

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation  
of Certain Real Property to the City of  
Goodhue from Goodhue Township  
(MBAU Docket OA-1671-1)

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
ORDER APPROVING  
ANNEXATION**

This matter came before Chief Administrative Law Judge Tammy L. Pust upon the filing of a joint resolution adopted by the City of Goodhue and Goodhue Township designating and requesting immediate annexation of certain real property pursuant to Minn. Stat. § 414.0325 (2018).

At the time of the initiating filing, Margaret M. Novack, Vogel & Gorman, PLC, appeared on behalf of the City of Goodhue (City). On January 31, 2019, Allen Peterson, Vogel & Gorman, replaced Ms. Novack as the City's attorney of record in this matter.

Based upon review of the file and proceedings herein, the Chief Administrative Law Judge makes the following:

**FINDINGS OF FACT**

1. On May 30, 2017, the City filed with the Office of Administrative Hearings a joint resolution for orderly annexation (Joint Resolution) which had been adopted by the City and Township on May 22, 2017. Through this filing, the City and Township requested designation and immediate annexation of certain real property (Property) to the City from the Township.<sup>1</sup> Upon receipt of a required filing fee on June 17, 2017,<sup>2</sup> this matter was docketed as OAH File No. 84-0331-34481.

2. The Property consists of three separate parcels containing approximately 18.70 acres, identified as Parcels B, C and D<sup>3</sup> described as follows:

**PARCEL B**

That part of the South  $\frac{3}{4}$  of the Northeast Quarter of Section 28, Township 111, Range 15, Goodhue County, Minnesota, described as follows:

Commencing at the southwest corner of said Northeast Quarter; thence South 89 degrees 48 minutes 38 seconds East, assumed bearing, along the south line thereof 616.66 feet to the easterly line of the former Chicago Great Western

<sup>1</sup> Joint Resolution (May 30, 2017).

<sup>2</sup> Letter from Margaret M. Novack (June 9, 2017) (on file with the Minn. Office of Admin. Hearings).

<sup>3</sup> Joint Resolution.

Railroad property and the point of beginning of the land to be described; thence continuing South 89 degrees 48 minutes 38 seconds East 354.99 feet to corner B26 of Minnesota Department of Transportation Right Of Way Plat No. 25-30; thence northerly 726.57 feet along a nontangential curve concave to the west, radius of 7539.44 feet, central angle of 5 degrees 31 minutes 18 seconds and a chord that bears North 14 degrees 52 minutes 34 seconds West to corner B27 of said right of way plat; thence North 14 degrees 48 minutes 22 seconds West along the westerly line of said right of way plat 506.19 feet to corner B28; thence North 17 degrees 38 minutes 54 seconds West along the westerly line of said right of way plat 827.30 feet to the north line of said South  $\frac{3}{4}$  of the Northeast Quarter; thence South 89 degrees 58 minutes 01 second West along said north line 218.04 feet to said easterly line of the former railroad; thence South 12 degrees 15 minutes 13 seconds East along said easterly line of the former railroad 2024.53 feet to the point of beginning. Subject to easements of record.

PARCEL C

A 100 foot wide strip of land in part of the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$  and the  $NE\frac{1}{4}$  of the  $NW\frac{1}{4}$  of Section 28, Township 111, Range 15, Goodhue County, Minnesota, 50 feet on either side of the following described line:

Commencing at the intersection of the main tract of the Chicago and Northwestern Transportation Company as originally laid out and the north line of the  $NW\frac{1}{4}$  of said Section 28, distant 6.91 feet westerly from the NE corner of said  $NW\frac{1}{4}$ , said north line of the  $NW\frac{1}{4}$  is assumed to be due east; thence South 77 degrees 40 minutes 54 seconds East along said main tract, a distance of 508 feet to the point of beginning of the strip to be described; thence continue southerly 77 degrees 40 minutes 54 seconds East along said main tract, a distance of 500 feet and there terminating.

