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February 5, 2019

Office of the Secretary of State  
180 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, MN 55155-1299

**RE: Marthaler Investments, Inc. Annexation to Coates  
Our File No. 18361.16000**



Dear Sir or Madam,

Pursuant to Minn. Stat. § 414.033 Subd. 7, enclosed please find for filing the updated signed Ordinance of the City of Coates, Minnesota Annexing Land Located in Vermillion Township which contains the correct legal description, and a copy of the Order Approving Annexation Ordinance.

Please contact me if any other information is required.

Sincerely,

**Melissa A. Schmid**  
Paralegal  
mschmid@levander.com  
Direct: 651-361-8595

Enclosure

192554

## ORDINANCE NO. 73

AN ORDINANCE OF THE CITY OF COATES, MINNESOTA ANNEXING LAND LOCATED IN VERMILLION TOWNSHIP, DAKOTA 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 Coates Minnesota, was duly presented to the Council of the City of Coates on the 4<sup>th</sup> day of October, 2018; and

WHEREAS, said property is unincorporated and abuts the City of Coates on its southern 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 flood plan on 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, the City of Coates held a public hearing pursuant to Minnesota Statutes §414.033 Subd. 2b, on December 10, 2018, following thirty (30) days written notice by certified mail to the Town of Vermillion and to all landowners within and contiguous to the area legally described herein, to be annexed; and

WHEREAS, provisions of Minnesota Statutes §414.033 Subd. 13 are not applicable in that there is no anticipated change in the electric utility service provider resulting from the annexation of the territory to the municipality and the City of Coates received a written statement of waiver by the property owner.

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

1. The City Council hereby determines that the property as hereinafter describes abuts the city limits and is or is about to become urban or suburban in nature in that commercial or light industrial use is being proposed for said property, and is similar to adjacent uses within the City of Coates.
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 Coates, Minnesota, are hereby extended to include the following described property, said land abutting the City of Coates 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 South Half of the Southwest Quarter (1/4) of Section 6, Township 114, Range 18, Dakota County, Except Parcel 1 Dakota County Road Right-of-Way Map248A.


(Abstract Property also identified as Dakota County Property Tax Parcel No. 39-00600-50-010)

The above described property consists of a total of 76.06 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.

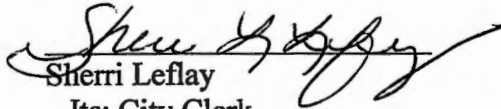
4. That the population of the area legally described herein and hereby annexed is 0.
5. The City of Coates, pursuant to Minnesota Statutes §414.036, that with respect to the property taxes payable on the area legally described (herein or attached exhibit), hereby annexed, shall make a cash payment to the Town of Vermillion, in accordance with the following schedule:
  - a. In the year following the year in which the City of Coates could first levy on the annexed area, an amount equal to \$377.42; and
  - b. In the second and final year, an amount equal to \$377.42.
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 there are no special assessment or debt incurred by the Town on the Subject are for which reimbursement is required.
7. That the City Clerk of the City of Coates 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 Dakota County Auditor, and the Vermillion Township Clerk.

8. That the 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 Coates, Minnesota, this 10th day of December 2018.

  
\_\_\_\_\_  
Craig Franzmeier  
Its: Mayor

Attest:

  
Sherri Leflay  
Its: City Clerk

(City Seal)

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

COPY

In the Matter of the Annexation of  
Certain Real Property to the City of  
Coates from Vermillion Township  
(MBAU Docket A-8195)

**ORDER APPROVING  
ANNEXATION ORDINANCE**

On December 10, 2018, the City of Coates (City) adopted Ordinance Number 73 (Ordinance) annexing certain real property (Property) from Vermillion Township (Township) legally described as follows:

The South Half of the Southwest Quarter of Section 6, Township 114, Range 18, Dakota County, except Parcel 1 Dakota County Road Right of Way Map No. 248A.

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

**ORDER**

1. Pursuant to Minn. Stat. § 414.033 (2018), 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.
3. Pursuant to Minn. Stat. § 414.036 (2018), the City will reimburse the Township \$377.42 each year for two years as stated in Ordinance Number 73.
4. The City must file a copy of the Annexation Ordinance with the Township, the appropriate county auditor(s), and the Secretary of State as required by Minn. Stat. § 414.033, subd. 7.

Dated: January 24, 2019

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

## NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.033, .07, .09, .12 (2018). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Dakota County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2017). However, no request for amendment shall extend the time of appeal from this Order.