

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
of Certain Real Property to the City of
Gilman from Alberta Township
(MBAU Docket OA-1852-1)

**ORDER APPROVING
ANNEXATION**

Town of Alberta Resolution No. 2022-01/City of Gilman Resolution No. 2022-05 (Joint Resolution), adopted by the City of Gilman (City) on December 20, 2022, and the Alberta Town Board (Township) on January 10, 2023, requests the designation and immediate annexation of certain real property (Property) legally described as follows:

1. Parcel ID 010040502

That part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Thirty-three (33), Township Thirty-eight (38) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County, Minnesota, described as follows, to-wit: Commencing at the Northeast corner of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 33; thence South 89°42' West along the North line of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 175.07 feet to a point of intersection of said North line of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ with the Westerly right of way line of Minnesota Trunk Highway No. 25; thence South 29°51' East along said right of way line a distance of 130.00 feet to the point of beginning of the tract of land herein described; thence South 60°09' West and at right angles to the last described line a distance of 312.22 feet to a point; thence South 29°51' East and parallel with the Westerly right of way line of said Minnesota Trunk Highway No. 25 a distance of 210.0 feet; thence North 60°09' East and at right angles with the last described line a distance of 312.22 feet to the Westerly right of way line of said Minnesota Trunk Highway No. 25; thence North 29°51' West along said right of way line a distance of 210 feet to the point of beginning and there terminating, containing 1.5 acres, more or less.

2. Parcel ID 010040501

That part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Thirty-three (33). Township Thirty-eight (38) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County, Minnesota, described as follows, to-wit: Commencing at the Northeast corner of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 33; thence South 89°42' West along the North line of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 175.07 feet to a point of intersection of said North line of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ with the Westerly right of way line of Minnesota Trunk Highway No. 25, said point being the point of beginning of the tract of land herein described; thence South 29°51' East along said right of way line a distance of 130.00 feet to a point; thence South 60°09' West and at right angles to the last described line a distance

of 312.22 feet to a point; thence North 29°51' West and parallel with the Westerly right of way line of said Minnesota Trunk Highway No. 25, a distance of 305.00 feet, more or less, to the North line of said SE ¼ of SW ¼ thence North 89°42' East along said North line of SE ¼ of SW ¼ a distance of 358.89 feet to the point of beginning and there terminating, containing 1.56 acres, more or less.

3. Parcel ID 010040302 and 010040305

That part of the Northeast Quarter of the Southwest Quarter (NE ¼ of SW ¼), Section Thirty-three (33), Township Thirty-eight (38), Range Twenty-nine (29), Benton County, Minnesota, described as follows: Commencing at the southwest corner of said NE ¼ of SW ¼; thence North 89°47'05" East, assumed bearing, on the south line of said NE ¼ of SW ¼ 386.40 feet; thence North 03°42'35" East 217.82 feet to the point of beginning of the land to be described; thence continue North 03°42'35" East 217.82 feet; thence North 89°47'05" East parallel with said south line 585.70 feet to the center line of State Trunk Highway Number 25; thence South 29°50'50" East on said center line 250.00 feet to the intersection with a line which bears North 89°47'05" East parallel with said South line from the point of beginning; thence South 89°47'05" West on said parallel line 724.22 feet to the point of beginning. Containing 3.27 acres, more or less. Subject to the right of way of said highway over the northeasterly part thereof and easements of record.

That part of the Northeast Quarter of the Southwest Quarter (NE 1/4 of SW 1/4), of Section Thirty-three (33), Township Thirty-eight (38), Range Twenty-nine (29), Benton County, Minnesota, described as follows: Commencing at the southwest corner of said Northeast Quarter of Southwest Quarter (NE 1/4 of SW 1/4); thence North 89 degrees 47' 05" East, assumed bearing, on the south line of said Northeast Quarter of Southwest Quarter (NE 1/4 of SW ¼) 386.40 feet to the point of beginning of the land to be described; thence North 03 degrees 42'35" East 217.82 feet; thence North 89 degrees 47' 05" East parallel with said South line 724.22 feet to the center line of state Trunk Highway Number 25; thence South 29 degrees 50' 50" East on said center line 250.00 feet to said south line; thence South 89 degrees 47' 05" West on said south line 862.73 feet to the point of beginning according to the U.S. Government Survey thereof.

