

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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| IN THE MATTER OF THE ORDERLY ANNEXATION ) | <u>A M E N D E D</u> |
| AGREEMENT BETWEEN THE CITY OF SAUK )      |                      |
| RAPIDS AND THE TOWN OF MINDEN PURSUANT )  | <u>ORDER</u>         |
| TO MINNESOTA STATUTES 414 )               |                      |

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WHEREAS, a joint resolution for orderly annexation was adopted by the City of Sauk Rapids and the Town of Minden; and

WHEREAS, a joint resolution was received from the City of Sauk Rapids and the Town of Minden indicating their desire that certain property be annexed to the City of Sauk Rapids pursuant to M.S. 414.0325; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Director of Strategic and Long Range Planning may review and comment, but shall within 30 days order the annexation pursuant to said subdivisions; and

WHEREAS, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge.

WHEREAS, on March 10, 2005, the Chief Administrative Law Judge reviewed and accepted the resolution for orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Sauk Rapids, Minnesota, the same as if it had originally been made a part thereof:

**PROPOSED LEGAL DESCRIPTION PARCEL A**

That part of the North Half of the Northwest Quarter of Section 18, Township 36 North,

Range 30 West, Benton County, Minnesota described as follows:

Beginning at the northwest corner of said North Half of the Northwest Quarter; thence North 88 degrees 12 minutes 40 seconds East, assumed bearing, along the north line of said North Half of the Northwest Quarter, a distance of 1473.26 feet; thence South 01 degree 37 minutes 44 seconds, parallel with the west line of said North Half of the Northwest Quarter, a distance of 1334.37 feet, to the south line of said North Half of the Northwest Quarter; thence South 88 degrees 17 minutes 34 seconds West, along said south line, a distance of 1473.26 feet to the southwest corner of said North Half of the Northwest Quarter; thence North 01 degree 37 minutes 44 seconds West, along the west line of said North Half of the Northwest Quarter, a distance of 1332.27 feet to the point of beginning.

Except:

The West 330 feet of said North Half of the Northwest Quarter.

Together with:

That part of the Southwest Quarter of Section 7, Township 36 North, Range 30 West, said Benton County described as follows:

Beginning at the southwest corner of said Southwest Quarter; thence North 00 degrees 05 minutes 41 seconds West, along the west line of said Southwest Quarter, a distance of 423.13 feet; thence North 88 degrees 14 minutes 36 seconds East, a distance of 515.13 feet; thence South 00 degrees 05 minutes 41 seconds East, parallel with said west line of the Southwest Quarter, a distance of 422.84 feet to the south line of said Southwest Quarter; thence South 88 degrees 12 minutes 40 seconds West, along said south line, a distance of 515.14 feet to the point of beginning. Subject to easement for C.S.A.H. No. 1.

## **PROPOSED LEGAL DESCRIPTION PARCEL B**

That part of the North Half of the Northwest Quarter of Section 18, Township 36 North, Range 30 West, Benton County, Minnesota described as follows:

Commencing at the northwest corner of said North Half of the Northwest Quarter; thence North 88 degrees 12 minutes 40 seconds East, assumed bearing, along the north line of said North Half of the Northwest Quarter, a distance of 1473.26 feet to the point of beginning of the tract to be described; thence continue North 88 degrees 12 minutes 40 seconds East, along said north line, a distance of 804.24 feet, thence South 01 degree 37 minutes 44 seconds East, parallel with the west line of said North Half of the Northwest Quarter, a distance of 1335.51 feet to the south line of said North Half of the Northwest Quarter, thence South 88 degrees 17 minutes 34 seconds West, along said south line, a distance of 804.23 feet to the intersection with a line bearing South 01 degree 37 minutes 44 seconds East from the point of beginning; thence North 01 degree 37 minutes 44 seconds West, parallel with said west line, a distance of 1334.37 feet to the point of

beginning.

Together with:

That part of the Southwest Quarter of Section 7, Township 36 North, Range West, said Benton County described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence North 00 degrees 05 minutes 41 seconds West, along the west line of said Southwest Quarter, a distance of 423.13 feet; thence North 88 degrees 14 minutes 36 seconds East, a distance of 515.13 feet to the point of beginning of the tract to be described; thence continue North 88 degrees 14 minutes 36 seconds East, a distance of 946.16 feet; thence South 03 degrees 43 minutes 01 seconds West, a distance of 88.25 feet; thence North 88 degrees 32 minutes 47 seconds East, a distance of 813.11 feet; thence South 01 degree 37 minutes 44 seconds East, a distance of 329.52 feet to a point on the south line of said Southwest Quarter, distance 2277.50 feet easterly of said southwest corner of the Southwest Quarter, as measured along said south line; thence South 88 degrees 12 minutes 40 seconds West, along said south line, a distance of 1762.37 feet to the intersection with a line bearing South 00 degrees 05 minutes 41 seconds East from the point of beginning; thence North 00 degrees 05 minutes 41 seconds West, a distance of 422.84 feet to the point of beginning.

