

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Faribault from Warsaw Township
(MBAU Docket A-8365)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On September 14, 2021, the City of Faribault (City) adopted Ordinance No. 2021-7 (Ordinance) annexing certain real property (Property) from Warsaw Township (Township) legally described as follows:

Parcel 1

All that part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, T 109 N, R 21 W, Rice County, Minnesota, described by:

Commencing at the southeast corner of said SW $\frac{1}{4}$; thence N 00° 12' 40" E, assumed bearing, 545.55 feet along the east line of said SW $\frac{1}{4}$ to a point on the south right of way line of the Iowa, Chicago & Eastern Railroad; last said point being the True Point of Beginning; thence N 00° 12' 40" E 101.94 feet along the east line of said SW $\frac{1}{4}$ to the north right of way line of said railroad; thence northwesterly along said right of way line and along a nontangential curve concave to the northeast, central angle 35° 54' 57", radius 1218.87 feet, chord N 60° 11' 35" W 751.60 feet, arc length 764.05 feet; thence N 89° 39' 10" W 131.72 feet to the southwesterly right of way line of said Railroad; thence southeasterly along said right of way line and along a nontangential curve concave to the northeast, central angle 40° 41' 02", radius 1318.87 feet, chord S 58° 42' 08" E 916.94 feet, arc length 936.49 feet to said True Point of Beginning. Containing 1.95 acres, more or less. Except any land already within the City limits. Subject to easements and restrictions of record, if any.

Parcel 2

All that part of the following described parcel lying west of Windsor Park No. 27:

All of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right, title and interest in and to its former 100 foot wide right of way in, on, over and across the South Half of the SE $\frac{1}{4}$ of Section 1, T 109 N, R 21 W, Rice County, Minnesota, said right of way being 50 feet in width on each side of said Grantor's main track centerline as formerly there laid across said Section 1. Containing 1.18 acres, more or less. Except any land already within the City limits. Subject to easements and restrictions of record, if any.

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

ORDER


1. Pursuant to Minn. Stat. § 414.033 (2022), 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. As there is no taxable property within the Property, the provisions of Minn. Stat. § 414.036 (2022) are not applicable.

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: November 15, 2022


JESSICA A. PALMER-DENIG
Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.033, .07, .09, .12 (2022). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Rice 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 (2021). However, no request for amendment shall extend the time of appeal from this Order.