

DEPARTMENT OF ADMINISTRATION
STATE OF MINNESOTA
BEFORE THE ACTING DIRECTOR OF
STRATEGIC AND LONG RANGE PLANNING

IN THE MATTER OF THE PETITION FOR) NOTICE OF
THE ANNEXATION OF CERTAIN LAND TO) HEARING CANCELLATION
THE CITY OF WELLS PURSUANT TO) AND
MINNESOTA STATUTES 414) ORDER TO DISMISS

WHEREAS, a petition requesting the annexation of certain property from the Town of Clark to the City of Wells was filed with the Office of Strategic and Long-Range Planning (hereinafter referred to as "Minnesota Planning") pursuant to Minnesota Statutes 414.031, Subd. 1(a)(1) on December 3, 2002; and

WHEREAS, on December 13, 2002, the Acting Director of Strategic and Long Range Planning, directed the matter to mediation; and

WHEREAS, on January 7, 2003, the Acting Director reviewed the requested input from the parties which chose to pursue mediation through the Office of Dispute Resolution; and

WHEREAS, on January 17, 2003, the parties were notified by the Office of Dispute Resolution that Diane Popovich Lynch had been assigned as the mediator; and

WHEREAS, pursuant to statutory requirements a first hearing was convened on the petition on January 29, 2003, after due and appropriate legal notice, and was continued to an indefinite date to allow the parties time to complete the mediation process; and

WHEREAS, after holding two mediation sessions in April, 2003, the mediator reported an impasse and ended mediation; and

WHEREAS, on May 9, 2003, the Acting Director of Strategic and Long Range Planning

instructed the parties to choose a decision-making forum since no agreement had been reached. The parties selected a Chapter 414 hearing before an administrative law judge; and

WHEREAS, on June 16, 2003, the Acting Director of Strategic and Long Range Planning delegated the matter to the Office of Administrative Hearings and a prehearing conference was scheduled for July 2003 with a hearing scheduled for August 19, 20 and 21st; and

WHEREAS, this office received a notice dated August 18, 2003 from the Office of Administrative Hearings continuing the hearing indefinitely, at the parties' request, contingent on formal approval by respective governing bodies of a settlement agreement; and

WHEREAS, the parties reached agreement on contested issues which resulted in an Orderly Annexation Agreement; and

WHEREAS, on September 17, 2003, the Executive Director of Municipal Boundary Adjustments (hereinafter "MBA") at the Department of Administration received an Orderly Annexation Agreement between the City of Wells and the Town of Clark representing settlement of the underlying dispute; and

WHEREAS, the Orderly Annexation Agreement designates certain land for orderly annexation and requests the immediate annexation of said land; and

WHEREAS, the City of Wells requested that its petition for annexation pursuant to Minnesota Statutes 414.031, Subd. 1(a)(1) be withdrawn and that the MBA Docket A-6798 Wells be closed. The City also requested that continued hearing be canceled pursuant to the terms of the Orderly Annexation Agreement as executed between the parties; and

WHEREAS, on September 25, 2003, the Acting Director of Strategic and Long Range Planning granted the City's request to withdraw the petition; canceled the continued hearing; and closed MBA Docket A-6798 Wells; and

IT IS HEREBY ORDERED: That the petition for annexation of certain property to the

City of Wells described as:

Area 1A

The East 621.00 feet of the West Half of Section Eight 8, Township 103 North, Range 24 West in Faribault County, Minnesota excepting therefrom the Westside Subdivision to the City of Wells, Faribault County, Minnesota according to the plat on file and of record in the office of the Faribault County Recorder.

Together with the East 1651.00 feet of the North Half of the Northwest Quarter of Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota, except the East 621.00 feet thereof.

Together with the South Half of the Southeast Quarter of Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota.

Together with all that part of the Northwest Quarter of the Southeast Quarter of Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota lying south of Moja Subdivision to the City of Wells according to the plat on file and of record in the office of the Faribault County Recorder. Excepting therefrom that part of Sixth Avenue SW lying south of Moja Subdivision.

Together with the East 1651.00 feet of the South Half of the Southwest Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota.

Together with all that part of the South Half of the Southwest Quarter of the Southeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota, lying west of Park Place Addition to the City of Wells according to the plat on file and of record in the office of the Faribault County Recorder.

Together with the West 464.50 feet of the Southwest Quarter of the Southwest Quarter of Section 9, Township 103 North, Range 24 West in Faribault County, Minnesota.

Together with the North 165.00 feet of the West 464.50 feet of the Northwest Quarter of the Northwest Quarter of Section 16, Township 103 North, Range 24 West in Faribault County, Minnesota.

Together with the North 165.00 feet of the Northeast Quarter of Section 17, Township 103 North, Range Twenty-four (24) West in Faribault County, Minnesota.

Together with the North 165.00 feet of the East 651.00 feet of the Northeast Quarter of the Northwest Quarter of Section 17, Township 103 North, Range 24 West in Faribault County, Minnesota.

Annexation Area 1A contains 245.3 acres, more or less.

