

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation  
of Certain Real Property to the City of  
Adrian from Olney Township  
(MBAU Docket OA-1684-1)

**ORDER APPROVING  
ANNEXATION**

With respect to this and a related matter, OAH File No. 84-0330-34450, Brian J. Daiker, Hedeem, Hughes & Wetering, appeared on behalf of the Petitioner City of Adrian (City).<sup>1</sup> Reece M. Almond, Davenport, Evans, Hurwitz & Smith, LLP, appeared on behalf of the Olney Town Board (Olney Township); the Westside Town Board (Westside Township); Larry and Lori Voss; Reisdorfer Family, LLLP; Sheena and Ryan Eidhammer; and Christalee Castaneda.

Based upon the files and proceedings herein, the Chief Administrative Law Judge issues the following:

**FINDINGS OF FACT**

1. On December 19, 2016, the City of Adrian adopted Resolution No. 531-2016 whereby the City resolved to annex nine identified parcels of real property, four of which were located within Westside Township and five of which were located within Olney Township.
2. On June 9, 2017, the City filed Resolution No. 531-2016 with the Office of Administrative Hearings pursuant to the authority of Minn. Stat. § 414.031, subd. 1(a)(1) (2016). This matter was docketed as OAH File No. 84-0330-34450.
3. On June 22, 2017, the Chief Administrative Law Judge issued an Order Regarding Prehearing Conference, Joint Informational Meeting, and Hearing whereby OAH File No. 84-0330-34450 was set for a contested case hearing on August 4, 2017.
4. By Order dated August 2, 2017, the hearing in OAH File No. 84-0330-34450 was continued, at the request of the parties and for good cause shown, to August 25, 2017.
5. On August 24, 2017, Reece M. Almond, counsel for Olney Township, Larry and Lori Voss, and Sheena and Ryan Eidhammer, withdrew from the representation of

---

<sup>1</sup> Attorney Daiker passed away on December 5, 2017.

these parties and notified the court that these named parties no longer opposed the requested annexation in that the City and these represented parties had agreed to execute an Orderly Annexation Agreement with respect to Properties 5 through 9, identified in the City's annexation petition.

6. At the August 25, 2017 hearing in OAH File No. 84-0330-34450, the City moved to amend its petition to remove Properties 5 through 9 and to proceed to hearing only with respect to identified Properties 1 through 4. Pursuant to Minn. R. 6000.0700 (2017), the amendment proposed at the public hearing was granted on the record.

7. The Olney Town Board passed and adopted a joint resolution for orderly annexation (Joint Resolution) on August 24, 2017. The Town Board Chair and Clerk signed the Joint Resolution on November 20, 2017.<sup>2</sup> The City passed and adopted the Joint Resolution on November 29, 2017.

8. The Joint Resolution in this matter was filed with the Office of Administrative Hearings on December 6, 2017.

9. The required filing fee in this matter was received on December 11, 2017.

10. The Joint Resolution requests the designation and immediate annexation of the certain real property (Property) legally described as follows:

**Property #5-Parcel 14-0114-500:** That portion of the South Half of the Northwest Quarter (S½ NW¼) of Section 19, Township 102 North, Range 42 West of the 5<sup>th</sup> P.M., described as follows:

Commencing at the West Quarter corner of said Section 19; thence North 00 degrees 00 minutes 00 seconds East (assumed bearing) along the West line of the Northwest Quarter (NW¼) of said Section 19 for a distance of 696.97 feet; thence North 90 degrees 00 minutes 00 seconds East for a distance of 244.98 feet to the point of beginning; thence continuing North 90 degrees 00 minutes 00 seconds East for a distance of 15.00 feet; thence North 05 degrees 46 minutes 14 seconds West for a distance of 149.18 feet; thence South 00 degrees 00 minutes 00 seconds East for a distance of 148.42 feet to the point of beginning, containing 1,113 square feet or .03 acres, AND

A parcel of land located in Government Lot 2, Section 19, Township 102, Range 42, being more particularly described as follows: Commencing at the West Quarter corner of said section, thence North, assumed bearing, along the West line of said section, a distance of 423.89 feet to the point of beginning of this description; thence continue North along said West section line, a distance of 273.08 feet; thence East a distance of 398.79 feet; thence South, parallel with said West

---

<sup>2</sup> Telephone conversation between Star Holman, Office of Administrative Hearings, and Lane Erlandson, Olney Town Board Chair (Jan. 8, 2018, 07:35 CST).

section line, a distance of 273.08 feet, thence West a distance of 398.79 feet to the point of beginning. Subject to existing easements of record, AND That portion of the S½ NW¼ of Section 19, Township 102, Range 42, Nobles County, Minnesota, described as follows: Commencing at the West Quarter corner of said Section 19; thence North 00°00'00" East (assumed Bearing) along the West line of said NW¼ of Section 19 for a distance of 696.97 feet; thence North 90°00'00" East for a distance of 259.98 feet to the point of beginning; thence North 90°00'00" East for a distance of 138.81 feet; thence North 00°00'00" East for a distance of 150.44 feet; thence South 89°14'46" West along a line which is parallel with and 110 feet distant from the South line of the Spartz Addition to the City of Adrian, Minnesota, for a distance of 153.82 feet; thence South 05°46'14" East for a distance of 149.18 feet to the point of beginning, subject to all easements of record. And for annexation purposes, including any unincorporated portions of land between this parcel and the existing corporate limits of the City of Adrian.

