

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
of Certain Real Property to the City of
Carver from Dahlgren Township
(MBAU Docket OA-1428-7)

**SECOND AMENDED ORDER
APPROVING ANNEXATION**

Robert T. Ruppe, Couri & Ruppe, PLLP, appears on behalf of Dahlgren Township (Township). R. Lawrence Harris and Matthew D. MacDougall, Melchert Hubert Sjodin, PLLP, appear on behalf of the City of Carver (City).

On June 15, 2016, the Chief Administrative Law Judge issued an Amended Order Approving Annexation, which annexation was determined to become effective on the date that the City submitted to the Office of Administrative Hearings a duly adopted resolution in support of the requested annexation which contains the correct legal description of the property to be annexed.

On June 21, 2016, the City filed with the Office of Administrative Hearings Resolution No. 125-16 which contained a corrected legal description of the Property to be annexed.

Based upon a review of the filings submitted by the parties, together with all proceedings herein, the Chief Administrative Law Judge issues the following:

ORDER

1. The property legally described as follows is hereby annexed into the City effective on June 21, 2016.

Chicago, Milwaukee, St. Paul & Pacific Railroad Company's abandoned 66 feet wide right-of-way in, over, and across the East 515 feet of the Northeast Quarter of the Northeast Quarter of Section 24, Township 115 North, Range 24 West, Carver County, Minnesota.

AND

The North 12.22 chains of the East 7.8 chains of the Northeast Quarter of Section 24, Township 115, Range 24, except for railroad right of way, Carver County, Minnesota.

EXCEPTING THEREFROM:

That part of the North 12.22 chains of the East 7.8 chains of the Northeast Quarter of the Northeast Quarter of Section 24, Township 115, Range 24, Carver County, Minnesota, described as follows:

Beginning at the Southeast corner of said North 12.22 chains of the East 7.8 chains of the Northeast Quarter of the Northeast Quarter; thence Westerly along the South line of said North 12.22 chains, a distance of 515.30 feet to the West line of said East 7.8 chains of the Northeast Quarter of the Northeast Quarter; thence Northerly along said West line a distance of 210.31 feet; thence Southeasterly 541.27 feet to a point on the East line of said Northeast Quarter of the Northeast Quarter distant 20.37 feet from the point of beginning; thence Southerly along said East line of the Northeast Quarter of the Northeast Quarter, 20.37 feet to the point of beginning.

ALSO EXCEPT:

That part of the Northeast Quarter of the Northeast Quarter of Section 24, Township 115, Range 24, Carver County, Minnesota, described as follows:

Beginning at the Northeast corner of said Northeast Quarter of the Northeast Quarter of Section 24; thence on an assumed bearing of South 00 degrees 13 minutes 13 seconds West, along the East line thereof, a distance of 143.17 feet; thence North 87 degrees 07 minutes 48 seconds West, a distance of 1340.09 feet to the West line of said Northeast Quarter of the Northeast Quarter of Section 24; thence North 00 degrees 19 minutes 32 seconds East, along said West line, a distance of 22.07 feet to the Northwest corner of said Northeast Quarter of the Northeast Quarter; thence North 87 degrees 41 minutes 25 seconds East, along the North line of said Northeast Quarter of the Northeast Quarter, a distance of 1339.92 feet to the point of beginning.¹

2. All other terms and conditions contained in the Amended Order Approving Annexation dated June 15, 2016, as supported by the Findings of Fact, Conclusions of Law and Memorandum attached thereto, remain in effect as incorporated herein by reference.

Dated: June 21, 2016



TAMMY L. PUST
Chief Administrative Law Judge

¹ Legal description included in attached Exhibit A, City Resolution No. 125-16.

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.0325, .07, .09, .12 (2014). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Carver 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 (2015). However, no request for amendment shall extend the time of appeal from this Order.