

PROPERTY OWNER PETITION FOR CONCURRENT
DETACHMENT AND ANNEXATION

RECEIVED
by OAH on April 30, 2018

IN THE MATTER OF THE PETITION BY ALL OF THE PROPERTY OWNERS FOR THE
DETACHMENT OF CERTAIN LAND FROM THE CITY OF NOWTHEN, MINNESOTA AND
CONCURRENT ANNEXATION TO THE CITY OF OAK GROVE MINNESOTA PURSUANT
TO MINNESOTA STATUTES § 414.061, SUBD. 5

TO: Office of Administrative Hearings
Municipal Boundary Adjustment Unit
P. O. Box 64620
St. Paul, MN 55164-0620

We, the undersigned, being all of the property owners of the following described land, hereby request the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings to detach said property from the City of Nowthen, Minnesota and annex it to the City of Oak Grove, Minnesota, pursuant to Minnesota Statutes § 414.061, Subd. 5:

(Kent and Muriel Roessler Property):

That part of the Northeast Quarter of the Southwest Quarter lying Easterly of the centerline of State Highway No. 47 (St. Francis Blvd. NW) of Section 25, Township 33, Range 25, excepting therefrom the following described tract: Commencing at the Northeast corner of the Southwest Quarter of Section 25, Township 33, Range 25, thence West on the North line of said quarter section 64 rods, more or less, to the center of the Anoka and St. Francis Road, thence South along the center of said road to a point 5 rods South of the North line of said quarter section, thence East and parallel with the first course 64 rods more or less to said East line of said Southwest Quarter; thence North along the East line to the point of beginning all located in Anoka County, Minnesota.

AND

All that part of the North Half of Section 25, Township 33, Range 25, Anoka County, Minnesota lying east of the centerline of State Highway No. 47, except the following described parcels:

Parcel 1:

That part of the North 832.68 feet of the South 1,392.68 feet, as measured at right angles to the South line, of the East Half of the Northwest Quarter of Section 25, Township 33, Range 25, Anoka County, Minnesota lying East of the centerline of State Highway No. 47 also known as St. Francis Boulevard, N.W., as now laid out and constructed, except the East 100.00 feet, as measured at right angles to the East line thereof.

AND

Parcel 2:

Commencing at a point on the North line of said North Half where said State Highway No. 47 passes said North line; thence East 20 rods; thence South 16 rods; thence West 20 rods more or less to the center of said road; thence North along the centerline of said road to the point of beginning.

AND

Parcel 3:

Commencing at the Southeast corner of the Northwest Quarter of said Section 25; thence North on the East boundary line of said Northwest Quarter 10 rods; thence West at right angles 64 rods more or less to the centerline of State Highway No. 47; thence South along the center of said road 10 rods more or less to the South line of said quarter section; thence East on said South line to the point of beginning.

Parcel 4:

The West 605.00 feet of the North 724.00 feet of the Northwest Quarter of the Northeast Quarter of Section 25, Township 33, Range 25, Anoka County, Minnesota.

AND

The North Half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 25, Township 33, Range 25.

(Douglas and Norma Hough Property):

Parcel 1:

The Southwest Quarter of the Southeast Quarter of Section 25, Township 33, Range 25.

AND

Parcel 2:

The Northwest Quarter of the Northeast Quarter of Section 36, Township 33, Range 25 and ALSO The Northeast Quarter of the Northeast Quarter of Section 36 Township 33, Range 25, EXCEPT the South 680 feet of the East 400 feet thereof.

(Cash Farms LLC Property):

The West 605.00 feet of the North 724.00 feet of the Northwest Quarter of the Northeast Quarter of Section 25, Township 33, Range 25, Anoka County, Minnesota.

(the "Property").

In bringing forward this Petition, the Petitioners state that:

1. There are five (5) property owners in the area proposed for detachment/annexation.
2. The Property is presently within the City of Nowthen and abuts the City of Oak Grove, in the County of Anoka.
3. The Property proposed for detachment/annexation is approximately 450 acres.

4. This boundary adjustment is being requested because:

The City of Oak Grove approves of the Petitioners' request for concurrent detachment and annexation and believes the Petitioners' request is in the best interest of Oak Grove as evidenced by the fully-executed Oak Grove Resolution attached hereto as Exhibit A.

