

PUBLISHED JULY 24, 2014

OFFICIAL PROCEEDINGS

Excerpt from the minutes of the Duluth City Council meeting held on Monday, July 21, 2014, at 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

ORDINANCE NO. 10321

**AN ORDINANCE ANNEXING PARCEL I IN MIDWAY TOWNSHIP INTO
THE CITY OF DULUTH.**

The city of Duluth does ordain:

Section 1. That the city council hereby finds that:

(a) On January 14, 2013, the city entered into an agreement for orderly annexation by and between the city of Duluth and the town of Midway ("Midway") bearing City Contract No. 21799 (the "agreement") providing that certain property in Midway described therein and identified as "Parcel I" was currently substantially owned by the city and was appropriate for annexation by ordinance;

(b) On January 15, 2013, the agreement was filed in the office of the chief administrative law judge of the office of administrative hearings for the state of Minnesota;

(c) Paragraph 5 of the agreement provides that Midway and the city agree that the city would be authorized to annex the property within said Parcel I at such time as it deems appropriate;

(d) Midway and the city agree that it is appropriate at this time for the city to annex the property described in the agreement as Parcel I.

Section 2. Midway has, by resolution, manifested its consent to and approves the annexation of that property located in Midway, referenced as Parcel I in the agreement and described on Public Document No. 14-0721-14, into the city of Duluth.

Section 3. Upon its effective date, the city clerk shall promptly file a copy of this ordinance with the chief administrative law judge of the office of administrative hearings for the state of Minnesota with a request that said official approve said annexation based on a finding that annexation would be in the best interests of the subject area as provided for in Minnesota Statutes Section 414.315, subd. 3(b)(3).

Section 4. That this ordinance shall take effect 30 days after its passage and publication.
(Effective date: August 23, 2014)

Councilor Sipress moved passage of the ordinance and the same was adopted upon the following vote:

Yeas: Councilors Filipovich, Gardner, Hanson, Julsrud, Larson, Russ, Sipress and President Krug -- 8
Nays: Councilor Fosle -- 1

ATTEST:
JEFFREY J. COX, City Clerk

Passed July 21, 2014
Approved July 21, 2014
DON NESS, Mayor