

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF MAPLE LAKE) FINDINGS OF FACT
AND MAPLE LAKE TOWNSHIP PURSUANT TO) CONCLUSIONS OF LAW
MINNESOTA STATUTES 414) AND ORDER

The city resolution for orderly annexation submitted by the City of Maple Lake was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge's designee hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. A joint resolution for orderly annexation was adopted by the City of Maple Lake and Maple Lake Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.
2. A resolution adopted and submitted by the City of Maple Lake, requests annexation of part of the designated area described as follows:

That part of the West half of the Southwest quarter and Government Lots 4 and 5 of Section 5, Township 120, Range 26, described as follows: Commencing at the Southwest corner of the said West Half of the Southwest Quarter; thence North along the West line of the said West Half of the Southwest Quarter a distance of 1,567.78 feet to the Southerly right-of-way line of a 66.00 foot road deeded to the Village of Maple Lake; thence Southeasterly deflecting 100°10' right along the said right-of-way line a distance of 780.81 feet to the actual point of beginning; thence continue Southeasterly along the last described course a distance of 329.50 feet to the Southerly right-of-way line of Minnesota State Highway Number 55; thence Southeasterly deflecting 9°59'48" right along the said right-of-way line a distance of 241.00 feet; thence Southwesterly deflecting 90° right a distance of 300.00 feet; thence Northwesterly ds deflecting 90° right a distance of 565.60 feet; thence Northeasterly deflecting 90° right a distance of 242.79 feet to the point of beginning, containing 3.68 acres, and hereinafter called The Basic Tract. Subject, however, to servitude of the following easement: That the grantors shall reserve and have right of access across the strips of land hereinafter described as the First Easement Area and the Second Easement Area from public road or highway to any other premises now owned by the grantors

in the West Half of the Southwest Quarter and in Government Lots 4 and 5 of Section 5, Township 120, Range 26, Wright County, Minnesota, hereinafter referred to as the dominant tenement. Such right of access will not be exclusive and may be enjoyed by both the grantee and its successors, and by the grantors and their successors, and shall appertain to the premises of the grantors herein referred to as the dominant tenement and shall run therewith, and the servitude and burden of this access easement shall run with the above Basic Tract as the servient tract. Access will include all types including vehicular, pedestrian and utility. In event the grantors or their successors elect to plat real estate in the dominant tenement above referred to, the grantee or its successors will join with them in dedicating. Either or both the First Easement Area or the Second Easement Area to the public for public road and highway purposes. The First Easement Area is described as follows: A strip of land 25 feet wide and substantially 242.79 feet in length, whose Westerly boundary is the Westerly-Northwesterly line of the above Basic Tract; whose Southerly-Southwesterly boundary is the same as the Southerly-Southwesterly boundary of such Basic Tract; whose Northerly boundary is the public road boundary as the same coincides with the Northerly boundary of the above Basic Tract; and the Easterly-Southeasterly line of such First Easement Area being parallel with the Westerly-Northwesterly line thereof. The Second Easement Area is described as follows: A strip of land 33 feet in width and 300 feet in length whose Easterly-Southeasterly line is the Easterly-Southeasterly line of the Basic Tract; whose Westerly-Northwesterly line is 33 feet therefrom and parallel with such line; whose Northerly-Northeasterly line is the Southerly right-of-way line of State Highway Number 55 as the same coincides with the Northerly-Northeasterly line of the Basic Tract; and whose Southerly-Southwesterly line is the Southerly-Southwesterly line of the Basic Tract.

The First parties further hereby grant to the second party, an easement of access for all purposes as above-defined to the above Basic Tract from the public highway over a strip of land hereinafter called the Third Easement Area, being a strip of land 33 feet wide and 300 feet in length whose Westerly-Northwesterly line is the Easterly-Southeasterly line of the above Basic Tract; whose Easterly-Southeasterly line is 33 feet from and parallel with such line; whose Northerly-Northeasterly line is the Southerly right-of-way of State Highway Number 55; and whose Southerly-Southwesterly line is the Southerly-Southwesterly line of the Basic Tract projected Southeasterly. The easement of access over the Third Easement Area shall appertain to the above Basic Tract and run therewith, and the servitude thereof shall run with the area above subjected to such easement of access. In event the first parties plat as above-described, the second party or its successors shall join in just as above-provided across the First and Second Easement Areas.

AND

All that part of the West Half of the Southwest Quarter of Section 5, Township 120, Range 26, described as follows: Commencing at the most Southerly corner of that certain tract described in a Warranty Deed from John Paul Jude and Eileen Jude, husband and wife, to Lake Region Cooperative Oil Association of Maple Lake dated September 17, 1970, and recorded November 12, 1970, in Book 235 of Deeds, page 494 (hereafter referred to as the Lake Region Cooperative Tract); thence proceed in a Southwesterly direction along the Southeasterly line of the Lake Region Cooperative tract projected in a Southwesterly direction 100 feet; thence angle right 90° parallel to the Southwesterly line of the Lake Region Cooperative Tract, 565.60 feet; thence angle right 90°, 100 feet to the most Westerly corner of the Lake Region Cooperative tract; thence angle right 90° along the Southwesterly line of the Lake Region Cooperative tract, 565.60 feet to the point of beginning.

3. Minnesota Statutes §414.0325, subd. 1(h) states that in certain circumstances the

Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to the terms of a joint resolution for orderly annexation.

4. The joint resolution contains all the information required by Minnesota Statutes §414.0325, subd. 1(h), including a provision that the Chief Administrative Law Judge may review and comment but shall order the annexation within 30 days in accordance with the terms of the joint resolution.

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.

2. An order should be issued by the Chief Administrative Law Judge annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Maple Lake, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Maple Lake Township will be reimbursed by the City of Maple Lake in accordance with the terms of Joint Resolution No. R-2006-08/2005-5 signed by the City on February 21, 2006 and the Township on July 19, 2005.

Dated this 17th day of August, 2010.

For the Chief Administrative Law Judge's designee
P. O. Box 64620
St. Paul, Minnesota 55164-0620



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments