

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
of Certain Real Property to the City of
La Crescent from La Crescent Township
(MBAU Docket OA-1604-1)

**ORDER APPROVING
ANNEXATION**

A joint resolution for orderly annexation (Joint Resolution) was adopted by the city of La Crescent (City) and La Crescent Township (Township) on April 13, 2015, requesting the designation and immediate annexation of the certain real property (Property) legally described as follows:

Parcel 08.0575.000:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 104 NORTH OF RANGE 4 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, TO-WIT WEST ON THE SECTION LINE FROM THE SOUTHEAST CORNER OF SECTION 9 A DISTANCE OF 1647.9 FEET TO THE POINT OF BEGINNING, THENCE NORTH 7 DEGREES 55 MINUTES EAST A DISTANCE OF 257.3 FEET, THENCE NORTH 82 DEGREES 05 MINUTES WEST A DISTANCE OF 60 FEET; THENCE SOUTH 7 DEGREES 55 MINUTES WEST A DISTANCE OF 265.88 FEET TO THE SECTION LINE; THENCE EAST ON THE SECTION LINE 60.56 FEET TO THE POINT OF BEGINNING, CONTAINING 0.36 ACRES MORE OR LESS.

AND

PART OF BLOCK K OF AUDITORS SUBDIVISION OF SECTION 9, T104N, R4W, LA CRESCENT TOWNSHIP, HOUSTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 9; THENCE N 87 DEGREES 59'41" E. 865.21 FEET TO A POINT ON THE NORTH LINE OF C.S.A.H. 25; THENCE S89 DEGREES 43'11" E. ALONG SAID NORTH LINE 41.24 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89 DEGREES 43'11" E. ALONG SAID NORTH LINE 41.24 FEET; THENCE N8 DEGREES 08'51" E. 232.09 FEET; THENCE N81 DEGREES 51'09" W. 43.60 FEET; THENCE S7 DEGREES 29'02" W. 237.75 FEET TO THE POINT OF BEGINNING. CONTAINS 9,923 SQUARE FEET.

PARCEL 08.0557.000:

FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE

SOUTHEAST QUARTER OF SECTION 9 IN TOWNSHIP 104 NORTH OF RANGE 4 WEST OF THE FIFTH PRINCIPAL MERIDIAN RUN WEST ALONG THE SOUTH LINE OF THE ABOVE MENTIONED SECTION 253.6 FEET TO THE PLACE OF BEGINNING, THENCE NORTH 8 DEGREES 30 MINUTES EAST 33 FEET, THENCE NORTH 8 DEGREES 30 MINUTES EAST 214.6 FEET, THENCE NORTH 81 DEGREES 30 MINUTES WEST 65 FEET, THENCE SOUTH 8 DEGREES 30 MINUTES WEST 223.9 FEET, THENCE SOUTH 8 DEGREES 30 MINUTES WEST 33 FEET, THENCE EAST ALONG THE SOUTH LINE OF THE ABOVE MENTIONED SECTION 65.7 FEET TO THE PLACE OF BEGINNING. EXCEPT AN EASEMENT RESERVED FOR THE BENEFIT OF FORMER OWNERS FOR PURPOSES OF TRANSPORT AND TRAVEL OVER AND ACROSS A PORTION OF THE PREMISES DESCRIBED AS FOLLOWS: A STRIP OF LAND EXTENDING 2 RODS SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY BOUNDARY AND EXTENDING FROM THE EASTERLY BOUNDARY LINE TO THE WESTERLY BOUNDARY LINE THEREOF.

Parcel 08.0556.000:

A TRACT OF LAND DESCRIBED AS STARTING AT THE SOUTHEAST CORNER OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 9 IN TOWNSHIP 104 NORTH OF RANGE 4 WEST OF THE FIFTH PRINCIPAL MERIDIAN, THENCE WEST ALONG THE SECTION LINE 254.2 FEET TO AN IRON STAKE WHICH IS THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED, THENCE NORTH 7 DEGREES 55'E 232.6 FEET TO AN IRON STAKE, THENCE SOUTH 68 DEGREES 49'E 108.2 FEET, THENCE SOUTH 7 DEGREES 25'W 192.9 FEET TO THE SECTION LINE, THENCE WEST ALONG THE SECTION LINE 108 FEET, TO THE POINT OF BEGINNING. ALL OF THE ABOVE DESCRIBED REAL ESTATE IS A PART OF LOT 5 OF BLOCK K OF AUDITOR'S SUBDIVISION OF SECTION 9, 104N-R4W 1948 MADE BY JONES & COUSINS, REGISTERED ENGINEERS AND LAND SURVEYORS.

