

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

JAN 15 2015

In the Matter of the Annexation of  
Certain Land to the City of Aitkin  
from the Aitkin Township (A-7920)

*Steve Pimm*  
Secretary of State  
**ORDER APPROVING  
ANNEXATION ORDINANCE**

On December 15, 2014, the City of Aitkin (City) adopted Ordinance Number 370 (Ordinance) annexing certain real property (Property) owned by Paul Fischer legally described as follows:

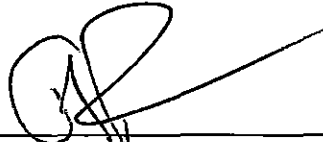
The West Nine Hundred-Ninety (990) feet of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ), of Section Twenty-four (24), Township Forty-seven (47), Range Twenty-seven (27), (Aitkin Township parcel).

Based upon a review of the Ordinance, the Chief Administrative Law Judge makes the following:

**ORDER**

1. Pursuant to Minn. Stat. § 414.033 (2014), the Ordinance is deemed adequate in all legal respects and properly supports this Order.
2. Pursuant to the terms of the Ordinance and this Order, the Property is annexed to the City of Aitkin.
3. As allowed by Minn. Stat. § 414.036 (2014), the City will reimburse Aitkin Township (Township) for all or part of the Property annexed at the rate of \$210.12 each year for two years. There are no special assessments or debt incurred by the Township on the subject property for which reimbursement is required.

Dated: January 14, 2015

  
\_\_\_\_\_  
TAMMY L. PUST  
Chief Administrative Law Judge

152044

**CITY OF AITKIN  
COUNTY OF AITKIN  
STATE OF MINNESOTA**

REC'D BY  
MBA

JAN 12 2015

**ORDINANCE NO. 370**

**AN ORDINANCE OF THE CITY OF AITKIN, MINNESOTA ANNEXING  
LAND LOCATED IN AITKIN TOWNSHIP, AITKIN 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 Aitkin Minnesota, was duly presented to the Council of the City of Aitkin on the 15th day of December, 2014; and

**WHEREAS**, said property is unincorporated and abuts the City of Aitkin 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 located within a flood plain or shoreland area; and the city has adopted land use controls to conform to Minnesota Statutes Chapter 103F. New development of annexed area shall be subject to Chapter 103F as stated in Minnesota Statutes § 414.033 Subd. 11.

**WHEREAS**, said property is currently farm residential and annexation is requested to facilitate the extension of city services for the residential development of the property; and

**WHEREAS**, the City of Aitkin held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on the 8<sup>th</sup> day of December, 2014, following thirty (30) days written notice by certified mail to the Town of Aitkin 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 AITKIN 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 Aitkin, Minnesota, are hereby extended to include the following described property, said land abutting the City of Aitkin 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 West Nine Hundred-Ninety (990) feet of the Northeast Quarter of the Southeast Quarter (NE 1/4, SE 1/4), of Section Twenty-four (24), Township Forty-seven (47), Range Twenty-seven (27). (Aitkin Township parcel).***

The above described property consists of a total of 30.00 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. That with respect to the property taxes payable on the area legally described above, hereby annexed, the total Township taxes payable 2014 are at or near \$70.04. The City of Aitkin recommends that, in accordance with Minnesota Statutes § 414.036, that it be ordered to make a cash payment to Aitkin Township in accordance with the following schedule, representing six (6) years of Aitkin Township property tax reimbursement for this property:

- a. In the first year following the year in which the City of Aitkin could first levy on the annexed area, an amount equal to \$210.12; and
- b. In the second year and final year, an amount equal to \$210.12.

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.

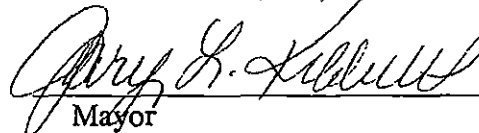
7. That the City Clerk of the City of Aitkin is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Aitkin County Auditor, and the Aitkin Township Clerk.

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.

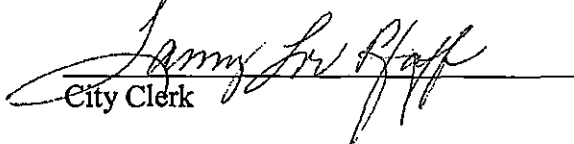
PASSED AND ADOPTED by the City Council of the City of Aitkin, Minnesota, this 15<sup>th</sup> day of December, 2014.