The Property abuts the western boarder of the City of Oak Grove and a portion of the Hough Property extends into and is part of the City of Oak Grove. The Petitioners' desired use of the Property is more aligned with pattern of physical development, land use, and density objectives of Oak Grove, but Petitioners currently have no long term plan for development that they intend to implement. Nowthen has historically allowed very limited residential land development.

Nowthen has no active pattern of physical development and planning for the Property and has no present intention to allow the Property to be developed for residential, commercial or industrial purposes.

Current land use controls for the Property are non-existent. The Property is currently designated as Diversified Rural under the existing Nowthen Comprehensive Plan but abuts land in Oak Grove that is designated as Rural Residential. The current development plan for the Property by the petitioners is consistent with the Rural Residential classification that exists in Oak Grove. The Metropolitan Council has designated virtually all of Oak Grove as a Rural Residential City (with the exception of a small area in the southeast corner of the city). Accordingly, the Petitioners' desired use of the Property is aligned with the land use controls/objectives and Comprehensive Plan guidance for Oak Grove.

The Property is better served by the governmental services from Oak Grove. The Oak Grove Fire Station is less than one mile from the Property compared to the Nowthen Fire Station that is nearly five miles away from the Property. Currently, the Property receives police protection from the Anoka Sheriff because Nowthen does not have its own police force. Oak Grove also contracts with the Anoka County Sheriff's Department for routine patrols. There would not be any additional burden on the police force because each city is currently protected by the Anoka County Sheriff.

The Property is not connected, nor does it benefit from, any Nowthen municipal roads. Any proposed transportation development in the future will be at the county level rather than through Nowthen. There would not be any impact to Nowthen's transportation network.

The Property is currently served by the same two school districts (Anoka and St. Francis) as the immediate area within Oak Grove and there will be no impact to the school districts either from losing tax revenue or from a large change in student population.

Finally, the Property currently generates approximately \$13,600.00 in tax revenue, of which Anoka County receives the vast majority of the revenue which will not change through the detachment and annexation. Nowthen currently only receives a *de minimis* amount of the taxes collected on the Property. Accordingly, the Property will have very little fiscal impact on either Oak Grove or Nowthen.

