

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Houston from Houston Township
(MBAU Docket A-7947)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On July 13, 2015, the city of Houston (City) adopted Ordinance Number 222 (Ordinance) annexing certain real property (Property) owned by the City legally described as follows:

Tax Parcel ID 06.0244.001

Tract 110P-F: That part of the property described in Record Document Book 411, Page 90, all in Houston County, Minnesota, being part of the Northwest Quarter Southwest Quarter of Section 33, Township 104 North, Range 6 West, said Houston County, bounded and described as follows: Commencing at the West Quarter Corner of Section 33, Township 104 North, Range 6 West, Houston County, Minnesota; thence South 02 degrees 43 minutes 38 seconds East; 481.79 feet along the West line of the Southwest Quarter of said Section 33; to the point of beginning of the easement to be described; thence continuing South 02 degrees 43 minutes, 38 seconds East, 502.92 feet; thence North 87 degrees 22 minutes 52 seconds East, 203.25 feet; thence North 02 degrees 28 minutes 17 seconds West 20.00 feet; thence North 87 degrees 22 minutes 52 seconds East 140.34 feet; thence North 02 degrees 28 minutes 17 seconds West, 120.00 feet; thence North 87 degrees 22 minutes 52 seconds East, 206.08 feet; to the Westerly line of Minnesota T.H. No. 76, being the arc of a curve concave to the West, having a radius of 2,907.21 feet, and chord bearing North 07 degrees 16 minutes 00 seconds West, 423.79 feet; thence along the arc of said curve 424.17 feet; thence South 80 degrees 48 minutes 50 seconds West, 520.06 feet to the point of the beginning. Said described tract contains 255,355.22 square feet or 5.86 acres, more or less.

Tract 110R-L: That part of the property described in Record Document Book 358, Page 435, all in Houston County, Minnesota, being part of the Northwest Quarter Southwest Quarter of Section 33, Township 104 North, Range 6 West, said Houston County, bounded and described as follows: Commencing at the West Quarter Corner of Section 33 Township 104 North, Range 6 West, Houston County, Minnesota; thence South 02 degrees 43 minutes 38 seconds East, 323.19 feet along the West line of the Southwest Quarter of said Section 33 to the point of beginning of the easement to be described; thence continuing South 02 degrees 43 minutes 38 seconds East, 158.60 feet; thence North 80 degrees 48 minutes 50 seconds East, 520.67 feet to the Westerly line of Minnesota T.H. No. 76 being the

arc of a curve concave to the West, having a radius of 2,907.21 feet and chord bearing North 12 degrees 53 minutes 28 seconds West, 155.00 feet; thence Northwesterly 155.01 feet along the arc of said curve; thence South 81 degrees 09 minutes 09 seconds West, 492.83 feet to the point of beginning. Said described tract contains 79,125.07 feet or 1.81 acres, more or less.

Tax Parcel ID 06.0243.000

A parcel of land with the Southwest corner lying 1105 feet East and 2213.5 feet North from the Section Corners 5, 4, 32 and 33 of Township 103 and 104 North of Range 6 West described as follows: Starting at the Southwest Corner thereof, thence North 284.76 feet, thence right 86 degrees 30 minutes for a distance of 77.88 feet, thence right 28 degrees 42 minutes for a distance of 254 feet to East Property line fence, thence right 77 degrees 33 minutes for distance of 190 feet, thence right 77 degrees 19 minutes to commencing point of Southwest corner. The above described property lying and being upon the land of L.P. Johnson all in Section 33, Township 104 North, of Range 6 West of the Fifth Principal Meridian and containing 1.665 acres more or less. The testimony of L.P. Johnson, owner, being that the East Fence Line was established by the adjoining property owner as a fence line over 30 years ago. Also a strip of land three feet wide and 80 rods long, more or less, running from the North side of the above described 1.665 acre plat to the South Bank of Root River, Present Channel, Also a strip of land three feet wide and 300 feet long more or less running from the South side of the above described 1.665 acre plat to the point where the center line of Sheridan Street in the Village of Houston, Minnesota, prolonged North, intersects the South line of the Northwest Quarter of Section 33, Township 104 North, Range 6 West. All of the above described lands lying and being in Section 33, Township 104 North, Range 6 West, and containing in all 1.776 acres, more or less.