Parcel 08.0570.000:

A TRACT OF LAND DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 9 IN TOWNSHIP 104 NORTH OF RANGE 4 WEST OF THE FIFTH PRINCIPAL MERIDIAN, RUNNING THENCE WEST ALONG THE SECTION LINE 254.2 FEET TO AN IRON STAKE, THENCE NORTH 7 DEGREES 55' E 232.6 FEET TO AN IRON STAKE, THENCE SOUTH 68 DEGREES 49' E 268.1 FEET TO AN IRON STAKE ON THE CENTER LINE OF THE SOUTH RIDGE PUBLIC ROAD, THENCE SOUTHWESTERLY ALONG THE CENTER LINE OF SAID PUBLIC ROAD TO THE EAST LINE OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SAID SECTION 9, THENCE SOUTH ON SAID LAST MENTIONED LINE TO THE POINT OF BEGINNING.

EXCEPTING A TRACT OF LAND DESCRIBED AS STARTING AT THE SOUTHEAST CORNER OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 9 IN TOWNSHIP 104 NORTH OF RANGE 4 WEST OF THE FIFTH PRINCIPAL MERIDIAN, THENCE WEST ALONG THE SECTION LINE 254.2 FEET TO AN

IRON STAKE WHICH IS THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED, THENCE NORTH 7 DEGREES 55' EAST 232.6 FEET TO AN IRON STAKE, THENCE SOUTH 68 DEGREES 49' EAST 108.2 FEET, THENCE SOUTH 7 DEGREES 25' WEST 192.9 FEET TO THE SECTION LINE, THENCE WEST ALONG THE SECTION LINE 108 FEET TO THE POINT OF BEGINNING.

ALL OF THE DESCRIBED REAL ESTATE IS A PART OF LOT 10 OF BLOCKS K AND L OF AUDITOR'S SUBDIVISION OF SECTION 9-104N-R4W 1948 MADE BY JONES AND COUSINS, REGISTERED LAND SURVEYORS AND ENGINEERS.

Parcel 08.0573.000:

PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW $\frac{1}{4}$ SE $\frac{1}{4}$) AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$ SE $\frac{1}{4}$) OF SECTION 9, TOWNSHIP 104 NORTH, RANGE 4 WEST DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE WEST ALONG THE SOUTH LINE THEREOF 254.2 FEET; THENCE NORTH 07°55' EAST 232.6 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE NORTH 07°55' EAST 15.0 FEET; THENCE SOUTH 82°5' EAST 297.9 FEET TO THE CENTERLINE OF SOUTH RIDGE PUBLIC ROAD; THENCE SOUTHWESTERLY, ALONG SAID CENTERLINE 90.0 FEET; THENCE WESTERLY 268.1 FEET TO THE POINT OF BEGINNING.

AND

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 104 NORTH, RANGE 4 WEST, HOUSTON COUNTY, MINNESOTA, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE NORTH 89°48'46" WEST ALONG THE SOUTH LINE OF SAID SECTION 9 A DISTANCE OF 1648.00 FEET; THENCE NORTH 8°13'08" EAST 256.87 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 81°51'18" EAST 368.41 FEET TO THE CENTERLINE OF COUNTY ROAD NO. 25 AND THERE TERMINATING.

EXCEPTING THEREFROM THE FOLLOWING:

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 104 NORTH, RANGE 4 WEST, HOUSTON COUNTY, MINNESOTA, LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE NORTH 89°48'46" WEST ALONG THE SOUTH LINE OF SAID SECTION 9 A

DISTANCE OF 1648.00 FEET; THENCE NORTH 8°13'08" EAST 256.87 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 81°51'18" EAST 368.41 FEET TO THE CENTERLINE OF COUNTY ROAD NO. 25 AND THERE TERMINATING. HOUSTON COUNTY, MINNESOTA.

Parcel 08.0655.000:

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 104 NORTH, RANGE 4 WEST, HOUSTON COUNTY, DESCRIBED AS COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 16, THENCE EAST ALONG THE SECTION LINE A DISTANCE OF 305 FEET, THENCE SOUTH 623.0 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE SOUTH 170.0 FEET, THENCE EAST 150.0 FEET, THENCE NORTH 170.0 FEET, THENCE WEST 150.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.59 ACRES, MORE OR LESS. BEING SUBJECT TO A PUBLIC UTILITY AND DRAINAGE EASEMENT OVER THE SOUTH 5 FEET AND THE WEST 5 FEET OF THE ABOVE DESCRIBED PROPERTY.

Parcel 08.0434.000:

LOT SEVENTEEN (17), CRESCENT HEIGHTS FIRST ADDITION, LA CRESCENT TOWNSHIP, HOUSTON COUNTY, MINNESOTA.

Parcel 08.0646.000:

W 78' OF EAST 427.6' OF NORTH 153' OF NW¼ NE¼, 16-104-4, EXCEPT NORTH 33' THEREOF, HOUSTON COUNTY, MINNESOTA.