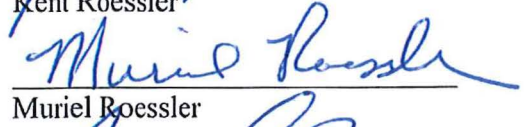
Date: 4/4/2018

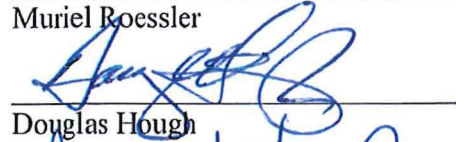
Date: 4/4/2018

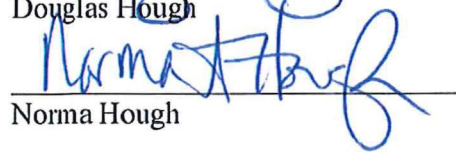
Date: 4/9/2018

Date: 4/9/2018


Kent Roessler


Muriel Roessler

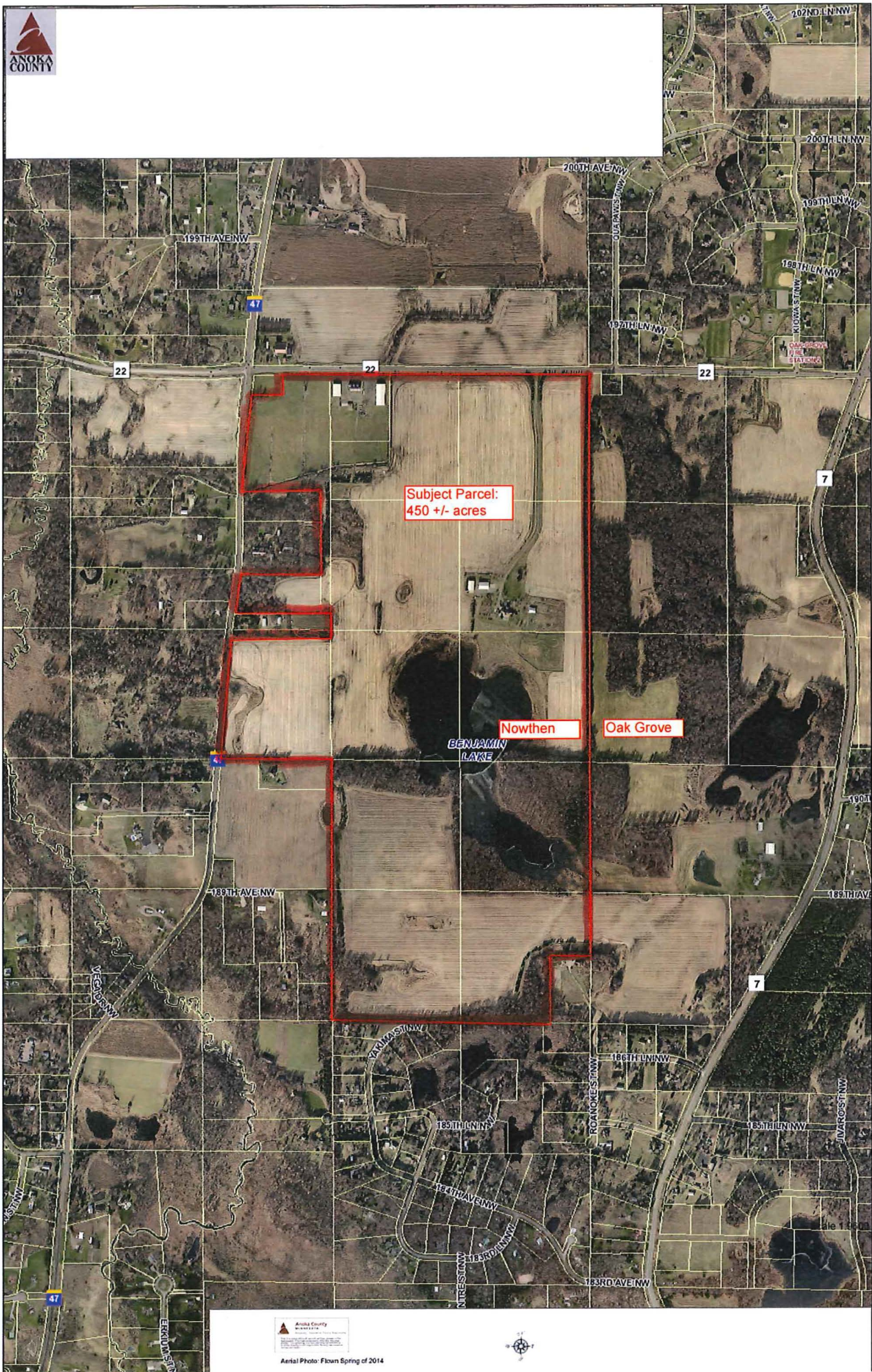

Douglas Hough


Norma Hough

Cash Farms LLC

By: David Moritz 4-6-18

Its: pres.



