



City Council Memorandum

To: Mayor Fasbender and City Council
From: John Hinzman, Community Development Director
Date: February 18, 2020
Item: 2nd Reading\ Public Hearing: Ordinance for Annexation – TC Land LLC - Bauer Property (Southwest of General Sieben Drive and Northridge Dr)

Council Action Requested:

Hold a public hearing and consider 2nd Reading of an Ordinance Amendment to annex approximately 40 acres from Nininger Township at the request of TC Land LLC. The property is owned by Joel A. Bauer and Daniel J. Bauer as trustees and representatives of the Walter M. Bauer Trust and Estate of Rosalia Bauer. The property is generally located southwest of General Sieben Drive and Northridge Drive. Annexation would accommodate future plans for a residential subdivision consisting of single family and villa home sites.

Action requires a simple majority. The City Council considered 1st reading and ordered the public hearing at the January 6, 2020 meeting.

Background Information:

Subject Property

The property is currently agricultural. The property is guided for Low Density residential development within both the 2030 and 2040 Comprehensive Plans and is designated for municipal service extension (City Sewer and Water) within the planned Metropolitan Urban Service Area (MUSA) Plan.

The following abuts the site

	Use	Zoning	Comp Plan
North	Ag Land SEAS Church	Nininger Township	Low Density Residential
East	General Sieben Drive Single Family Residential	R-1 - Low Density Residence	Low Density Residential
South	Ag Land\Mining	Nininger Township	Low Density Residential
West	Ag Land	Nininger Township	Low Density Residential

Proposed Improvement

TC Land proposes to subdivide the property into approximately 121 lots containing 60 single family homes and 61 villa homes. The concept plan has been slightly modified due to elimination of a previously proposed park at the recommendation of the Park and Recreation Commission and City Council.

Annexation

Annexation involves the extension of the City of Hastings corporate limits and is regulated by [Minnesota State Statutes Section 414.033](#). A city may annex abutting unincorporated property by ordinance upon petition of the property owner and a public hearing.

Analysis

- **The proposal is consistent with the Comprehensive Plan.** The property is guided Low Density Residence and within the MUSA extension plan
- **Need for Residential Lots.** The City is in need of further single family and villa lots to meet demand. A subdivision of comparable size has not been created for over ten years.
- **Future Land Use Approvals.** Along with annexation, future land use approvals including a Comprehensive Plan Amendment for MUSA extension, Rezoning, Preliminary and Final Plat will need to be reviewed and approved the City.

Future Land Use Actions:

The following land use actions are necessary prior to construction of homes:

- Comprehensive Plan Amendment to extend the Metropolitan Urban Service Area (MUSA) Boundary.
- Rezoning
- Preliminary and Final Plat

Financial Impact:

The addition of 121 future home sites will further enhance the tax base.

Advisory Commission Discussion:

The Park and Recreation Commission met on January 14th and recommended cash in lieu of land be paid to satisfy future park dedication.

Council Committee Discussion:

The Planning Committee of City Council (Chair Vaughan, Balsanek, and Leifeld) is scheduled to review the annexation and concept plan for development on January 8, 2020.

Attachments:

- Ordinance Amendment
- Location Map
- Land Use Map
- Annexation Application

CITY OF HASTINGS, MINNESOTA

ORDINANCE NO. 2020-__

**AN ORDINANCE OF THE CITY OF HASTINGS EXTENDING
ITS CORPORATE LIMITS TO INCLUDE CERTAIN LAND ABUTTING
THE CITY WHICH IS OWNED BY THE WALTER M. BAUER
DISCLAIMER TRUST AND THE ESTATE OF ROSALIA BAUER,
PURSUANT TO MINNESOTA STATUTES 414.033, SUBD. 2(3)**