Parcel 08.0645.000:

THE WEST ONE HUNDRED (100) FEET OF THE EAST FIVE HUNDRED TWENTY SEVEN AND SIX TENTHS (527.6) FEET OF THE NORTH ONE HUNDRED FIFTY-THREE (153) FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW¼ NE¼) OF SECTION SIXTEEN, TOWNSHIP ONE HUNDRED FOUR (104) NORTH OF RANGE FOUR (4) WEST, HOUSTON COUNTY, MINNESOTA, SUBJECT TO A UTILITY AND DRAINAGE EASEMENT OVER THE SOUTH FIVE (5) FEET AND A PUBLIC ROADWAY EASEMENT OVER THE NORTH THIRTY-THREE (33) FEET OF SAID PROPERTY. TOGETHER WITH ALL RIGHTS FOR THE ACQUISITION OF WATER UNDER THE TERMS AND PRICE AS STATED IN THAT CERTAIN WARRANTY DEED DATED THE 10th DAY OF APRIL, 1959, FILED FOR RECORD ON THE 13th DAY OF APRIL, 1959, AND RECORDED IN BOOK 201 AT PAGE 291, IN SAID REGISTER OF DEEDS OFFICE FOR SAID COUNTY AND STATE.

Parcel 08.0644.000:

THE WEST 100 FEET OF THE EAST 627.6 FEET OF THE NORTH 153 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW¼ NE¼) OF SECTION 16, TOWNSHIP 104 NORTH, RANGE 4 WEST, HOUSTON COUNTY, MINNESOTA, SUBJECT TO A UTILITY AND DRAINAGE EASEMENT OVER THE SOUTH 5 FEET, AND A PUBLIC ROADWAY EASEMENT OVER THE

NORTH 33 FEET OF SAID PROPERTY; ALSO GRANTING ALL EASEMENT AND WATER RIGHTS AND SUBJECT TO ALL OTHER EASEMENTS AND WATER RIGHTS OF RECORD, RUNNING WITH THE AFOREDESCRIBED LANDS.

Parcel 08.0643.000:

THE WEST 100 FEET OF THE EAST 727.6 FEET OF THE NORTH 153 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW $\frac{1}{4}$ NE $\frac{1}{4}$) OF SECTION SIXTEEN (16), TOWNSHIP ONE HUNDRED FOUR (104) NORTH OF RANGE FOUR (4) WEST, HOUSTON COUNTY, MINNESOTA.

SUBJECT TO A PUBLIC UTILITY AND DRAINAGE EASEMENT OVER THE SOUTH FIVE (5) FEET AND SUBJECT TO A PUBLIC ROADWAY EASEMENT OVER THE NORTH 33 FEET OF SAID PROPERTY.

AND CONVEYING WATER RIGHTS UNDER WATER AGREEMENT DATED MARCH 15, 1966, RECORDED MARCH 17, 1966, IN BOOK 221 OF MISCELLANEOUS, PAGE 23.

Parcel 08.0642.000:

THE WEST 80 FEET OF THE EAST 807.6 FEET OF THE NORTH 153 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW $\frac{1}{4}$ NE $\frac{1}{4}$) OF SECTION 16, TOWNSHIP 104 NORTH, RANGE 4 WEST, HOUSTON COUNTY, MINNESOTA, EXCEPT THE NORTH 33 FEET THEREOF; AND ALSO SUBJECT TO A UTILITY AND DRAINAGE EASEMENT OVER THE SOUTH 5 FEET OF SAID PROPERTY.

Parcel 08.0641.000:

THE WEST 80 FEET OF THE EAST 887.6 FEET OF THE NORTH 153 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW $\frac{1}{4}$ NE $\frac{1}{4}$) OF SECTION 16, TOWNSHIP 104 NORTH, RANGE 4 WEST, HOUSTON COUNTY, MINNESOTA, EXCEPT THE NORTH 33 FEET THEREOF; AND ALSO SUBJECT TO A UTILITY AND DRAINAGE EASEMENT OVER THE SOUTH 5 FEET OF SAID REALTY FOR THE COMMON USE OF THE MUNICIPALITY AND ADJACENT LAND OWNERS.

Parcel 08.0640.000:

THE WEST 80 FEET OF THE EAST 967.5 FEET OF THE NORTH 153 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW $\frac{1}{4}$ NE $\frac{1}{4}$) SECTION 16, TOWNSHIP 104 NORTH, RANGE 4 WEST, HOUSTON COUNTY, MINNESOTA, EXCEPT THE NORTH 33 FEET THEREOF; SUBJECT NEVERTHELESS TO A UTILITY AND DRAINAGE EASEMENT OVER THE SOUTH FIVE (5) FEET OF SAID REALTY FOR THE COMMON USE OF THE MUNICIPALITY AND ADJACENT LAND OWNERS.

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


ORDER

1. Pursuant to Minn. Stat. § 414.0325 (2014), the Joint Resolution is deemed adequate in all legal respects and properly supports this Order.

2. Pursuant to the terms of the Joint Resolution and this Order, the Property is annexed to the city of La Crescent.

3. Pursuant to the agreement of the parties and as allowed by Minn. Stat. § 414.036 (2014), the City will reimburse the Township \$5,143.82 in the first year following the year the city could first levy on the annexed area; in the second year an amount equal to \$5,143.82; and in the third and final year an amount equal to \$5,143.82.

Dated: April 20, 2015



TAMMY L. POST
Chief Administrative Law Judge

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 Houston 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 Approving Annexation Ordinance within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2013). However, no request for amendment shall extend the time of appeal from this Order.