Subject Parcel:
450 +/- acres

Nowthen

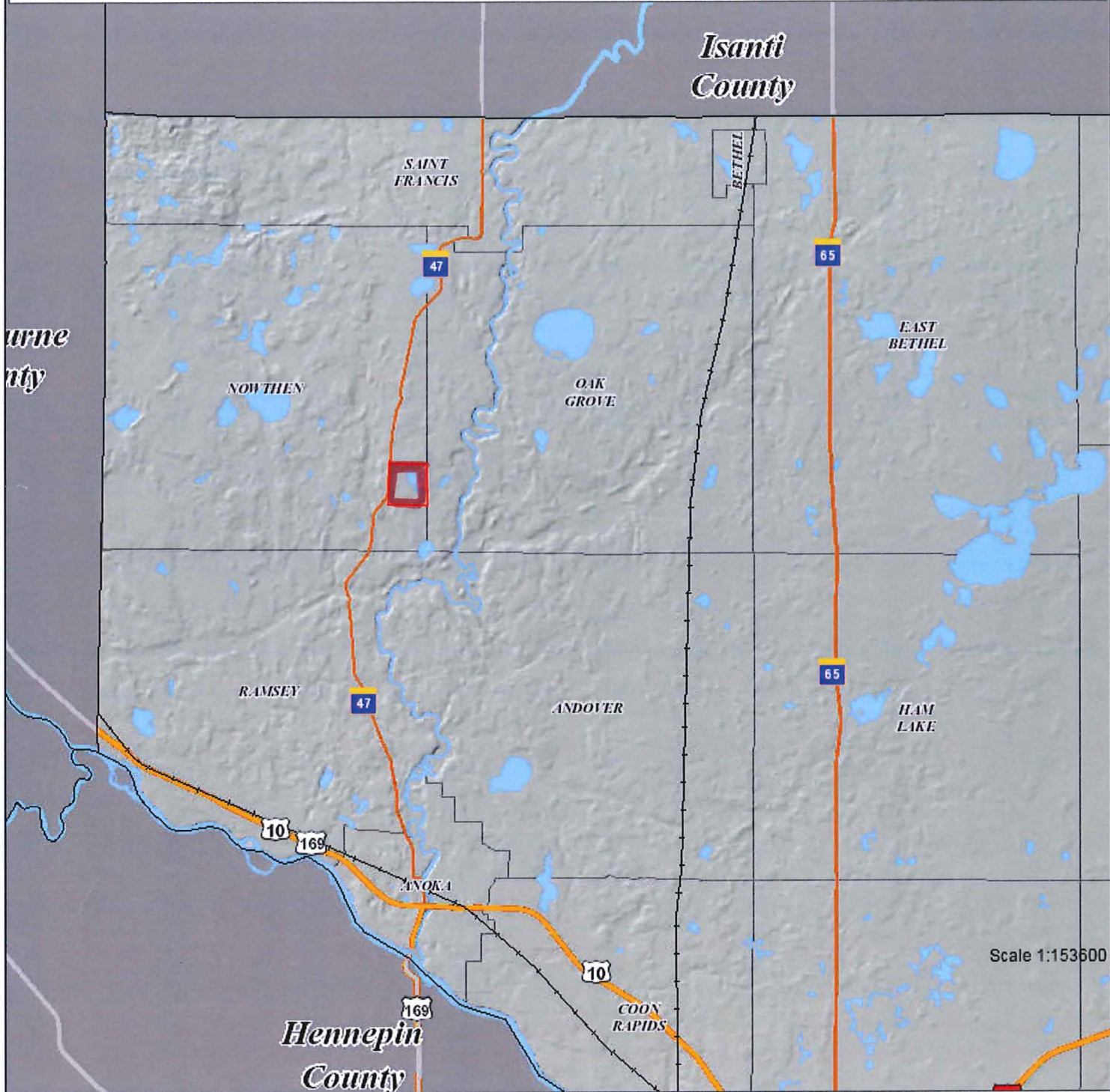
Oak Grove

BENJAMIN LAKE



Aerial Photo: Floam Spring of 2014





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Scale 1:153600



Aerial Photo: Flown Spring of 2014

CITY OF OAK GROVE

RESOLUTION NO. 18-039

**SUPPORTING PETITION FOR CONCURRENT
DETACHMENT OF CERTAIN LANDS FROM NOWTHEN
AND ANNEXATION INTO OAK GROVE
PURSUANT TO MINN. STAT. §414.061, SUBDIVISION 5**

WHEREAS, the City of Oak Grove, Anoka County, Minnesota (“Oak Grove”) has received requests or petitions (together, the “Petition”) from Kent and Muriel Roessler (“Roessler”), Douglas and Norma Hough (“Hough”), Eldon Farb, filed on behalf of August and Gladys Farb (“Farb”), and Cash Farms LLC (“Cash Farms”), and;

WHEREAS, Roessler, Hough, Farb and Cash Farms own real property legally described on Exhibit 1 (the “Subject Properties”), and;

WHEREAS, the Petition requests the detachment of the Subject Properties from the City of Nowthen, Anoka County, Minnesota (“Nowthen”), and concurrent annexation of the Subject Properties to Oak Grove, all pursuant to Minnesota Statute section 414.061, subdivision 5;


WHEREAS, the Oak Grove City Council desires to annex the Subject Properties, and;

WHEREAS, Oak Grove provides this Resolution to be presented with the Petition to the Office of Administrative Hearings, Municipal Boundary Adjustments.

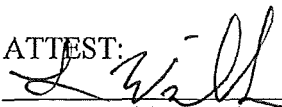
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oak Grove, Anoka County, Minnesota, that:

1. Annexation of the Subject Properties into Oak Grove is in the best interest of the city.
2. Oak Grove desires that the Petition for annexation of the Subject Properties into of Oak Grove be granted.
3. Oak Grove staff is authorized and directed to provide a certified copy of this Resolution to the above-referenced property owners for filing.

