

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
of Certain Real Property to the City
of Clearwater from Clearwater Township
(MBAU Docket OA-1812-1)

**ORDER APPROVING
ANNEXATION**

Clearwater Township Resolution No. 2021-010/City of Clearwater Resolution No. 2021-49 (Joint Resolution) was adopted by the City of Clearwater (City) on October 12, 2021, and Clearwater Township (Township) on October 4, 2021, requesting the designation of certain real property (Designated Area); and requesting the immediate annexation of certain real property (Property) within the Designated Area legally described as follows:

PID #204-100-031114

That part of Township 122, Range 27, Wright County, Minnesota, described as follows:

That part of Lot 3, Lot 4, and Lot 5, all in the Northeast Quarter of Section 3, Township 122, Range 27, Wright County, Minnesota, described as follows: Commencing at the Northeast corner of the Northeast Quarter of said Section 3; thence South 1°05'23" East, assumed bearing, along the East line of said Northeast Quarter, a distance of 1695.10 feet; thence North 62°16'53" West, a distance of 1475.71 feet; thence North 35°57'59" West, a distance of 119.73 feet; thence North 26°20'39" East a distance of 442.68 feet to the northerly right-of-way line of County Road No. 145; thence westerly along said northerly right-of-way line along a non-tangential curve, concave to the southwest, having a radius of 1507.39 feet and a central angle of 05°16'07", a distance of 138.61 feet to the point of beginning, the chord of said curve bears North 70°29'03" West, distant 138.56 feet; thence return easterly along said right-of-way along the last described curve and its southeasterly extension, a distance of 221.13 feet; thence South 64°42'47" East along said right-of-way line, tangent to said curve, a distance of 3.49 feet; thence North 25°23'02" East, a distance of 12.47 feet to a point hereinafter referred to as "Point A"; thence continue North 25°23'02" East, a distance of 167.54 feet; thence North 19°36'58" West, a distance of 35.36 feet; thence North 25°23'02" East, a distance of 113.63 feet to the southwesterly right-of-way line of Interstate Highway No. 94; thence North 44°41'24" West along said southwesterly right-of-way line, a distance of 68.56 feet; thence northwesterly along said southwesterly right-of-way line along a non-tangential curve, concave to the southwest, having a radius of 839.93 feet and a central angle of 09°52'01", a distance of 144.65 feet to a line bearing North 25°23'02" East from the point of

beginning, the chord of said curve bears North 43°02' 17" West, distant 144.47 feet; thence South 25°23'02" West along said line, a distance of 411.71 feet to the point of beginning.

Except therefrom that part of said Lot 5 described as follows:

Beginning at said "Point A"; thence South 25°23'02" West, a distance of 12.47 feet to the northerly right-of-way line of County Road No. 145; thence North 64°42'47" West along said right-of-way line, a distance of 3.49 feet; thence northwesterly along said right-of-way line along a tangential curve concave to the southwest, having a radius of 1507.39 feet and a central angle of 03°08' 12", a distance of 82.52 feet, the chord of said curve bears North 66°16'53" West, distant 82.51 feet; thence North 26°20'39" East, not tangent to said curve, a distance of 15.67 feet; thence South 64°05'28" East, a distance of 85.70 feet to the point of beginning.

TOGETHER WITH the adjacent right of way, to the centerline of said right of way.

AND ALSO

That part of Lot 3, Lot 4, and Lot 5, all in the Northeast Quarter of Section 3, Township 122, Range 27, Wright County, Minnesota, lying southerly of the southwesterly right-of-way line of Interstate Highway No. 94, easterly of the Clearwater River, northerly of the northerly right-of-way line of County Road No. 145, and northwesterly of the following described line: Commencing at the northeast corner of the Northeast Quarter of said Section 3; thence South 01°05'23" East, assumed bearing, along the east line of said Northeast Quarter, a distance of 1695.10 feet; thence North 62°16'53" West, a distance of 1475.71 feet; thence North 35°57'59" West, a distance of 119.73 feet; thence North 26°20'39" East, a distance of 442.68 feet to the northerly right-of-way line of County Road No. 145; thence westerly along said northerly right-of-way line along a non-tangential curve, concave to the southwest, having a radius of 1507.39 feet and a central angle of 05°16'07", a distance of 138.61 feet to the point of beginning of the line to be described; the chord of said curve bears North 70°29'03" West, distant 138.56 feet; thence North 25°23'02" East along said line, a distance of 411.71 feet to the Southwesterly right-of-way line of Interstate Highway No. 94 and terminating thereat. Wright County, Minnesota.

