



STATE OF MINNESOTA
MUNICIPAL BOARD

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

January 11, 1989

Carolyn Blonigan
Avon City Clerk
P.O. Box 26
Avon, Minnesota 56310

Docket Numbers: A-4481, A-4482 Ordinance Number 108
 A-4483, A-4484
 A-4485, A-4486 City of Avon
 A-4487, A-4547

Dear Ms. Blonigan:

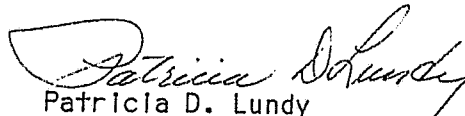
The Minnesota Municipal Board has now processed and approved the above ordinance in accordance with Minnesota Statutes, Chapter 414, and the Rules of Procedure.

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

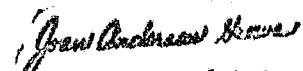

Patricia D. Lundy
Assistant Director

PDL:sg

cc: Stearns County Auditor
Avon Township Clerk
Peter S. Donohue, Attorney at Law
Gwen M. Sefkow, Attorney at Law
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JAN 18 1989


Secretary of State

✓ 38761

Donohue Law Office

Avon

PETER S. DONOHUE

916 WEST ST. GERMAIN STREET
P.O. BOX 971
ST. CLOUD, MINNESOTA 56302
612-255-9052

GWEN M. SEFKOW
ASSOCIATE

December 12, 1988

Secretary of State
State of Minnesota
Capitol Building
Aurora Avenue
St. Paul, Minnesota 55155

RE: Avon Ordinance No. 108

Dear Persons:

Enclosed herewith for filing please find a certified copy of Ordinance No. 108, An Ordinance Annexing Certain Land to the City of Avon in Stearns County, Minnesota.

Thank you.

Yours very truly,

DONOHUE LAW OFFICE

By *Gwen M. Sefkow*
Gwen M. Sefkow

GMS:dma

Enclosure - Avon Ordinance No. 108

ORDINANCE NO. 108
AN ORDINANCE ANNEXING CERTAIN LAND TO THE
CITY OF AVON IN STEARN COUNTY, MINNESOTA

WHEREAS, Notices of Intent to Annex certain lands to the City of Avon were duly served by the City of Avon upon the Township Board and the Minnesota Municipal Board regarding parcels numbered 1, 3, 4, and 5, the legal descriptions of which are set out below, and

WHEREAS, certain Petitions were duly filed with the City Council in and for the City of Avon, in Stearns County, Minnesota, by all of the property owners of certain land lying within the Township of Avon in Stearns County, Minnesota, and legally described in parcels numbered 6 and 8 below, and

WHEREAS, a certain Petition was duly filed with the City Council in and for the City of Avon, in Stearns County, Minnesota, by the majority of property owners in number of certain land lying within the Township of Avon in Stearns County, Minnesota, and legally described in parcel number 7 below, and

WHEREAS, the City of Avon desires to annex certain land wholly owned by the City of Avon and legally described in parcel number 10 below, and

WHEREAS, the legal description of the properties to be annexed, by parcel number, are as follows:

PARCEL 1:

Government Lot 6 of Section Twenty-eight (28), Township One Hundred Twenty-five (125), Range Thirty (30), less and except that portion thereof originally incorporated as the Village (now City) of Avon.

PARCEL 3:

That part of Government Lot 3 of Section Twenty-seven (27), Township One Hundred Twenty-five (125), Range Thirty (30) which lies northerly of a line described as beginning at a point on the east line of said Government Lot 3 distant 1404 feet North of the southeast corner thereof; thence West at right angles to said east line for 230 feet; thence South, parallel with the east line of said Government Lot 3, to the easterly extension of the northerly line of Adeline Drive as laid out and dedicated in VAN HEEL SUBDIVISION, a duly recorded plat in said county and state; thence westerly along said northerly line of Adeline Drive to the west line of said Government Lot 3 and there terminating. Except therefrom that part of said Government Lot 3 which lies northerly of a line drawn parallel with and 175 feet northerly of the following described line: Beginning at a point on the east line of said Section 27, distant 804.65 feet south of the east quarter corner thereof; thence run westerly at an angle of 89 degrees 59 minutes 00 seconds from said east section line (measured from south to west) for 1840.11 feet; thence deflect to the left on a

