

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of Certain
Real Property to the City of Perham from
Perham Township (MBAU Docket A-7967)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On December 14, 2015, the city of Perham (City) adopted Ordinance Number 378 (Ordinance) annexing certain real property (Property) legally described as follows:

A tract of land lying and being in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Numbered Fourteen (14), in Township Numbered One Hundred Thirty-six (136), North of Range Numbered Thirty-nine (39), more particularly described as follows: Beginning at the Southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of Section Numbered Fourteen (14); thence running north along the center line of said Section 80 rods; thence East 5 rods; thence South parallel with said center line 80 rods; thence West 5 rods; to the place of beginning, all in Section Numbered Fourteen (14), in Township Numbered One Hundred Thirty-six (136), North of Range Numbered Thirty-nine (39), West of the Fifth Principal Meridian, in the County of Otter Tail and State of Minnesota; and

The unplatted Portion of the Eastern 110 feet of the Southeast Quarter of Southwest Quarter also described as the Eastern 110 feet of the Southeast Quarter of the Southwest Quarter of Section 14, Township 136, Range 39; and

That part of the Southeast Quarter of the Southwest Quarter of Section 14, Township 136, Range 39, Otter Tail Count, Minnesota, described as follows: Commencing at a found iron monument which designates the south quarter corner of said Section 14 thence South 89 degrees, 37 minutes, 25 seconds West, assumed bearing, along the south line of Said Section 1, a distance of 160.69 feet to the point of beginning; thence North 00 degrees 38 minutes 28 seconds West, a distance of 373.76 feet; thence South 60 degrees 41 minutes 25 seconds East, a distance of 38.09 feet; thence North 00 degrees 38 minutes 28 seconds West, a distance of 483.16 feet to the southwesterly line of vacated Beaver Street; thence South 50 degrees 36 minutes 52 seconds East along said southwesterly line, a distance of 23.24 feet to the west line of the East 110 feet of the Southeast Quarter of the Southwest Quarter; thence South 00 degrees 38 minutes 03 seconds East along said west line, a distance of 823.20 feet to the south line of said Section 14; thence South 89 degrees 37 minutes 25 seconds West along said south section line a distance of 50.69 feet to the point of beginning.

All that part of Sublot 1 of the Subdivision of the Southwest Quarter of the Southeast Quarter of Section 14, Township 136, Range 39, Otter Tail County, Minnesota described as follows: Commencing at the South Quarter corner of said Section 14; thence on an assumed bearing of South 89 degrees 20 minutes 52 seconds East along the south line of said Section 14, a distance of 95.00 feet; thence North 00 degrees 35 minutes 52 seconds West a distance of 717.26 feet; thence North 02 degrees 16 minutes 07 seconds West a distance of 138.68 feet to the point of beginning of the land to be describe; thence North 01 degrees 09 minutes 08 seconds West a distance of 392.09 feet; thence South 52 degrees 11 minutes 37 seconds East a distance of 210.45 feet; thence South 31 degrees 03 minutes 25 seconds West a distance of 307.02 feet to the point of beginning. Containing 0.74 acres more or less. Subject to County State Aid Highway No. 80 together with all hereditaments and appurtenances thereto; and