PARCEL D

A strip of land 100 foot in width in the West Half ( $W\frac{1}{2}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section 28, Township 111, North of Range 15, and being 50 feet on each side of the following described center line which construct part of the Chicago and Northwestern Transportation right of way to-wit:

Commencing at the intersection of said railroad right of way with the North line of the Northwest Quarter ( $NW\frac{1}{4}$ ) of said Section 28, distant 6.91 feet westerly from the Northeast corner of said Northwest Quarter ( $NW\frac{1}{4}$ ); thence South 12 degrees 19 minutes 06 seconds East along said main track of said railroad as abandoned a distance of 1008 feet for point of beginning of land to be described herein; thence continuing on said course to the South line of the North Half ( $N\frac{1}{2}$ ) of Section 28 and there terminating, the side lines to be extended or shortened to intersect with said South line of the North Half ( $N\frac{1}{2}$ ) of said Section 28.

3. On June 26, 2017, the Office of Administrative Hearings notified the City, through counsel, that the legal description contained in the Joint Resolution incorrectly

described the referenced Parcel C and included an incorrect boundary for Parcel B.<sup>4</sup>

4. On June 27, 2017, the City submitted a corrected legal description for Parcel C, as follows:

A 100 foot wide strip of land in part of the Northwest Quarter of the Northeast Quarter of Section 28, Township 111, Range 15, Goodhue County, Minnesota, the centerline of which is described as follows:

Commencing at the intersection of the centerline of the Chicago and Northwestern Transportation Company as originally laid out with the north line of the Northwest Quarter of said Section 28, distant 6.91 feet westerly from the Northeast corner of said Northwest Quarter; thence South 12 degrees 19 minutes 06 seconds East, along said main track centerline of said railroad as abandoned, assuming the north line of said Northwest Quarter has a bearing of East, a distance of 508.00 feet to the point of beginning of the centerline to be described; thence continuing South 12 degrees 19 minutes 06 seconds East, along said main track centerline, a distance of 500.00 feet and there terminating.<sup>5</sup>

5. On July 7, 2017, the City filed an updated Exhibit A to the Joint Resolution, which incorporated the new legal description for Parcel C.<sup>6</sup>

6. Upon review of the updated legal description of Parcel C, on or about August 31, 2017, the Office of Administrative Hearings determined that a portion of the described Parcel C was already located within the municipal boundaries of the City, and had been since at least 1936 according to records maintained by the Minnesota Department of Transportation, all as illustrated below.<sup>7</sup>



<sup>4</sup> Email from Katie Lin to M. Novack (June 26, 2017 11:36 am) (on file with the Minn. Office of Admin. Hearings).

<sup>5</sup> Proposed Corrected Legal Description Bartsch – Parcel C (June 27, 2017).

<sup>6</sup> Email from M. Novack to K. Lin (Jul. 7, 2017 10:49 am) (on file with the Minn. Office of Admin. Hearings).

<sup>7</sup> Email from Michael Eull, MnDOT, to K. Lin, with attached map (Aug. 22, 2017 5:33 pm); email from M. Eull to K. Lin, with attached documentation (Aug. 31, 2017 10:45 am) (on file with the Minn. Office of Admin. Hearings).

7. By Order dated November 2, 2017, the Chief Administrative Law Judge scheduled a telephone status conference with the City to discuss how the City desired to proceed given the fact that a portion of the Property to be annexed was already located within the City's borders.

8. During the status conference held on November 9, 2017, counsel for the City agreed to redraft the legal description as necessary to encompass only Property outside the City's current boundaries for purposes of this annexation proceeding.

9. Over a year later, on February 11, 2019, the City and the Township adopted a Proposed Amendment to Existing May 22, 2017 Annexation Agreement Between the City of Goodhue and Goodhue Township (Amended Joint Resolution), which amended the legal description of Parcel C as follows:

PARCEL B

That part of the South  $\frac{3}{4}$  of the Northeast Quarter of Section 28, Township 111, Range 15, Goodhue County, Minnesota, described as follows:

Commencing at the southwest corner of said Northeast Quarter; thence South 89 degrees 48 minutes 38 seconds East, assumed bearing, along the south line thereof 616.66 feet to the easterly line of the former Chicago Great Western Railroad property and the point of beginning of the land to be described; thence continuing South 89 degrees 48 minutes 38 seconds East 354.99 feet to corner B26 of Minnesota Department of Transportation Right Of Way Plat No. 25-30; thence northerly 726.57 feet along a nontangential curve concave to the west, radius of 7539.44 feet, central angle of 5 degrees 31 minutes 18 seconds and a chord that bears North 14 degrees 52 minutes 34 seconds West to corner B27 of said right of way plat; thence North 14 degrees 48 minutes 22 seconds West along the westerly line of said right of way plat 506.19 feet to corner B28; thence North 17 degrees 38 minutes 54 seconds West along the westerly line of said right of way plat 827.30 feet to the north line of said South  $\frac{3}{4}$  of the Northeast Quarter; thence South 89 degrees 58 minutes 01 second West along said north line 218.04 feet to said easterly line of the former railroad; thence South 12 degrees 15 minutes 13 seconds East along said easterly line of the former railroad 2024.53 feet to the point of beginning. Subject to easements of record.

PARCEL C

A 100 foot wide strip of land in part of the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$  and the  $NE\frac{1}{4}$  of the  $NW\frac{1}{4}$  of Section 28, Township 111, Range 15, Goodhue County, Minnesota, 50 feet on either side of the following described line:

Commencing at the intersection of the main tract of the Chicago and Northwestern Transportation Company as originally laid out and the north line of the  $NW\frac{1}{4}$  of said Section 28, distant 6.91 feet westerly from the NE corner of said  $NW\frac{1}{4}$ , said north line of the  $NW\frac{1}{4}$  is assumed to be due east; thence South 12 degrees 19 minutes 06 seconds East along said main tract, a distance of 508 feet to the point of beginning of the strip to be described; thence continue South 12 degrees 19

minutes 06 seconds East along said main tract, a distance of 500 feet and there terminating.

EXCEPT: That part of the above described property that lies Northerly of the South line of the N $\frac{1}{2}$  of the NE $\frac{1}{4}$  of said section 28, Township 111, Range 15, Goodhue County, Minnesota.

**PARCEL D**

A strip of land 100 foot in width in the West Half (W $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 28, Township 111, North of Range 15, and being 50 feet on each side of the following described center line which construct part of the Chicago and Northwestern Transportation right of way to-wit:

Commencing at the intersection of said railroad right of way with the North line of the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section 28, distant 6.91 feet westerly from the Northeast corner of said Northwest Quarter (NW $\frac{1}{4}$ ); thence South 12 degrees 19 minutes 06 seconds East along said main track of said railroad as abandoned a distance of 1008 feet for point of beginning of land to be described herein; thence continuing on said course to the South line of the North Half (N $\frac{1}{2}$ ) of Section 28 and there terminating, the side lines to be extended or shortened to intersect with said South line of the North Half (N $\frac{1}{2}$ ) of said Section 28.<sup>8</sup>

10. On February 13, 2019, the City filed the Amended Joint Resolution with the Office of Administrative Hearings.

Based upon a review of the filings submitted by the parties and applicable law, the Chief Administrative Law Judge makes the following:

**CONCLUSIONS OF LAW**

1. The City and Township have complied with the procedural requirements of Minn. Stat. § 414.0325 such that this matter is lawfully before the Chief Administrative Law Judge for determination.

2. The amended legal description of the Property contained in the Amended Joint Resolution correctly designates the area intended and legally available for immediate annexation pursuant to Minn. Stat. § 414.0325.

Based upon the foregoing Conclusions of Law, the Chief Administrative Law Judge makes the following:

**ORDER**

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

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<sup>8</sup> Proposed Amendment to Existing May 22, 2017 Annexation Agreement Between the City of Goodhue and Goodhue Township – Revised Legal Description (Feb. 11, 2019).

2. Pursuant to the terms of the Amended Joint Resolution and this Order, the Property is **ANNEXED** to the City.

3. Pursuant to the agreement of the parties and as allowed by Minn. Stat. § 414.036 (2018), the City will reimburse the Township as stated in the Amended Joint Resolution.

Dated: February 20, 2019



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TAMMY L. PUST

Chief Administrative Law Judge

### NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.0325, .07, .09, .12 (2018). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Goodhue 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 (2017). However, no request for amendment shall extend the time of appeal from this Order.