

OAH 84-0330-35779  
OAH 84-0330-35780  
OAH 84-0330-35899

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of Certain  
Real Property from the City of Lindstrom  
from Chisago Lake Township (MBA A-8190)  
OAH 84-0330-35779

**ORDER OF  
HEARING CANCELLATION**

In the Matter of the Annexation of Certain  
Real Property from the City of Lindstrom  
from Chisago Lake Township (MBA A-8191)  
OAH 84-0330-35780

In the Matter of the Annexation of Certain  
Real Property from the City of Lindstrom  
from Chisago Lake Township (MBA A-8200)  
OAH 84-0330-35899

These matters are assigned to Chief Administrative Law Judge Tammy L. Pust.

Amy Schutt, Campbell Knutson, P.A., appears on behalf of the City of Lindstrom.  
Michael Couri, Couri & Ruppe, P.L.L.P., appears on behalf of the Chisago Lake Town  
Board.

Pursuant to Minn. Stat. § 414.033, subd. 3 (2018), the Office of Administrative  
Hearings received City of Lindstrom Notices of Intent to Annex on November 26, 2018  
(84-0330-35779 and 84-0330-35780), and on January 23, 2019 (OAH 84-0330-35899).<sup>1</sup>

The Notices of Intent to Annex (Notices of Intent) seek annexation of certain real  
property (Property) to the City of Lindstrom (City) from Chisago Lake Township  
(Township) legally described as follows:

OAH 84-033-035779 (MBA A-8190)

All that part of Lot 18 of the recorded plat of NELSON'S BEACH, Chisago County,  
Minnesota, described as follows:

Commencing at the northwest corner of Lot 17 of said NELSON'S BEACH; thence  
easterly, along the north line of Lot 17, a distance of 588.75 feet; thence southerly,  
deflecting 91 degrees 20 minutes to the right, a distance of 165.00 feet to the point

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<sup>1</sup> Notice of Intent to Annex (OAH 84-0330-35779) (Nov. 26, 2018); Notice of Intent to Annex (OAH  
84-0330-35780) (Nov. 26, 2018); Notice of Intent to Annex (OAH 84-0330-35899) (Jan. 23, 2019).

of beginning of the parcel to be described; thence continuing southerly, along the last described course, a distance of 170.00 feet; thence easterly, parallel with the north line of said Lot 17, to the shoreline of North Lindstrom Lake (formerly known as Chisago Lake); thence northerly, along said shoreline, to its intersection with a line drawn easterly, parallel with the north line of said Lot 17, from the point of beginning; thence westerly, along said parallel line, to the point of beginning.

Subject to a perpetual non-exclusive easement for roadway purposes over, under and across the West 10 feet of the above described parcel.

Together with an easement for driveway for the purpose of ingress and egress from Lincoln Road (also known as County State Aid Highway No. 14) to the above described parcel.

Subject to and together with any other valid easements, restrictions and reservations. (PID 02.01536.00)

AND

That part of the east half Minnesota Avenue donated and dedicated per LAVONNA MEADOWS, according to the recorded plat on file and of record in the office of the County Recorder, Chisago County, Minnesota, lying southerly of westerly extension of line 1 and northerly of the westerly extension of line 2, described as follows:

Line 1: Commencing at the northwest corner of Outlot A, LAVONNA MEADOWS; thence easterly along the north line of Outlot A, a distance of 588.75 feet; thence southerly, deflecting 91 degrees 20 minutes to the right, a distance of 165.00 feet to the point of beginning of the line to be described; thence easterly, parallel with the north line of said Outlot A, to the shoreline of North Lindstrom Lake (formerly known as Chisago Lake) and there terminating.

Line 2: Commencing at the northwest corner of Outlot A, LAVONNA MEADOWS; thence easterly along the north line of Outlot A, a distance of 588.75 feet; thence southerly, deflecting 91 degrees 20 minutes to the right, a distance of 335.00 feet to the point of beginning of the line to be described; thence easterly, parallel with the north line of said Outlot A, to the shoreline of North Lindstrom Lake (formerly known as Chisago Lake) and there terminating.

