

ORDINANCE NO. 202401

**AN ORDINANCE OF THE CITY OF TYLER, MINNESOTA ANNEXING
LAND LOCATED IN MARSHFIELD, LINCOLN COUNTY, MINNESOTA PURSUANT
TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(1), PERMITTING
ANNEXATION BY ORDINANCE**

WHEREAS, the City of Tyler, Minnesota acquired the property legally described (herein or attached Exhibit A) be annexed to the City of Tyler, Minnesota, by a Personal Representative's Deed dated January 5, 2023 and recorded on February 1, 2024; and

WHEREAS, said property is unincorporated and abuts the City of Tyler on its North boundary; And the property 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 agricultural and annexation is requested to facilitate the improvement of city sanitary sewer services; 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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TYLER, MINNESOTA 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 the property is to be used for city utility purposes, specifically 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 Tyler, Minnesota, are hereby extended to include the following described property, said land abutting the City of Tyler, Minnesota 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 is the owner of the land, to wit:

SEE EXHIBIT A – ATTACHED SURVEY

The above described property consists of a total of .67 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 or attached exhibit) and hereby annexed is Zero.

5. The City of Tyler, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described (herein or attached exhibit A), hereby annexed, shall make a cash payment to the Town of Marshfield in accordance with the following schedule:

- a. In the first year following the year in which the City of Tyler could first levy on the annexed area, an amount equal to \$0.00; and

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 or attached exhibit) there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

7. That the City Clerk of the City of Tyler 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 Lincoln County Auditor, and the Marshfield Township Clerk.

8. 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 and upon publication in summary form.

PASSED AND ADOPTED by the City Council of the City of Tyler, Minnesota, this 5 day of March, 2024.


By: Joan Jagt, Mayor

ATTEST:


Terry East, City Administrator

(City Seal)