Tax Parcel ID 06.0331.000

The Southeast Quarter of the Northwest Quarter of Section 4, Township 103 North of Range 6 West of the Fifth Principal Meridian, Houston County, Minnesota. Together with an Easement described as follows: A 40 foot wide Easement for access purposes over and across that part of the Northeast Quarter of the Northwest Quarter of Section 4, Township 103 North, Range 6 West, City of Houston, Houston County, Minnesota the Centerline being described as follows: Commencing at the Northeast Corner of said Northeast Quarter Northwest Quarter; thence South 89 degrees 26 minutes 15 seconds West (assumed bearing) along the North line of said Northeast Quarter Northwest Quarter 841.81 feet to its intersection with the Easterly Right-of-Way line of Ellsworth Street in said City of Houston; thence South 00 degrees 36 minutes 50 seconds East along said Easterly R.O.W. line, 460.00 feet to the Southeasterly Corner of said Ellsworth Street; thence South 89 degrees 26 minutes 15 seconds West along the Southerly line of said Ellsworth Street, 40.00 feet to the centerline of said Ellsworth Street and to the point of beginning of said Easement Centerline; thence South 00 degrees 36 minutes 50 seconds East along the Southerly Extension of said Centerline of said Ellsworth Street and along said Easement Centerline 648.12 feet to the South line of said Northeast Quarter Northwest Quarter and there

terminating. The sidelines are longer or shorter to meet existing property lines. EXCEPT: That part of the Southeast Quarter of the Northwest Quarter of Section 4, in Township 103 North of Range 6 West, described as commencing at a point 31 rods West and 1122 Feet South of the Northeast Corner of the Northeast Quarter of the Northwest Quarter of Section 4, Township 103, North of Range 6 West, said point on South Forty line, thence South 50 feet, thence East 250 feet, thence North 50 feet, thence West 250 feet to place of beginning. ALSO EXCEPTING: Commencing at the Southwest Corner of Block 34, Mons Anderson's Addition to the City (formerly village) of Houston, thence South along the East line of Sheridan Street, if Sheridan Street were extended South a distance of 977.50 feet; thence at a deflection angle to the right of 90 degrees, a distance of 80 feet to the point of beginning of the parcel to be described; thence continuing Westerly along the last described line a distance of 150 feet; thence at a deflection angle to the Left of 90 degrees a distance of 97 feet; thence at a deflection angle to the Left of 90 degrees, a distance of 22 feet; thence at a deflection angle to the Right of 90 degrees, a distance of 100 feet; thence at a deflection angle to the Left of 90 degrees, a distance of 128 feet; thence at a deflection angle to the Left of 90 degrees, a distance of 197 feet to the point of beginning.

Tax Parcel ID 06.0332.000

The North 70 acres of the East Half of the Southeast Quarter of Section 5, Township 103 North of Range 6 West of the Fifth Principal Meridian.

Tax Parcel ID 06.0322.000

The West Half of the Southwest Quarter of Section 4 in Township 103 North of Range 6 West of the Fifth Principal Meridian.

The Southwest Quarter of the Northwest quarter of Section 4, in Township 103 north of Range 6 West of the Fifth Principal Meridian, Excepting therefrom the following parcels described as:

- (A) Commencing at the Northeast Corner of said Southwest Quarter of the Northwest Quarter running thence West on the North line 17.5 rods, thence south 9.05 rods, thence East 17.5 rods to the East line of said 40 acre subdivision, thence North on said line to the point of beginning.
- (B) Commencing at a point 21.08 chains South (Variation 4 degrees East) from the Northwest Corner of said Section 4, said Point being 2 rods South of the center of the Public Highway, running thence South (Variation 4 degrees East) 19-2/27ths rods, thence East (variation 5 degrees North) 29 rods, thence North 25-2/27ths rods thence South 77 degrees West 13 rods, thence South 88.5 degrees West 16 rods to the place of beginning, containing 4 acres more or less.
- (C) All that property lying Northerly and Northwesterly of the Southerly line of Grant Street extended Westerly, also known as Grant Drive.
- (D) Convey 2 acres of land for Public use of said Village beginning at the South end of the new road, from the South Terminus of Grant Street in Mons Anderson's to the Village of Houston to the said two acres, and at

the terminus of the 19 chains South from the beginning point of said road and at the Southeast corner thereof where it turns West, then running Southeast 26 2/3 rods, thence Southwest 12 rods, thence Northwest 26 2/3 rods, thence fronting along the South side of said road from West to East 12 rods to the place of beginning.

Tax Parcel ID 06.0333.000

The South one-fourth of the Southeast Quarter of the Southeast Quarter of Section 5, Township 103 North, of Range 6 West.

Based upon a review of the Ordinance, the Chief Administrative Law Judge makes the following:

ORDER

1. Pursuant to Minn. Stat. § 414.033 (2014), the Ordinance is deemed adequate in all legal respects and properly supports this Order.

2. Pursuant to the terms of the Ordinance and this Order, the Property is **ANNEXED** to the City.

3. As stated in the Ordinance, no reimbursement will be made by the City to Houston Township (Township) pursuant to Minn. Stat. § 414.036 (2014). There are no special assessments or debt incurred by the Township on the Property for which reimbursement is required.

Dated: November 16, 2015

s/Tammy L. Pust

TAMMY L. PUST
Chief Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.033, .07, .09, .12 (2014). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Houston County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2015). However, no request for amendment shall extend the time of appeal from this Order.

For questions concerning this Order, please contact Star Holman at the Office of Administrative Hearings at *star.holman@state.mn.us* or 651-361-7909.