tangential curve, having a radius of 5729.58 feet and a delta angle of 13 degrees 53 minutes 00 seconds for 1388.3 feet; thence on tangent to said curve for 897.6 feet and there terminating; less and except that portion thereof contained in Ordinance No. 69, described as follows: All that part of Government Lot 3, Section 27, Township 125, Range 30, described as follows: Beginning at the Southeast corner of Government Lot 3; thence North along the East line of said Government Lot 3, 924 feet; thence West 230 feet; thence North $01^{\circ}16'$ West 196.03 feet, to the point of beginning of the tract herein described; thence North $87^{\circ}01'$ West 247.26 feet; thence South $76^{\circ}31'$ West 301.96 feet; thence South $81^{\circ}01'$ West 477.74 feet; thence North $01^{\circ}28'$ West 444.74 feet to the Southerly Right of Way line of Highway No. 52; thence North-easterly along the Southerly Right of Way line to the point of intersection of the Southerly Right of Way line and the East line of Government Lot 3; thence South along the East line of Government Lot 3, 271 feet; thence West 230 feet; thence South $01^{\circ}16'$ East 283.97 feet, to the point of beginning, according to the United States Government Survey thereof. Subject to rights acquired for public highway.

AND

Government Lot 4 of Section Twenty-seven (27), Township One Hundred Twenty-five (125), Range Thirty (30), less and except those portions thereof originally incorporated as the Village (now City) of Avon, and less and except those portions contained in Ordinance #64, #68A, and #74, described as follows:

ORDINANCE #64

That part of Gov't Lot 4, Section 27, Township 125, Range 30, Stearns County, Minnesota lying Southerly of the southerly right of way line of U.S. Highway 52 and further described as follows: Commencing at the south quarter section corner of said Section 27; thence North 00 degrees 24 minutes and 34 seconds West (assumed bearing) along the north-south quarter section line for 1763.02 feet; thence South 76 degrees and 04 minutes West for 1900.32 feet to the point of beginning of the land to be described; South 13 degrees and 56 minutes East for 424.60 feet; thence North 76 degrees and 04 minutes East for 225.00 feet; thence North 13 degrees and 56 minutes West for 424.60 feet; thence South 76 degrees and 04 minutes West for 225.00 feet; thence South 76 degrees and 04 minutes West for 225.00 feet to the point of beginning, containing 2.19 acres;

ORDINANCE #68A

Parts of Government Lot Four (4), Section Twenty-seven (27), Government Lot Four (4), Section Twenty-eight (28), and of Government Lot One (1), Section Thirty-three (33), all in Township One Hundred Twenty-five (125) North, Range Thirty (30) West, Stearns County, Minnesota, described as follows: Beginning at the intersection point of the centerline of the East bound lane of Minnesota Trunk Highway No. 52 with the West line of Government Lot Four (4) of Section Twenty-eight (28) aforesaid; said point bearing South $00^{\circ}04'$ West Five

Hundred Four and Twenty-five Hundredths (504.25) feet from the Northwest corner of said Government Lot Four (4); thence, along said centerline of East bound lane of Minnesota Trunk Highway No. 52 North 76°04' East a distance of One Thousand Four Hundred Eighty-two and Forty-seven Hundredths (1482.47) feet; thence, South 13°56' East a distance of Three Hundred Seventy-five (375.0) feet to the point of beginning of the tract herein described; thence, continuing South 13°56' East a distance of Three Hundred Thirty-two and Three Tenths (332.3) feet to the shoreline of Linneman Lake; thence, along said shoreline along the following courses and distances; South 38°53' West Two Hundred Seven and Sixty-one Hundredths (207.61) feet; thence, North 89°00' West One Hundred Seventy-one and Thirty-three Hundredths (171.33) feet; thence, South 70°58' West One Hundred Seventy-three (173.0) feet; thence, South 58°36' West Five Hundred Nine and Five Hundredths (509.05) feet; thence, North 81°21' West One Hundred Eighty-seven and One Tenth (187.10) feet; thence, South 82°02' West One Hundred Forty-eight and Eighty-four Hundredths (148.84) feet; thence North 22°20' East Five Hundred Forty-two and Nineteen Hundredths (542.19) feet; thence, North 60°03' East Nine Hundred Seventy-nine and Nine Hundredths (979.09) feet to the point of beginning. Tract containing 10.99 acres more or less;

