

Ordinance No. 04-2021

**AN ORDINANCE OF THE CITY OF DASSEL, MINNESOTA ANNEXING
LAND LOCATED IN DASSEL TOWNSHIP, MEEKER COUNTY, MINNESOTA
PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 3, PERMITTING
ANNEXATION BY ORDINANCE**

WHEREAS, Chapter 414 of the Minnesota Statutes, titled Municipal Boundary Adjustments, addresses municipal annexation. This Chapter recognizes that sound urban development through land use planning is essential to the continued and economic growth of the state. One of the legislatively stated goals is promotion and regulation of municipal development in order to protect the integrity of land use planning in municipalities and unincorporated areas so that efficient local government will be properly served. Long-range planning or other efforts among counties, cities, and towns is encouraged.

WHEREAS, Chapter 414 further recognizes that it is the municipal government that most efficiently provides government services in areas that are being developed for residential, commercial, industrial, and governmental purposes, and that annexation by existing municipalities of unincorporated areas that are unable to supply municipal services should be facilitated.

WHEREAS, the southern portion of the City of Dassel is primarily zoned R-2 (One and Two Family Residential) and Agricultural. The corporate limits on the south side of Dassel generally follows a straight-line east to west. However, there is a large rectangular, undeveloped area, not part of the City of Dassel, that extends well into what would otherwise be the R-2 zoned area of the City. This rectangular area that is the subject of this annexation ordinance is legally described as follows:

Lot N of CASSEL'S SUBDIVISION OF LOT 7 SECTION 33, THE WEST HALF OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 34, TOWNSHIP 119, RANGE 29, according to the recorded plat thereof, Meeker County.

EXCEPT

The east 46.00 feet of the north 150.00 feet of the Southeast Quarter of the Northeast Quarter of said Section 33;

ALSO EXCEPT

MARTIN ESTATES, according to the recorded plat thereof, said Meeker County.
Containing 32.32 acres, more or less.

Hereafter, the phrase "*Area of Annexation*" incorporates by reference this legal description

WHEREAS, this *Area of Annexation* is part of the Township of Dassel but sits squarely within an area of the City of Dassel's residential housing and is abutted on three sides by residential areas of the City. The Township is unable to supply municipal services such as water, sewer, and public street construction to this undeveloped and unincorporated *Area of Annexation*. In contrast, in 2003 two public hard surfaced streets serving a portion of Dassel's R-2 residential

housing area were extended by the City to the border of the *Area of Annexation*, and are maintained by the City anticipating annexation of, and future residential development within the *Area of Annexation*. Additionally, The City of Dassel Comprehensive Plan, 2007 Update, identifies this general area for future Single-Family Residential and low-density Residential dwellings.

WHEREAS, the Meeker County Comprehensive Plan, Revised October 2008, appears consistent with the City of Dassel's Comprehensive Plan of development of this area for urban and residential expansion. Page 3 of Chapter Three of the County Plan contains Map 3A: Zoning Map. This map identifies by a red dashed line around the City of Dassel the Urban Growth Boundary. The *Area of Annexation* falls in part if not totally within that Urban Growth Boundary designated by the County. The red colors within the boundary indicate an R-1 Suburban Residential District. The R-1 Suburban Residential District is intended "to provide a district with the primary purpose of (1) allowing low density residential development as an orderly expansion of existing urban residential development, ... and (3) of providing a district that will allow low density residential development and on-lot utilities in natural environment areas and which will retain the environmental quality of the natural area."

WHEREAS, the City of Dassel is a Municipal Corporation incorporated under the laws of the State of Minnesota. Under Minn. Stat. § 414.011 the City of Dassel constitutes a "Municipality" with certain statutory powers to annex unincorporated land located adjacent to its municipal boundaries. The *Area of Annexation* is located within the Township and therefore under Minn. Stat. § 414.02 constitutes "unincorporated land" for annexation purposes.

WHEREAS, under Minn. Stat. §414.033 Subd. 3 the City of Dassel may annex unincorporated land by adoption of an Ordinance if the perimeter of the area to be annexed by the City is 60 percent or more bordered by the City, and if the area to be annexed is 40 acres or less in size.

WHEREAS, 74.83 % of the perimeter of the *Area of Annexation* abuts the City of Dassel and the *Area of Annexation* is 32.32 acres in size.

WHEREAS, the City of Dassel has held a public hearing on this annexation ordinance as part of its ordinance adoption procedures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DASSEL HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that 74.83 % of the *Area of Annexation* abuts the city limits of the City of Dassel and is 32.32 acres in size.
2. This matter is not appropriate for annexation by ordinance under Minn. Stat. § 414.033 subd. 2, clause (3) in that the City has not received a petition for annexation.
3. The *Area of Annexation* is not now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minn. Stat §414.0325.

4. The *Area of Annexation* is therefore appropriate for annexation pursuant to the provisions of Minn. Stat. § 414.033, subd. 3.
5. The corporate limits of the City of Dassel, Minnesota, are hereby extended to include the *Area of Annexation* that abuts 74.83 % of the City of Dassel and is 32.32 acres in area.
6. Written Notice of Intent to Annex this property, along with a copy of this ordinance has been served on the Dassel Township Board and on the Minnesota Chief Administrative Law Judge as required by Minn. Stat. § 414.033, subd. 3. The Dassel Township Board has (has not) responded to the Notice of Intent to Annex within 90 day.
7. The *Area of Annexation* is unimproved by structures, and the population of the area to be annexed is zero.
8. Property taxes payable to the Township of Dassel on the *Area of Annexation* in 2021 total \$294.02, and those 2021 taxes shall be paid to the Township. Pursuant to Minn. Stat. §414.036, the City of Dassel shall reimbursement the Township for additional property tax revenues the lump sum amount of \$ 1,470.10. This lump sum payment shall be made by the City to the Township within 30 days following the date this Ordinance is approved by the Office of Administrative Hearings.
9. Additionally, there are no outstanding special assessments assigned by the Township to the *Area of Annexation*, and no portion of debt incurred by the Township prior to the annexation has been attributed by the Township to the *Area of Annexation*.
10. The City Clerk of the City of Dassel 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 Meeker County Auditor, and the Dassel Township Clerk.
11. 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 Dassel, Minnesota, this _____ day of _____, 2021.

City of Dassel

By: _____
Ron Hungerford, Mayor

ATTEST: _____
Terri Bose, City Clerk Treasurer

(City Seal)