PREAMBLE

WHEREAS, the City of Hastings has received a petition from Joel A. Bauer and Daniel J. Bauer, as Trustees of the Walter M. Bauer Disclaimer Trust dated October 4, 2007, as to an undivided one-half interest, and Joel A. Bauer and Daniel J. Bauer, as Personal Representatives of the Estate of Rosalia Bauer a/k/a Rosalia M. Bauer a/k/a Rose Bauer a/k/a Rosalia Mary Bauer, as to an undivided one-half interest (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 generally located southwest of General Sieben Drive and Northridge Drive, legally described as the Southeast Quarter of the Northeast Quarter of Section 31, Township 115, Range 17, Dakota County, Minnesota; and

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 39.97 acres in size, and;

WHEREAS, the City of Hastings held a public hearing pursuant to Minnesota Statutes 414.033, Subd. 2b, on February 18, 2020, 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. 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 six hundred forty-two dollars and 05 cents (\$642.05) payable in two annual payments: (1) on January 2, 2021 in the amount of \$321.03; and (2) on January 2, 2022 in the amount of \$321.02.

Section 6. 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 7. 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 February 18, 2020, by the following vote:

Ayes:

Nays:

Absent:

ATTEST:

Julie Flaten, City Clerk

Mary D. Fasbender, Mayor

(City Seal)

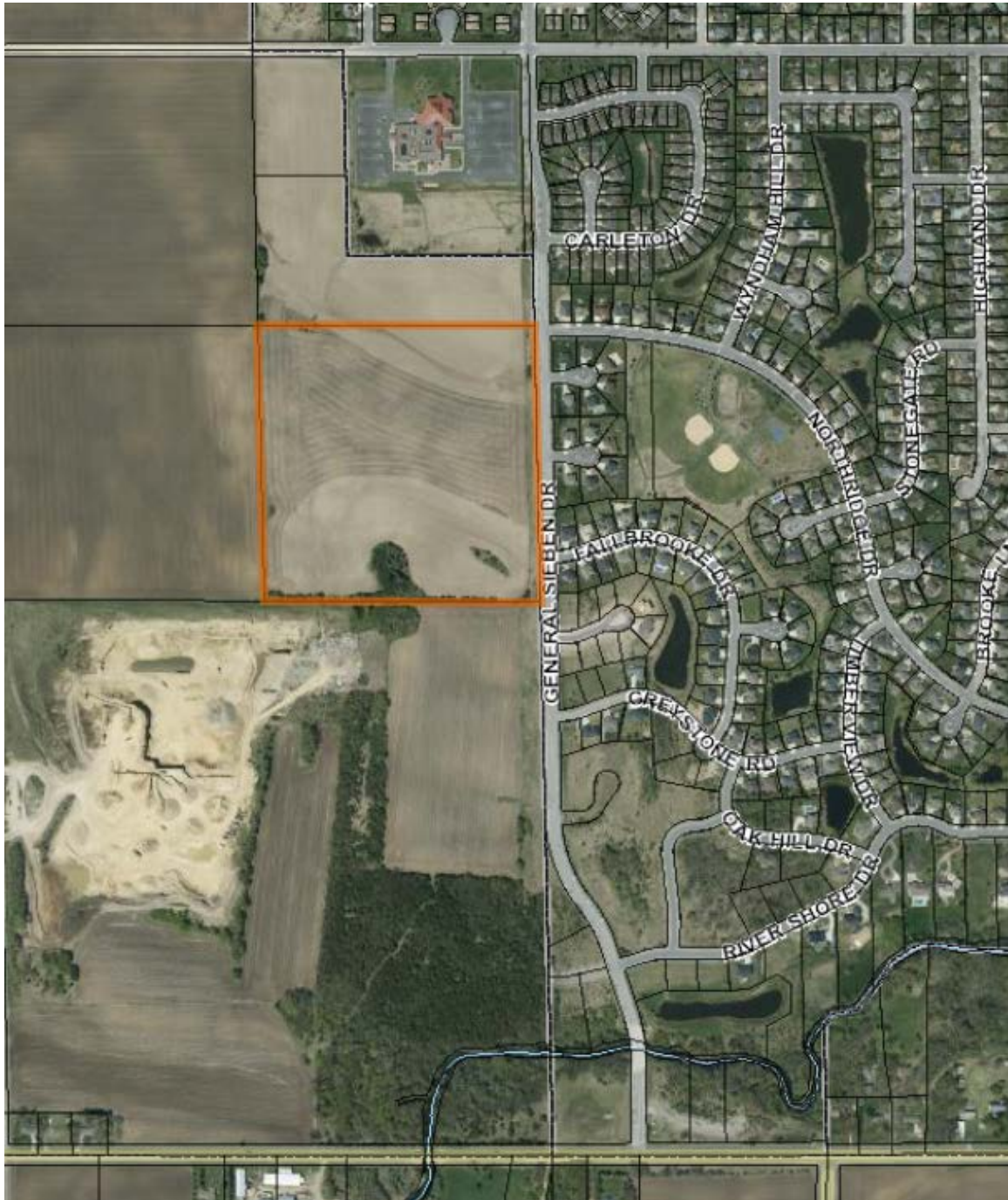
I HEREBY CERTIFY that the above is a true and correct copy of ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 18th day of February 2020 as disclosed by the records of the City of Hastings on file and of record in the office.

