statute § 414.033 subd. 2 clause 3.

Section 2. The City of East Grand Forks, Minnesota (hereinafter referred to the “City”) was petitioned by the land owners RJ Zavoral & Sons Inc (hereinafter “RJ Zavoral & Sons Inc”).

Section 3. The land is unincorporated, abuts the City of East Grand Forks along its Northeastern boundary and is urban or about to become urban or suburban in nature.

Section 4. None of the property is located in an area designated for orderly annexation pursuant to Minn. State Section 414.0325.

Section 5. The area to be annexed is 120 acres or less; (5 acres), unplatted, unpopulated property, not located within the City, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available.

Section 6. The land is not located within the floodplain or shoreland area.

Section 7. That the Notice requirement for the Public hearing of Minnesota Statute § 414.033 subd. 2b has been met as all interested parties; the town and all landowners within and contiguous to the area to be annexed have been served by certified mail.

Section 8. The Public hearing required under Minnesota Statute § 414.033 subd. 2b has been held.

Section 9. That Minnesota Statute § 414.033 subd. 3 does not apply because it is appropriate for annexation under Minnesota Statute § 414.033 subd. 2, clause 3.

Section 10. The Petitioners were provided the 30 day notice required by Minnesota Statute § 414.033 subd. 13, however the provisions are not applicable as the cost of electric

utility service to the Petitioners will not change as a result of the annexation of the territory into the municipality.

Section 11. The Corporate limits of the City of East Grand Forks are hereby extended to include the following described property situated in the County of Polk, State of Minnesota, legally described as follows, to wit:

That part of the Southeast Quarter of the Southwest Quarter of Section 31, Township 152 North, Range 49 West of the 5th Principal Meridian, lying easterly of the Industrial Park 1st Resubdivision to the City of East Grand Forks, Minnesota, Polk County, Minnesota according to the plat thereof on file and of record in the office of the County Recorder, Polk County, Minnesota described as follows:

*Commencing at the southwest corner of said Section 31; thence northerly along the west line of said Section 31 having a grid bearing of North 03 degrees 00 minutes 45 seconds West a distance of 50.00 feet to a line being 50.00 feet northerly of and parallel with the south line of said Section 31; thence easterly along said parallel line North 87 degrees 17 minutes 38 seconds East a distance of 1864.00 feet to the point of beginning; thence North 03 degrees 00 minutes 45 seconds West along the east boundary line of said Industrial Park 1st Resubdivision a distance of 442.52 feet to the northeast corner of Lot "D", Block 2, Industrial Park 1st Resubdivision; thence North 87 degrees 00 minutes 06 seconds East along the easterly extension of the north line of said Lot "D", Block 2, Industrial Park 1st Resubdivision a distance of 578.46 feet to a line being 578.46 feet easterly of and parallel with the easterly line of said Lot "D", Block 2, Industrial Park 1st Resubdivision; thence South 03 degrees 00 minutes 45 seconds East along said parallel line a distance of 445.47 feet to a line being 50.00 feet northerly of and parallel with the south line of said Section 31; thence South 87 degrees 17 minutes 38 seconds West along said parallel line a distance of 578.47 feet to the point of beginning.
Containing 5.90 acres more or less.*

Copies of the of the Corporate Boundary map showing the property to be annexed and its relationship to the corporate boundaries are hereby attached.

Section 12. Reimbursement of the property taxes to the Town shall be based on the property taxes collected by the Town in the last year it collected taxes on the annexed area. The reimbursement shall be paid in substantially equal payments over two to eight years in accordance with the 2006 amendments to Minn. Stat. §414.036.

Section 13. 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 and there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

Section 14. The City Administrator/Clerk Treasurer is hereby directed to file certified copies of this ordinance with the Minnesota Municipal Board of the Office of Administrative Hearings, Sullivan Township Clerk, Polk County Auditor, and the Minnesota Secretary of State.

Section 15. City Code Chapter 10 entitled Definitions and General Provisions Applicable to the Entire City Code Including Penalty for violation is hereby adopted in its entirety, by reference, as repeated verbatim herein.

Section 16. This ordinance shall take effect and be in force from and after its passage and publication and final upon the date this Ordinance is approved by the Office of Administrative Hearings. Further it shall be given number 5 4th series, and after its approval by the Office of Administrative Hearings.

Voting Aye: Gregoire, Leigh, Pokrzywinski, DeMers, Vonasek, Buckalew, and Tweten.
Voting Nay: None.
Absent: None.

The President declared the Ordinance passed.

ATTEST:

PASSED: December 18th, 2012

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing Ordinance this 18th day of December, 2012.

Mayor