



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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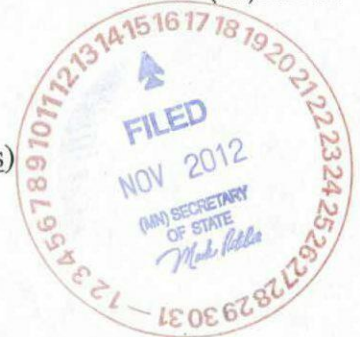
November 13, 2012

Susan Mueller, Deputy Clerk
Cologne City Hall
P.O. Box 120
Cologne, MN 55322-0210

VIA E-MAIL
(cityclerk@ci.cologne.mn.us)

Docket Number A-7820

City of Cologne
M.S. 414.033, Subd. 2(3)
Ordinance No. 166




Dear Ms. Mueller:

On November 13, 2012, the Office of Administrative Hearings approved the above ordinance in accordance with Minnesota Statutes, Chapter 414, and the Rules of Procedure. The annexation is final upon the date the ordinance is approved.

The law requires that a copy of the annexation ordinance must be delivered immediately by the governing body of the municipality to the appropriate county auditor or auditors, and filed with the township. We recommend that you also file the annexation ordinance with the County Recorder. *This office will file a copy of the ordinance with the Secretary of State.* However, you must now complete the election precinct boundary change process in coordination with the Office of the Secretary of State.

If you have any questions, please contact me or Star Holman at 651-361-7909 or star.holman@state.mn.us.

Sincerely,


Timothy J. O'Malley
Assistant Chief Administrative Law Judge
Municipal Boundary Adjustment Unit

TJO:kjl

c: County Auditor (lengelen@co.carver.mn.us)
Township Clerk
State Demographer's Office (jim.hibbs@state.mn.us)
Secretary of State (Interoffice)
R. Lawrence Harris (rlharris@mhsllaw.com)

1301083

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ORDINANCE NO. 166

AN ORDINANCE ANNEXING A 1.54 ACRE PARCEL
OF LAND IN BENTON TOWNSHIP, CARVER COUNTY, MINNESOTA,
PURSUANT TO MINNESOTA STATUTES SECTION 414.033, SUBDIVISION 2 (3)
PERMITTING ANNEXATION BY ORDINANCE

COMES NOW THE CITY COUNCIL OF THE CITY OF COLOGNE, MINNESOTA:

FINDINGS OF FACT

A. Al Boehning, the sole owner of the property as described below (the "Property Owner") did execute on May 8, 2012, a Property Owner petition to the City of Cologne requesting annexation by ordinance of a 1.54 acre parcel of land adjacent and contiguous to the easterly border of the City of Cologne as further described on **Exhibit "A"** attached hereto (the "Property").

B. The Property is subject to a Joint Resolution of the City and Benton Township for the Orderly Annexation of Property (the "Orderly Annexation Resolution") adopted by the City on August 20, 1999, and by Benton Township on March 9, 2000.

C. Pursuant to applicable statute, the City of Cologne did conduct a public hearing on June 25, 2012, on the subject matter of the annexation of the Property with certified mail notice being given to the Property Owner and the surrounding property owners.

D. The Property is not in a shoreland or a flood plain.

E. Benton Township has been given notice of the proposed annexation and the public hearing, and Benton Township has indicated that it does not object to the annexation of the Property.

F. The Property is contiguous to the easterly boundary of the city limits of the City of Cologne as depicted on the Certificate of Survey attached hereto as **Exhibit "A."** The gross size of the Property is 1.54 acres, and no other property has been annexed by ordinance into the City of Cologne within the last twelve months.

G. The Property is not presently served by public sewer facilities or public sewer facilities are not otherwise available.

OCT 17 2012

H. The Property is currently in agricultural use and annexation is requested to facilitate extension of City of Cologne services for the commercial development of the Property.

I. The provisions of Minn. Stat. § 414.033, Subd. 13, are not applicable and there will be no change in the electric utility service provided or resulting from the annexation of the Property to the City of Cologne.

J. The City Council of the City of Cologne determines that the Property as described hereto on **Exhibit "A"** abuts the City of Cologne limits and is, or is about to become, urban or suburban in nature in that commercial uses are being proposed for said Property, the construction of which requires or will need City services including public sewer facilities.

K. The population of the area described on **Exhibit "A"** hereby annexed is zero.

L. None of the Property is now included within the limits of any city.

NOW, THEREFORE, the City Council of the City of Cologne, Minnesota, hereby ordains as follows:

1. The corporate limits of the City of Cologne are hereby extended to include the Property described on **Exhibit "A,"** said Property being 120 acres or less in area.
2. The City of Cologne, pursuant to Minn. Stat. § 414.036, shall reimburse Benton Township property taxes based on the property taxes collected by Benton Township in the last year it collected taxes on the Property in the total amount equivalent to that payable under the former law, but adjusted to be paid in substantially equal installments over two to eight years in accordance with the current version of Minn. Stat. § 414.036.
3. This Ordinance shall be submitted by the City Clerk to the Municipal Boundary Adjustment Office of the State of Minnesota for processing and approval. A copy of this Ordinance and the transmittal letter to the State of Minnesota shall be provided to the Clerk of Benton Township.
4. Following approval of the State of Minnesota, this Ordinance shall be effective upon publication.

REC'D BY
MBA

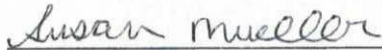
OCT 17 2012

Adopted by the City Council of the City of Cologne, this 1ST day of OCT, 2012.



Bernie Shambour, Mayor

Attest:



Susan Mueller, Deputy Clerk

<http://clients.intranet.mhslaw.com/6/32537/draft documents/ordinance annexation.doc>

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EXHIBIT "A"