OAH 84-0330-35780 (MBA A-8191)

That part of Government Lot 3 of Section 28, Township 34 North, Range 20 West, Chisago County, Minnesota, described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 28; thence East (N 90° 00' E) along the North line of said Southwest Quarter a distance of 2610.55 feet to the intersection with the centerline of CSAH No. 20 as it now exists; thence S 0° 51' W a distance of 620.26 feet; thence S 14° 45' W a distance of 428.47 feet to the point of beginning on the centerline of said county road; thence N 75° 47' W a distance of 271.27 feet; thence S 20° 07' W a distance of 237 feet,

more or less, to the shoreline of North Lindstrom Lake; thence Southeasterly along said shoreline and along the channel between the two separate parts of said North Lindstrom Lake a distance of 430 feet, more or less, to the centerline of said CSAH No. 20; thence Northerly on a 4° 30' curve to the right, with a radius of 1273.2 feet and a central angle of 16° 16', an arc length of 361.33 feet to the point of beginning, containing 2.1 acres, more or less, and subject to a 33-foot public road easement for said CSAH No. 20 along the Easterly line. Except Parcel 1 Chisago County Right-of-way No 99. (PID 02.00783.00)

AND

That part of Government Lot Seven (7), Section Twenty-eight (28), Township Thirty-four (34) North, Range Twenty (20) West, described as follows, to-wit: Beginning at a point which is West, a distance of 1055.3 feet and North 16 degrees 43 minutes West, a distance of 954.5 feet of the Southeast corner of Government Lot 7 of said Section 28; thence South 73 degrees 17 minutes West, a distance of 60 feet, more or less, to the shore of North Lindstrom Lake; thence in a Northwesterly direction along said lake shore, a distance of 325 feet; thence North 73 degrees 17 minutes East, a distance of 65 feet, more or less; thence South 16 degrees 43 minutes East, a distance of 325.0 feet to the point of beginning, Chisago County, Minnesota. (PID 02.00790.00)

AND

All that part of Government Lot 7, Section 28, Township 34, Range 20, lying West of C.S.A.H. #20, formerly County Aid Road #28, lying in Chisago Lake Township, Chisago County, Minnesota, except the following:

A. Commencing at a point which is West 1055.3 feet and North 16 degrees 43 minutes West a distance of 854.5 feet of the southeast corner of said Government Lot 7; thence South 73 degrees 17 minutes West a distance of 60 feet more or less, to the shore of North Lindstrom Lake; thence in a northwesterly direction along said lake shore a distance of 325 feet; thence North 73 degrees 17 minutes East a distance of 55 feet more or less; thence South 16 degrees 43 minutes East a distance of 325 feet to the point of beginning.

B. That part of Government Lot 7 which is annexed to the Village of Lindstrom, Minnesota, the northerly line of which annexed tract is herein before described as running South 72 degrees 33 minutes West to the shore of North Lindstrom Lake, according to the United States Government Survey thereof and situate in Chisago County, Minnesota. Except Parcel 3 Chisago County Right-of-way No 99. (PID 02.00789.00)

AND

All that part of Government Lot 7, in Section 28, Township 34 North, Range 20 West, lying West of C.S.A.H. #20 (previously referred to as County Aid Road #28), described as follows:

Commencing at the Northeast corner of Lot 8, in Block 2 of Lantz's Addition to Lindstrom; thence running North 03 degrees 30 minutes West on an extension of the easterly line of said Block 2 a distance of 50.05 feet to the North line of Margaret Street, in the Village of Lindstrom; thence North 09 degrees 40 minutes West along the westerly line of Oak Street and C.S.A.H. #20 a distance of 472.35 feet; thence running North 17 degrees 27 minutes West a distance of 48.80 feet to the point of beginning of the tract hereinafter described; thence continuing North 17 degrees 27 minutes West a distance of 337.39 feet; thence South 72 degrees 33 minutes West to the shore of North Lindstrom Lake; thence southerly along the shoreline of said lake to the point of intersection with a line which bears North 89 degrees 32 minutes 30 seconds West from the point of beginning; thence South 89 degrees 32 minutes 30 seconds East a distance of 407.29 feet more or less to the point of beginning, according to the United States Government Survey thereof and situate in Chisago County, Minnesota.