ORDINANCE #74

That part of Government Lot 4, Section 27, Township 125, Range 30, Stearns County, Minnesota described as follows: Commencing at the south quarter section corner of said Section 27; thence North 00 degrees, 24 minutes and 34 seconds West (assumed bearing) along the north-south quarter section line for 1710.13 feet; thence South 76 degrees and 04 minutes West for 2534.65 feet to point "A"; thence North 76 degrees and 04 minutes East for 634.18 feet to point "B"; thence South 13 degrees and 56 minutes East for 109.78 feet to a point on the southerly right of way line of Interstate Highway 94 as described in Deed Document 451097 recorded in the office of the Register of Deeds in and for said Stearns County; said point being the point of beginning of the land to be described; thence continue South 13 degrees and 56 minutes East for 314.42 feet to a point distant 424.60 feet from said point "B"; thence North 76 degrees and 04 minutes East for 421.64 feet to the east line of said Government Lot 4; thence southerly along said east line for 225 feet more or less to the shore of Linneman Lake; thence westerly along said lake shore to its intersection with a line drawn South 13 degrees and 56 minutes East from said point "A"; thence North 13 degrees and 56 minutes West for 465 feet more or less to said southerly right of way line of Interstate Highway 94; thence easterly along said right of way line for 641.49 feet to the point of beginning. Containing 9.68 acres more or less. And that part of the following described real estate: That part of Government Lot 4, Section 27, Township 125 North, Range 30 West, Stearns County, Minnesota lying southerly of the southerly right of way line of U. S. Trunk Highway 52 and further described as follows: Commencing at the south quarter section corner of said Section 27; thence North 00 degrees 24 minutes 34 seconds West (assumed bearing) along the north south quarter section line for 1710.13 feet; thence South 76 degrees 04 minutes 00 seconds West for

1525.47 feet to the point of beginning of the land to be described; thence South 07 degrees 00 minutes 00 seconds East for 427.73 feet; thence North 76 degrees 04 minutes 00 seconds East for 98.61 feet to the east line of said Government Lot 4; thence North 00 degrees 15 minutes 00 seconds West along said east line for 437.00 feet to a line that bears North 76 degrees 04 minutes 00 seconds East from the point of beginning; thence South 76 degrees 04 minutes 00 seconds West for 150.00 feet to said point of beginning, which lies southerly of a line running parallel with and distant 183 feet southerly as follows: Beginning at a point on the east line of said Section 27, distant 804.65 feet south of the east quarter corner thereof; thence run westerly at an angle of 89 degrees 59 minutes 00 seconds from said east section line (measured from south to west) for 2537.71 feet; thence deflect to the left at an angle of 13 degrees 53 minutes 00 seconds for 2095.2 feet and there terminating; AND That part of Government Lot 4 of Section 27, Township 125 North, Range 30 West, Stearns County, Minnesota; lying southerly of the southerly right of way line of U. S. Trunk Highway No. 52 and further described as follows: Commencing at the south quarter section corner of said Section 27; thence North 00 degrees 24 minutes 34 seconds West (assumed bearing) along the north-south quarter section line for 1710.13 feet; thence South 76 degrees 04 minutes 00 seconds West for 1525.47 feet to the point of beginning of the land to be described; thence South 76 degrees 04 minutes 00 seconds West for 150.00 feet; thence South 13 degrees 56 minutes 00 seconds East for 424.60 feet; thence North 76 degrees 04 minutes 00 seconds East for 98.32 feet; thence North 07 degrees 00 minutes 00 seconds West for 427.73 feet to the point of beginning; which lies southerly of a line running parallel with and distant 183 feet southerly as follows: Beginning at a point on the east line of said Section 27 distant 804.65 feet south of the east quarter corner thereof; thence run westerly at an angle of 89 degrees 59 minutes 00 seconds from said east section line (measured from south to west) for 2537.71 feet; thence deflect to the left at an angle of 13 degrees 53 minutes 00 seconds for 2095.2 feet and there terminating,