4. Parcel ID 010040301

That part of the Northeast Quarter of the Southwest Quarter (NE1/4 of SW1/4), Section Thirty-three (33), Township Thirty-eight (38), Range Twenty-nine (29), Benton County, Minnesota, described as follows: Commencing at the southwest corner of said NE1/4 of SW1/4; thence North 89 degrees 47 minutes 05 seconds East, assumed bearing, on the south line of said NE1/4 of SW1/4 386.40 feet; thence North 03 degrees 42 minutes 35 seconds East 435.64 feet; thence North 89 degrees 47 minutes 05 seconds East parallel with said south line 585.70 feet to the center line of State Trunk Highway Number 25; thence North 29 degrees 50 minutes 50 seconds West on said center line 1,050.71 feet to the north line of said NE1/4 of SW1/4; thence South 89 degrees 26 minutes 50 seconds West on said

North line 526.91 feet to the northwest corner of said NE1/4 of SW1/4; thence South 02 degrees 06 minutes 35 seconds East on the West line of said NE1/4 of SW1/4 1345.54 feet to the point of beginning. Subject to the right of way of said highway over the northeasterly part thereof and easements of record.

5. Parcel ID 010044300

Outlot A, Rasha Acres, Benton County, Minnesota.

6. Parcel ID 010044200

Lot One (1) Block Two (2), Rasha Acres, according to the plat thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota.

7. Parcel ID 010040200

That part of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Thirty-three (33), Township Thirty-eight (38) North, Range Twenty-nine (29) West, Benton County, Minnesota described as follows: Commencing at the southeast corner of the said Northwest Quarter of the Southeast Quarter: thence North 3° 23' 33" West, assumed bearing, along the east line of the said Northwest Quarter of the Southeast Quarter, a distance of 462.61 feet to the actual point of beginning; thence continue North 3° 23' 33" West, along said east line, a distance of 250.31 feet; thence South 89° 43' 42" West, parallel with the south line of the said Northwest Quarter of the Southeast Quarter, a distance of 330.47 feet; thence South 3° 23' 33" East, parallel with said East line, a distance of 250.31 feet; thence North 89° 43' 42" East, parallel with said South line, a distance of 330.47 feet to the point of beginning. Containing 1.89 acres, more or less, and is subject to easements of record.

That part of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Thirty-three (33), Township Thirty-eight (38) North, Range Twenty-nine (29) West, Benton County, Minnesota described as follows: Commencing at the southeast corner of the said Northwest Quarter of the Southeast Quarter; thence North 3° 23' 33" West, assumed bearing, along the east line of the said Northwest Quarter of the Southeast Quarter, a distance of 312.36 feet to the actual point of beginning; thence continue North 3° 23' 33" West, along the said east line, a distance of 150.25 feet; thence South 89° 43' 42" West, parallel with the south line of the said Northwest Quarter of the Southeast Quarter, a distance of 330.47 feet; thence South 3° 23' 33" East, parallel with said east line, a distance of 150.25 feet; thence North 89° 43' 42" East, parallel with said south line, a distance of 330.47 feet to the point of beginning. Containing 1.14 acres, more or less, and is subject to easements of record.

8. Parcel ID 010040001

The South Half of the Northeast Quarter of the Southeast Quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$)

of SE 1/4), Section Thirty-three (33), Township Thirty-eight (38) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County, Minnesota. EXCEPTING THEREFROM that part described as follows: Beginning at the southwest corner of said South Half of the Northeast Quarter of the Southeast Quarter (S 1/2 of NE 1/4 of SE 1/4); thence North 03 degrees 23 minutes 32 seconds West, assumed bearing, on the West line of said S 1/2 of NE 1/4 of SE 1/4 230.00 feet; thence North 89 degrees 43 minutes 41 seconds East parallel with the south line of said Northeast Quarter of the Southeast Quarter 230.00 feet; thence South 03 degrees 23 minutes 32 seconds East parallel with said west line 230.00 feet to said south line; thence South 89 degrees 43 minutes 41 seconds West on said south line 230.00 feet to the point of beginning. Said exception containing 1.21 acres, more or less. Together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: easements and restrictions of record, if any.