Julie Flaten, City Clerk

(SEAL)

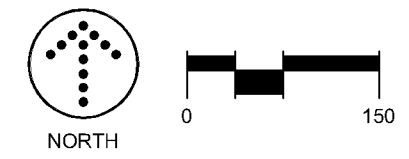
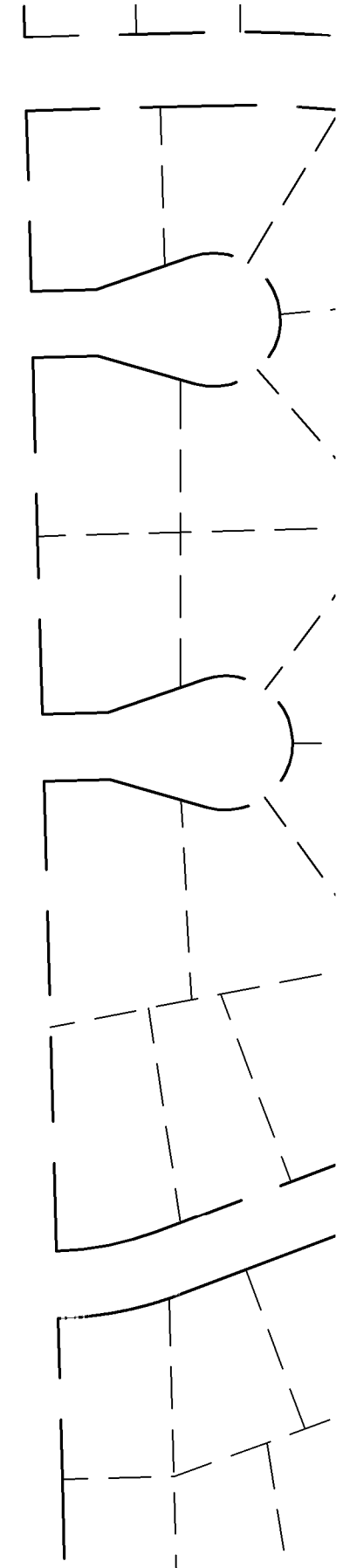
