



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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October 11, 2011

Bill Waller, City Administrator
La Crescent City Hall
P.O. Box 142
La Crescent, MN 55947-0142

VIA E-MAIL
cityoflacrescent@applecap.com

Docket Number: A-7777

City of La Crescent
M.S. 414.033, Subd. 2(3)
Ordinance No. 472



Dear Mr. Waller:

On October 11, 2011, 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 (char.meiners@co.houston.mn.us)
- Township Clerk
- State Demographer's Office (jim.hibbs@state.mn.us)
- Secretary of State (Interoffice)
- Skip Wieser, City Attorney

1300892

ORDINANCE NO. 472**AN ORDINANCE OF THE CITY OF LA CRESCENT ANNEXING LANDS LOCATED
IN THE TOWN OF LA CRESCENT, HOUSTON 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 La Crescent, Minnesota, was duly presented to the Council of the City of La Crescent on the 26th day of September, 2011; and

WHEREAS, said property is unincorporated and abuts the City of La Crescent on its 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 a flood plain or shoreland area; and

WHEREAS, said property is currently suburban in nature and annexation is requested to facilitate the extension of city services for the suburban residential property; and

WHEREAS, the City of La Crescent held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on September 26, 2011, following thirty (30) days written notice by certified mail to the Town of La Crescent 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 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 LA CRESCENT
HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is suburban in nature and the owners of the property have requested annexation for the purpose of connecting to the City of La Crescent public utility system, and have submitted a Petition for annexation.
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 Statutes § 414.0325.
3. The corporate limits of the City of La Crescent, Minnesota, are hereby extended to include the following described property, sad land abutting the City of La Crescent 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:

LOT SEVEN (7), BLOCK ONE (1), CRESCENT VALLEY SUBDIVISION TO THE TOWNSHIP OF LA CRESCENT, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER IN AND FOR HOUSTON COUNTY, MINNESOTA

The above described property consists of less than one (1) acre. 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 as Exhibit A.

4. That the population of the area legally described herein and hereby annexed is 2.
5. The City of La Crescent, pursuant to Minnesota Statute § 414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to the Town of La Crescent in accordance to the following schedule:
 - a. In the first year in which the City of La Crescent may levy property taxes on the subject area following the annexation thereof, an amount equal to one hundred percent (100%) of the property taxes distributed to La Crescent Township in regard to the subject area in the last year the property taxes from the subject area were payable to the Township (e.g. if 2012 is the first year that the City of La Crescent may levy on the subject area, in 2011 the City would pay La Crescent Township 100% of the property taxes from the subject area distributed to the Township in 2011);
 - b. In each of the second and third years, an amount equal to the first year payment described in 5(a) above.
6. That pursuant to Minnesota Statute § 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 Administrator of the City of La Crescent is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Minnesota Office of Administrative Hearings, the Minnesota Secretary of State, the Houston County Auditor, and the La Crescent 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 La Crescent, Minnesota, this 26th day of September, 2011.

REC'D BY
MBA

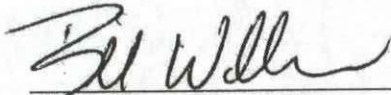
OCT 10 2011

SIGNED:



Mayor

ATTEST:



City Administrator

REC'D BY
MBA

OCT 10 2011

LOCATION MAP CRESCENT VALLEY SUBDIVISIONS AND ADJACENT AREAS

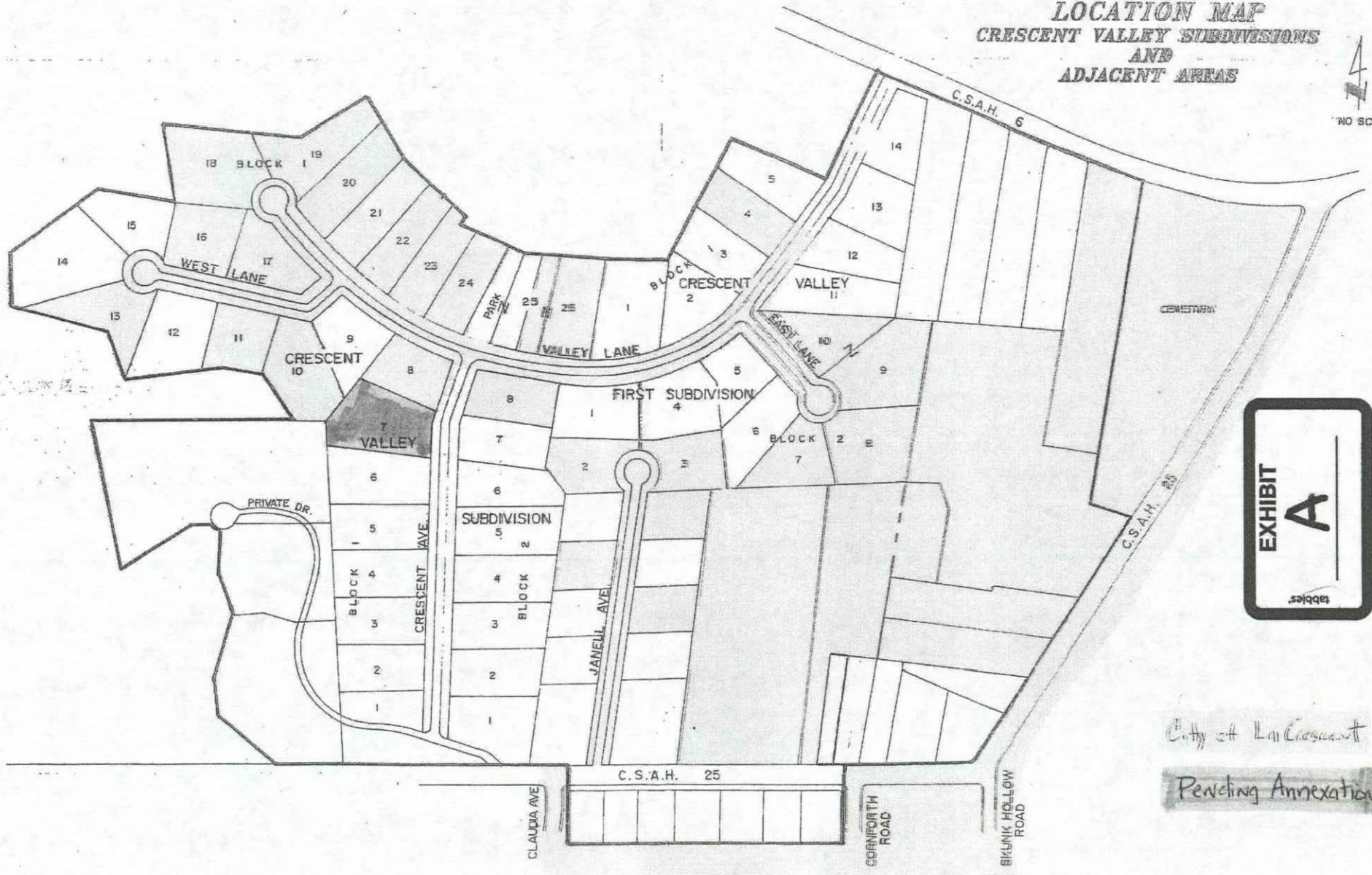


EXHIBIT
A
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City of Las Cruces, N.M.
Pending Annexation