9. Parcel ID 010040101

The West 223.04 feet of the South 264.04 feet of the North Half of the Northeast Quarter of the Southeast Quarter (N 1/2 of NE 1/4 of SE 1/4), as measured on the west and south lines thereof, in Section Thirty-three (33), Township Thirty-eight (38) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County, Minnesota. The East 52 feet of the West 275.00 feet of the South 264.04 feet of the North half of the Northeast Quarter of the Southeast Quarter (N 1/2 NE 1/4 of SE 1/4) as measured on the West and South lines thereof, all in Section Thirty-three (33) Township Thirty-eight (38) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County Minnesota.

10. Parcel ID 010044100

Lot 2, Block 1, Rasha Acres, according to the recorded plat thereof.

11. Parcel ID 010040102

The west 223.04 feet of the North one-half of the Northeast Quarter of the Southeast Quarter, as measured along the South line of said North one-half of the Northeast Quarter of the Southeast Quarter, section 33, township 38, range 29, Benton County, Minnesota. Less and except the South 264.04 feet and the North 20.00 feet of said North one-half of the Northeast Quarter of the Southeast Quarter, as measured along the West line thereof. Subject to the right of way of a township road over the westerly part thereof and also subject to a access easement over the northerly 33.00 feet of the aforementioned described land. Containing 2.03 acres, more or less.

12. Parcel ID 010044000

Lot One (1), Block One (1), Rasha Acres, according to the plat and survey on file and of record in the office of the County Recorder of Benton County, Minnesota.

13. Parcel ID 010039500

The South 706.00 feet of the West 308.00 feet of the Southeast Quarter of the Northeast Quarter of Section 33, Township 38, Range 29, Benton County, Minnesota.

14. Parcel ID 010039501

The Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4), Section Thirty-three (33), Township Thirty-eight (38), Range Twenty-nine (29), Benton County, Minnesota; Less and Except the South 706.00 feet of the West 308.00 feet thereof; and also Less and Except that part of said Southeast Quarter of the Northeast Quarter which lies within the following-described parcel: That part of the Southeast Quarter of the Northeast Quarter and the North Half of the Northeast Quarter of the Southeast Quarter, all in Section 33, Township 38, Range 29, Benton County, Minnesota, described as follows: Beginning at the East Quarter corner of said Section 33; thence South 04 degrees 22 minutes 04 seconds East, along the east line of said North Half of the Northeast Quarter of the Southeast Quarter, a distance of 397.77 feet to the south line of the North 397.00 feet of said North Half of the Northeast Quarter of the Southeast Quarter, thence South 89 degrees 12 minutes 18 seconds West, along said south line, a distance of 411.37 feet to the west line of the East 410.57 feet of said North Half of the Northeast Quarter of the Southeast Quarter, thence North 04 degrees 22 minutes 04 seconds West, along said west line and its northerly extension, a distance of 635.99 feet to the north line of the South 237.75 feet of said Southeast Quarter of the Northeast Quarter, thence North 89 degrees 12 minutes 18 seconds East, a distance of 414.80 feet to the east line of said Southeast Quarter of the Northeast Quarter, thence South 03 degrees 32 minutes 42 seconds East, along said east line, a distance of 238.02 feet to the point of beginning. Subject to right of way for County Road No. 3 along the east side thereof. Subject to easements of record.

15. Parcel ID 010040100

That part of the North Half of the Northeast Quarter of the Southeast Quarter (N 1/2 of NE 1/4 of SE 1/4), Section Thirty-three (33), Township Thirty-eight (38), Range Twenty-nine (29), Benton County, Minnesota, described as follows: Commencing at the East quarter corner of said Section 33; thence South 04 degrees 22 minutes 04 seconds East along the East line of said North Half of the Northeast Quarter of the Southeast Quarter a distance of 397.77 feet to the South line of the North 397.00 feet of said North Half of the Northeast Quarter of the Southeast Quarter, thence South 89 degrees 12 minutes 18 seconds West along said South line a distance of 284.86 feet to the West line of the East 284.31 feet of said North Half of the Northeast Quarter of the Southeast Quarter, being the point of beginning of the parcel being described: thence South 04 degrees 22 minutes 04 seconds East along said West line a distance of 285.82 feet to the South line of said North Half of the Northeast Quarter of the Southeast Quarter, thence South 89 degrees 20 minutes 45 seconds West along said South line a distance of 758.26 feet to the