PARCEL 4:

Government Lot 5 of Section Twenty-eight (28), Township One Hundred Twenty-five (125), Range Thirty (30), less and except that portion thereof originally incorporated as the Village (now City) of Avon;

AND

That part of the North 330 feet of Government Lot 4 of Section 33, Township 125, Range 30, which lies East of a line drawn South, at right angles to the north line of said Government Lot 4, from a point midway between the north-west corner and north quarter corner of said Section 33, less that part platted as HIMSL AND SCHMID'S ADDITION TO CONNAUGHT; and less and except that portion thereof originally incorporated as the Village (now City) of Avon, and

PARCEL 5:

That part of Government Lot 6 in Section Twenty-seven (27), Township One Hundred Twenty-five (125), Range Thirty (30), bounded on the West by the east line of the West 1650 feet of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-seven (27) and lying northwesterly of a line described as beginning at a point on the north line of said Section 27, which point is South 89 degrees 22 minutes 15 seconds East distant 451.43 feet from the northwest corner of said Government Lot 6; thence South 23 degrees 30 minutes 55 seconds West for 308 feet to said east line of the West 1650 feet and there terminating.

PARCEL 6:

That part of Government Lot 5 of Section Twenty-nine (29), Township One Hundred Twenty-five (125), Range Thirty (30), which lies northerly of a line drawn parallel with and 100 feet southerly of Line 1 described as follows: From a point on the east line of Section 32, Township 125, Range 30, distant 119.2 feet south of the northeast corner thereof, run easterly at an angle of 76 degrees 05 minutes 00 seconds from said east section line (measured from north to east) for 1474.3 feet to the point of beginning of Line 1 to be described; thence run westerly on the last described course for 100.00 feet to tangent spiral point; thence deflect to the right on a spiral curve of decreasing radius (spiral angle 02 degrees 15 minutes 00 seconds) for 300 feet to spiral curve point; thence deflect to the right on a curve having a radius of 3819.72 feet and a delta angle of 36 degrees 00 minutes 00 seconds for 2400 feet to curve spiral point and there terminating; less and except that portion thereof upon which Interstate 94 lies, and less and except that portion thereof contained in Ordinance No. 68B described as follows: The East 646.31 feet of Government Lot 5 lying North of Minnesota Trunk Highway 52, Section Twenty-nine (29), Township One Hundred Twenty-five (125), Range Thirty (30).

PARCEL 7:

Government Lots One (1) and Two (2) of Section Twenty-eight (28), Township One Hundred Twenty-five (125), Range Thirty (30), less and except that portion thereof originally incorporated as the Village (now City) of Avon.

PARCEL 8:

That part of Government Lot One (1), of Section Thirty-three (33), Township One Hundred Twenty-five (125), Range Thirty (30), which lies North of a line drawn parallel with and 812 feet South of, as measured at right angles to, the north line of said Section 33; less and except that portion thereof contained in Ordinance No. 68A of the City of Avon described as follows: Parts of Government Lot Four (4), Section Twenty-seven (27), Government Lot Four (4), Section Twenty-eight (28), and of Government Lot One (1), Section Thirty-three (33), all in Township One Hundred Twenty-five (125) North, Range Thirty (30) West, Stearns County, Minnesota, described as follows: Beginning at the

