

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Fergus Falls from Fergus Falls Township
(MBAU Docket A-8186)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On August 6, 2018, the City of Fergus Falls (City) adopted Ordinance Number 71 (Ordinance) annexing certain real property (Property) from Fergus Falls Township (Township) legally described as follows:

Partain Tract: The North 175.00 feet of the East 428.00 feet of the tract of land described as the South 400.00 feet of the East 762.30 feet, except the Easterly 50 feet Highway Right-of-Way Adjacent, of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty-eight (28), Township One Hundred Thirty-three (133), Range Forty-three (43), Otter Tail County, Minnesota. Tract contains 1.72 acres.

Anderson Tract: That part of the North Half of the Southeast Quarter (N $\frac{1}{2}$ of SE $\frac{1}{4}$) of Section Twenty-eight (28), Township One Hundred Thirty-three (133), Range Forty-three (43), described as follows: Beginning at the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 28, Township 133 North, Range 43 West, thence West along the North line of said Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) 762.30 feet, thence North 400 feet, thence East 762.30 feet, thence South along the East line of said Section 28, 400 feet to the point of beginning, said tract containing 7 acres more or less, except the Easterly 50 feet Highway Right-of-Way Adjacent, and except the following: The North 175 feet of the East 428 feet of above said tract. Tract contains 4.83 acres.

Great Plains Natural Gas Co. Tract: Commencing on the North line of the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) where it intersects the West right of way line of Trunk Highway 52 on the East edge of said tract, thence due West 50 feet, thence at right angles and South 50 feet, thence at right angles and East 50 feet to the West right of way line of Highway 52, thence North 50 feet to the Point of Beginning, all in Section 28, Township 133, Range 43. Tract contains .06 acres.

Michaelson Tract: That part of the Northeast Quarter (NE $\frac{1}{4}$), in Section 28, Township 133, Range 43, described as follows: Commencing at the East quarter-

section corner of said Section 28, thence North along the East line of said section, 476.0 feet, thence West at a right angle from the section line 68.0 feet to the point of beginning, thence North 225.0 feet, thence West 217.63 feet, thence South 225.00 feet, thence East 217.63 feet to the point of beginning. Tract contains 1.13 acres.

Korby Contracting Co., Inc. Tract: That part of the South Half of the Northeast Quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section Thirty-one (31), in Township One Hundred Thirty-three (133), Range Forty-three (43), described as follows: Beginning at the point where the Southerly right-of-way line of the Northern Pacific Railways property intersects the East and West quarter line in said Section 31, said Point of Beginning being also located twenty (20) feet West of the East quarter corner of said Section 31, running thence West along the quarter line fifteen hundred and twenty (1520) feet to a point marked with an iron monument, running thence North four degrees and forty-two minutes East three hundred and ninety-seven (397) feet to a point on the Southerly right-of-way limits of the Northern Pacific Railway Company's property and marked with an iron monument, and running thence in a general Southeasterly direction along the Southerly right-of-way line of the said Railway Company's property a distance of fifteen hundred and thirty-two (1532) feet to the point of beginning. Tract contains 6.14 acres.

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

ORDER

1. Pursuant to Minn. Stat. § 414.033 (2018), 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 (2018), the City will reimburse the Township \$862 each year for two years.
4. The City must file a copy of the Annexation Ordinance with the Township, the appropriate county auditor(s), and the Secretary of State as required by Minn. Stat. § 414.033, subd. 7.

Dated: February 6, 2019



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 (2018). 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 (2017). However, no request for amendment shall extend the time of appeal from this Order.