

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Fosston from Rosebud Township
(MBAU Docket A-8069)

**ORDER APPROVING
ANNEXATION ORDINANCE**

Pursuant to Minn. Stat. § 414.033, subd. 5 (2016), on November 13, 2017, the City of Fosston (City) adopted Ordinance Number 4.33 (Ordinance) which approved the Petition for Annexation of J. Rettenmaier USA LP to annex certain real property (Property) from Rosebud Township (Township) legally described as follows:

That part of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Four (4), Township One-Hundred Forty-Seven (147) North, Range Forty (40) West of the Fifth Principal Meridian, Polk County, Minnesota, described as follows, to-wit:

Beginning at a point 589.0 feet due North and 320.0 feet due West of the center of said Section 4 said point being the point of commencement of the tract of land described in the Indenture recorded January 5, 1946, in Book 237 of Deeds, page 328; thence Northerly, parallel with and 320.0 feet West of the North and South quarter line through said Section 4 a distance of 13.7 feet; thence due West 526.0 feet to the Northeast corner of a tract of land, which tract is the parcel described in an indenture dated March 25, 1963, and recorded in Book 351 of Deeds, page 85; thence due South along the Easterly line of said tract a distance of 150.0 feet to its intersection with the Northeasterly boundary of the right of way of Trunk Highway No. 2; thence Southeasterly along said right of way line a distance of 278.5 feet, "more or less" to the Southwesterly corner of the tract hereinbefore mentioned as being recorded in Book 237 of Deeds, page 328; thence due North along the Westerly boundary of said tract to the Northwest corner thereof; thence due East along the Northerly boundary of said tract a distance of 300.0 feet to the point of beginning, EXCEPTING THEREFROM the following described tract:

Beginning at a point 589.0 feet due north and 320.0 feet due west of the center of said Section Four (4); thence northerly, parallel with and 320.0 feet west of the north and south quarter line through said Section Four (4) a distance of 13.7 feet to the southeast corner of Lot Three (3), Block Two (2), Fosston Industrial Park; thence due west 526.0 feet, more or less, and along the southerly line of Lots Three (3), Four (4), and Five (5), Block Two (2), Fosston Industrial Park, to the southwest corner of said Lot Five (5); thence at right angles due south a distance of 40 feet; thence due east and parallel to the south line of said Lots Three (3), Four (4), and Five (5), a distance of 526.0 feet, more or less, to a point which is 320.0 feet west of the north and south quarter line through said Section Four (4) and which is also due south of the point of beginning; thence due north and parallel with such north and

south quarter line a distance of 26.3 feet to the point of beginning.

No objection to the Petition for Annexation was filed by the Township pursuant to Minn. Stat. § 414.033, subd. 5.

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 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 (2016), the City will reimburse property taxes to the Township in the amount of \$12.86 each year for two years as stated in the Ordinance.

Dated: November 20, 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 Polk 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 (2017). However, no request for amendment shall extend the time of appeal from this Order.