

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Swanville from Burnhamville Township
(MBAU Docket A-8140)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On May 9, 2018, the City of Swanville (City) adopted Ordinance Number 18-0403B (Ordinance) annexing certain real property (Property) from Burnhamville Township (Township) legally described as follows:

All of the 100 foot wide right-of-way being 50 feet wide on each side of the track center line of Burlington Northern, Inc.'s Little Falls to Villard, Minnesota Branch Line, now removed, lying North of a line drawn parallel with and distant 1,770.5 feet South of the north line of the of the SE $\frac{1}{4}$ of Section 12, Township 128 North, Range 32 West of the 5th P.M., Todd County, Minnesota, EXCEPT all that part of the above described property lying south of the following described line: Commencing at the Southeast corner of said SE $\frac{1}{4}$; thence North 00 degrees 27 minutes 46 seconds West (assumed bearing) along the east line of said SE $\frac{1}{4}$ a distance of 713.97 feet to the north line of the south 26.4 acres lying east of the discontinued Burlington Northern Railroad; thence South 88 degrees 16 minutes 28 seconds West, along the north line of the south 26.4 acres of said SE $\frac{1}{4}$ lying easterly of the discontinued Burlington Northern Railroad and its westerly extension a distance of 445.18 feet; thence continuing South 88 degrees 16 minutes 28 seconds West a distance of 985.69 feet to the northwesterly right-of-way line of said railroad; thence North 40 degrees 30 minutes 57 seconds East along said northwesterly right-of- way line a distance of 1,135.06 feet to the point of beginning of the line to be described; thence North 89 degrees 32 minutes 14 seconds East a distance of 686.18 feet to the east line of said SE $\frac{1}{4}$.

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 the Township as stated in Ordinance Number 18-0403B.

Dated: May 29, 2018



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 Todd 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.