

Public notices

**PUBLIC NOTICE
CITY OF MONTGOMERY
ORDINANCE NO. 4-2019
AN ORDINANCE AMENDING SECTION 1330
OF THE MONTGOMERY CITY CODE:
ESTABLISHMENT OF TAX DISTRICTS**

The City Council of the City of Montgomery, Minnesota, hereby ordains: that Section 1330 of the Montgomery City Code shall be amended to read as follows:

Section 1330 - ESTABLISHMENT OF TAX DISTRICTS
1330.01 Purpose. Pursuant to Minnesota Statutes Section 272.67, as amended, the City of Montgomery hereby divides the area within its corporate limits into an Urban Service District and a Rural Service District. Said districts shall be constituted as separate taxing districts for the purpose of all municipal property taxes, except those levied for the payment of bonds, judgments and interest thereon.
1330.02 Definitions/Criteria.

A. The Urban Service District shall include all properties located within the corporate limits of the City of Montgomery and which are not specifically included in the Rural Service District.

B. The Rural Service District shall include only lands permitted pursuant to the requirements of Minnesota Statutes Section 272.67, as amended or renumbered. No property shall be placed into the Rural Service District except upon the petition of 100% of the owners of the property, and then, only upon the owners' written agreement to abide by all zoning ordinances which may apply to the subject property from and after the date of the property's inclusion in the Rural Service District. To have property included in the Rural Service District the owner must provide proof satisfactory to the City that the petition or petitioners have 100% of the ownership of the property. The petitioner or petitioners must also submit as part of the petition a copy of the survey of the subject property, completed by a licensed surveyor.

C. The lands described in Exhibit A attached hereto and incorporated herein are included in the Montgomery Rural Service District upon the adoption of this Ordinance. Additional lands may be included in the Montgomery Rural Service District by amendment of this Section in conformance with the procedures set out in Minnesota Statutes Section 272.67, as amended or renumbered. The removal of lands from the Montgomery Rural Service District shall be accomplished using the procedures set out in Minnesota Statutes Section 272.67, as amended or renumbered.

1330.03 Zoning District Designation. The Montgomery City Zoning Code is amended to add a new zoning district known as the Rural Service District (RS). The City zoning map shall be amended to include the new district designation. All zoning regulations for R-1 Districts shall apply to Rural Service Districts.

1330.035 City Retains Right to Deny Petitions for Admission to Rural Service District. The Montgomery City Council retains sole discretion as to whether property petitioned to be in the Rural Service District is actually included in the Rural Service District. The fact the property petitioned for inclusion into the Rural Service District may meet all of the prerequisites set out in Section 1330.02(B) does not obligate the Council to include the subject property into the Rural Service District.

1330.04 Change in Use of Property Located in the Rural Service District. Any change in use shall require the Montgomery City Council to review whether, by resolution, the property should be transferred to the Urban Service District. The extension of municipal utilities to the property shall also require the Montgomery City Council to make and enter an order by resolution transferring such parcel from the Rural Service District to the Urban Service District. If the procedures set out in this Subdivision are inconsistent with those set out under Minnesota Statutes Section 272.67, as amended or renumbered, then the procedures set out in the state statute shall control.

1330.05 Tax Ratio. In the judgment of the Montgomery City Council, the ratio which exists between the benefits resulting from tax-supported municipal service to parcels in the Rural Service District, to parcels in the Urban Service District is ~~34-215.774%~~, plus any municipal property taxes levied for payment of bonds, and judgments, and interest thereon.

The property tax rate levied upon property in a Rural Service District shall be one hundred percent (100%) of the levy rate imposed upon properties in the Township in which the property is located, except those levied for the payment of bonds, judgments, and interest thereon.

1330.06 Properties Part of Rural Service District. All of the properties described in Exhibit "A" attached hereto and incorporated herein shall be included in the Rural Service District of the City of Montgomery. Any additional properties being considered for inclusion in the Rural Service District shall meet all of this Section's requirements and criteria to be included in the Rural Service District.
1330.07 Required City Services.

A. The City of Montgomery shall not provide any city water, storm sewer, sanitary sewer, or other utility services to any property located in the Rural Service District.

B. The City shall not provide any service to Rural Service District property beyond that which was provided by the township in which that property was located.

