

COPY

May 17, 2007

Jim Ausmus
Hinckley City Administrator
Hinckley City Hall
P.O. Box 366
106 First Street S.E.
Hinckley, MN 55037



Docket Number: A-7540

City of Hinckley
M.S. 414.033, Subd. 2(3)
Ordinance No. 5-07

Dear Mr. Ausmus:

On May 17, 2007, 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.

Reimbursement of the property taxes to the Town shall be in accordance with Minn. Stat. 414.036 and the May 2, 2007 letter signed by the City and the Township.

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 this office.

Sincerely,

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

CMS:ry

c: County Auditor
Township Clerk
Mark Perry, City Planner/Zoning Administrator
State Demographer's Office
Secretary of State

08-00078

**AN ORDINANCE PROVIDING FOR THE MATTER OF ANNEXATION
PERSUANT TO MINNESOTA STATUTES 414.033, SUBD.2 (3) TO THE CITY
OF HINCKLEY**

ORDINANCE # 5-07

WHEREAS, the City of Hinckley has received a petition signed by all affected property owners to annex certain property in accordance with State Statutes 414.033 Subd. 2 (3) owned by Dale & Marlene Gray and Jerry Schultz in the County of Pine, State of Minnesota, described in the attached Certificate of Survey Exhibit 'A' by GGG, Inc and incorporated herein by reference,

AND WHEREAS, the above described property is located in the Township of Barry, abuts existing municipal boundaries, and is approximately 118.19 acres in size,

AND WHEREAS, the Hinckley City Council has determined that the affected land is urban or suburban in character or is about to become so,

AND WHEREAS, the petitioners have stated that the proposed use of the property for commercial and residential development requires the use of City utilities and infrastructure,

AND WHEREAS, the property shall be served by City water and sewer services, and all required permits and approvals shall be secured prior to development of the property being petitioned for annexation,

AND WHEREAS, in accordance with City ordinance the property shall be zoned R-1; One Family Dwelling District, upon annexation approval and a zoning amendment shall be required to permit commercial or multiple family development consistent with the City Codes,

AND WHEREAS, in 2008, in accordance with M.S. 414.036, the City of Hinckley shall make a cash payment to the Town of Barry in an amount equal to the 90 percent of the property taxes distributed to the Town in regard to the annexed area in the last year the property taxes from the annexed area were payable to the town (2007); in 2009 the payment shall be equal to 70 percent; in 2010 the payment shall be equal to 50 percent; in 2011 the payment shall be equal to 30 percent; in 2012 the payment shall be equal to 10 percent. All payments shall be based on the taxes of year 2007,

AND WHEREAS, the City of Hinckley and Barry Township may amend the above tax payment schedule upon mutual agreement,

AND NOW THEREFORE, pursuant to Minn. Stat. § 414.033, Subd. 2 (3), the land described above is hereby annexed, added to and made part of the City of Hinckley, Minnesota, as if it had originally been a part thereof.

This ordinance shall take effect and be in force following its official publication and from and after the filing of a certified copy of hereof with the Minnesota Department of

wrong

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REC'D BY
MMC

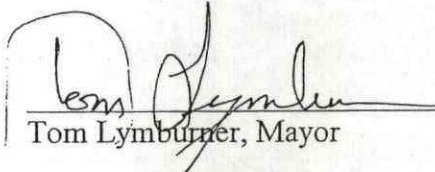
APR 16 2007

Administration Municipal Boundary Adjustments, the Barry Town Clerk, the County Auditor, and the Secretary of State.

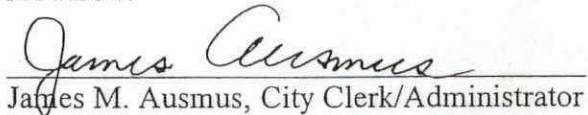
Council member Hopkins duly seconded the foregoing ordinance and upon a 4 to 1 vote the Ordinance was passed with Klar opposed.

Whereby the ordinance was declared duly passed and ordained.

Adopted this 3rd day of April 2007.


Tom Lymburner, Mayor

ATTEST:


James M. Ausmus, City Clerk/Administrator

CERTIFICATE OF SURVEY

SECTIONS 19 & 20
T. 41 N., R. 20 W.

REC'D BY
MMA

APR 16 2007

Exhibit 'A'

The South 1047.75 feet of the Southwest Quarter of the Southeast Quarter, Section 19, Township 41, Range 20, Pine County, Minnesota.

AND

The South 1047.75 feet of the Southeast Quarter of the Southeast Quarter, Section 19, Township 41, Range 20, Pine County, Minnesota.

AND

The South 1047.75 feet of the Southwest Quarter of the Southwest Quarter, Section 20, Township 41, Range 20, Pine County, Minnesota.

AND

The South 1047.75 feet of the Southeast Quarter of the Southwest Quarter, Section 20, Township 41, Range 20, Pine County, Minnesota.

