

STATE OF MINNESOTA MUNICIPAL BOARD

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

May 12, 1988

James Ausmus Hinckley City Clerk 106 - 1st Street, Southeast Hinckley, Minnesota 55037

Docket Number A-4473

Ordinance Dated 5-3-88

City of Hinckley

Dear Mr. Ausmus:

The Minnesota Municipal Board has now processed and approved the above ordinance in accordance with Minnesota Statutes, Chapter 414, and the Rules of Procedure.

According to law, this annexation ordinance must be filed with the Township 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.) We also recommend that you file the ordinance with the County Recorder.

The annexation is final upon the date the ordinance is approved by the Board, which is the date of this letter.

Sincerely,

MUNICIPAL BOARD

Patricia D. Lundy

Assistant Director

PDL:sg

cc: Pine County Auditor
Hinckley Township Clerk
Barry Township Clerk
Howard N. Ledin, Attorney at Law
1 Secretary of State

STATE OF MINNESOTA DEPARTMENT OF STATE FILED

,38193

MAY 13 1988

Joan Anderson Shower Secretary of State

Hinckly

AN ORDINANCE ANNEXING A PORTION OF THE SOUTHEAST QUARTER (SE%) SECTION 25, TOWNSHIP 41, RANGE 21; A PORTION OF THE SOUTHEAST QUARTER OF NORTHEAST QUARTER (SE% OF NE%) OF SECTION 25, TOWNSHIP 41, RANGE 21; A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW% OF NW%) OF SECTION THIRTY, TOWNSHIP 41, RANGE 20; AND A PORTION OF THE NORTHWEST QUARTER OF NORTHWEST QUARTER (NW% OF NW%) OF SECTION 30, TOWNSHIP 41, RANGE 20, PINE COUNTY, MINNESOTA.

THE CITY COUNCIL OF THE CITY OF HINCKLEY ORDAINS:

SECTION I. WHEREAS, Leonard E. Bohn and Diane C. Bohn, Husband and Wife, Co-Petitioners herein, are the vendees on a Contract for Deed, which vendees' interest is subject to a Ninety-nine (99) year Lease dated July 19, 1987, to TOBIES MILL AND MISSION CREEK RAILROAD, INC., of the following described real estate situated in Hinckley Township, Pine County, Minnesota:

That part of the Southeast Quarter of Section 25, Township 41, Range 21, Pine County, Minnesota, described as follows:

Commencing at the northeast corner of the South Half of the South Half of the Southeast Quarter of the Northeast Quarter of said Section 25; thence west along the north line of said South Half of the South Half of the Southeast Quarter of the Northeast Quarter a distance of 209 feet; thence south parallel with the east line of said South Half of the South Half of the Southeast Quarter of the Northeast Quarter a distance of 209 feet; thence west parallel with said north line 327.63 feet; thence south parallel with said east line 298.52 feet; thence west parallel with the north line of the Southeast Quarter of Section 25 a distance of 100.14 feet to the point of beginning of the property to be described; thence continuing west parallel with said north line a distance of 708.78 feet to the easterly right-of-way line of Interstate Highway No. 35; thence southerly along said easterly right-of-way line 1826.77 feet to a point in said easterly right-of-way line distant 784.74 feet northerly, as measured along said easterly right-of-way line, from the south line of the Southeast Quarter of Section 25; thence east parallel with said south line 1262.97 feet; thence north 1729.04 feet to the point of beginning.

which lies southerly of the following described line:

Beginning at the northwest corner of the above described property; thence on an assumed bearing of North 89°46'05" East along the north line thereof, 52.91 feet; thence South 18°50'45" West parallel with the Westerly line thereof, 175.01 feet; thence southerly and easterly 368.54 feet along a curve concave to the northeast having a radius of 162.0 feet and a central angle of 130°20'45"; thence North 68°30' East 204.0 feet; thence easterly and southerly 323.85 feet along a curve concave to the southwest having a radius of 221.0 feet and a central angle of 83°57'34", the chord of said curve bears South 69°31'13" East; thence North 89°46'05" East, not tangent to said curve, parallel with the north line thereof, 24.65 feet to the east line of the above-described property and said line there terminating.