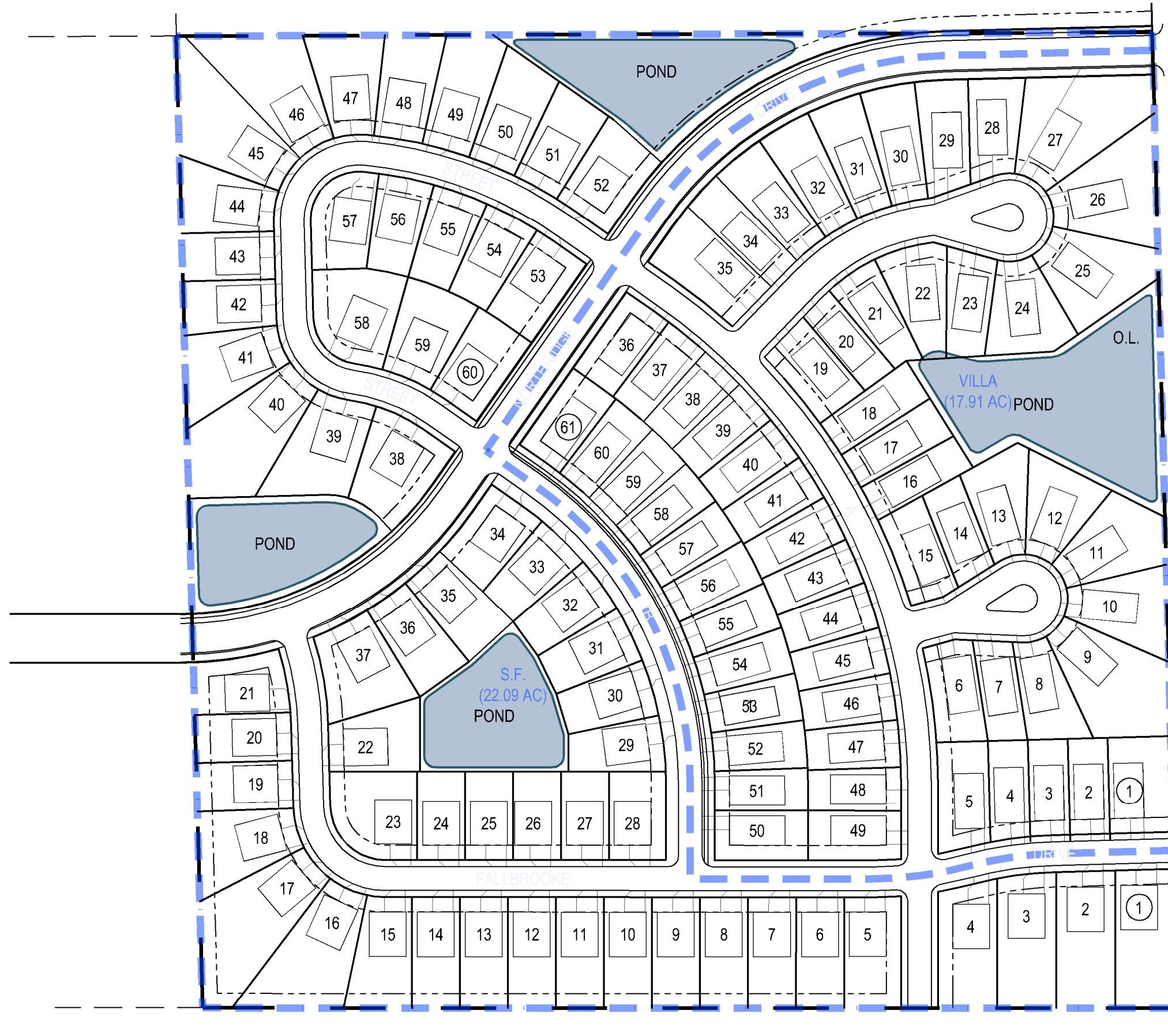
This instrument drafted by:
City of Hastings (JH)
101 4th St. E.
Hastings, MN 55033