**Effective Date**

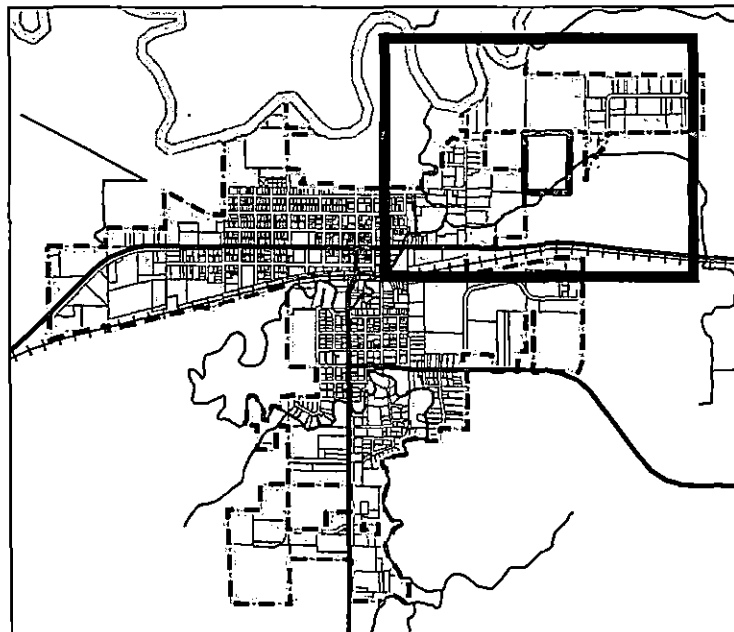
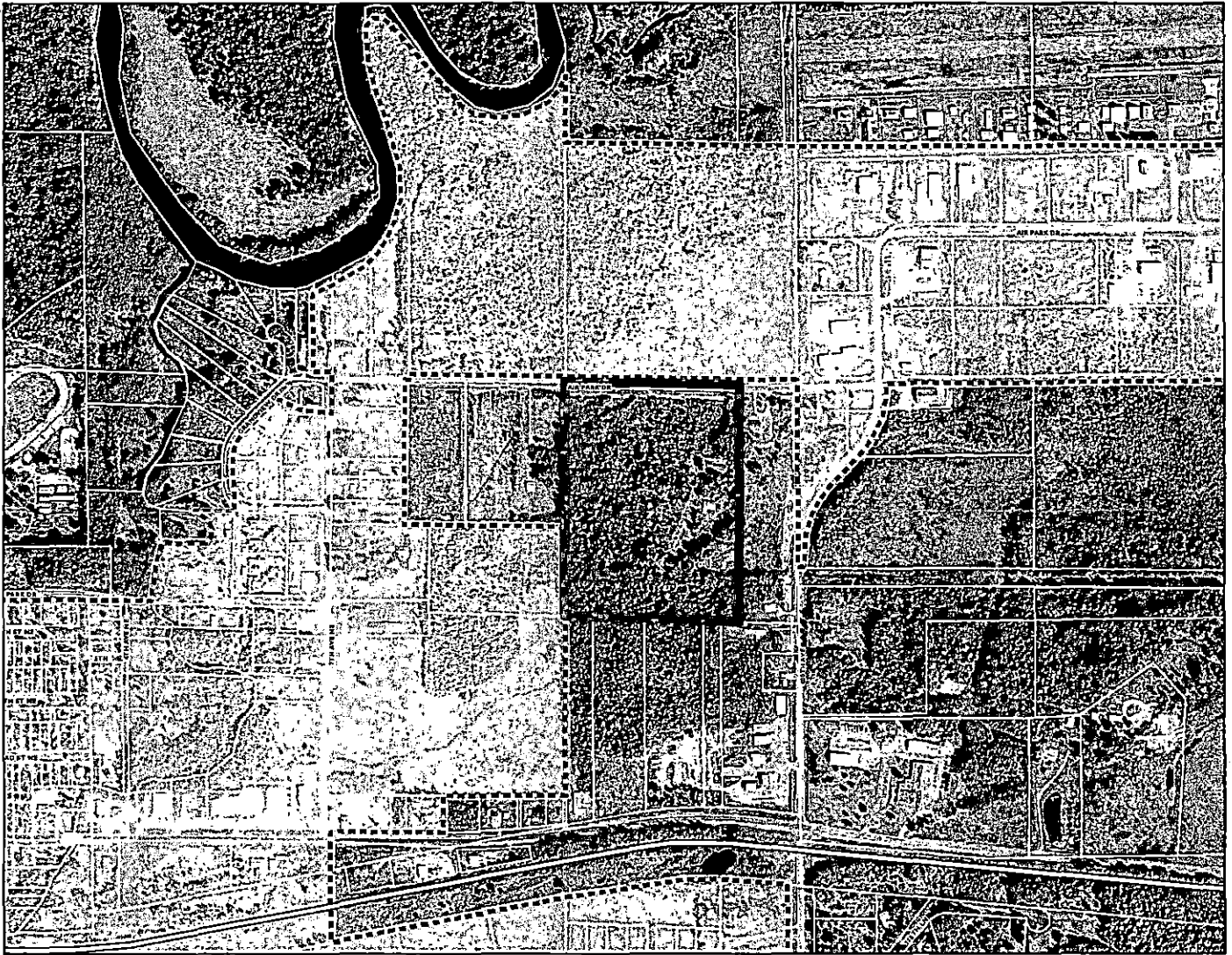
This Ordinance shall take effect immediately from and after its passage and publication according to law. Published in the *Aitkin Independent Age* 12-24, 2014.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

(City Seal)



**Annexation  
by Ordinance**

**Unaddressed 30.0 Acres  
(01-0-052101)  
Aitkin Township, MN**



**Location adjacent to the City of Aitkin**