*Parcel C*

That part of the Southwest Quarter of Section 7 and that part of the North Half of the Northwest Quarter of Section 18, both in Township 36 North, Range 30 West, Benton County, Minnesota described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence North 00 degrees 05 minutes 41 seconds West, assumed bearing, along the west line of said Southwest Quarter, a distance of 423.13 feet; thence North 88 degrees 14 minutes 36 seconds East, a distance of 1461.29 feet; thence South 03 degrees 43 minutes 01 seconds West, a distance of 88.25 feet; thence North 88 degrees 32 minutes 47 seconds East, a distance of 813.11 feet to the point of beginning of the tract to be described; thence South 01 degree 37 minutes 44 seconds East, parallel with the west line of said North Half of the Northwest Quarter of Section 18, a distance of 329.52 feet to a point on the south line of said Southwest Quarter, distant 2277.50 feet easterly of said southwest corner of the Southwest Quarter, as measured along said south line; thence continuing South 01 degree 37 minutes 44 seconds East, along said parallel line, a distance of 1335.51 feet to the south line of said North Half of the Northwest Quarter; thence North 88 degrees 17 minutes 34 seconds East, along said south line of the North Half of the Northwest Quarter, a distance of 572.37 feet to the southeast corner of said North Half of the Northwest Quarter; thence North 01 degrees 11 minutes 42 seconds West, along the east line of said North Half of the Northwest Quarter, a distance of 1336.40 feet to the northeast corner of said North Half of the Northwest Quarter; thence North 00 degrees 39 minutes 06 seconds West, along the east line of said Southwest Quarter of Section 7, a distance of 326.14 feet to the intersection with a line bearing North 88 degrees 32 minutes 47 seconds East from the point of beginning; thence South 88 degrees 32

minutes 47 seconds West, a distance of 588.06 feet to the point of beginning.

SITE AREA = 22.11 ACRES

Together with:

An easement to run with the land, for ingress and egress, for the benefit of the above described parcel described as,

A 33 foot wide easement for ingress and egress purposes lying over, under and across part of the Southwest Quarter of Section 7, Township 36 North, Range 30 West, Benton County, Minnesota. Said easement shall lie 33 feet north and east of the following described line:

Commencing at the southwest corner of said Southwest Quarter; thence North 00 degrees 05 minutes 41 seconds West, assumed bearing, along the west line of said Southwest Quarter, a distance of 423.13 feet to the point of beginning of said line; thence North 88 degrees 14 minutes 36 seconds East, a distance of 1461.29 feet; thence South 03 degrees 43 minutes 01 seconds West, a distance of 88.25 feet; thence North 88 degrees 32 minutes 47 seconds East, a distance of 1401.17 feet to the east line of said Southwest Quarter and there terminating.

The northerly line of said easement shall be prolonged or shortened to terminate on said west and east line of the Southwest Quarter of Section 7.

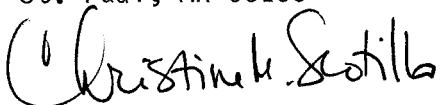
Proposed Legal Description (Parcel F)

THE WEST 330 FEET OF THE ~~NW 1/4~~ <sup>NW 1/4 NW 1/4</sup> LESS HIGHWAY EASEMENT, OF SECTION 18, TOWNSHIP 036, RANGE 30

Amended order dated this 11th day of May, 2005.

Dated this 10<sup>th</sup> day of March, 2005.

For the Chief Administrative  
Law Judge  
658 Cedar Street - Room 300  
St. Paul, MN 55155



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

For the Chief Administrative Law Judge  
658 Cedar Street - Room 300  
St. Paul, Minnesota 55155



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-845-4, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph/item 8 of the agreement provides for a division of tax revenue from an annexed area, based upon a 10 year schedule. By making this order, no determination is made as to the effectiveness of such a schedule. Minnesota Statutes Section 414.036 allows for a reimbursement to the township of property taxes of substantially equal payments over a period of not less than two nor more than six years. Including such a provision in an order under Minnesota Statutes Section 414.0325 is discretionary with the Director.

Paragraph/item 21 of the agreement states the parties agree that they will, at a minimum, either meet or request the Joint Planning Board to consider potential changes and adjustments to this Agreement every 5 years beginning in January of 2005. Unless the parties have agreed to an extension, this Agreement shall expire on December 31, 2025. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Director. Once jurisdiction is conferred, it cannot be taken away by written consent of the parties

The parties are encouraged to consider this comment in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

*OW*