Area 1B

A tract of land in the Southeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota and in Garden Addition, described as follows:

Beginning at the Northeast corner of the Southeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota; thence North 89 degrees 09 minutes 00 seconds West (assumed bearing) along the North line of the Southeast Quarter a distance of 748.50 feet; thence South 0 degrees 00 minutes 00 seconds West parallel with the East line of the Southeast Quarter a distance of 1451.98 feet to the centerline of vacated Cleveland Street, according to the Plat of Garden Addition, on file and of record in the office of the Faribault County Recorder; thence North 89 degrees 09 minutes 00 seconds West along the centerline of vacated Cleveland Street and westerly extension thereof a distance of 654.67 feet to the southerly railroad right-of-way line of the I & M Rail Link; thence South 47 degrees 12 minutes 00 seconds East along said southerly railroad right-of-way line a distance of 185.85 feet to a circular curve, concave northeasterly and having a radius of 2048.69 feet; thence southeasterly along said southerly railroad right-of-way line and circular curve through a central angle of 9 degrees 01 minutes 00 seconds an arc length of 322.40 feet to end of curve; thence South 56 degrees 13 minutes 00 seconds East along said southerly railroad right-of-way line a distance of 1219.85 feet to the East

line of the Southeast Quarter of Section 5; thence North 0 degrees 00 minutes 00 seconds East along the East line of the Southeast Quarter a distance of 2435.32 feet, more or less, to the point of beginning.

Together with that part of the Southeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota bounded as follows:

On the South, by the westerly extension of the centerline of vacated Cleveland Street according to the plat of Garden Addition, on file and of record in the office of the Faribault County Recorder;

On the Southwest, by the southerly railroad right-of-way line of the I & M Rail Link, said right-of-way line also being the northerly line of Park Place Addition to Wells, according to the plat on file and of record in the office of the Faribault County Recorder;

On the West, by the northerly extension of the west line of Lot 2 of Block Thirteen of said Park Place Addition;

And on the Northeast by the northeasterly right-of-way line of Minnesota Trunk Highway No. 22.

Together with the South 330 feet of the East 748.50 feet of the Southeast Quarter of the Northeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota.

Together with all that part of the right-of-way of Minnesota Trunk Highway No. 22 in the Southeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota lying westerly of the East 748.50 feet of the Southeast Quarter.

Annexation Area 1B contains 54 acres, more or less.

Area 1C

That part of the Southeast Quarter of Section 9, Township 103 North, Range 24 West in Faribault County, Minnesota bounded as follows:

On the North by the south line of the Industrial Park Subdivision in the City of Wells, Minnesota according to the plat on file and of record in the office of the Faribault County Recorder;

On the East by a line lying parallel with and 2007.02 feet East (measured at right angles) of the West line of the Southeast Quarter of Section 9, Township 103 North, Range 24 West in Faribault County, Minnesota;

On the South by a line lying parallel with and 925 feet South (measured at right angles) of the south line of the Industrial Park Subdivision;

And on the West by the West line of the Southeast Quarter of Section 9.

Annexation Area 1C contains 42.6 acres, more or less.

Area 2

All that part of the Northeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota lying southwesterly of the northeasterly right-of-way line of the I & M Rail Link.

Together with that part of the Southeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota bounded as follows:

On the South by the North line of the South Half of the Southwest Quarter of the Southeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota;

On the West by the West line of the Southeast Quarter of Section 5;

On the North by the North line of the Southeast Quarter of Section 5;

And on the East by the west line of Park Place Addition to Wells and northerly extension of the west line of Lot 2 of Block Thirteen of Park Place, according to the plat on file and of record in the office of the Faribault County Recorder.

Excepting therefrom all that part of the Southeast Quarter of Section 5, Township 103 North, Range 24 West in Faribault County, Minnesota lying northerly of the northeasterly right-of-way line of the I & M Rail Link.

Annexation Area 2 contains 38.5 acres, more or less.

Area 3

That part of the Southwest Quarter of Section 9, Township 103 North, Range 24 West in Faribault County, Minnesota bounded as follows:

On the North by the south line of the First Extension of Hansen's First and Second Country Club Additions and the south line of Viking Subdivision all in the City of Wells, according to the plats on file and of record in the office of the Faribault County Recorder;

On the East by the East line of the Southwest Quarter of Section 9, Township 103 North, Range 24 West in Faribault County, Minnesota;

On the South by a line lying parallel with and 380.00 feet South (measured at right angles) of the south line of said First Extension of Hansen's First and Second Country Club Additions and the south line of said Viking Subdivision;

And on the West by the East line of the West 464.50 feet of the Southwest Quarter of Section 9.

Annexation Area 3 contains 18.7 acres, more or less.

Area 4

The South Half of the Northwest Quarter of Section 4, Township 103 North, Range 24 West in Faribault County, Minnesota.

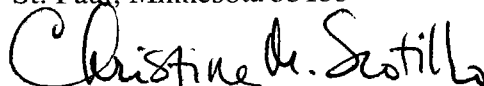
Together with the South 66.00 feet of the Northeast Quarter of the Northwest Quarter of Section 4, Township 103 North, Range 24 West in Faribault County, Minnesota.

Annexation Area 4 contains 82 acres, more or less.

is withdrawn, the continued hearing in this matter is canceled, and MBA Docket A-6798 Wells is closed without prejudice.

Dated this 25th day of September, 2003.

For the Acting Director of Strategic &
Long Range Planning
658 Cedar Street - Room 300
St. Paul, Minnesota 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments