

- (2) Any person violating any of the provisions of 54.001 through 54.037 and 54.043 through 54.044 shall become liable to the city for any expense, loss or damage occasioned by the City by reason of that violation.
- (B)
 - (1) Each and every sewer service charge levied by and pursuant to 54.001 through 54.037 is made a lien upon the lot or premises served, and all charges which are on October 31 of each year past due and delinquent shall be certified to the County Auditor by November 29, for collection.
 - (2) As an alternative to levying a lien, the City may, at its discretion, file suit in a civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court.
 - (3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 8% per annum.

This Ordinance introduced by Council Member Jerry Goblirsch on July 14, 2008

This Ordinance published on July 24, 2008

Hearing held August 11, 2008

Ordinance adopted August 11, 2008

Ordinance published August 21, 2008

CHAPTER 6

60.00 ANNEXATION AND DETACHMENT

60.01 **Regulations.** Annexation and detachment being of concern to the state of Minnesota, is governed by general laws of the Legislature, which laws have created a statewide administrative commission called the Minnesota Municipal Commission for the purpose of passing upon the annexation or detachment to municipalities of contiguous unincorporated and incorporated property. All proceedings relative to annexation or detachment shall be in accordance with Chapter 414 of Minnesota Statutes, and every provision contained therein relating to annexation and detachment is hereby adopted and made a part of this Ordinance as if fully set forth herein.

60.01 **Ordinance Annexing a Part of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼), Section Twenty-one (21), Township 120, Range Thirty-seven (37), Containing 3.5 Acres More or Less, Swift County, Minnesota.** The Village Council of Kerkhoven ordains: That a tract of land described as follows: Beginning at the Northeast Corner of the Southeast Quarter (SE¼) of Section Twenty-one (21), Township One Hundred Twenty (120), Range Thirty-seven (37), thence running West on the North line of the Southeast Quarter (SE¼) of said Section Twenty-one (21), Township One Hundred Twenty (120), Range Thirty-seven (37), a distance of 676.0 feet to the North right-of-way line of Trunk Highway #12, thence in a Southeasterly direction along the said North right-of-way line of Trunk Highway #12 to the East line of Section Twenty-one (21), Township One Hundred Twenty (120), Range Thirty-seven (37), thence North along the said East line of Section Twenty-one (21), Township One Hundred Twenty (120), Range Thirty-seven (37), a distance of 450 feet to place of beginning, containing 3.5 acres more or less, being in the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section Twenty-one (21), Township One Hundred Twenty (120), Range Thirty-seven (37), Swift County, Minnesota, be and the same hereby is wholly annexed to and made a part of the Village of Kerkhoven and the same shall be henceforth an addition to said Village and shall be a part thereof as effectually as if it had been originally a part thereof.

DERIVATION: Ordinance No. 40 originally passed June 23, 1960.

ORDINANCE NO. 60.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE VILLAGE OF KERKHOVEN TO INCLUDE CERTAIN UNINCORPORATED UNPLATTED LAND NOT EXCEEDING TWO HUNDRED ACRES IN AREA ABUTTING UPON THE VILLAGE LIMITS.

WHEREAS, a certain Petition dated March 31, 1970, requesting annexation of the territory hereinafter described, was duly presented to the Council on the 10th day of November, 1970, and

WHEREAS, the quantity of land embraced within the area described in the Petition and bounded as described is less than one acre of unplatted land, no part of which is included within the limits of an incorporated city, village, or borough, and

WHEREAS, the Petition was signed by all owners, and

WHEREAS, no objection to the annexation has been received from the town board, the county board, or the governing board of any municipality whose boundaries abut upon the boundaries of the land to be annexed, after due notice as provided by law, and

WHEREAS, the land described in the Petition abuts upon the Village limits at the East boundary thereof;

The Council of the Village of Kerkhoven, Minnesota, ordains:

Section 1. The Village Council hereby determines (1) that the annexation will be to the best interests of the Village and of the territory affected; (2) that the territory described herein abuts upon the Village limits and is urban or suburban in character; and (3) that none of said property is now included within the limits of any city, village or borough.

Section 2. Territory Annexed. The corporate limits of the Village are hereby extended to include the unplatted land described as follows and the same is hereby annexed to and included within the Village as effectually as if it had originally been a part thereof;

That part of the Southwest Quarter of the Northwest Quarter (SW¹/₄-NW¹/₄) of Section Twenty-two (22), Township One Hundred Twenty (120), Range Thirty-seven (37), described as follows, to-wit: Commencing at the Southwest corner of said Southwest Quarter of the Northwest Quarter (SW¹/₄-NW¹/₄) of Section Twenty-two (22); thence North on and along the West line of said Section a distance of Six Hundred Seventy-two and eight-tenths (672.8) feet to a point; thence deflecting to the right Ninety (90) degrees, Twenty-seven (27) minutes and running parallel with the South line of said Southwest Quarter of the Northwest Quarter (SW¹/₄-NW¹/₄) of Section Twenty-two (22) a distance of One Hundred Twenty (120) feet to a point; thence South and parallel with the West line of said Section Twenty-two (22) a distance of One Hundred Twenty-seven and eight-tenths (127.8) feet to a point; thence West and parallel with the South line of said Southwest Quarter of the Northwest Quarter (SW¹/₄-NW¹/₄) of said Section Twenty-two (22) a distance of One Hundred Twenty (120) feet to a point on the West line of said Section; thence North on and along the West line of said Section a distance of One Hundred Twenty-seven and eight-tenths (127.8) feet to the place of beginning, County of Swift and State of Minnesota.

Section 3. Filing. The Village Clerk is hereby directed to file certified copies of this Ordinance with the Minnesota Municipal Commission, the Secretary of State, and the County Auditor.

Section 4. Effective Date. This Ordinance takes effect upon its passage and publication and the filing of the certified copies as directed in Section 3.

Adopted by the Village of Kerkhoven, Minnesota, this 10th day of November, 1970.

Originally Ordinance No. 40-70

ORDINANCE NO. 60.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE VILLAGE OF KERKHOVEN TO INCLUDE CERTAIN UNINCORPORATED PROPERTY OWNED BY AND ABUTTING UPON THE LIMITS OF THE VILLAGE.

WHEREAS, the territory described below is not presently within the corporate limits of any incorporated city, village, or borough; and

WHEREAS, this territory abuts upon the corporate limits of the Village at the north and east boundary thereof and is deemed to be urban in character; and,

WHEREAS, this territory is owned in fee by the Village,

The Village Council of the Village of Kerkhoven ordains:

Section 1. Territory Annexed. The corporate limits of the Village of Kerkhoven are hereby extended to include the property described as follows now owned by the Village:

The South Two Hundred feet (S 200') of the West Two Hundred Fifty feet (W 250') of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Twenty-two (22), in Township One Hundred Twenty (120), Range Thirty-seven (37); and,
A triangular piece of realty in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Twenty-one (21), Township One Hundred Twenty (120), Range Thirty-seven (37), described as follows: Beginning at the Northeast corner of the said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of said Section Twenty-one (21); thence South along the east line of said Section a distance of Seventy-five feet (75) to a point on the North line of Grant Avenue in the Village of Kerkhoven; thence Westerly along the North line of said Grant Avenue a distance of one (1) rod to a point; thence Northeasterly to the place of beginning, and there terminating.

Section 2. Filing. The Village Clerk is hereby directed to file certified copies of this Ordinance with the Secretary of State, the County Auditor of Swift County, the Town Clerk of Pillsbury Township, Swift County, and Minnesota Municipal Commission.

Section 3. Effective Date of Annexation. This Ordinance takes effect upon its passage and publication and the filing of the certified copies as directed in Section 2.

Adopted by the Village of Kerkhoven, Minnesota, May 8, 1973.

Originally Ordinance No. 40-70

ORDINANCE NO. 60.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE VILLAGE OF KERKHOVEN TO INCLUDE CERTAIN UNINCORPORATED PROPERTY OWNED BY CERTAIN PETITIONERS NOT EXCEEDING TWO HUNDRED ACRES IN AREA WHICH IS UNPLATTED AND WHICH ABUTS UPON THE VILLAGE LIMITS.

WHEREAS, a certain Petition dated June 12, 1973, requesting annexation of the territory hereinafter described, was duly presented to the Council on the 12th day of June, 1973, and

WHEREAS, the quantity of land embraced within the area described in the Petition and bounded as described is less than two hundred acres of unplatted land, no part of which is included within the limits of an incorporated city, village, or borough, and

WHEREAS, the Petition was signed by all owners, and

WHEREAS, no objection to the annexation has been received from the town board, the county board, or the governing board of any municipality whose boundaries abut upon the boundaries of the land to be annexed, after due notice as provided by law, and

WHEREAS, the land described in the Petition abuts upon the Village limits at the East boundary thereof;

The Council of the Village of Kerkhoven, Minnesota, ordains:

Section 1. The Village council hereby determines (1) that the annexation will be to the best interests of the Village and of the territory affected; (2) that the territory described herein abuts upon the Village limits and is urban or suburban in character; and (3) that none of said property is now included within the limits of any city, village or borough.