1330.08 Jurisdiction to Amend or Repeal. The City Council retains jurisdiction to amend or repeal any portion of Section 1330 of the City Code, and also retains sole discretion to include property in or remove property out from the Rural Service District.

EXHIBIT A

TRACT #1, WALLACE ROSIER DESCRIPTION:

Part of the Southwest Quarter of the Northwest Quarter of Section No. 3, T 111 N, R 23 W, Le Sueur County, Minnesota, described as follows:

Commencing at the West one quarter corner of said Section No. 3; thence on an assumed bearing of North 00 degrees 15 minutes 04 seconds West along the West line of said Northwest Quarter 952.11 feet to a point on the Easterly line of the M. & St. L. R.R. right-of-way, said point being the point of beginning of the tract to be described; thence continuing North 00 degrees 15 minutes 04 seconds West along said West line of the Northwest Quarter 358.94 feet to the Northwest corner of said Southwest Quarter of the Northwest Quarter; thence North 89 degrees 42 minutes 18 seconds East along the North line of said Southwest Quarter of the Northwest Quarter 666.12 feet; thence South 68 degrees 13 minutes 35 seconds West 235.00 feet; thence South 42 degrees 38 minutes 08 seconds West 593.18 feet to said easterly right-of-way line of the M. & St. L. R.R.; thence North 15 degrees 26 minutes 28 seconds West along said right-of-way 167.22 feet to the point of beginning. This tract contains 3.47 acres of land and is subject to any and all easements of record and is together with a 20.00 feet wide easement for utility purposes over, under and across part of said Southwest Quarter of the Northwest 1/4 of Section No. 3, said easement being described as follows: Commencing at the West one quarter corner of said Section No. 3; thence on an assumed bearing of North 00 degrees 15 minutes 04 seconds West along the West line of said Northwest Quarter 952.11 feet to a point on the Easterly line of the M. & St. L. R.R. right-of-way; thence South 15 degrees 26 minutes 28 seconds East along said right-of-way 167.22 feet to the point of beginning of

said easement to be described; thence continuing South 15 degrees 26 minutes 28 seconds East along said right-of-way 818.92 feet to the South line of said Northwest Quarter; thence North 89 degrees 40 minutes 17 seconds East along said South line 20.71 feet; thence North 15 degrees 26 minutes 28 seconds West 836.83 feet; thence South 42 degrees 38 minutes 08 seconds West 23.54 feet to the point of beginning.

AND

Part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section No. 3, Township No. 111 North, Range No. 23 West, Le Sueur County, Minnesota, described as follows:

Beginning at the Northwest corner of said Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4); thence on an assumed bearing of North 89 degrees 51 minutes 56 seconds East along the North line of said Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) 23.00 feet; thence South 00 degrees 22 minutes 17 seconds East 1044.30 feet; thence South 68 degrees 13 minutes 35 seconds West 29.57 feet to the West line of said Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4); thence North 00 degrees 07 minutes 32 seconds West along said West line 1055.19 feet to the point of beginning. This tract contains 0.61 acres of land and is subject to any and all easements of record.

AND

Northwest Quarter (NW 1/4) of Northwest Quarter (NW 1/4) of Section 3, Township 111, Range 23, Le Sueur County, Minnesota being subject to all easements of record.

EXCEPT

All that part of the Northwest one quarter of the Northwest one quarter of Section No. 3, T. 111 N., R. 23 W., Le Sueur County, Minnesota, described as follows: Commencing at the Northwest corner of said Section No. 3, thence East on the North line of said Section 394.00 feet to place of beginning of the tract to be described; thence South 284.00 feet, thence East 489.17 feet, thence North 284.00 feet to the north line of said Section No. 3, thence West on said North line 489.17 feet to place of beginning. Containing 3.19 acres and being subject to all easements of record.

ALSO EXCEPT

Part of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section No. Three (3), Township One Hundred Eleven (111) North, Range Twenty Three (23) West, Le Sueur County, Minnesota described as follows:

Commencing at the West One Quarter corner of said Section No. 3; thence on an assumed bearing of North 00 degrees 15 minutes 04 seconds West along the West line of said Northwest Quarter (NW 1/4) 1,311.05 feet to the Southwest corner of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4); thence North 89 degrees 42 minutes 18 seconds East along the South line of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) 666.12 feet to the point of beginning of the tract to be described; thence continuing North 89 degrees 42 minutes 18 seconds East along said South line 660.00 feet to the Southeast corner of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4); thence North 00 degrees 07 minutes 32 seconds West along the East line of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) 260.00 feet; thence South 68 degrees 13 minutes 35 seconds West 710.08 feet to the point of beginning. This tract contains 1.97 acres of land and is subject to any and all easements of record.