ADOPTED this 26th day of March, 2018.


Mark Korin, Mayor

ATTEST:


Loren Wickham, City Administrator

**EXHIBIT 1
LEGAL DESCRIPTIONS**

ROESSLER PARCELS

DOCUMENT NO. 1132327
WARRANTY DEED

ALL THAT PART OF THE NORTH HALF OF SECTION 25, TOWNSHIP 33, RANGE 25, ANOKA COUNTY, MINNESOTA LYING EAST OF THE CENTERLINE OF STATE HIGHWAY NO. 47, EXCEPT THE FOLLOWING DESCRIBED PARCELS:

PARCEL 1:

THAT PART OF THE NORTH 832.68 FEET OF THE SOUTH 1,392.68 FEET, AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE, OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 33, RANGE 25, ANOKA COUNTY, MINNESOTA LYING EAST OF THE CENTERLINE OF STATE HIGHWAY NO. 47 ALSO KNOWN AS ST. FRANCIS BOULEVARD, AS NOW LAID OUT AND CONSTRUCTED, EXCEPT THE EAST 100.00 FEET, AS MEASURED AT RIGHT ANGLES TO THE EAST LINE THEREOF.

AND

PARCEL 2:

COMMENCING AT A POINT ON THE NORTH LINE OF SAID NORTH HALF WHERE SAID STATE HIGHWAY NO. 47 PASSES SAID NORTH LINE; THENCE EAST 20 RODS; THENCE SOUTH 16 RODS; THENCE WEST 20 RODS MORE OR LESS TO THE CENTER OF SAID ROAD; THENCE NORTH ALONG THE CENTERLINE OF SAID ROAD TO THE POINT OF BEGINNING.

AND

PARCEL 3:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE NORTH ON THE EAST BOUNDARY LINE OF SAID NORTHWEST QUARTER 10 RODS; THENCE WEST AT RIGHT ANGLES 64 RODS MORE OR LESS TO THE CENTERLINE OF STATE HIGHWAY NO. 47; THENCE SOUTH ALONG THE CENTER OF SAID ROAD 10 RODS MORE OR LESS TO THE SOUTH LINE OF SAID QUARTER SECTION; THENCE EAST ON SAID SOUTH LINE TO THE POINT OF BEGINNING.

DOCUMENT NO. 2130678.001
QUIT CLAIM DEED

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25,
TOWNSHIP 33, RANGE 25, ANOKA COUNTY. MINNESOTA. EXCEPT THE WEST 605.00
FEET OF THE NORTH 724.00 FEET THEREOF.

DOCUMENT NO. 2006332.001
WARRANTY DEED

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER LYING
EASTERLY OF THE CENTERLINE OF STATE HIGHWAY NO. 47 (ST. FRANCIS BLVD.
NW) OF SECTION 25, TOWNSHIP 33, RANGE 25, EXCEPTING THEREFROM THE
FOLLOWING DESCRIBED TRACT: COMMENCING AT THE NORTHEAST CORNER OF
THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 33, RANGE 25, THENCE
WEST ON THE NORTH LINE OF SAID QUARTER SECTION 64 RODS, MORE OR LESS,
TO THE CENTER OF THE ANOKA AND ST. FRANCIS ROAD, THENCE SOUTH ALONG
THE CENTER OF SAID ROAD TO A POINT 5 RODS SOUTH OF THE NORTH LINE OF
SAID QUARTER SECTION, THENCE EAST AND PARALLEL WITH THE FIRST COURSE
64 RODS MORE OR LESS TO THE EAST LINE OF SAID SOUTHWEST QUARTER;
THENCE NORTH ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

TOGETHER WITH ALL HEREDITAMENTS AND APPURTENANCES BELONGING
THERE TO. SUBJECT TO THE FOLLOWING EXCEPTIONS:

COVENANTS, EASEMENTS, MINERAL RESERVATIONS AND RESTRICTIONS OF
RECORD, IF ANY.

DOCUMENT NO. 1136893
WARRANTY DEED

THE NORTH HALF OF THE SOUTHEAST QUARTER AND THE SOUTHEAST QUARTER
OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 33, RANGE 25.