Section 2. Territory Annexed. The corporate limits of the Village are hereby extended to include the unplatted land described as follows and the same is hereby annexed to and included within the Village as effectually as if it had originally been a part thereof;

The Westerly One Hundred Ninety feet (Wly 190') of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Twenty-two (22), Township One Hundred Twenty (120), Range Thirty-seven (37).

Section 3. Filing. The Village Clerk is hereby directed to file certified copies of this Ordinance with the Minnesota Municipal Commission, the Secretary of State, the County Auditor and the County Register of Deeds.

Section 4. Effective Date. This Ordinance takes effect upon its passage and publication and the filing of the certified copies as directed in Section 3.

Adopted by the Village of Kerkhoven, Minnesota, this 9th day of October, 1973.

Originally Ordinance No. 40-70

ORDINANCE NO. 60

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF KERKHOVEN TO INCLUDE CERTAIN UNINCORPORATED PROPERTY OWNED BY CERTAIN PETITIONERS AND THE CITY NOT EXCEEDING TWO HUNDRED ACRES IN AREA WHICH IS UNPLATTED AND WHICH ABUTS UPON THE CITY LIMITS.

WHEREAS, a certain Petition dated September 9, 1976 requesting annexation of the territory hereinafter described, was duly presented to the Council on the 27th day of September, 1976, and

WHEREAS, the quantity of land embraced within the area described in the Petition and bounded as described is less than two hundred acres of unplatted land, no part of which is included within the limits of an incorporated city, village, or borough, and

WHEREAS, the Petition was signed by all owners, and

WHEREAS, no objection to the annexation has been received from the town board, the county board, or the governing board of any municipality whose boundaries abut upon the boundaries of the land to be annexed, after due notice as provided by law, and

WHEREAS, the land described in the Petition abuts upon the City limits at the South and West boundaries thereof;

The Council of the City of Kerkhoven, Minnesota, ordains:

Section 1. The City Council hereby determines (1) that the annexation will be to the best interests of the City and of the territory affected; (2) that the territory described herein abuts upon the City limits and is urban or suburban in character; and (3) that none of said property is now included within the limits of any city, village or borough.

Section 2. Territory Annexed. The corporate limits of the City are hereby extended to include the unplatted land described as follows and the same is hereby annexed to and included within the City as effectually as if it had originally been a part thereof;

Tract I. All that part of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty-one (21), Township One Hundred Twenty (120), Range Thirty-seven (37), lying Southwest (SW) of the Northeasterly right-of-way line of the Burlington Northern Railway Company.

Tract II. All that portion of the North Half of the Northwest Quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$) of Section Twenty-one (21), Township One Hundred Twenty (120), Range Thirty-seven (37), lying North of the Southwesterly right-of-way line of the Burlington-Northern Railway.

Tract III. The Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Sixteen (16), and that part of the South Half of the Southeast Quarter (S $\frac{1}{2}$ of SE $\frac{1}{4}$) of Section Seventeen (17), lying North and East of the Southwest (SW) right-of-way line of the Burlington-Northern Railway Company, all in Township One Hundred Twenty (120), Range Thirty-seven (37).

Section 3. Filing. The City Clerk is hereby directed to file certified copies of this Ordinance with the Minnesota Municipal Commission, the Secretary of State, the County Auditor and the County Recorder.

Section 4. Effective Date. This Ordinance takes effect upon its passage and publication and the filing of the certified copies as directed in Section 3.

Adopted by the City of Kerkhoven, Minnesota, this 11th day of January, 1977.

Originally Ordinance No. 40-70

ORDINANCE NO. 60

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF KERKHOVEN, A MUNICIPAL CORPORATION OF THE STATE OF MINNESOTA, TO INCLUDE CERTAIN LANDS NOT EXCEEDING 200 ACRES.

WHEREAS, a petition has been filed with the governing body of the City of Kerkhoven, a municipal corporation in the State of Minnesota, by the sole owner having an interest therein, to have certain real estate hereinafter described included within the limits of the City of Kerkhoven; and

WHEREAS, it is proposed to annex by virtue hereof to the said City of Kerkhoven, said property, all of which said property is in Swift County, Minnesota; and

WHEREAS, pursuant to Minnesota law, said land may be annexed by ordinance; and

WHEREAS, the said real estate to be annexed is described as follows, to-wit:

The East One Hundred Ten Feet (E 100') of the West Three Hundred Feet (W 300') of the South Eight Hundred and Thirty Feet (S 830') of the Southwest Quarter of the Northwest Quarter (SW¼--NW¼), Section Twenty-two (22), Township One Hundred Twenty (120), Range Thirty-seven (37).

NOW, THEREFORE, the City Council of the City of Kerkhoven hereby determines, ordains and declares as follows:

Section 1. **Best Interest of the City of Kerkhoven and Area to be Annexed.** That the annexation will be in the best interest of the City of Kerkhoven, Minnesota, and of the territory affected.

