



City Council Memorandum

To: Mayor Hicks and City Council
From: John Hinzman, Community Development Director
Date: February 1, 2016
Item: Modification of Ordinance for Annexation #2015-15 – Conzemius Dairy Farm (Highway 55 west of Wal-Mart)

Council Action Requested:

Approve the attached modification to Ordinance #2015-15 – Annexation of approximately 12.04 acres from Nininger Township. The modification clarifies the schedule of City payments to Nininger Township for the loss of taxable property; the total payment of \$713.23 is unchanged and would be paid in two equal installments. The amendment eliminates Exhibit A and its reference in Section 6 of the ordinance outlining payments over a five year period.

Background Information:

Subject Property

The City Council voted 7-0 to adopt the annexation ordinance on December 21, 2015 with limited discussion.

Financial Impact:

Approval of the annexation would allow for expansion of the commercial tax base. Approval of the Dakota Summit 3rd Addition Final Plat would allow for the collection of Park Dedication and Sewer Interceptor Fees to assist in necessary services. Public improvements including road and utility expenses would be at the expense of the developer. The City would be responsible for the payment of taxes to Nininger Township in the amount of \$713.23 per State Statutes.

Advisory Commission Discussion:

N/A

Council Committee Discussion:

The Planning Committee of City Council (Chair Alongi, Braucks, and Vaughan) reviewed the request on May 14, 2015. Committee Members were generally supportive of the annexation. Since the Planning Committee Meeting, the annexation includes a larger area, north to 4th Street, and proposed dedication of right-of-way.

Attachments:

- Revised Ordinance Amendment
- Location Map

LOCATION MAP



CITY OF HASTINGS, MINNESOTA**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF HASTINGS EXTENDING
ITS CORPORATE LIMITS TO INCLUDE CERTAIN LAND ABUTTING
THE CITY WHICH IS OWNED BY CONZEMIUS DAIRY FARM
AND HASTINGS INDEPENDENT SCHOOL DISTRICT NO. 200
COMMONLY KNOWN AS DAKOTA SUMMIT 3RD ADDITION**

PREAMBLE

WHEREAS, the City of Hastings has received a petition from Conzemius Dairy Farm and Hastings Independent School District No. 200 (Petitioners) seeking annexation to the City of Hastings, and;

WHEREAS, the Petitioners have represented to the City of Hastings that they are the sole owners of property described as:

PLAT DESCRIPTION / ANEXATION DESCRIPTION

That part of the Southeast Quarter of the Northeast Quarter of Section 30, Township 115, Range 17, Dakota County, Minnesota, described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 30; thence South 00 degrees 13 minutes 26 seconds East, assumed bearing, along the east line of said Northeast Quarter, a distance of 159.02 feet to the point of beginning of the land to be described; thence North 00 degrees 13 minutes 26 seconds West, along the east line of said Northeast Quarter, a distance of 32.25 feet; thence South 68 degrees 14 minutes 02 seconds West, a distance of 78.74 feet; thence westerly along a tangential curve, concave to the north, having a radius of 320.00 feet, a central angle of 21 degrees 37 minutes 57 seconds, a distance of 120.82 feet; thence South 89 degrees 51 minutes 57 seconds West, a distance of 283.75 feet, to the west line of the east 475.00 feet of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 13 minutes 26 Seconds East, along said west line, a distance of 1097.00 feet to the north right of way line of the MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 19-86; thence North 89 degrees 51 minutes 58 seconds East, along said north right of way line, a distance of 475.00 feet to the east line of said Southeast Quarter of the Northeast Quarter; thence North 00 degrees 13 minutes 26 seconds West, along the east line of said Southeast Quarter of the Northeast Quarter, a distance of 1116.32 feet to the point of beginning.

WHEREAS, the property is unincorporated; it abuts the limits of the City of Hastings; is not included within any other municipality; is not included in any area that has already been designated for orderly annexation pursuant to Minn. Stat. 414.0325; and is approximately 12.04 acres in size, and;

WHEREAS, the City of Hastings held a public hearing pursuant to Minnesota Statutes 414.033, Subd. 2b, on December 21, 2015, following thirty (30) days written notice by certified mail to the Town of Nininger ("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.

ENACTMENT

Section 1. The City Council hereby determines and finds that the property described above abuts the City of Hastings; that the area to be annexed is 120 acres or less, that the property is not included in any area that has already been designated for orderly annexation pursuant Minn. Stat. 414.0325; that the City of Hastings received a properly prepared Petition for Annexation signed by all of the owners of the property; and that the Petition for Annexation complies with all of the provisions of Minn. Stat. 414.033.

Section 2. The property is urban or suburban in character and is in need of City services which can be provided by the City of Hastings.

Section 3. The corporate limits of the City of Hastings are hereby extended to include the property described above and that same property is hereby annexed to and included within the City of Hastings as if the property had originally been a part of the City.

Section 4. The City Clerk is directed to file a certified copy of this Ordinance with the Minnesota Office of Administrative Hearings; Nininger Township; Dakota County and the Minnesota Secretary of State.

Section 5. Property taxes payable on the annexed land shall be paid to Nininger Township for year 2016, the year in which the annexation becomes effective, in accordance with Minn. Stat. 414.033, Subd. 12.

Section 6. The City of Hastings, pursuant to Minn. Stat. 414.036, shall provide reimbursement to Nininger Township to compensate the Township for loss of taxable property in the amount of seven hundred thirteen dollars and 23 cents (\$713.23) payable in two annual payments: (1) on January 2, 2017 in the amount of \$356.62; and (2) on January 2, 2018 in the amount of \$356.61 ~~as detailed in Exhibit A attached hereto.~~

Section 7. Pursuant to Minn. Stat. 414.036 with respect to any special assessments assigned by Nininger Township to the annexed property and any portion of debt incurred by the Township prior to the annexation and attributable to the property to be annexed, there are no special assessments or debt incurred by the Township on the subject area for which reimbursement is required.

Section 8. This Ordinance shall become effective upon its passage, seven days after its publication, the filing of the certified copies as directed in Section 4 and upon approval of this Ordinance by the Minnesota Office of Administrative Hearings.

Adopted by the Hastings City Council on December 21, 2015, by the following vote:

Ayes:
Nays:
Absent:

ATTEST:

Paul J. Hicks, Mayor

Julie Flaten,
City Clerk

(City Seal)

I HEREBY CERTIFY that the above is a true and correct copy of ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 21st day of December, 2015, as disclosed by the records of the City of Hastings on file and of record in the office.

Julie Flaten, City Clerk

(SEAL)

This instrument drafted by:
City of Hastings (JH)
101 4th St. E.
Hastings, MN 55033