

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Audubon from Audubon Township
(MBAU Docket A-8062)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On June 13, 2017, the City of Audubon (City) adopted Ordinance Number 164 (Ordinance) annexing certain real city-owned property (Property) from Audubon Township (Township) legally described as follows:

The Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 9, Township 139 North of Range 42 West of the 5th P.M. in Becker County, Minnesota.

AND

The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 9, Township 139 North, Range 42 West of the 5th P.M. in Becker County, Minnesota, **LESS** the Westerly 778 feet thereof.

AND

The North Half of the Northeast Quarter of the Southeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) and the Northeast Quarter (NE $\frac{1}{4}$) of Section 9, Township 139 North, Range 42 West **LESS** the following described tracts:

1) Beginning at a found iron monument at the northeast corner of said NE $\frac{1}{4}$; thence S. 00°33'01" W. 1666.50 ft. on an assumed bearing along the east line of said NE $\frac{1}{4}$; thence N. 89° 26' 59" W. 50.00 ft. to an iron monument; thence continuing N. 89° 26'59" W. to the west line of said NE $\frac{1}{4}$; thence northerly along the west line of said NE $\frac{1}{4}$ to the NW corner of said NE $\frac{1}{4}$; thence easterly along the north line of said NE $\frac{1}{4}$ to the point of beginning. SUBJECT to the existing County State Aid Highway No. 13 right of way easement along the easterly boundary thereof and SUBJECT to the existing Public Road easement along the northerly boundary thereof.

2) That part of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 9, Twp. 139, Range 42 West of the 5th P.M. in Becker Co., Minn., described as follows: Commencing at a found iron monument which designates the northeast corner of said Section 9; thence S. 00° 33' 01" W. 1666.50 ft. on an assumed bearing along the east line of said Section 9 to

the point of beginning; thence N. 89° 26' 59" W. 50.00 ft. to an iron monument; thence continuing N. 89° 26' 59" W. 565.93 ft.; thence S. 01° 11' 09" W. 243.72 ft. to an iron monument; thence continuing S. 01° 11' 09" W. 300.76 ft. to an iron monument; thence continuing S. 01° 11' 09" W. 160.52 ft.; thence S. 89° 26' 45" E. 623.75 ft. to the east line of said Section 9; thence N. 00° 33' 01" E. 705.00 ft. along the east line of said Section 9 to the point of beginning. SUBJECT to County State Aid Highway No. 13 right of way easement over, under and across the easterly 50.00 feet of the above described tract.

3) That part of the Southeast Quarter of the Northeast Quarter (SE¼ NE¼) and the North Half of the Northeast Quarter of the Southeast Quarter (N½ NE¼ SE¼) of Section 9, Twp. 139, Range 42 West of the 5th P.M. in Becker Co., Minn., previously annexed by Ordinance 122 dated October 9, 1995 and described as follows: Beginning at a found iron monument which designates the east quarter corner of said Section 9; thence North 00 degrees 33 minutes 01 seconds East 280.83 feet on an assumed bearing along the east line of said Section 9; thence North 89 degrees 26 minutes 45 seconds West 900.00 feet to a point; thence South 00 degrees 33 minutes 01 seconds West 940 feet, more or less, to the south line of said North Half of the Northeast Quarter of the Southeast Quarter; thence easterly on and along the south line of said North Half of the Northeast Quarter of the Southeast Quarter to the east line of said Section 9; thence North 00 degrees 33 minutes 01 seconds West 660 feet, more or less, on and along the east line of said Section 9 to the point of beginning. Subject to right of way easement for C.S.A.H. Highway 13.

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

ORDER

1. Pursuant to Minn. Stat. § 414.033 (2016), the Ordinance is deemed adequate in all legal respects and properly support this Order.
2. Pursuant to the terms of the Ordinance and this Order, the Property is **ANNEXED** to the City.
3. As there is no taxable property within the Property, the provisions of Minn. Stat. § 414.036 (2016) are not applicable.

Dated: July 12, 2017



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 (2016). Minn. Stat. § 414.033, subd. 7 requires that a copy of the annexation ordinance be filed with the township, the appropriate county auditor(s), and the Secretary of State.

Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Becker 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.