TOGETHER WITH the adjacent right of way, to the centerline of said right of way.

AND

PID #204-100-031102

That part of Lot 3, Lot 5, and Lot A of Lot 5, all in the Northeast Quarter of Section 3, Township 122, Range 27, Wright County, Minnesota lying Southerly of the Southwesterly right-of-way line of Interstate Highway 94, Westerly of the Northwesterly right-of-way line of Minnesota State Highway No. 24, Northerly of

the Northerly right-of-way line of County Road No. 145, and Southeasterly of the following described line: Commencing at the Northeast corner of the Northeast Quarter of said Section 3; thence South 1°05'23" East, assumed bearing, along the East line of said Northeast Quarter, a distance of 1695.10 feet; thence North 62°16'53" West, a distance of 1475.71 feet; thence North 35°57'59" West, a distance of 119.73 feet; thence North 26°20'39" East, a distance of 442.68 feet to the Northerly right-of-way line of County Road 145; thence Southeasterly along said right-of-way line along a non-tangential curve, concave to the Southwest, having a radius of 1507.39 feet and a central angle of 3°08'12", a distance of 82.52 feet; the chord of said curve bears South 66°16'53" East, distant 82.51 feet; thence South 64°42'47" East along said right-of-way line, tangent to said curve, a distance of 3.49 feet; thence North 25°23'02" East, a distance of 12.47 feet to a point hereinafter referred to as "Point A" being the point of beginning of the line to be described; thence continue North 25°23'02" East, a distance of 167.54; thence North 19°36'58" West, a distance of 35.36 feet; thence North 25°23'02" East, a distance of 113.63 feet to the Southwesterly right-of-way line of Interstate Highway No. 94 and terminating thereat.

Except therefrom that part of said Lot 5 described as follows:

Beginning at said "Point A"; thence South 25°23'02" West, a distance of 12.47 feet to the Northerly right-of-way line of County Road No. 145; thence South 64°42'47" East along said right-of-way line, tangent to said curve, a distance of 84.84 feet; thence North 25°17'13" East along said right-of-way line, a distance of 11.55; thence North 64°05'28" West, a distance of 84.83 feet to the point of beginning. Wright County, Minnesota.

TOGETHER WITH the adjacent right of way, to the centerline of said right of way excepting land already within the city.

AND

PID #204-100-031200

That part of Lot 5 and that part of Lot 6 all in the Northeast Quarter of Section 3, Township 122, Range 27, Wright County, Minnesota described as follows:

Commencing at the point of intersection of the Westerly right-of-way line of Minnesota Highway No. 24, with Southerly right-of-way line of Interstate Highway No. 94; thence Southerly along said Westerly right-of-way line of Minnesota Highway No. 24, a distance of 120.00 feet; thence Northwesterly, at right angles, a distance of 400.00 feet; thence Southwesterly at right angles a distance of 200.39 feet to the Southerly right-of-way of Interstate Highway No. 94 Frontage Road and the actual point of beginning; thence continue Southwesterly along the extension of the last described line, a distance of 261.68 feet to the centerline of the old Clearwater and Fairhaven Road (also known as the road to old Mill site); thence Northwesterly, along said centerline, deflecting right 117°35'45", a distance of 204.46 feet; thence Northwesterly,

along said centerline, deflecting right 5°15', a distance of 183.70 feet to the Southerly right-of-way line of the afore said Interstate Highway No. 94 Frontage Road; thence Easterly, along said Southerly right-of-way line, a distance of 346.47 feet to the point of beginning.

Less and except any part thereof lying within:

That part of Lot 5, according to a plat filed September 14, 1883, being part of the Northeast Quarter of Section 3, Township 122, Range 27, Wright County, Minnesota described as follows: Commencing at the northeast corner of said Northeast Quarter; thence on an assumed bearing of South 1 degree 05 minutes 23 seconds East along the east line of said Northeast Quarter, a distance of 1695.10 feet; thence North 62 degrees 16 minutes 53 seconds West, a distance of 1145.54 feet to the westerly right of way line of Minnesota State Highway No. 24 also being a point on the former centerline of an abandoned town road being the point of beginning of the land to be described; thence northeasterly along said westerly right-of-way line being a nontangential curve concave to the east having a radius of 4311.03 feet and a central angle of 6 degrees 59 minutes 51 seconds, a distance of 526.51 feet to a point distant 120.00 feet southwesterly from the southerly right of way of Interstate Highway No. 94 as measured along said westerly right of way line, the chord of said curve bearing North 22 degrees 24 minutes 37 seconds East; thence North 64 degrees 05 minutes 28 seconds West, a distance of 400.00 feet; thence South 26 degrees 20 minutes 39 seconds West a distance of 458.35 feet to said former centerline of an abandoned town road; thence South 35 degrees 57 minutes 59 seconds East along said centerline, a distance of 119.73 feet; thence South 62 degrees 16 minutes 53 seconds East long said centerline, a distance of 330.17 feet to the point of beginning.

TOGETHER WITH the adjacent right of way, to the centerline of said right of way.

AND

PID #204-100-034103

The Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section Three (3), Township One Hundred Twenty-two (122), Range Twenty-seven (27),

AND

The North Half of the South Half of the Southeast Quarter (N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Three (3), Township One Hundred Twenty-two (122), Range Twenty-seven (27), lying east of the center of the Clearwater and Big Lake Road.

EXCEPTING

Parcel 407C, MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 86-104, according to the recorded plat thereof, Wright County, Minnesota.

FURTHER EXCEPTING

Those tracts of land described in Document Numbers 285973 and 339618 and recorded in the office of the County Recorder in and for said Wright County, Minnesota.

FURTHER EXCEPTING

That part of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 3, Township 122 North, Range 27 West, Wright County, Minnesota, described as follows:

Commencing at the east quarter corner of said Section 3; thence westerly 33 feet (50 links) along the north line of said NE1/4 SE1/4; thence southerly, parallel with the east line of said NE1/4 SE1/4, for 33 feet (50 links) to the point of beginning; thence southerly, parallel with the east line of said NE1/4 SE1/4, for 432.30 feet (6 chains 55 links); thence westerly, parallel with the north line of said NE1/4 SE1/4, for 432.30 feet (6 chains 55 links); thence northerly, parallel with the east line of said NE1/4 SE1/4, for 432.30 feet (6 chains 55 links); thence easterly, parallel with the north line of said NE1/4 SE1/4, for 432.30 feet (6 chains 55 links) to the point of beginning.

FURTHER EXCEPTING

That part of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 3, Township 122 North, Range 27 West, Wright County, Minnesota, described as follows:

Commencing at the east quarter corner of said Section 3; thence southerly, along the east line of said NE1/4 SE1/4, for 465.30 feet to the point of beginning; thence westerly, parallel with the north line of said NE1/4 SE1/4, for 465.30 feet; thence southerly, parallel with the east line of said NE1/4 SE1/4, for 200.00 feet; thence easterly, parallel with the north line of said NE1/4 SE1/4, for 465.30 feet to the east line of said NE1/4 SE1/4; thence northerly, along last described east line, 200.00 feet to the point of beginning.

AND

PID #204-100-022404

That part of the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) of Section Two (2), Township One Hundred Twenty-two (122) Range Twenty-seven (27), according to the U.S. Government Survey, thereof, Wright County, Minnesota, which lies East of a line drawn North at right angles to the East-West Quarter Section line in said Section Two (2) from a point thereon distant 1,570.00 feet East of the West quarter corner of said Section Two (2), and Southwest of a line drawn parallel with and 184.00 feet Southwesterly of (as measured at right angles to) the following described Line "A".

Line "A": Beginning at a point on the West line of said Section Two (2), distant 464.60 feet South of the Northwest corner thereof, thence run Southeasterly at an

angle of 51 degrees and 42 minutes with said west section line for 4,744.80 feet and there terminating.

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

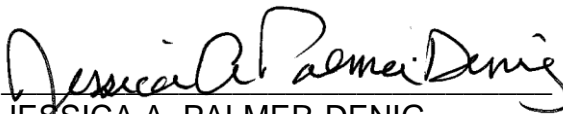
ORDER

1. Pursuant to Minn. Stat. § 414.0325 (2020), 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 (2020), the City will reimburse the Township as stated in the Joint Resolution.

Dated: November 12, 2021


JESSICA A. PALMER-DENIG
Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.0325, .07, .09, .12 (2020). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Wright 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 (2021). However, no request for amendment shall extend the time of appeal from this Order.