intersection point of the centerline of the East bound lane of Minnesota Trunk Highway No. 52 with the West line of Government Lot Four (4) of Section Twenty-eight (28) aforesaid; said point bearing South $00^{\circ}04'$ West Five Hundred Four and Twenty-five Hundredths (504.25) feet from the Northwest corner of said Government Lot Four (4); thence, along said centerline of East bound lane of Minnesota Trunk Highway No. 52 North $76^{\circ}04'$ East a distance of One Thousand Four Hundred Eighty-two and Forty-seven Hundredths (1482.47) feet; thence, South $13^{\circ}56'$ East a distance of Three Hundred Seventy-five (375.0) feet to the point of beginning of the tract herein described; thence, continuing South $13^{\circ}56'$ East a distance of Three Hundred Thirty-two and Three Tenths (332.3) feet to the shoreline of Linneman Lake; thence, along said shoreline along the following courses and distances; South $38^{\circ}53'$ West Two Hundred Seven and Sixty-one Hundredths (207.61) feet; thence, North $89^{\circ}00'$ West One Hundred Seventy-one and Thirty-three Hundredths (171.33) feet; thence, South $70^{\circ}58'$ West One Hundred Seventy-three (173.0) feet; thence, South $58^{\circ}36'$ West Five Hundred Nine and Five Hundredths (509.05) feet; thence, North $81^{\circ}21'$ West One Hundred Eighty-seven and One Tenth (187.10) feet; thence, South $82^{\circ}02'$ West One Hundred Forty-eight and Eighty-four Hundredths (148.84) feet; thence North $22^{\circ}20'$ East Five Hundred Forty-two and Nineteen Hundredths (542.19) feet; thence, North $60^{\circ}03'$ East Nine Hundred Seventy-nine and Nine Hundredths (979.09) feet to the point of beginning. Tract containing 10.99 acres more or less. AND Parts of Government Lot Four (4), Section Twenty-eight (28) and of Government Lot One (1), Section Thirty-three (33), all in Township One Hundred Twenty-five (125) North, Range Thirty (30) West, Stearns County, Minnesota, described as follows: Beginning at the intersection point of the centerline of the East bound lane of Minnesota Trunk Highway No. 52, with the West line of Government Lot Four (4) of said Section Twenty-eight (28) aforesaid, said point bearing South $00^{\circ}04'$ West Five Hundred Four and Twenty-five Hundredths (504.25) feet from the Northwest corner of said Government Lot Four (4) of Section Twenty-eight (28); thence, along the centerline of said East bound lane of Minnesota Trunk Highway No. 52, North $76^{\circ}04'$ East, a distance of Five Hundred Twelve and Sixty-two Hundredths (512.62) feet; thence, South $09^{\circ}40'$ East, Six Hundred Sixty-nine and Seven Tenths (669.70) feet; thence, North $81^{\circ}39'$ West, Fifty-one and Three Tenths (51.30) feet, to the point of beginning of the tract herein described; thence South $22^{\circ}20'$ West, Nine Hundred Eighty-seven and Seven Tenths (987.70) feet; thence North, $67^{\circ}06'$ West One Hundred Fifty-three (153.00) feet to the Shoreline of Schmid Lake; thence, along said shoreline along the following courses and distances North $31^{\circ}37'$ West, One Hundred Thirty-two and Twelve Hundredths (132.12) feet; North $12^{\circ}08'$ West, Sixty-four and Seventy-two Hundredths (64.72) feet; North $27^{\circ}03'$ East, Ninety-seven and Seventy-two Hundredths (97.72) feet; North $60^{\circ}24'$ East, One Hundred Seventeen and Eleven Hundredths (117.11) feet; North $70^{\circ}56'$ East, One Hundred Fifty-two and Seven Tenths (152.70) feet; North $51^{\circ}44'$ East Two Hundred Thirteen and Sixty-five Hundredths (213.65) feet; North $41^{\circ}14'$ East, One Hundred Seventy and Fifty-three Hundredths (170.53) feet; thence, North $55^{\circ}31'$ East, Two Hundred Thirty-four and Eighty-one Hundredths (234.81) feet, to the point of beginning. Tract containing 4.41 acres more or less.

