

#16397
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 24 1963

FROM: MINNESOTA MUNICIPAL COMMISSION

SUBJECT: ANNEXATIONS BY ORDINANCE (Section 3, Subdivision 2,
Chapter 414 Minnesota Statutes 1961 as amended by
Laws 1963 Chapters 807 and 621)

Listed on the reverse side of this sheet is Section 3, Subdivision 2 of the Municipal Commission Act describing procedures for annexation by ordinance as amended by the 1963 session of the Legislature.

Please note the following revised procedures for the orderly handling of annexations by ordinance to meet the requirements of the Act and the Commission's Rules of Procedure:

1. Copies of all petitions for annexation by ordinance must be filed with the commission, the town board, the county board and the governing body of any other municipalities whose boundaries abut upon the boundaries of the area to be annexed.
2. A map must accompany the petition showing the property in relationship to the municipality to which it is to be annexed.
3. A certification must be attached to the petition showing the dates of the mailing of the petition and the parties to whom mailed.
4. A copy of this certificate must also be mailed to the county auditor and the secretary of state.
5. If no objections have been submitted in writing within 30 days after filing with the various governmental units, the Commission will accept an annexation ordinance for filing if the ordinance meets all other requirements of Section 3, Subd. 2. (The law implies that the ordinance is not to be passed by the municipality until 30 days after the petition is filed with all parties.)
6. Any ordinances accepted for filing by the commission will be acknowledged in writing with copies to the county auditor and the secretary of state. (It is anticipated that the county auditor and the secretary of state will hold up filing of any ordinances until receipt of this letter from the commission indicating that all requirements of the law have been met.)

ANNEXATION BY ORDINANCE

Section 3. Subdivision 2

Except as hereinafter provided, territory abutting on any municipality and not included in any other municipality may be annexed to the municipality without an order of the commission in the manner provided in this subdivision:

If the land is owned by the municipality, the governing body may by ordinance declare the land annexed to the municipality, and any such land is deemed to be urban in character.

If the land is completely surrounded by land within the municipal limits, the governing body may by ordinance declare the land annexed to the municipality, and any such land is deemed to be urban in character.

If the land is platted or, if unplatted, does not exceed 200 acres, the owner or a majority of the owners in number may petition the governing body of the municipality to have such land included within the municipality and shall file copies of the petition with the commission, the town board and county board of the town and county in which all or any part of the land to be annexed is located, and the governing body of any other municipality whose boundaries abut upon the boundaries of the land to be annexed. Within 30 days thereafter, the town board, or the county board, or the governing body of the other municipality may submit written objections to the annexation to the commission and the municipality. Upon receipt of such objections, the municipality shall take no further action on the petition, and the commission shall proceed to hold a hearing and issue its order in accordance with the provisions of subdivision 3 and 4 of this section. If written objections are not submitted within the time specified hereunder and if the governing body determines that the annexation will be to the best interest of the municipality and of the territory affected, it may by ordinance, except as hereinafter provided, declare such land annexed to the municipality, but if the petition is not signed by all the owners of the land proposed to be annexed, the ordinance shall not be passed until the governing body has held a hearing on the proposed annexation after at least 30 days posted notice. Whenever a petition for annexation is presented to a municipality pursuant to this paragraph and all or any part of the land described therein is included in a petition for incorporation or annexation which is pending before the commission, no action thereon shall be taken by the municipality unless otherwise provided by an order of the commission, until final disposition has been made of the petition pending before the commission.

Any annexation provided for in this subdivision shall be deemed final upon filing a copy of the ordinance with the commission, the county auditor, and the secretary of state.

Any territory which has been annexed to a municipality prior to the enactment of (THIS LAW) Laws 1961, Chapter 645, and pursuant to Laws 1959, Chapter 686, Section 3, Subdivision 7, shall be deemed to be suitably conditioned for municipal government and said annexation shall be deemed final upon filing a copy of the annexation ordinance with the commission, the county auditor, and the secretary of state.

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