PID 22-33-25-21-0002
PID 25-33-25-12-0002
PID 22-33-25-11-0001
PID 25-33-25-24-0009
PID 25-33-25-13-0001
PID 25-33-25-14-0001
PID 25-33-25-31-0003
PID 25-33-25-42-0001
PID 25-33-25-41-0001
PID 25-33-25-44-0001

HOUGH PARCELS

DOCUMENT NO. 2112586.003
CONTRACT FOR DEED

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 25,
TOWNSHIP 33, RANGE 25, ANOKA COUNTY, MINNESOTA;

AND

THE NORTH HALF OF THE NORTHEAST QUARTER, SECTION 36, TOWNSHIP 33,
RANGE 25, ANOKA COUNTY, MINNESOTA; EXCEPT THE SOUTH 680 FEET OF THE
EAST 400 FEET THEREOF;

SUBJECT TO GRANTS OF EASEMENTS AND RESERVATIONS OF EASEMENTS
AFFECTING PARTS OF THE ABOVE-DESCRIBED REAL PROPERTIES AS SHOWN IN
DOCUMENT NUMBERS 965353, 1227883, AND 1232797.

PID 25-33-25-43-0001
PID 36-33-25-11-0003
PID 36-33-25-12-0001

FARB PARCELS

DOCUMENT NO. 2110201.003
MORTGAGE DEED

THAT PART OF THE SOUTH HALF OF THE SOUTH HALF (S1/2 OF S1/2) OF SECTION TWENTY-FOUR (24), TOWNSHIP THIRTY-THREE (33), RANGE TWENTY-FIVE (25) DESCRIBED AS FOLLOWS: COMMENCING AT A POINT THIRTY (30) RODS SOUTH OF THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S1/2 OF SE1/4) OF SAID SECTION TWENTY-FOUR (24), THENCE WEST AND PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION TWENTY-FOUR (24), TO THE WEST LINE THEREOF, AND THENCE CONTINUING WEST IN A STRAIGHT LINE TO THE CENTER OF THE ANOKA, AND ST. FRANCIS ROAD, SO-CALLED, THENCE SOUTH ALONG CENTER OF SAID ROAD TO THE SOUTH LINE OF SAID SECTION TWENTY-FOUR (24), THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION TWENTY-FOUR (24) TO THE EAST LINE THEREOF, THENCE NORTH ALONG SAID LINE TO THE POINT OF BEGINNING.

DOCUMENT NO. 1985518.003
QUIT-CLAIM

THE NORTH FORTY ACRES OF ALL THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER (N1/2 OF NW1/4) OF SECTION TWENTY-FIVE (25), IN TOWNSHIP THIRTY-THREE (33), NORTH OF RANGE TWENTY-FIVE (25) WEST, LYING WEST OF THE CENTER LINE OF THE COUNTY ROAD AS SAID ROAD IS NOW LAID OUT, WHICH SAID ROAD RUNS ACROSS THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4 OF NW1/4) OF SECTION TWENTY-FIVE (25) IN A NORTHWESTERLY AND SOUTHWESTERLY DIRECTION. ALSO ALL THAT PART OF SAID NORTHEAST QUARTER OF NORTHWEST QUARTER (NE1/4 OF NW1/4) OF SAID SECTION TWENTY-FIVE (25). IN TOWNSHIP AND RANGE AFORESAID, DESCRIBED AS FOLLOWS: COMMENCING ON THE NORTH BOUNDARY LINE OF SAID NORTHEAST QUARTER OF NORTHWEST QUARTER (NE1/4 OF NW1/4) OF SAID SECTION TWENTY-FIVE (25), AT THE POINT WHERE THE CENTER LINE OF THE COUNTY ROAD AFORESAID CROSSES SAID NORTH BOUNDARY LINE, THENCE RUNNING EAST ON SAID NORTH BOUNDARY LINE TWENTY (20) RODS. THENCE SOUTH AT RIGHT ANGLES SIXTEEN (16) RODS. THENCE AT RIGHT ANGLES WEST AND PARALLEL WITH SAID NORTH BOUNDARY LINE TWENTY (20) RODS, MORE OR LESS, TO THE CENTER OF SAID COUNTY ROAD, THENCE NORTH ON THE CENTER LINE OF SAID COUNTY ROAD TO THE POINT OF BEGINNING. CONTAINING TWO (2) ACRES MORE OR LESS:

DOCUMENT NO. 2140679.005
LIEN

THE NORTH FORTY ACRES OF ALL THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER (N1/2 OF NW1/4 OF SECTION TWENTY-FIVE (25), IN TOWNSHIP THIRTY-THREE' (33), NORTH OF RANGE TWENTY FIVE(35) WEST, LYING WEST OF THE CENTER LINE OF THE COUNTY ROAD AS SAID ROAD IS NOW LAID OUT, WHICH SAID ROAD RUNS ACROSS THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4 OF NW1/4) OF SECTION TWENTY FIVE-(25) IN A NORTHWESTERLY AND SOUTHWESTERLY DIRECTION, ALSO THAT PART OF SAID NORTHEAST QUARTER OF NORTHWEST QUARTER (NE1/4 OF NW1/4) OF SAID SECTION TWENTY-FIVE (25) IN TOWNSHIP AND RANGE AFORESAID. DESCRIBED AS FOLLOWS:

COMMENCING ON THE NORTH BOUNDARY LINE OF 'SAID NORTHEAST QUARTER OF NORTHWEST QUARTER (NE1/4 OF

NW1/4) OF SAID SECTION TWENTY-FIVE (25). AT THE POINT WHERE THE CENTER LINE OF THE ' COUNTY ROAD AFORESAID CROSSES SAID NORTH BOUNDARY LINE, THENCE RUNNING EAST ON SAID NORTH BOUNDARY LINE TWENTY (20) RODS, THENCE SOUTH AT RIGHT ANGLES SIXTEEN (16) RODS, THENCE AT RIGHT ANGLES WEST AND PARALLEL WITH SAID NORTH BOUNDARY LINE TWENTY (20) RODS, MORE OR LESS TO THE CENTER OF SAID COUNTY ROAD, THENCE NORTH ON THE CENTER LINE OF SAID COUNTY ROAD TO THE POINT OF BEGINNING. CONTAINING TWO (2) ACRES MORE OR LESS. ALSO COMMENCING AT A POINT THIRTY (30) RODS SOUTH OF THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S1/2 OF SE1/4) OF SECTION TWENTY-FOUR (24), THENCE WEST AND PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION TWENTY-FOUR (24), TO THE WEST LINE THEREOF AND THENCE CONTINUING WEST IN A STRAIGHT LINE TO THE CENTER OF THE ANOKA AND ST. FRANCIS ROAD, SO-CALLED, THENCE SOUTH ALONG CENTER OF SAID ROAD TO THE SOUTH LINE OF SECTION TWENTY-FOUR (24), THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION TWENTY-FOUR (24) TO THE EAST LINE THEREOF, THENCE NORTH ALONG SAID LINE TO THE POINT OF BEGINNING.

AND

THAT PART OF THE NORTHEAST QUARTER OF NORTHEAST QUARTER (NE1/4 OF NE1/4) OF SECTION TWENTY SIX (26), TOWNSHIP THIRTY THREE (33), RANGE TWENTY FIVE (25) THAT IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER THEREOF AND PROCEEDING THENCE WEST ON THE NORTH LINE THEREOF FOR A DISTANCE OF THREE HUNDRED THIRTY TWO (332) FEET; AND PROCEEDING THENCE SOUTH AND PARALLEL TO THE EAST LINE THEREOF FOR A DISTANCE OF FOUR HUNDRED SIXTY (460) FEET; AND PROCEEDING THENCE EAST AND PARALLEL TO SAID

NORTH LINE TO SAID EAST LNE; AND PROCEEDING THENCE NORTH ON SAID
EAST LINE TO THE POINT OF COMMENCEMENT.

PID 24-33-25-43-0002

PID 25-33-25-22-0001

PID 26-33-25-11-0001

CASH FARMS, LLC PARCELS

DOCUMENT NO. 2130678.002

WARRANTY DEED

THE WEST 605.00 FEET OF THE NORTH 724.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 33, RANGE 25, ANOKA COUNTY, MINNESOTA.

DOCUMENT NO. 2130678.004

ROADWAY, DRAINAGE AND UTILITY EASEMENT

THE WEST 605.00 FEET OF THE NORTH 724.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 33, RANGE 25, ANOKA COUNTY, MINNESOTA.

DOCUMENT NO. 2130678.005

PRIVATE DRIVEWAY EASEMENT

THE WEST 605.00 FEET OF THE NORTH 724.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 33, RANGE 25, ANOKA COUNTY, MINNESOTA.

PID 25-33-25-12-0003