

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 A-8097)

**ORDER APPROVING
ANNEXATION ORDINANCE**

This matter came before Chief Administrative Law Judge Tammy L. Pust upon the City of Houston's filed request for an order approving annexation by ordinance pursuant to Minn. Stat. § 414.033 (2016).

Jed J. Hammell, Hammell & Murphy, P.L.L.P., appears on behalf of the Petitioner City of Houston (City). No appearance was made on behalf of the Houston Town Board of Supervisors (Houston Township).

Based upon a review of the file and proceeding herein, the Chief Administrative Law Judge makes the following:

FINDINGS OF FACT

1. On November 10, 2015, the City filed a Petition for Annexation with the Office of Administrative Hearings requesting the annexation of six parcels of real property which the City believed were located outside the City's municipal boundaries. This matter was docketed as OAH File No. 84-0330-32990.

2. In her Findings of Fact, Conclusions of Law and Order Regarding Annexation issued on January 18, 2017 in OAH File No. 84-0330-32990, the Chief Administrative Law Judge determined, *inter alia*, that legislation passed in 1876¹ effectively detached certain real property, described in the referenced Order as the "Sherman-Sheridan Residential Property,"² from the City's then-current boundaries and that this property remained outside of the City's boundaries and within the boundaries of Houston Township notwithstanding the fact that it exists as an island of property completely surrounded by property within the City's boundaries.

3. Following the completion of a required survey and ascertainment of a proper legal description, on October 10, 2017, the City adopted Ordinance Number 226 (Ordinance) annexing the real property earlier referenced as the Sherman-Sheridan

¹ 1876 Minn. Laws Spec. Laws ch. 9, § 1 at 73-74.

² *In the Matter of the Annexation of Certain Real Property to the City of Houston from Houston Township (MBAU A-7959)*, No. 84-0330-32990, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER REGARDING ANNEXATION (Minn. Office Admin. Hearings Jan. 18, 2017), at 25, ¶ 87.

Residential Property (Property) from Houston Township and into the City.

4. The City filed the Ordinance with the Office of Administrative Hearings on October 23, 2017.

5. The required filing fee was received on November 13, 2017.

6. The Ordinance requests annexation of the Property legally described as follows:

That part of the Southeast Quarter of the Northwest Quarter of Section 4, Township 103 North, Range 6 West, Houston County, Minnesota, lying within the following described parcel:

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.

AND

That part of the Northeast Quarter of the Northwest Quarter of Section 4, Township 103 North, Range 6 West, Houston County, Minnesota, lying westerly of the following described Parcel 1 and southerly of the following described Parcel 2:

Parcel 1:

Commencing at the southwest corner of Chase Street in the Northeast Quarter of the Northwest Quarter of Section 4, Township 103 North, Range 6 West; thence South 525 feet to the south line of said Quarter Section; thence West along said line 760 feet; thence North 475 feet to the southwest corner of Sheridan Street; thence East 80 feet; thence North 12.5 feet; thence East 140 feet; thence North 163 feet; thence East 540 feet to the west right-of-way of Chase Street; thence South to the point of beginning.

Parcel 2:

Commencing at a point 38 feet South and 20 feet East of the southeast corner of Lot 6, Block 33, Mons Anderson's Addition to the City (formerly Village) of Houston, Minnesota; thence South 36 rods (594 feet); thence West 1,060 feet; thence North 36 rods (594 feet) to the south side of the Street of said Mons Anderson's Addition;

thence East on the south side of said Street 1,060 feet to the place of beginning.

AND

That part of the East 7 acres of the Northwest Quarter of the Northwest Quarter of Section 4, Township 103 North, Range 6 West, Houston County, Minnesota, lying westerly and southerly of the following described parcel:

Commencing at a point 38 feet South and 20 feet East of the southeast corner of Lot 6, Block 33, Mons Anderson's Addition to the City (formerly Village) of Houston, Minnesota; thence South 36 rods (594 feet); thence West 1,060 feet; thence North 36 rods (594 feet) to the south side of the Street of said Mons Anderson's Addition; thence East on the south side of said Street 1,060 feet to the place of beginning.

Based upon a review of the Ordinance together with all the files and proceedings in this and the related matter, 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** into the City.
3. Pursuant to Minn. Stat. § 414.036 (2016) and as memorialized by agreement of the City and Houston Township, the City will reimburse the Township \$676.92 each year for two years.³

Dated: January 8, 2018



TAMMY L. PUST
Chief Administrative Law Judge

³ November 29, 2017 correspondence from Christina Peterson, City Administrator.

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 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 (2017). However, no request for amendment shall extend the time of appeal from this Order.