Sublot 2 and that part of Sublot 1 of that certain SUBLOT PLAT recorded in Book G of Plats, page 3, said plat was recorded on July 21, 1900, in the office of the Recorder in Otter Tail County, Minnesota, and that part of the Southwest Quarter of the Southeast Quarter in Section 14, Township 135 North, Range 39 West of the Fifth Principal Meridian in said County, all described as follows: Commencing at a found cast iron monument which designates the south quarter corner of said Section 14; thence South 88 degrees 19 minutes 42 seconds East 95.00 feet on an assumed bearing along the south line of said Section 14 to an iron monument hereinafter referred to as Point A; thence continuing South 88 degrees 19 minutes 42 seconds East 505.73 feet along the south line of said Section 14; thence North 05 degrees 24 minutes 38 seconds East 394.57 feet; thence northeasterly on a curve concave to the southeast, having a central angle of 33 degrees 26 minutes 31 seconds and a radius of 350.00 feet, for a distance of 204.29 feet (chord bearing North 22 degrees 07 minutes 54 seconds East); thence North 38 degrees 51 minutes 09 seconds East 105.33 feet to the southwesterly right of way line of County State Aid Highway No. 80 (Old Trunk Highway No. 10); thence North 51 degrees 10 minutes 56 seconds West 395.97 feet along the southwesterly right of way line of said County State Aid Highway No. 80 (Old Trunk Highway No. 10) to a found iron monument, said point is the point of beginning; thence South 39 degrees 12 minutes 12 seconds West 215.22 feet to a found iron monument; thence South 01 degree 21 minutes 18 seconds West 146.08 feet to a found iron monument; thence continuing South 01 degree 21 minutes 18 seconds West 51.14 feet to a found iron monument; thence South 00 degrees 58 minutes 47 seconds West 537.59 feet to an iron monument on the south line of said Section 14; thence North 88 degrees 19 minutes 42 seconds West 226.36 feet along the south line of said Section 14 to a found iron monument at the aforementioned Point A; thence North 00 degrees 25 minutes 18 seconds East 717.26 feet to a found iron monument; thence North 01 degree 14 minutes 57 seconds West 138.68 feet to a found iron monument at the most southerly corner of Kenneth R. Altstadt's land as described in Document 689647 on file and of record in the office of the Recorder in said County; thence North 32 degrees 04 minutes 35 seconds East 266.57 feet along the southeasterly line of said Altstadt's land to a found iron monument on the southwesterly right of way line of said County State Aid Highway No. 80 (Old

Trunk Highway No. 10); thence South 51 degrees 10 minutes 56 seconds East 298.18 feet along the southwesterly right of way line of said County State Aid Highway No. 80 (Old Trunk Highway No. 10) to the point of beginning. The above described tract contains 5.77 acres; and

Commencing at a found cast iron monument which designates the south quarter corner of said Section 14; thence South 88 degrees 19 minutes 42 seconds East 600.73 feet on an assumed bearing along the south line said Section 14; thence North 05 degrees 24 minutes 38 seconds East 394.57 feet; thence northeasterly on a curve concave to the southeast, having a central angle of 33 degrees 26 minutes 31 seconds and a radius of 350.00 feet, for a distance of 204.29 feet (chord bearing North 22 degrees 07 minutes 54 seconds East); thence North 38 degrees 51 minutes 09 seconds East 105.33 feet to the southwesterly right of way line of County State Aid Highway No. 80 (Old Trunk Highway 10); thence North 51 degrees 10 minutes 56 seconds West 40.00 feet along the southwesterly right of way line of said County State Aid Highway No. 80 (Old Trunk Highway 10) to an iron monument; thence continuing North 51 degrees 10 minutes 56 seconds West 126.93 feet along the southwesterly right of way line of said County State Aid Highway No. 80 (Old Trunk Highway 10) to an iron monument; thence continuing North 51 degrees 10 minutes 56 seconds West 148.32 feet along the southwesterly right of way line of said County State Aid Highway No. 80 (Old Trunk Highway 10) to an iron monument, said point is the point of beginning; thence continuing North 51 degrees 10 minutes 56 seconds West 80.72 feet along the southwesterly right of way line of said County State Aid Highway No. 80 (Old Trunk Highway 10) to an iron monument; thence South 39 degrees 12 minutes 12 seconds West 215.22 feet to an iron monument; thence South 01 degree 21 minutes 18 seconds West 146.08 feet to an iron monument; thence North 37 degrees 39 minutes 42 seconds East 331.23 feet to the point of beginning. The above described tract contains 23,011 square feet (0.53 of an acre); and