AND

The westerly 50 feet of (as measured at right angles to and parallel with the westerly line thereof) the following described property:

That part of the South Half of the South Half of the Southeast Quarter of the Northeast Quarter and that part of the Northeast Quarter of the Southeast Quarter all in Section 25, Township 41, Range 21, Pine County, Minnesota, described as commencing at the northeast corner of said South Half of the South Half of the Southeast Quarter of the Northeast Quarter; thence west along the north line of said South Half of the South Half of the Southeast Quarter of the Northeast Quarter a distance of 209 feet to the point of beginning of the property to be described; thence south parallel with the east line of said South Half of the South Half of the Southeast Quarter of the Northeast Quarter a distance of 209 feet; thence west parallel with said North line 327.63 feet; thence south parallel with said east line 298.52 feet; thence west parallel with the north line of said Northeast Quarter of the Southeast Quarter a distance of 808.92 feet to the easterly right-of-way line of Interstate Highway No. 35; thence northeasterly along said easterly rightof-way line 537.34 feet to the north line of the South Half of the South Half of the Southeast Quarter of the Northeast Quarter; thence east along said north line 965.49 feet

to the point of beginning.

SECTION II. WHEREAS, TOBIES ENTERPRISES, INC., a corporation, Co-Petitioner herein, is the owner in fee simple of the following described real estate located in Barry Township, Pine County, Minnesota:

South Half of Northwest Quarter of Northwest Quarter (S 1/2 of NW 1/4 of NW 1/4) of Section Thirty (30), Township Forty-one (41), Range Twenty (20), less that part thereof consisting of approximately 2.62 acres included in the Warranty Deed to The Rose Hill Cemetery Association of Hinckley, Minnesota, recorded in Book Q of Deeds, page 638, in the Office of the County Recorder of Pine County, Minnesota.

Nor th Half of Southwest Quarter of Northwest Quarter (N 1/2 of SW 1/4 of NW 1/4) of Section Thirty (30), Township Forty-one (41), Range Twenty (20), less the South 500 feet of the West 580 feet of the said North Half of Southwest Quarter of Northwest Quarter (N 1/2 of SW 1/4 of NW 1/4) of Section 30, Township 41, Range 20, Pine County, Minnesota.

SECTION III. WHEREAS, TOBIES ENTERPRISES, INC., a corporation, Co-Petitioner herein, is the owner in fee simple of the following described real estate located in Hinckley Township, Pine County, Minnesota:

South Half of South Half of North Half of Southeast Quarter of Northeast Quarter (S 1/2 of S 1/2 of N 1/2 of SE 1/4 of NE 1/4) and North Half of South Half of Southeast Quarter of Northeast Quarter (N 1/2 of S 1/2 of SE 1/4 of NE 1/4) of Section Twenty-five (25), Township Forty-one (41), Range Twenty-one (21), less the following two tracts:

- 1) That part acquired by the State of Minnesota for Interstate Highway #35;
- The South Three Hundred (300) feet of that part of the North Half of the South Half of the Southeast Quarter of the Northeast Quarter (N 1/2 of S 1/2 of SE 1/4 of NE 1/4) of Section Twenty-five (25), Township Forty-one (41), Range Twenty-one (21),

lying easterly of Interstate Highway #35, Pine County, Minn.

SECTION IV. WHEREAS, TOBIES ENTERPRISES, INC., a corporation, Co-Petitioner herein, is the owner in fee simple of the following described real estate situated in Hinckley Township Pine County, Minnesota:

That part of the North Half of North Half of Southeast Quarter of Northeast Quarter (N 1/2 of N 1/2 of SE 1/4 of NE 1/4) and North Half of South Half of North Half of Southeast Quarter of Northeast Quarter (N 1/2 of S 1/2 of N 1/2 of SE 1/4 of NE 1/4) lying Easterly of the right of way of Interstate Highway \$35, Section Twenty-five (25), Township Forty-one (41), Range Twenty-one (21), subject to highway right of way.

SECTION V. WHEREAS, MISSION CREEK PARTNERSHIP, a

Minnesota Partnership, Co-Petitioner herein, is the vendee on
a Contract for Deed for the following described real estate
situated in Barry Township, Pine County, Minnesota:

Nor th Half of the South Half of the Southwest Quarter of the Northwest Quarter (N^{1}_{2} of S^{1}_{3} of SW^{1}_{4} of NW^{1}_{3}), less the East six (6) acres, in Section Thirty (30), Township Forty-one (41), Range Twenty (20), Pine County, Minnesota.