Section 2. **Abuts on City Limits.** That the real estate above described abuts on the City limits, and is so conditioned as such property to be subject to city government.

Section 3. **Annexation.** That the said real estate is hereby annexed to, and included within, the City of Kerkhoven, Minnesota, as effectually as if it had originally been a part hereof.

Section 4. **Zoning.** That the above-described real estate shall be zoned R-1.

Section 5. **Acreage.** The parcel has a combined area of 2.1 acres.

Section 6. **Effective Date.** This Ordinance shall be filed and shall take effect and be in full force and effect from and after filing a certificate thereof with the Minnesota Municipal Commission, the County of Swift, Minnesota and the Secretary of State of the State of Minnesota, and from and after its adoption and publication.

This Ordinance introduced by Councilman: Jerry Welter.

This Ordinance introduced on: May 26, 1992.

This Ordinance published on: May 27, 1992.

This Ordinance given a hearing on: June 9, 1992.

This Ordinance adopted on: June 23, 1992.

This Ordinance published on: June 24, 1992.

ORDINANCE NO. 60

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF KERKHOVEN TO INCLUDE CERTAIN UNINCORPORATED TERRITORY ABUTTING THE CITY LIMITS.

WHEREAS, certain territory described below is not presently included within the corporate limits of any incorporated city or borough; and

WHEREAS, the land abuts the municipality and the area to be annexed is 60 acres or less, and a Petition for Annexation from all property owners of the land has been received by the Council; and

WHEREAS, the land is deemed to be urban or suburban in character;

The City Council of Kerkhoven ordains:

Section 1. **Territory Annexed.** The corporate limits of the City of Kerkhoven, Minnesota, are hereby extended to include the unplatted territory described as follows:

That part of the NE¼ of the NE¼ of Section 21, Township 120, Range 37, Swift County, Minnesota, described as follows: Commencing at the East ¼ corner of said Section 21; thence North along the Section line 1246.67 feet; thence Northwesterly at an angle with said Section line of 60° West, 537.00 feet to the point of beginning of the tract herein described; thence at right angles Northeasterly 410.00 feet; thence Northwesterly at right angles 362.00 feet to the centerline of road; thence Southwesterly along the centerline of said road to intersection of said centerline with the North side of Grant Avenue in the City of Kerkhoven, Swift County, Minnesota; thence Southeasterly along the North side of Grant Avenue, 488.00 feet to the point of beginning. Except that part of said NE¼ of the NE¼, described as follows, to-wit: Beginning at the intersection of the centerline of the public highway known as County State Aid Road #6 with the North side of Grant Avenue in the City of Kerkhoven; running thence Southeasterly along the North side of said Grant Avenue a distance of 100.00 feet; running thence Northeasterly parallel with said public highway a distance of 100.00 feet; running thence Northwesterly parallel with the first described line on the North side of Grant Avenue a distance of 100.00 feet to a point 100.00 feet Northeasterly of the point of beginning; thence Southwesterly along the East side of said public highway a distance of 100.00 feet to the point of beginning. AND ALSO that part of said NE¼ of the NE¼, described as follows: Commencing at the Southeast corner of said NE¼; thence North along the Section line 1246.67 feet; thence Northwesterly on the North side of Grant Avenue, City of Kerkhoven, Minnesota, 537 feet on a heading of N 59°46' W; thence Northeasterly for 410 feet on a heading of N 30°14' E; thence Northwesterly for 362.00 feet on a heading of N 59°46' W to the point of beginning; thence on a heading of S 47°19' W for 328.90 feet; thence on a heading of N 59°46' W for 98.25 feet; thence on a heading of N 38°19' E for 317.95 feet; thence on a heading of S 59°46' E for 153.55 feet to the point of beginning.

Section 2. **Filing.** The City Clerk is directed to file certified copies of this Ordinance with the Secretary of State, the County Auditor of Swift County, the Town Clerk of Pillsbury Township and the Minnesota Municipal Board (Minnesota Planning Municipal Boundary Adjustments).

Section 3. **Population.** The population of the annexed territory is two (2).

Section 4. **Effective Date of Annexation.** This Ordinance takes effect upon passage and publication in the filing of certified copies as directed in Section 2 and by approval of the Minnesota Municipal Board (Minnesota Planning Municipal Boundary Adjustments).

Adopted by the City Council of Kerkhoven, Minnesota, August 25, 2003.

Petition presented April 28, 2003

Ordinance introduced by Councilmember Keith Finstrom August 25, 2003

Ordinance adopted August 25, 2003

Ordinance published August 28, 2003