

ORDINANCE NO. 281

**AN ORDINANCE OF THE CITY OF HAWLEY, MINNESOTA, ANNEXING  
LAND LOCATED IN HAWLEY TOWNSHIP, CLAY 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 the property legally described as:

All that part of Auditors Out Lot A-1 and H-1 of the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 1, Township 139 North, Range 45 West of the 5<sup>th</sup> Principal Meridian, Clay County, Minnesota, described as follows:

Commencing at the iron monument marking the southwesterly corner of Auditors Out Lot F-1 as identified in the Plat of Auditors Out Lots recorded as Document No. 134258 in the Office of the County Recorder in and for said County and State; thence on an assumed bearing of North 74°58'51" East, on and along the south line of said Out Lot F-1, and its easterly extension, a distance of 330.00 feet to the POINT OF BEGINNING; thence South 50°12'31" East a distance of 355.61 feet to a point on the northerly right of way line of the Burlington Northern Santa Fe Railroad, said right of way line being 100 feet northerly, measured at a right angle, from the centerline of the existing main line as presently located; thence Southwesterly, on and along said Railroad right of way line, to a point that bears South 56°48'42" West a distance of 146.45 feet, more or less, to a point of curve; thence continuing along said curved railroad right of way line to a point that bears South 56°24'35" West a distance of 69.40 feet, being its intersection with a line that is parallel with and 330 feet distant, easterly, measured at a right angle, from the west line of Auditors Out Lots B-1, C-1, D-1, thence North 15°01'09" West, on said line that is parallel with and 330 feet distant, easterly, of the west line of Auditors Out Lots B-1, C-1, D-1 and E-1, a distance of 358.39 feet, more or less, to the point of beginning, containing 0.84 acres, more or less.

be annexed to the City of Hawley, was duly presented to the Council of the City of Hawley on the 14<sup>th</sup> day of July, 2020; and

**WHEREAS**, said property is unincorporated and abuts the City of Hawley on the easterly boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available (See attached Exhibit 1, annexation map dated 5-14-2020); and

**WHEREAS**, said property is not located within a flood plain or shoreland area; and

**WHEREAS**, the said property is currently vacant and unimproved except for a Quonset, and annexation is requested to facilitate the extension of City services for the development of the property; and

**WHEREAS**, the City of Hawley held a public hearing pursuant to Minnesota Statutes §414.033, subd. 2(b) on the 14<sup>th</sup> day of September, 2020, following thirty (30) days written notice by certified mail to the Town of Hawley and all landowners within and contiguous to the area legally described herein to be annexed; and

**WHEREAS**, provisions of Minnesota Statutes §414.033, subd. 13 relating to the utility service and cost of utility services has not been discussed with the property owners who have requested annexation of the above described property;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAWLEY  
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 development of a commercial/housing project 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 Statutes §414.0325.

3. The corporate limits of the City of Hawley, Minnesota, are hereby extended to include the following described property, said land abutting the City of Hawley, 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;

All that part of Auditors Out Lot A-1 and H-1 of the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 1, Township 139 North, Range 45 West of the 5<sup>th</sup> Principal Meridian, Clay County, Minnesota, described as follows:

Commencing at the iron monument marking the southwesterly corner of Auditors Out Lot F-1 as identified in the Plat of Auditors Out Lots recorded as Document No. 134258 in the Office of the County Recorder in and for said County and State; thence on an assumed bearing of North 74°58'51" East, on and along the south line of said Out Lot F-1, and its easterly extension, a distance of 330.00 feet

to the POINT OF BEGINNING; thence South 50°12'31" East a distance of 355.61 feet to a point on the northerly right of way line of the Burlington Northern Santa Fe Railroad, said right of way line being 100 feet northerly, measured at a right angle, from the centerline of the existing main line as presently located; thence Southwesterly, on and along said Railroad right of way line, to a point that bears South 56°48'42" West a distance of 146.45 feet, more or less, to a point of curve; thence continuing along said curved railroad right of way line to a point that bears South 56°24'35" West a distance of 69.40 feet, being its intersection with a line that is parallel with and 330 feet distant, easterly, measured at a right angle, from the west line of Auditors Out Lots B-1, C-1, D-1, thence North 15°01'09" West, on said line that is parallel with and 330 feet distant, easterly, of the west line of Auditors Out Lots B-1, C-1, D-1 and E-1, a distance of 358.39 feet, more or less, to the point of beginning, containing 0.84 acres, more or less.

The above described property consists of a total of .84 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. The City of Hawley shall pay to Hawley Township a sum of \$93.45 to cover the loss of tax revenue for a period of five (5) years. The property to be annexed generates tax revenue to Hawley Township of \$18.69 per year.

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 property for which reimbursement is required.

7. That the City Clerk of the City of Hawley 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 Clay County Auditor, and the Hawley Township Clerk.

8. The property herein described shall be zoned R-2 Residential upon annexation.

9. 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 Hawley, Minnesota, this  
day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
James Joy, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Jetvig, City Clerk