Commencing at a found cast iron monument which designates the south quarter corner of said Section 14; thence South 88 degrees 19 minutes 42 seconds East 600.73 feet on an assumed bearing along the south line said Section 14; thence North 05 degrees 24 minutes 38 seconds East 394.57 feet; thence northeasterly on a curve concave to the southeast, having a central angle of 33 degrees 26 minutes 31 seconds and a radius of 350.00 feet, for a distance of 204.29 feet (chord bearing North 22 degrees 07 minutes 54 seconds East); thence North 38 degrees 51 minutes 09 seconds East 105.33 feet to the southwesterly right of way line of County State Aid Highway No. 80 (Old Trunk Highway 10); thence North 51 degrees 10 minutes 56 seconds West 40.00 feet along the southwesterly right of way line of said County State Aid Highway No. 80 (Old Trunk Highway 10) to an iron monument, said point is the point of beginning; thence continuing North 51 degrees 10 minutes 56 seconds West 126.93 feet along the southwesterly right of way line of said County State Aid Highway No. 80 (Old Trunk Highway 10) to an iron monument; thence continuing North 51 degrees 10 minutes 56 seconds West 148.32 feet along the southwesterly right of way line of said County State Aid Highway No. 80 (Old Trunk Highway 10) to an iron monument; thence South 37

degrees 39 minutes 42 seconds West 331.23 feet to an iron monument; thence South 01 degree 21 minutes 18 seconds West 51.14 feet to an iron monument; thence South 84 degrees 35 minutes 17 seconds East 154.49 feet to an iron monument; thence continuing South 84 degrees 35 minutes 17 seconds East 145.80 feet to an iron monument on the westerly line of Seventh Avenue Northeast as acquired by the City of Perham according to Documents 867676 and 867677, said documents are on file and of record in the office of the Recorder in said County; thence northeasterly along the westerly line of said Seventh Avenue Northeast on a curve concave to the southeast, having a central angle of 15 degrees 01 minute 42 seconds and a radius of 390.00 feet, for a distance of 102.29 feet (chord bearing North 31 degrees 20 minutes 18 seconds East) to an iron monument; thence North 38 degrees 51 minutes 09 seconds East 105.30 feet continuing along the westerly line of said Seventh Avenue Northeast to the point of beginning. The above described tract contains 82,215 square feet (1.89 acre); and

Commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter of Section 14, Township 136, Range 39, Otter Tail County, Minnesota and running 26 rods west on the South line of said Section 14; thence turning an angle and running in a northerly direction 40 rods to the corner of the Northern Pacific Railroad lines; thence turning an angle and running 30 rods in an easterly direction on the South line of the Northern Pacific Railroad to Kapp's Northwest corner; thence turning an angle and running South 19 ½ rods to point of beginning, the same containing 5 acres, be the same more or less, except that part sold to State Highway Department. ALSO DESCRIBED AS FOLLOWS: That part of the South half of the Southeast Quarter of Section 14, Township 136, Range 39 West of the Fifth Principal Meridian in Otter Tail County, Minnesota described as follows: Beginning at the southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 14; thence West 421.16 feet on an assumed bearing along the South line of said Southwest Quarter of the Southeast Quarter; thence North 03 degrees 37 minutes 05 seconds East 658.95 feet to the southwesterly right of way line of the Burlington Northern, Inc. railway; thence South 50 degrees 59 minutes 40 seconds East 495.00 feet along said southwesterly right of way line of said Burlington Northern, Inc. railway; thence South 00 degrees 50 minutes 27 seconds West 346.13 feet to the point of beginning. The above described tract contains 4.73 acres. SUBJECT to an easement for highway purposes described as follows: Commencing at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence West 421.16 feet on an assumed bearing along the South line of said Southwest Quarter of the Southeast Quarter; thence North 03 degrees 37 minutes 05 seconds East 534.87 feet to the southwesterly right of way of Trunk Highway No. 10, said point is the point of beginning; thence South 52 degrees 51 minutes 11 seconds East 490.41 feet along the southwesterly right of way line of said Burlington Northern, Inc. railway; thence North 50 degrees 59 minutes 40 seconds West 495.0 feet along the southwesterly right of way line of said Burlington Northern, Inc. railway; thence South 03 degrees 37 minutes 05 seconds West 124.08 feet to the point of beginning. The above described tract contains 1.07 acres.

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. Pursuant to Minn. Stat. § 414.036 (2014), the City will reimburse Perham Township (Township) \$6,412.08 in January 2016 and \$6,412.07 in January 2017 as stated in the Ordinance.

Dated: December 31, 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 Otter Tail 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.