EXCEPTING THEREFROM:

That part of Government Lot Seven (7) Section Twenty-eight (28), Township Thirty-four (34) North, Range Twenty (20) West, described as follows:

Commencing at the Northeast corner of Lot Eight (8), Block Two (2), Lantz's Addition to Lindstrom, as per plat thereof on file and of record in the Office of the Register of Deeds in and for Chisago County, Minnesota; thence North 03 degrees 20 minutes West on the extension of the easterly line of said Block Two (2) 50.05 feet, to the North line of Margaret Street as per said recorded plat; thence North 09 degrees 40 minutes West along said Westerly line of Oak Street (aka C.S.A.H. #20), 408.15 feet to the point of beginning; thence continuing on the same course (N 09 degrees 40 minutes West) 64.2 feet; thence North 17 degrees 27 minutes West 339.1 feet; thence running South 72 degrees 53 minutes West to the shore of North Lindstrom Lake; thence Southerly along said shore line to the point of intersection thereof with a line which bears North 89 degrees 32 minutes 30 seconds West from the point of beginning; thence South 89 degrees 32 minutes 30 seconds East 407.29 feet, more or less, to the point of beginning. (PID 15.00012.00)

AND

Parcels 1, 2 and 3, CHISAGO COUNTY HIGHWAY RIGHT-OF-WAY PLAT NO. 99, according to the recorded plat on file and of record in the office of the County Recorder, Chisago County, Minnesota.

OAH 84-0330-35899 (MBA A-8200)

Lot 2, Block 1, Sandeen Heights, Chisago County, Minnesota (PID 02.01603.02)

AND

That part of the easterly half of Machmeier Court, as dedicated per SANDEEN HEIGHTS, according to the plat on file and of record in the office of the County

Recorder, Chisago County, Minnesota, which lies northerly of the westerly extension of the south line of Lot 2, Block 1, SANDEEN HEIGHTS and southerly of the westerly extension of the north line of said Lot 2, Block 1, SANDEEN HEIGHTS, according to the plat on file and of record in the office of the County Recorder, Chisago County, Minnesota.<sup>2</sup>

On or about February 20, 2019, the Township filed timely objections to the Notices of Intent.<sup>3</sup>

On February 22, 2019, an Order Regarding Consolidation of Proceedings, Prehearing Conference, and Hearing was issued by the Office of Administrative Hearings.<sup>4</sup>

The City and Township signed a Settlement Agreement wherein the Township withdrew objections to the Notices of Intent. The Settlement Agreement was filed with the Office of Administrative Hearings on March 25, 2019.<sup>5</sup>

Based on a review of the files and proceedings herein, the Chief Administrative Law Judge issues the following:

#### ORDER

1. The Township's objections are withdrawn and the April 18, 2019 hearing is **CANCELLED**.
2. The City shall proceed to adopt and file an ordinance annexing the Property pursuant to Minn. Stat. § 414.033, subd. 3.

Dated: March 26, 2019



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Tammy L. Pust  
Chief Administrative Law Judge

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<sup>2</sup> Notice of Intent to Annex (OAH 84-0330-35779); Notice of Intent to Annex (OAH 84-0330-35780); Notice of Intent to Annex (OAH 84-0330-35899).

<sup>3</sup> Township Objection (OAH 84-0330-35779) (Feb. 20, 2019); Township Objection (OAH 84-0330-35780) (Feb. 20, 2019); Township Objection (OAH 84-0330-35899) (Feb. 20, 2019).

<sup>4</sup> Order Regarding Consolidation of Proceedings, Prehearing Conference, and Hearing (Feb. 22, 2019).

<sup>5</sup> Settlement Agreement (Mar. 25, 2019).