East line of the West 275.00 feet of said North Half of the Northeast Quarter of the Southeast Quarter as measured along the South line thereof; thence North 03 degrees 38 minutes 02 seconds West along said East line a distance of 263.04 feet to the North line of the South 264.04 feet of said North Half of the Northeast Quarter of the Southeast Quarter as measured along the West line thereof; thence South 89 degrees 20 minutes 40 seconds West along said North line a distance of 51.96 feet to the East line of the West 223.04 feet of said North Half of the Northeast Quarter of the Southeast Quarter as measured along the South line thereof; thence North 03 degrees 38 minutes 02 seconds West along said East line a distance of 398.06 feet to the South line of the North 20.00 feet of said North Half of the Northeast Quarter of the Southeast Quarter as measured along the West line thereof; thence South 89 degrees 12 minutes 18 seconds West along said South line a distance of 223.01 feet to the West line of said North Half of the Northeast Quarter of the Southeast Quarter, thence North 03 degrees 38 minutes 02 seconds West along said West line a distance of 20.00 feet to the North line of said North Half of the Northeast Quarter of the Southeast Quarter, thence North 89 degrees 12 minutes 18 seconds East along said North line a distance of 897.86 feet to the West line of the East 410.57 feet of said North Half of the Northeast Quarter of the Southeast Quarter, thence South 04 degrees 22 minutes 04 seconds East along said West line a distance of 397.47 feet to the South line of said North 397.00 feet of said North Half of the Northeast Quarter of the Southeast Quarter, thence North 89 degrees 12 minutes 18 seconds East along said South line a distance of 126.51 feet to the point of beginning. Subject to right of way for a township road over the west side thereof. Subject to easements of record.

16. Parcel ID 010040104

The East 284.31 feet of the North One-Half of the Northeast Quarter of the Southeast Quarter, less and except the North 397.00 feet thereof, Section 33, Township 38, Range 29, Benton County, Minnesota. Subject to the Right of Way of County Road Number 3 over the Easterly part thereof and easements of record.

17. Parcel ID 010040103

That part of the Southeast Quarter of the Northeast Quarter and the North Half of the Northeast Quarter of the Southeast Quarter all of Section 35, Township 33, Range 29, Benton County, Minnesota described as follows: Beginning at the East Quarter corner of said Section 33; thence South 04 degrees 22 minutes 04 seconds East, along the east line of said North Half of the Northeast Quarter of the Southeast Quarter, a distance of 397.77 feet to the south line off the North 397.00 feet of said North Half of the Northeast Quarter of the Southeast Quarter, thence South 89 degrees 12 minutes 18 seconds West, along said south line, a distance of 411.37 feet to the west line of the East 410.57 feet of said North Half of the Northeast Quarter of the Southeast Quarter, thence North 04 degrees 22 minutes 04 seconds West, along said west line and its northerly extension, a distance of 635.99 feet to the north line of the South 237.75 feet of said Southeast Quarter of the Northeast Quarter, thence North 89 degrees 12 minutes 18 seconds East, a

distance of 414.80 feet to the east line of said Southeast Quarter of the Northeast Quarter; thence South 03 degrees 32 minutes 42 seconds East, along said east line, a distance of 238.02 feet to the point of beginning. Subject to right of way for County Road No 3 along the east side thereof. Subject to easements of record. Containing 6.00 acres more or less.

18. 115th St NE

All that area of the west half of 115th St NE as shown on the plat of Rasha Acres on file with the Benton County Recorder and known as Document Number 332793.

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


ORDER

1. Pursuant to Minn. Stat. § 414.0325 (2022), 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 to Minn. Stat. § 414.036 (2022), the City will reimburse the Township in accordance with the terms of the Joint Resolution.

Dated: May 24, 2023


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 (2022). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Benton 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.