

To: HONORABLE MAYOR AND CITY COUNCIL.

FROM: Dave Maroney, Director of Economic Development and Planning.

SUBJECT: DeGarmo Annexation Petition.

DATE: December 11, 2013.

BACKGROUND.

Kevin and Andrea DeGarmo have petitioned the City of Cannon Falls to annex approximately 6-acres of land that they own west of Highway 52 – see accompanying map. The Board of Supervisors for Cannon Falls Township does not oppose the petition. In the event that the property is annexed the DeGarmo's will thereafter initiate a request for zoning, subdivision and building permits.

REQUESTED COUNCIL ACTION.

The City Council is asked to conduct the public hearing and thereafter consider the first reading of Ordinance No.333. Note that the reimbursement amounts to be inserted in Item #5 are in the process of being calculated by the Goodhue County Assessor and will be provided before a second reading of Ordinance No. 333 is considered.

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

ORDINANCE NUMBER 333

**AN ORDINANCE ANNEXING LAND LOCATED IN THE TOWN OF CANNON FALLS,
GOODHUE COUNTY, MINNESOTA PURSUANT TO MINNESOTA
STATUTES § 414.033, SUBDIVISION 2(3), PERMITTING
ANNEXATION BY ORDINANCE**

SECTION 1. PREAMBLE.

WHEREAS, the City of Cannon Falls received a petition dated October 21, 2013, signed by property owners Kevin DeGarmo and Andrea Powicki DeGarmo, requesting that property legally described in Exhibit A, Goodhue County Minnesota, be annexed to the City of Cannon Falls, Minnesota and said petition was duly presented to the Council of the City of Cannon Falls on the 5th day of November, 2013, and;

WHEREAS, said property is unincorporated and abuts the City of Cannon Falls on its western 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 currently unimproved agricultural land and annexation is requested to facilitate the extension of city services for the urban development of the property, and;

WHEREAS, the City of Cannon Falls held a public hearing pursuant to Minnesota Statutes § 414.033, Subd. 2b, on December 17, 2013, following thirty (30) days written notice by certified mail to the Town of Cannon Falls ("Township") 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.

SECTION 2. ENACTMENT.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CANNON FALLS, MINNESOTA HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the property as described herein abuts the city limits and is or is about to become urban or suburban in nature in that urban use 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 Statute § 414.0325.

3. The corporate limits of the City of Cannon Falls, Minnesota, are hereby extended to include the following described property, said land abutting the City of Cannon Falls and being 120 acres or less in area, which is not presently served by public sewer facilities or and for which 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 as described in Exhibit A.

The above described property consists of a total of 5.56 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 hereby annexed is zero.

5. The City of Cannon Falls, pursuant to Minnesota Statutes § 414.036, shall provide reimbursement to the Township to compensate the Township for the loss of taxable property for a five (5) year period. The total amount due over the five (5) year term is (to be determined) which will be paid in equal payments of (to be determined) in 2015 and (to be determined) in 2016.

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 annexed, there are no special assessments or debt incurred by the Town on the subject area for which reimbursement is required.

7. That the City Clerk of the City of Cannon Falls 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 Goodhue County Auditor, and the Township Clerk.

8. That the Office of Administrative Hearings is hereby requested to issue its order approving this annexation.

SECTION 3. EFFECTIVE DATE. This ordinance shall be effective immediately upon its passage and publication, and approval by the Office of Administrative Hearings, Boundary Adjustments, State of Minnesota.

ADOPTED this 17th day of December, 2013, by the City Council of the City of Cannon Falls, Minnesota.

CITY OF CANNON FALLS

BY: _____
Lyman M. Robinson, Mayor

ATTEST:

Aaron S. Reeves, City Administrator

Summary published in *Cannon Falls Beacon* on _____.

EXHIBIT "A"

Legal Description of Subject Property:

That part of Government Lot 3, Section 30, Township 112, Range 17, Goodhue County, Minnesota, described as follows:

Commencing at the northwest corner of said Government Lot 3; thence North 89 degrees 50 minutes 01 second East (HARN adjustment of the 1983 Goodhue County Coordinate System) along the north line thereof 1473.22 feet to corner B7335 of Minnesota Department Of Transportation Right Of Way Plat No. 25-74; thence South 22 degrees 34 minutes 01 second East along a westerly line of parcel 10 of said right of way plat 55.57 feet to the south line of Document Number 597789, Goodhue County Recorders Office and the point of beginning of the land to be described; thence continuing South 22 degrees 34 minutes 01 second East along the westerly line of parcel 9 of said right of way plat a distance of 111.32 feet to a corner of said right of way plat; thence South 80 degrees 46 minutes 10 seconds East along a southerly line of said parcel 9 a distance of 134.57 feet to a corner of said right of way plat; thence South 46 degrees 49 minutes 20 seconds East along a westerly line of said parcel 9 a distance of 222.46 feet to a corner of said right of way plat; thence South 34 degrees 20 minutes 45 seconds East along said westerly line of parcel 9 a distance of 93.04 feet to a corner of said right of way plat; thence South 0 degrees 04 minutes 48 seconds East along said westerly line of parcel 9 a distance of 303.41 feet to a corner of said right of way plat; thence South 67 degrees 55 minutes 59 seconds West along a northerly line of said parcel 9 a distance of 121.41 feet to a corner of said right of way plat; thence North 73 degrees 32 minutes 48 seconds West along said northerly line of parcel 9 a distance of 110.45 feet to a corner of said right of way plat; thence North 66 degrees 53 minutes 01 second West along said northerly line of parcel 9 a distance of 390.13 feet to a corner of said right of way plat; thence North 78 degrees 42 minutes 56 seconds West along the northerly line of parcel 9 of Minnesota Department Of Transportation Right Of Way Plat No. 25-76 a distance of 371.88 feet to corner B15 of said right of way plat; thence North 89 degrees 50 minutes 01 second East 391.96 feet to the most westerly corner of the property described in Document Number 597790, Goodhue County Recorders Office; thence North 44 degrees 52 minutes 42 seconds East along the northwesterly line of said Document Number 597790 a distance of 212.29 feet to the most northerly corner thereof; thence North 0 degrees 04 minutes 49 seconds West 293.62 feet to the southwest corner of said Document Number 597789; thence North 89 degrees 48 minutes 43 seconds East along the south line of said Document Number 597789 a distance of 9.91 feet to the point of beginning.