LOCATION MAP

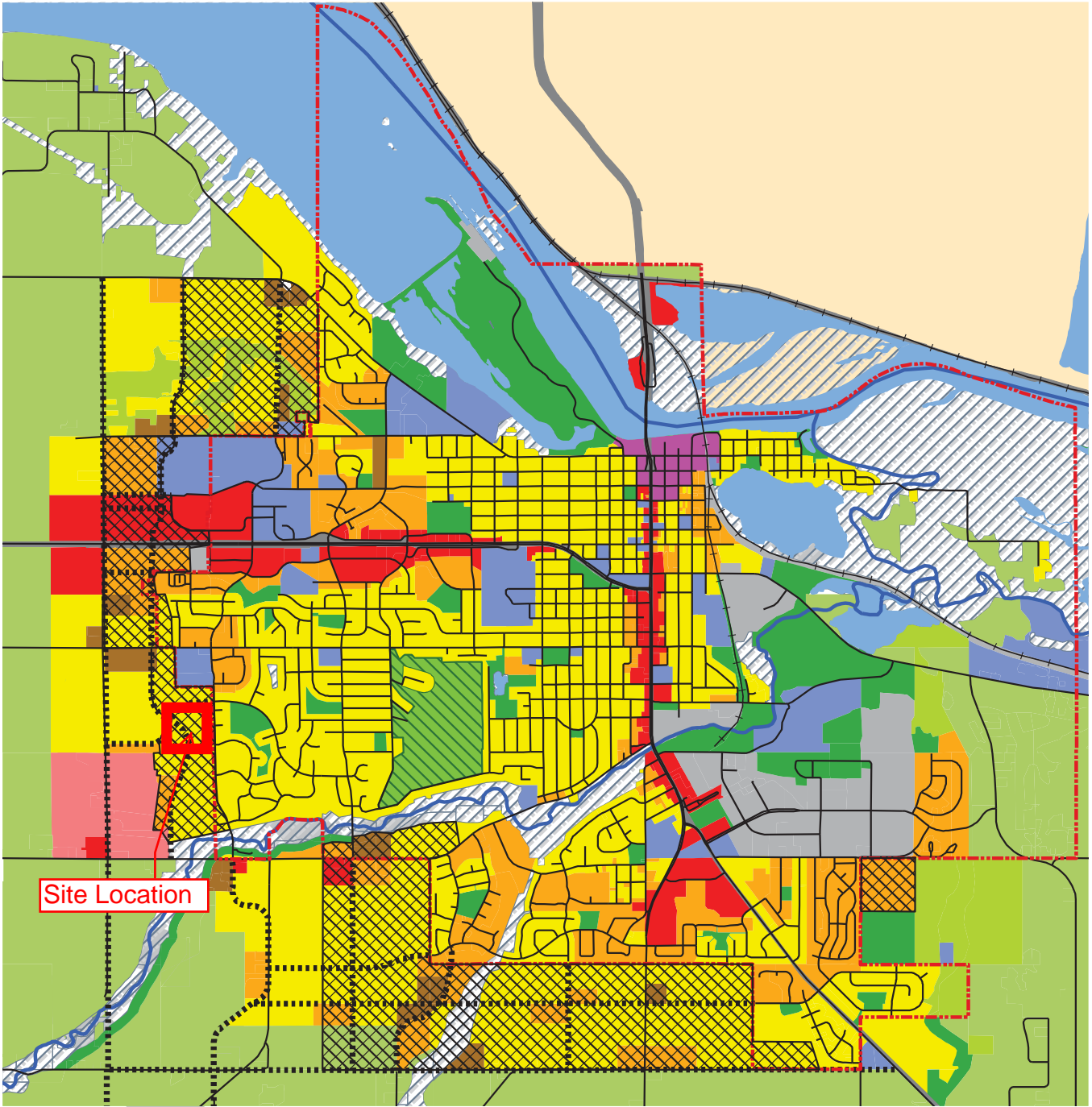


EX-01-2-V-P-01
AREA SUMMARY

SITE AREA:	40.00 AC.
S.F. HOUSING:	22.09 AC.
VILLA HOUSING:	17.91 AC.
PARK:	0 AC.
NUMBER OF S.F. UNITS	60
NUMBER OF VILLA UNITS	61
S.F. DENSITY	2.72 U/A
VILLA DENSITY	3.41 U/A
OVERALL SITE DENSITY	3.03 U/A



DEVELOPMENT STAGING PLAN Hastings 2040 Comprehensive Plan



Agriculture	Commercial	Upland Conservation Area	2018 City Limits
Low Residential	Business Park	Floodplain or Wetland Protection	Proposed Roadway
Medium Residential	Industrial	Golf Course	Open Water
High Residential	Institutional	Road/ROW	Approximate Stage One Development Areas
Mixed Use	Park	Denmark Twp.	

