

An Equal Opportunity Employer

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STATE OF MINNESOTA
MUNICIPAL BOARD

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

May 13, 1977

Ms. Audrey Koopam
Deputy Clerk
Office of City Administrator
Tracy, Minnesota 56175

Re: Docket Number A-3084 Ordinance Number #137
Tracy Amended 3/10/77

Ladies and Gentlemen:

The Minnesota Municipal Board acknowledges receipt and filing of the above Ordinance and filing fee in accordance with Minnesota Statutes, Chapter 414, and the Rules of Procedure.

According to law, this annexation is final upon filing a copy of the ordinance with the Town Clerk, County Auditor, Secretary of State and the Municipal Board. (Since the ordinance has already been filed with the Municipal Board, no additional copies are required.)

Please refer to the above docket and ordinance numbers in any future reference to this annexation.

Sincerely yours,

MUNICIPAL BOARD

A handwritten signature in cursive script, appearing to read "Patricia D. Lundy".

Patricia D. Lundy
Assistant Executive Secretary

PDL:es

c.c. Secretary of State
County Auditor
Township
Attorney
Municipality

REVISED ORDINANCES — CITY OF TRACY, LYON COUNTY, MINNESOTA

(First Publication, March 10, 1977)
(Dates of Publication: March 10, 1977)

AMENDMENT TO ORDINANCE NO. 120

AN ORDINANCE AMENDING SECTION 9.01 AND
9.02 OF ORDINANCE NUMBER 120.

The city of Tracy does ordain:

SECTION I

Section 9.01 and 9.02 of Ordinance Number 120, an Ordinance granting a non-exclusive franchise for cable television and which specifically provides license fees and a time for filing a financial statement prepared by a certified public accountant showing in detail the gross earnings of said franchise, is hereby amended as follows:

"9.01 The company shall pay to the City on or before January 31 March 30 of each year, the license fee in the amount and manner provided by Sections 67 through 70 inclusive of the Charter of the City of Tracy, Minnesota an annual license fee at the following rates, to wit: Whenever in any one year such gross earnings of any such person, company or corporation, holding such franchise or privilege amounts to twenty-five thousand (25,000) dollars, or less, one (1) of one (1) per cent of the entire gross earnings. Whenever in any one year such gross earnings amount to twenty-five thousand (25,000) dollars and do not exceed fifty thousand (50,000) dollars, one (1) per cent of the entire gross earnings. Whenever in any one year such gross earnings amount to fifty thousand (50,000) dollars, and do not exceed one hundred thousand (100,000) dollars, one and one-half (1 and 1/2) per cent of the gross earnings; and whenever in any one year such gross earnings amount to one hundred thousand (100,000) dollars, or more, two (2) per cent of the entire gross earnings; provided, however, that if at any time such franchise and privileges are assessed and taxed as property under the general laws of this state now existing or hereafter adopted, then and in that case the person obtaining or holding such franchise or privilege shall not be required to pay the license fees herein provided for upon the gross earnings aforesaid, in any amount, so long as the said franchise or privileges are otherwise taxed, for the use of the streets and other facilities of the City in the operation of the CATV System and for the municipal supervision thereof. This payment shall be in addition to any other tax or payment owed to the City by the company, and in the event that any payment is not made by January 31 March 30, as provided above, interest on the amount due, as determined from the gross earnings report of the company, shall accrue from such date at the annual rate of 8 per cent (8%). Any person, company or corporation failing, neglecting or refusing to pay said license fees within the time and in the manner prescribed by said city council or violating any of the terms or conditions of their franchise shall forfeit the franchise or privilege granted and shall not be entitled to have the same reinstated by the mere payment of such fees, but must, in order to again obtain such franchise or privilege, make a new application therefore in the same manner and subject to the same provisions as if no franchise or privilege had been previously granted.

9.02 The company shall file with the City Recorder during the ~~first week of January~~ last week of March in each year, an accurate, correct, true and sworn statement and report of the gross earnings of the company for the year immediately preceding said date, such gross earnings to be shown by a financial statement prepared by a certified public accountant showing in detail the gross earnings, as defined herein, of the company during said year. The company shall also file such further financial information in regard to the company as may be required by the City Council. Changes or additions are indicated by underline, deletions are indicated by strikeouts.

SECTION II

This ordinance shall become effective upon its passage and publication according to law.

PASSED AND ADOPTED by the Tracy City Council this 28th day of February, 1977.

R. L. Donaldson
Mayor

ATTEST: Michael S. Copp

10x

(First Publication: March 10, 1977)
(Dates of Publication: March 10, 1977)

ORDINANCE NO. 137

ORDINANCE NO. 137

AN ORDINANCE EXTENDING THE CORPORATE
LIMITS OF THE CITY OF TRACY TO INCLUDE
CERTAIN UNINCORPORATED LAND ABUTTING
UPON THE TRACY CITY LIMITS.

The City Council of the City of Tracy, Minnesota
ordains as follows:

Whereas the following legally described property is
60 per cent or more bordered by the City of Tracy;

Commencing at the Southeast Corner of Lot 5, Block
1, O'Brien's Second Addition to the City of Tracy,
Minnesota; thence North 89° 16'00" East, assumed
bearing, along the North line of State Street 60.00 feet
to the Point of Beginning; thence continuing North 89°
16'00" East along said North line of State Street 340.00
feet; thence North 00°00'00" East, 408.20 feet to the
south line of Elm Street; thence South 89° 16'00" West
along said South line of Elm Street 340.00 feet to the
East line of Fourth Street East; thence South 00°00'00"
East along said East line of Fourth Street East 408.20
feet to the Point of Beginning.

and, Whereas, Minnesota Statutes Section 414.033
Subdivision 1, 3, 6 and 7 authorize the municipality to
annex certain land by ordinance;

and, Whereas the City of Tracy has formally served
notice upon the Monroe Town Board of its intention to
annex said property;

and, Whereas said town board had 60 days to serve
its objections with the Minnesota Municipal Commis-
sion on the proposed annexation;

and, Whereas, no such objections were received by
the Commission with said 60 day period; the City
Council of the City of Tracy, Minnesota hereby ordains:

SECTION 1. That the Tracy City Council hereby
determines that the annexation will be to the best
interests of the City and of the territory affected; that
the territory described herein abuts upon the city limit
and is about to become urban or suburban in character;
and that none of said territory is now included within
the limits of any city, village, or borough.

SECTION 2. That the corporate limits of the City of
Tracy is hereby extended to include the land described
herein and the same is annexed to and included within
the city as effectually as if it had originally been a part
thereof.

SECTION 3. That the property described above shall
be zoned R-1 (one and two family residence district).

SECTION 4. That the City Administrator is hereby
directed to file certified copies of this ordinance with
the Minnesota Municipal Commission, the Monroe
Town Board, the Lyon County Auditor, and the
Secretary of State.

SECTION 5. This ordinance takes effect upon its
passage and publication and the filing of the certified
copies as directed in Section 4.

PASSED AND ADOPTED by the City Council of the
City of Tracy this 13th day of December, 1976.

R. L. Donaldson, Mayor

ATTEST: Audrey Koopman, City Administrator 10x

#30526
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 17 1977
John Anderson Howe
Secretary of State