PARCEL 10:

The East 50 feet of the East One-half of the Northwest Quarter ($E\frac{1}{2}NW\frac{1}{4}$) of Section Twenty-two (22), Township One Hundred Twenty-five (125), Range Thirty (30), Stearns County, Minnesota, the West 636 feet of the East 686 feet of the North 2,020 feet of the East One-half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{4}$) of said Section Twenty-two (22), and that part of the South 136 feet of the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) of Section Fifteen (15), Township One Hundred Twenty-five (125), Range Thirty (30), Stearns County, Minnesota, which lies East of the northerly extension of the West line of the East 686 feet of said East One-half of the Northwest Quarter ($E\frac{1}{2}NW\frac{1}{4}$) of Section Twenty-two (22).

and

WHEREAS, it was determined by the City Council of the City of Avon that the perimeter of each of the areas to be annexed described in parcels numbered 1, 3, 4 and 5 is 60% or more bordered by the municipality of Avon, and each of the areas to be annexed is 40 acres or less, and

WHEREAS, it was determined by the City Council that each of the properties described in parcels numbered 6, 7 and 8 is platted, or is unplatted and does not exceed 200 acres, and that each of the lands abutts upon the boundaries of the City of Avon, and

WHEREAS, it was determined by the City Council that the property owners who signed the Petitions relating to parcels numbered 6 and 8 were all of the property owners of said land, and that the property owners who signed the Petition relating to parcel number 7 were the majority of the property owners in number of said land, and

WHEREAS, upon receipt of the Petitions relating to parcels numbered 6, 7 and 8, the City Council served copies of the same upon the Minnesota Municipal Board, the Township Board of Avon and the Stearns County Board, and

WHEREAS, more than 90 days have passed since the Petitions were served regarding parcels numbered 6, 7 and 8, and more than 90 days have passed since the service of the Notices of Intent to Annex upon the Township Board and the Minnesota Municipal Board regarding parcels numbered 1, 3, 4 and 5, no written objections have been served upon the City of Avon or the Minnesota Municipal Board, and the Township of Avon has filed a waiver of objection of annexation relating to parcels 1, 3, 4, 5, 6, 7 and 8, and

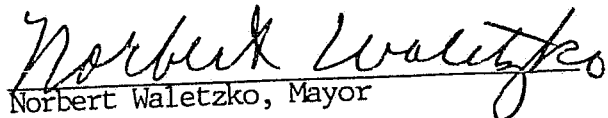
WHEREAS, the City of Avon gave at least 30 days mailed notice of a public hearing to affected property owners relating to parcel number 7 and the City of Avon conducted a public hearing on the annexation of said parcel on December 5, 1988, and

WHEREAS, the Avon City Council has determined that each and every parcel of property described in this Ordinance and proposed for annexation is now or is about to become urban or suburban in character.

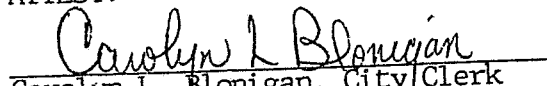
NOW, THEREFORE THE CITY COUNCIL in and for the City of Avon does hereby declare and ordain: That the corporate limits of the City of Avon in Stearns County, Minnesota be and hereby are extended to include that certain real estate hereinbefore described in parcels numbered 1, 3, 4, 5, 6, 7, 8 and 10, and the same are hereby annexed and included in the City of Avon as effectually as if they had originally been a part thereof. It is further ordained that the Avon City Clerk file certified copies of this Ordinance with the Minnesota Municipal Board, Avon Township, the Stearns County Auditor and the Secretary of the State of Minnesota.

This Ordinance shall become effective and is final on the date the Ordinance is approved by the Minnesota Municipal Board.

Adopted by the City Council this 5th day of December, 1988.


Norbert Waletzko, Mayor

ATTEST:


Carolyn L. Blonigan, City Clerk

STATE OF MINNESOTA)
)
CITY OF AVON)
)
COUNTY OF STEARNS)

I, Carolyn L. Blonigan, being duly qualified and acting Clerk of the City of Avon, Minnesota, DO HEREBY CERTIFY that the foregoing Ordinance #108 was adopted by the unanimous vote of the City Council of the City of Avon, in Stearns County, Minnesota, at a meeting of said Council at the City Hall in said City on the 5th day of December, 1988.

WITNESS, my hand as such Clerk and the corporate seal of the City this 8th day of December, 1988.

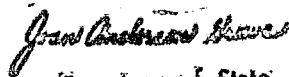
(Seal)



Carolyn L. Blonigan - City Clerk

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JAN 8 1989


Secretary of State

38761