TRACT #2, GERALD J. MALECHA AND SANDRA L. MARTINSON-MALECHA DESCRIPTION:

All that part of the Northwest one quarter of the Northwest one quarter of Section No. 3, T. 111 N., R. 23 W., Le Sueur County, Minnesota, described as follows: Commencing at the Northwest corner of said Section No. 3, thence East on the North line of said Section 394.00 feet to place of beginning of the tract to be described; thence South 284.00 feet, thence East 489.17 feet, thence North 284.00 feet to the north line of said Section No. 3, thence West on said North line 489.17 feet to place of beginning. Containing 3.19 acres and being subject to all easements of record, including a 20-foot wide Drainage Easement pursuant to Doc. No. 148176.

TRACT #3, TERRANCE HANSON DESCRIPTION:

Parcel A: That part of the Northeast Quarter of the Northwest Quarter of Section 34; that part of the Southeast Quarter of the Northwest Quarter of Section 34; and that part of Government Lots 1 & 2, all in Township 112 North Range 23 West, Le Sueur County, Minnesota, described as:

Beginning at an iron pipe monument designating the West Quarter corner of Section 34; (the west line of the Northwest Quarter of Section 34 to have a bearing of North 00 degrees 09 minutes 53 seconds East-Minnesota County Coordinate System of 1983, Le Sueur County Zone); thence South 89 degrees 38 minutes 54 seconds East, along the East-West center line of Section 34, a distance of 1322.33 feet to the southeast corner of said Government Lot 1; thence North 00 degrees 15 minutes 59 seconds East, along the east line of said Government Lot 1 a distance of 330.08 feet to the southwest corner of the North 3/4 of the Southeast Quarter of the Northwest Quarter of Section 34; thence South 89 degrees 40 minutes 04 seconds East, along the south line of the North 3/4 of the Southeast Quarter of the Northwest Quarter of Section 34 a distance of 1322.37 feet to the southeast corner of the North 3/4 of the Southeast Quarter of the Northwest Quarter of Section 34; thence North 00 degrees 16 minutes 20 seconds East, along the North-South center line of Section 34 a distance of 1061.48 feet to the northeast corner of the South 69.90 feet of the Northeast Quarter of the Northwest Quarter of Section 34; thence North 89 degrees 43 minutes 34 seconds West, along the north line of the South 69.90 feet of the Northeast Quarter of the Northwest Quarter of Section 34 and along the north line of the south 69.90 feet of Government Lot 2 in Section 34, a distance of 2262.53 feet to the point of intersection with the easterly right of way line of the Chicago and Northwestern Transportation Company; thence South 15 degrees 40 minutes 10 seconds West, along said easterly line, 1439.27 feet to the point of intersection with the west line of said Government Lot 1; thence South 00 degrees 09 minutes 53 seconds West, along said west line, 0.79 feet to the point of beginning.

Said Parcel A contains 68.29 acres, subject to any and all easements of record.

Parcel B: That part of Government Lots 1 & 2 in Section 34, Township 112 North Range 23 West, Le Sueur County, Minnesota, described as:

Commencing at an iron pipe monument designating the West Quarter corner of Section 34; thence North 00 degrees 09 minutes 53 seconds East, (Minnesota County Coordinate System of 1983, Le Sueur County Zone), along the west line of the Northwest Quarter of Section 34, the same being the west line of said government Lot 1, a distance of 374.89 to the point of intersection with the westerly right of way line of the Chicago and Northwestern Transportation Company, the same being the easterly right of way line of Trunk Highway No. 13; said point being the point of beginning; thence North 15 degrees 40 minutes 10 seconds East, along said right of way lines, 1051.25 feet to the point of intersection with the north line of the south 69.90 feet of Government Lot 2 in Section 34; thence North 89 degrees 43 minutes 34 seconds West, along said north line, 190 feet, more or less, to a point on the southeasterly

water's edge of Lake Pepin; thence southwesterly, along said water's edge, 140 feet, more or less, to the point of intersection with the west line of said Government Lot 1; thence South 00 degrees 09 minutes 53 seconds West, along said west line, 900 feet, more or less to the point of beginning. Said Parcel B contains 3.1 acres, more or less, subject to any and all easements of record.