EXCEPT

Commencing at the southeast corner of the SW1/4 of Sec. 20, Twp. 41, Range 20, Pine County, Minnesota; thence on an assumed bearing of North 88°12'47" West, along the south line of said Southwest Quarter, a distance of 1158.87 feet to the point of beginning of the property to be described; thence continuing North 88°12'47" West, along said south line, 428.81 feet; thence North 3°11'05" West 488.04 feet; thence North 58°38'24" East 303.16 feet; thence North 30°54'52" East 152.33 feet; thence North 88°40'42" East 167.78 feet, more or less, to the intersection with a line that bears North 3°32'49" East from the point of beginning; thence South 3°32'49" West 794.51 feet, more or less, to the point of beginning.

The above described conveyance contains 118.19 acres.

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

DATE 1/21/07 Geoffrey G. Griffin
REG. NO. 21940

G³ GGC INC.
14070 Hwy 52 SE
Chotfield, MN 55923

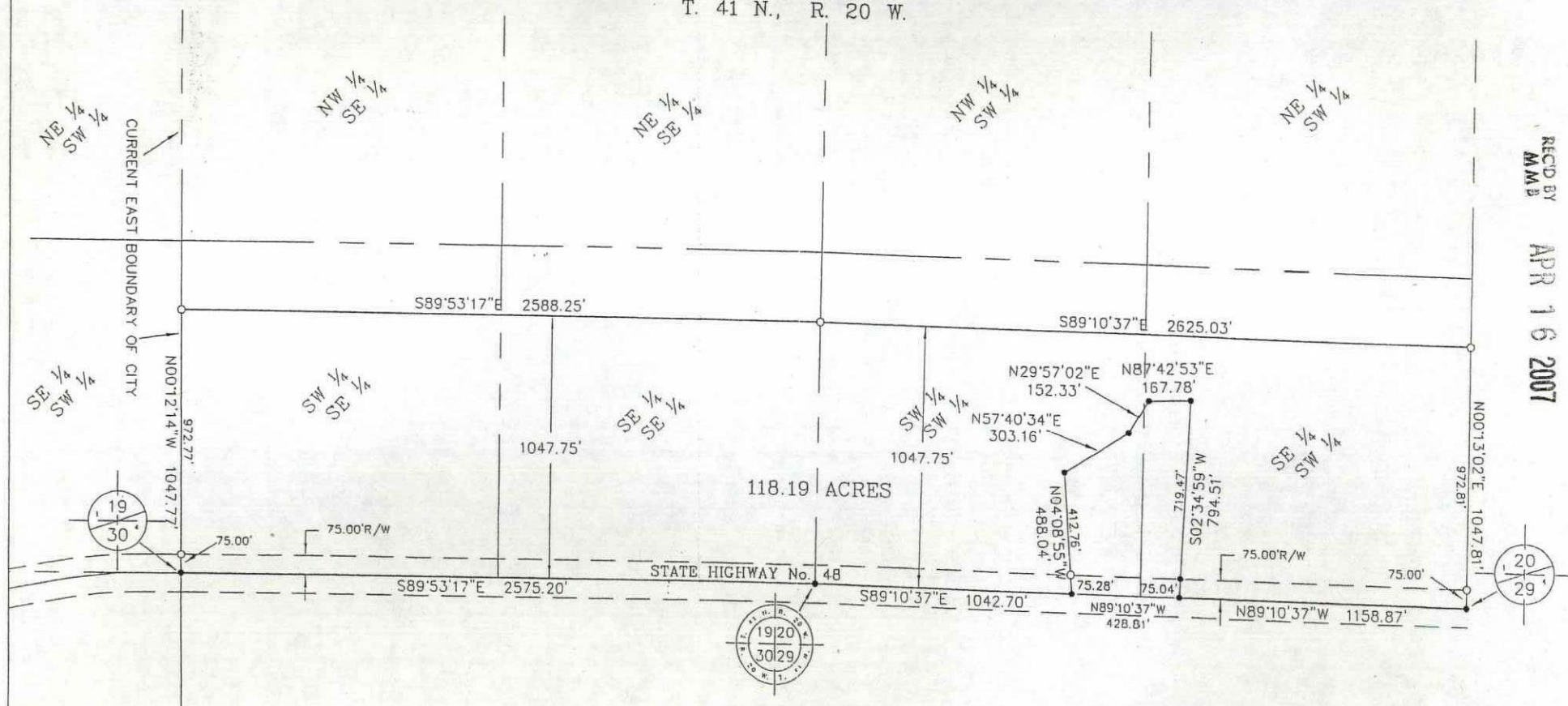
Engineering
Surveying
Planning
Ph. 507-867-1666
Fax 507-867-1665
www.ggg.to

DATE OF SURVEY: 1-20-07
Prepared For:
Jerry Schultz
31462 Castle Dr.
Danbury, WI 54830
SHEET 2 OF 2 FILE NO: 06-101AN

SECTIONS 19 & 20
T. 41 N., R. 20 W.

REC'D BY
M M B

APR 16 2007



- SPIKE SET
- IRON PIPE WITH PLASTIC CAP
STAMPED R.L.S.#21940 SET
- FOUND MONUMENT
- △ COMPUTED POINT

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE 11/30/12 REG. NO. 21940

GGG INC

14070 Hwy 52 SE
Cholfield, MN 55923

Engineering
Surveying
Planning.