**Property #6-Parcel 14-0114-250:** That portion of the South Half of the Northwest Quarter (S½ NW¼) of Section 19, Township 102, Range 42, Nobles County, Minnesota, described as follows: Commencing at the W¼ corner of said Section 19; thence North 00°00'00" East (assumed bearing) along the West line of said NW¼ of Section 19 for a distance of 696.97 feet to the point of beginning; thence North 90°00'00" East for a distance of 259.98 feet; thence North 05°46'14" West for a distance of 149.18 feet; thence South 89°14'46" West for a distance of 245.00 feet to the West line of said NW¼ of Section 19; thence South 00°00'00" East along said West line of said NW¼ of Section 19 for a distance of 145.98 feet to the point of beginning. And for annexation purposes, including any unincorporated portions of land between this parcel and the existing corporate limits of the City of Adrian.

**Property #7-Parcel 14-0115-000:** A tract of land in the S½ NW¼ of Section 19, Township 102, Range 42, described as follows; Beginning at a point formed by the intersection of the southerly line of Block 1 of Spartz Addition to the City of Adrian and the easterly right of way line of trunk Highway #91; thence southerly on the easterly right-of-way line of said highway a distance of 100 feet; thence at right angles easterly and parallel to the South line of Spartz Addition a distance of 165 feet to a point which is the point of beginning of the premises herein conveyed; thence continuing easterly and parallel to the South line of Spartz Addition a distance of 50 feet; thence at right angles northerly a distance of 100 feet more or less to the South line of Spartz Addition; thence westerly on the south line of Spartz Addition a distance of 50 feet more or less to a point opposite the point of beginning; thence at right angles southerly a distance of 100 feet more or less to the point of beginning, AND

A tract of land in the S½ NW¼ of section 19, Township 102, Range 42, described as follows:

Beginning at a point formed by the intersection of the southerly line of Block 1 of Spartz Addition to the City of Adrian and the easterly right of way line of Trunk Highway #91; thence southerly on the easterly right of way line of said highway a distance of 100 feet; thence at right angles easterly and parallel to the South line of Spartz Addition a distance of 215 feet to a point which is the point of beginning of the premises herein conveyed; thence continuing easterly and parallel to the South line of Spartz Addition a distance of 38 feet; thence at right angles northerly a distance of 100 feet more or less to the South line of Spartz Addition; thence westerly on the South line of Spartz Addition a distance of 38 feet more or less to a point opposite the point of beginning; thence at right angles southerly a distance of 100 feet more or less to the point of beginning, AND

That portion of the S½ NW¼ of Section 19, Township 102, Range 42, described as follows:

Commencing at the West Quarter corner of said Section 19; thence North 00°00'00" East (assumed bearing) along the West line of said NW¼ of Section 19 for a distance of 842.95 feet; thence South 89°14'45" East for a distance of 60.00 feet to the easterly right-of-way line of Trunk Highway Number 91 and the point of beginning; thence North 00°00'00" East along said easterly right-of-way line for a distance of 10.00 feet; thence North 89°14'46" east along a line which is parallel with and 100 feet distant from the South line of the Spartz Addition to the City of Adrian, Minnesota, for a distance of 252.87 feet; thence South 00°45'14" East for a distance of 10.00 feet; thence South 89°14'46" West along a line which is parallel with and 110 feet distant from said South line of the Spartz Addition for a distance of 253.00 feet to the point of beginning. Subject to all easements of record. And for annexation purposes, including any unincorporated portions of land between this parcel and the existing corporate limits of the City of Adrian.

**Property #8-Parcel 14-0110-500:** The South 40 feet of the unplatted portion of the Northeast Quarter of the Northwest Quarter (NE¼ NW¼), and the South 295 feet of the West 295 feet of the Northwest Quarter of the Northeast Quarter (NW¼ NE¼), all in Section 19, Township 102, Range 42, Nobles County, Minnesota. And for annexation purposes, including any unincorporated portions of land between this parcel and the existing corporate limits of the City of Adrian.

**Property #9-A Portion of Parcel 14-0107-000 (split from):** A tract of land in the Southeast Quarter (SE¼) of Section 18, Township 102, Range 42, described as follows: Beginning at a point 350 feet North of the Southwest corner of said Southeast Quarter (SE¼); thence South and along the West line of said Southeast Quarter (SE¼) to said Southwest corner of the Southeast Quarter (SE¼) of Section 18 a distance of 350 feet; thence East along the South line of said Southeast Quarter (SE¼) a distance of 200 feet; thence North and parallel with the West line of said Southeast Quarter (SE¼) for a distance of 350 feet; thence West and parallel with the South line of said Southeast Quarter (SE¼) for a distance of 200 feet to the point of beginning and there terminating. And for annexation

purposes, including any unincorporated portions of land between this proposed parcel and the existing corporate limits of the City of Adrian.

Based upon these Findings of Fact, including review of the Joint Resolution and all files and proceedings herein, the Chief Administrative Law Judge issues the following:

### ORDER

1. Pursuant to Minn. Stat. § 414.0325 (2016), 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.
3. Pursuant to the agreement of the parties and as allowed by Minn. Stat. § 414.036 (2016), the City will reimburse the Township \$500 each year for three years as stated in the Joint Resolution.

Dated: January 9, 2018



---

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 (2016). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Nobles 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.