Effective Date. This ordinance was adopted by the City Council on May 20, 2019, by a vote of 5 for, and 0 against. The ordinance becomes effective on the day following the publication of the ordinance, or summary thereof, in the City's legal newspaper.

Tom Eisert, Mayor

ATTEST:

Brian W. Heck, City Administrator

(Published in the Montgomery Messenger, Thursday, May 30, 2019; No. M391-5-30)

PUBLIC NOTICE

The Montgomery City Council, at its regular meeting held on May 20, 2019, approved Ordinance No. 5-2019 amending Chapter 14 of the Montgomery City Code.

**City of Montgomery
Ordinance No. 5-2019**

The City Council of the City of Montgomery, Minnesota, hereby ordains: that the City amends Chapter 14 of the Montgomery City Code as it pertains to residential rental licensing.

A complete printed copy of Ordinance No. 5-2019 is available for inspection by any person during regular office hours in the office of the City Administrator.

(Published in the Montgomery Messenger, Thursday, May 30, 2019; No. M390-5-30)

**PUBLIC NOTICE
NOTICE OF INFORMAL
APPOINTMENT OF
PERSONAL
REPRESENTATIVE AND
NOTICE TO CREDITORS
(INTESTATE)**

STATE OF MINNESOTA

COUNTY OF LE SUEUR

DISTRICT COURT

PROBATE DIVISION

FIRST JUDICIAL DISTRICT

Court File No. 40-PR-19-474

Estate of

Donna M. Benzick a/k/a

Donna Mae Benzick

Decedent

Notice is given that an application for informal appointment of personal representative has been filed with the Registrar. No will has been presented for probate. The application has been granted.

Notice is also given that the Registrar has informally appointed Marlys J. Ilg and Michael R. Benzick whose address is PO Box 144 Montgomery, MN 56069 and 13925 380th St. Montgomery, MN 56069 as personal representative of the Estate of the Decedent.

Any heir, or other interested person may be entitled to appointment as personal representative or may object to the appointment of the personal representative. Unless objections are filed with the Court (pursuant to Minn. Stat. 524.3-607) and the Court otherwise orders, the personal representative has full power to administer the Estate including, after 30 days from the date of issuance of letters, the power to sell, encumber, lease or distribute real estate. Any objections to the probate of the will or appointment of the Personal Representative must be filed with this Court and will be heard by the Court after the filing of an appropriate petition and proper notice of hearing. Notice is also given that (subject to Minn. 524.3-801) all creditors having claims against the Estate are required to present the claims to the personal representative or to the Court Administrator within four months after the date of this Notice or the claims will be barred.

Date: May 13, 2019

/s/ Lauren Jensen

Registrar

Joanne M. Kopet

Court Administrator

Attorney For Personal Representative

Scott A. Marek

Attorney at Law

Atty. Reg # 185930

205 First Street South

Montgomery, MN 56069

Phone # 507-364-8616

Fax # 507-364-8617

(Published in the Montgomery Messenger, Thursdays, May 23 and 30, 2019; No. M389-5-30)

**PUBLIC NOTICE
NOTICE OF PUBLIC
HEARING**

Notice is hereby given that the Montgomery Planning and Zoning Commission will hold a public hearing for a Conditional Use Permit application to allow for an outdoor seating area at a drinking establishment at 218 1st St. S in the B-3 zoning District. The public hearing will take place on Tuesday, June 11, 2019 at 7:00 p.m. at the Montgomery City Hall, Council Chambers, located at 201 Ash Avenue S.W.

Persons wishing to comment on the proposed CUP are encouraged to attend the hearing. Those unable to attend may submit written comments to Brian Heck, City Administrator or Leah Petricka, HRA Executive Dir/City Planner, 201 Ash Avenue S.W., Montgomery, MN 56069.

(Published in the Montgomery Messenger, Thursday, May 30, 2019; No. M392-5-30)