Ph. 507-867-1666
Fax 507-867-1665
www.ggg.jp

DATE OF SURVEY: 1-20-97

Prepared For:
Jenny, Sak...

Jerry Schultz

31462 Castle Dr.
Donbury, WI 54830

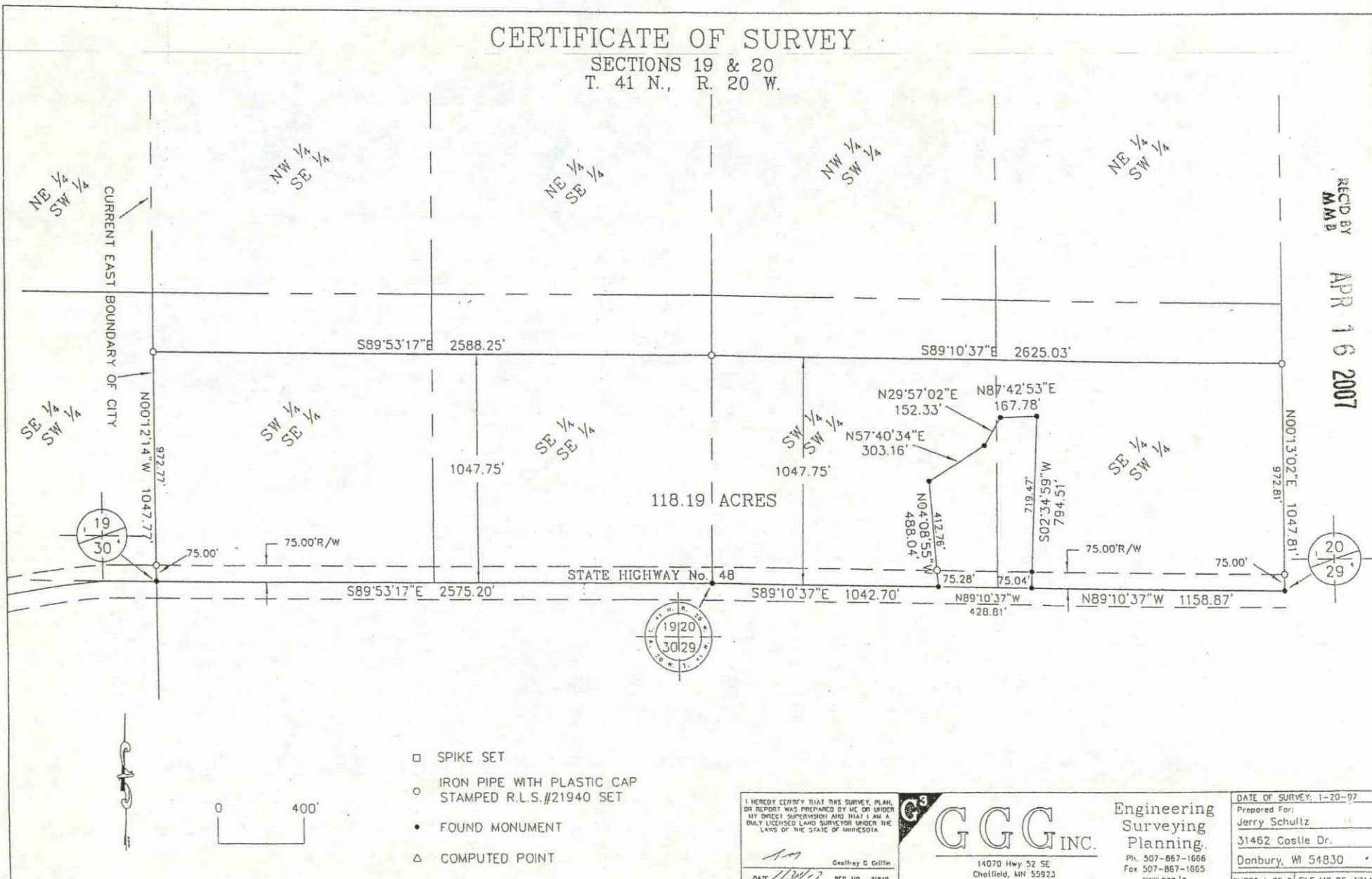
SHEET 1 OF 2 FILE NO: CG-431ANN

CERTIFICATE OF SURVEY

SECTIONS 19 & 20
T. 41 N., R. 20 W.

REC'D BY
MMB

APR 16 2007



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

Geoffrey C. Gillin
DATE 11/24/12 REG. NO. 21940

G G G INC.
14070 Hwy 52 SE
Chalfield, MN 55923

Engineering
Surveying
Planning
Ph. 507-867-1666
Fax 507-867-1665
www.ggg.io

DATE OF SURVEY: 1-20-07

Prepared For:
Jerry Schultz
31452 Costle Dr.
Danbury, WI 54830

SHEET 1 OF 2 FILE NO. 06-VIANN