0 750 1,500 3,000 Feet

N

PROPERTY OWNER PETITION TO MUNICIPALITY
FOR ANNEXATION BY ORDINANCE - 120 Acres or Less

IN THE MATTER OF THE PETITION OF CERTAIN PERSONS FOR THE
ANNEXATION OF CERTAIN LAND TO THE CITY OF HASTINGS, MINNESOTA
PURSUANT TO MINNESOTA STATUTES § 414.033, SUBD. 2(3)

TO: Council of the City of Hastings, Minnesota

PETITIONER(S) STATE: All of the property owners in number are required to commence a proceeding under Minnesota Statutes § 414.033, Subd. 2(3).

It is hereby requested by:

the sole property owner; or
 all of the property owners (If the land is owned by both husband and wife, *both* must sign the petition to represent all owners.)

of the area proposed for annexation to annex certain property described herein lying in the Township of Nininger to the City of Hastings, County of Dakota, Minnesota.

The area proposed for annexation is described as follows:

The Southeast Quarter of the Northeast Quarter (SE ¼ of NE ¼) of Section 31, Township 115, Range 17, Dakota County, Minnesota.

1. There are two Trustees representing the property owners in the area proposed for annexation. (If a property owner owns more than one parcel in the area proposed for annexation, he/she is only counted once as an owner - the *number* of parcels *owned* by a petitioner is not counted.)
2. The land abuts the municipality and the area to be annexed is 120 acres or less, and the area to be annexed is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available.
Except as provided for by an orderly annexation agreement, this clause may not be used to annex any property contiguous to any property previously annexed under this clause within the preceding 12 months if the property is owned by the same owners and annexation would cumulatively exceed 120 acres.
3. Said property is unincorporated, abuts on the city's N S E W (circle one) boundary(ies), and is not included within any other municipality.
4. The area of land proposed for annexation, in acres, is 39.97 acres.
5. The reason for the requested annexation is the development of property for residential use.

PETITIONERS REQUEST: That pursuant to Minnesota Statutes § 414.033, the property described herein be annexed to and included within the City of Hastings, Minnesota.

Dated: 1/8/2020
Signatures: David B. [Signature]
Joel D. Bauer

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd. 2b, before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), a municipality must hold a public hearing and give 30 days' written notice by certified mail to the town or towns affected by the proposed ordinance and to all landowners within and contiguous to the area to be annexed.

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd. 11, when a municipality declares land annexed to the municipality under subdivision 2, clause (3), and the land is within a designated floodplain, as provided by section 103F.111, subdivision 4, or a shoreland area, as provided by section 103F.205, subdivision 4, the municipality shall adopt or amend its land use controls to conform to chapter 103F, and any new development of the annexed land shall be subject to chapter 103F.

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd. 12, when a municipality annexes land under subdivision 2, clause (2), (3) or (4), property taxes payable on the annexed land shall continue to be paid to the affected town or towns for the year in which the annexation becomes effective. If the annexation becomes effective on or before August 1 of a levy year, the municipality may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the town may continue to levy on the annexed area for that levy year, and the municipality may not levy on the annexed area until the following levy year.

NOTE: Pursuant to Minnesota Statutes § 414.033, Subd 13, at least 30 days before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), the petitioner must be notified by the municipality that the cost of electric utility service to the petitioner may change if the land is annexed to the municipality. The notice must include an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation.

Municipal Boundary Adjustment Unit Contacts

Star Holman star.holman@state.mn.us 651-361-7909
Katie Lin katie.lin@state.mn.us 651-361-7911
(June 2011)