SECTION VI. WHEREAS, MISSION CREEK PARTNERSHIP, A
Minnesota Partnership, Co-Petitioner herein, is the owner in
fee simple of the following described real estate situated in
Hinckley Township, Pine County, Minnesota:

The South Three Hundred (300) feet of that part of the North Half of the South Half of the Southeast Quarter of the Northeast Quarter (N 1/2 of S 1/2 of SE 1/4 of NE 1/4) of Section Twenty-five (25), Township Forty-one (41), Range Twenty-one (21), lying easterly of Interstate No. 35.

Subject to County Highway No. 134 over and across the east 33 feet thereof.

SECTION VII. WHEREAS, said above described premises are

unplatted and do not exceed two hundred acres and the abovenamed Petitioners have petitioned the City Council of the
City of Hinckley to have such land annexed to and included
within the municipal limits of the City of Hinckley, which is
an abutting municipality, and

SECTION VIII. WHEREAS, copies of the Petition have been filed with the Minnesota Municipal Board, the Town Board of Hinckley Township, the Town Board of Barry Township, and the County Board of Pine County, and

SECTION IX. WHEREAS, the Township of Hinckley and the Township of Barry have waived in writing all right to object to the above-described annexation of the above-described real estate by the City of Hinckley, and

SECTION X. WHEREAS, the City Council of the City of Hinckley finds that annexation of the above-described premises to the City of Hinckley is in the best interest of the City of Hinckley and the premises affected and further finds that the above-described premises are now, or are about to become, urban or suburban in character.

BE IT HEREBY ORDAINED, That the City Council of the City of Hinckley, pursuant to Minnesota Statutes Annotated 414.033, Subd. 5, does hereby annex said above-described lands and premises to the City of Hinckley and the Clerk of the City Council of the City of Hinckley is hereby directed to for thwith send copies of this Ordinance to the Minnesota Municipal Board of the State of Minnesota, the Town Clerk of the Township of

Hinckley, the Pine County Auditor, and the Secretary of State of the State of Minnesota.

PASSED By the Hinckley City Council this 3 day of April, 1988.

ATTEST:

Ames M. Guernes

Bruce Lucanto

I hereby certify that the above Ordinance is a true and correct copy of the Ordinance duly enacted by the City Council of the City of Hinckley at a regular meeting of said Council held on the day of May, 1988.

Dated this May day of May, 1988.

James Ausmus

City Clerk of the City of Hinckley

LAW OFFICES OF LEDIN & HOFSTAD HOWARD N. LEDIN KEVIN A. HOFSTAD

Pine City, Minn. May 9, 1988

HINCKLEY OFFICE

P.O. BOX 340

HINCKLEY, MN 55037

(612) 384-6161

PINE CITY OFFICE 330 SIXTH ST.

PINE CITY, MN 55083 (612) 629-7537

> State of Minnesota Municipal Board Suite 165 Metro Square 7th & Robert Streets St. Paul, MN 55101

Town Clerk of the Township of Barry Hinckley, MN 55037

Town Clerk of the Township of Hinckley Hinckley, MN 55037

Pine County Auditor Courthouse Pine City, MN 55063

Secretary of State State of Minnesota State Capitol St. Paul, MN 55100

Dear Sirs:

I enclose, for filing in your respective offices, a photocopy of a certified copy of an Ordinance adopted by the City Council of the City of Hinckley on May 3, 1988, annexing a portion of the SE½, Sec. 25, Twp. 41, Range 21; a portion of the SE½ of NE¼ of Sec. 25, Twp. 41, Range 21; a portion of the SW_4^2 of NW_4^2 of Sec. 30, Twp. 41, Range 20; and a portion of the NW4 of NW4 of Sec. 30, Twp. 41, Range 20, Pine County, Minn.

Very truly yours,

Howard N.

138193 STATE OF MINNESOTA DEPARTMENT OF STATE FILED

MAY 13 1988

from Anderson House Secretary of State

HNL/bk

cc Tom Schrade

Rt. 2

Hinckley, MN 55037