

ORDINANCE NO. 2018-91

**AN ORDINANCE OF THE CITY OF ROCKVILLE, MINNESOTA ANNEXING LAND
LOCATED IN ST. JOSEPH TOWNSHIP, STEARNS COUNTY, MINNESOTA PURSUANT TO
MINNESOTA STATUTES § 414.033, SUBD. 5
PERMITTING ANNEXATION BY ORDINANCE**

WHEREAS, the City of Rockville has received a Petition for Annexation by Ordinance from Mark. A. Yanta, and Creative Capital Holdings, LP for the annexation of property into the City of Rockville.

WHEREAS, the area proposed for annexation is legally described in Exhibit A hereto (the "Property"). Said Property abuts the City of Rockville;

WHEREAS, the owners of the Property are as follows:

Tract:

Property: Highway 23, St. Cloud, MN, PID: 31.21122.0002 (130.29 acres)
Owner: Creative Capital Holdings, LP

Property: 8306 263rd St, St. Cloud, MN 56301, PID: 31.21151.0005 (17.48 acres)
Owner: Mark A. Yanta, single adult

Total acreage: 147.77 acres.

WHEREAS, the Property proposed for annexation is not presently within the corporate limits of any incorporated city. The Property is located in St. Joseph Township.

WHEREAS, upon a petition of a majority of the property owners, the City is authorized to annex by ordinance such areas of land that are unplatted and less than 200 acres in size following service of notice of intent to annex upon the town board, any municipality that abuts the property, the county board and the chief administrative law judge;

WHEREAS, the Property is unincorporated and abuts the corporate limits of the City of Rockville, Minnesota, on the City's north boundary;

WHEREAS, the Property is not included in any area that has already been designated for orderly annexation pursuant to §414.0325, nor in any other proceeding currently pending before the Office of Administrative Hearings – Municipal Boundary Adjustment Unit; and

WHEREAS, the City gave notice of intent to annex by ordinance to the Town of St. Joseph, Stearns County and the Chief Administrative Law Judge on or about February 9, 2018 and to the City of Waite Park on or about February 13, 2018, and to the City's knowledge, no objections have been filed;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROCKVILLE HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the Property as described in Exhibit A is abuts land within the municipal limits of the City of Rockville and is therefore urban or suburban in character or about to become so.
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 Rockville, Minnesota, are hereby extended to include the Property described in Exhibit A attached hereto and incorporated herein by reference.

The Property consists of a total of 147.77 acres, more or less. A copy of the corporate boundary map showing the Property to be annexed and its relationship to the corporate boundaries is attached hereto as Exhibit B.

4. That the population of the area legally described and hereby annexed is 1.
5. The Township's share of the property taxes payable on the Property in 2018 is \$1,377.87. The City of Rockville, pursuant to Minnesota Statutes § 414.036, with respect to the property taxes payable on the Property legally described herein, hereby annexed, shall make cash payments to reimburse St. Joseph Township for its share of taxes over a two year period of two equal installments of \$1,377.87.
6. That pursuant to Minnesota Statutes § 414.036 there are no special assessments or debt incurred by the Town on the subject Property for which reimbursement is required.

7. That the City Administrator of the City of Rockville 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 Stearns County Auditor, and the St. Joseph 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 majority vote of the Rockville City Council this 13th day of June, 2018.

Duane Willenbring, Its Mayor

Martin M. Bode, Its City Administrator

EXHIBIT A

Creative Capital Holdings, LP Property:

That part of the South Half of the Northwest Quarter (S ½ NW ¼) of Section 35, Township 124 North, Range 29 West, Stearns County, Minnesota, described as follows:

Commencing at the south quarter corner of said Section 35; thence North 00 degrees 15 minutes 45 seconds East, assumed bearing along the north-south quarter line of said Section 35, a distance of 2697.25 feet to the southeast corner of said South Half of the Northwest Quarter (S ½ NW ¼), said point being the beginning of the land to be described; thence continuing North 00 degrees 15 minutes 45 second East, along said north-south quarter line 870.90 feet to the south line of STATE HIGHWAY RIGHT OF WAY PLAT NO. 73-14, according to the recorded plat thereof; thence South 64 degrees 35 minutes 39 seconds West, along said south line of STATE HIGHWAY RIGHT OF WAY PLAT NO. 73-14, a distance of 1341.38 feet to the easterly corner of Parcel 214 of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 73-54, according to the recorded plat thereof; thence South 50 degrees 01 minutes 12 seconds West, along the southeast line of said Parcel 214, a distance of 169.49 feet; thence South 64 degrees 35 minutes 39 seconds West, along said southeast line of Parcel 214, a distance of 535.01 feet to the south line of said South Half of the Northwest Quarter (S ½ NW ¼); thence North 88 degrees 38 minutes 46 seconds East, along said south line of the South Half of the Northwest Quarter (S ½ NW ¼), a distance of 1821.31 feet to the point of beginning.

and

That part of the Northeast Quarter of Section 35, Township 124, Range 29, which lies southerly of STATE HIGHWAY RIGHT OF WAY PLAT No. 73-15, Stearns County, Minnesota.

Except the south 2 rods of the east 2 rods of said Northeast Quarter. and

That part of the Northwest Quarter of the Northeast Quarter of Section 35, Township 124, Range 29, which lies northerly and westerly of STATE HIGHWAY RIGHT OF WAY PLAT No. 73-15, Stearns County, Minnesota.

AND

Mark A. Yanta Property

The South 33 feet of the East 33 feet of the Southeast Quarter of the Northeast Quarter (SE¼NE¼) of Section Thirty-five (35) and that part of the Southwest Quarter of the Northwest Quarter (SW¼NW¼) of Section Thirty-six (36), all in Township One Hundred Twenty-four (124) North, Range Twenty-nine (29) West, lying Southwesterly of the right of way of Interstate Highway No. 94 as shown on State highway Right of Way Plat No. 73-15, a duly recorded plat.

Together with an easement for ingress and egress over the East Two rods of the North 327.00 feet of the Northeast Quarter of the Southeast Quarter (NE¼SE¼) of said Section 35.

EXHIBIT B
MAP