

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA



RESOLUTION 2025-22

**A RESOLUTION RE-APPROVING ANNEXATION OF LAND LOCATED IN  
GILMANTON TOWNSHIP, BENTON COUNTY PER THE ORDERLY ANNEXATION  
AGREEMENT**

**WHEREAS**, Minn. Stat. § 414.0325 provides the procedure for orderly annexation in designated unincorporated areas; and

**WHEREAS**, the City of Foley (the “City”) and the Township of Gilmanton (the “Township”) passed a joint resolution for orderly annexation and joint planning agreement for a particular area within the Township (the “**Orderly Annexation Agreement**”); and

**WHEREAS**, subject to Minn. Stat. § 414.0325, the Orderly Annexation Agreement was approved by the Municipal Boundary Adjustment Unit and identified as OA-1795; and

**WHEREAS**, the Orderly Annexation Agreement outlines the process of orderly annexation of designated areas within the Township into the City; and

**WHEREAS**, the City and the Township have agreed that the properties identified in **Exhibit A** and shown in the map in **Exhibit B** (the “**Properties**”) shall be annexed;

**WHEREAS**, the City and the Township have also agreed that the minimum maintenance road, identified **Exhibit C**, shall be annexed into the City; and

**WHEREAS**, the City initiated the annexation of the Properties by sending written notice to the Township on March 25, 2025, and again provided notice on September 5, 2025 attached as **Exhibit D**, as required by the Orderly Annexation Agreement; and

**WHEREAS**, the Township passed Resolution No. 2025-3 agreeing to the annexation of the Properties; and

**WHEREAS**, written notice was provided to the owners of record of the Properties on April 3, 2025, and again on September 5, 2025 which are attached as **Exhibit E**; and

**WHEREAS**, the City received no written comments regarding the annexation of the Properties;

**WHEREAS**, the annexation of the Properties meets the requirements of the Orderly Annexation Agreement;

**WHEREAS**, the Office of Administrative Hearings (now Court of Administrative Hearings) issued Order Approving Annexation (identified as OAH71-0331-40834, the “Order”) on June 17, 2025;

**WHEREAS**, the Benton County Recorder refused to record the Order without clarification regarding the MnDOT parcel already within the City’s limits;

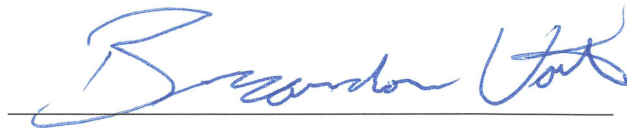
**WHEREAS**, the Court of Administrative Hearings refused to issue a correction of the Order citing the passage of more than seven days; and

**WHEREAS**, the City approves the clarification regarding the MnDOT parcel already within the City’s limits.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Foley hereby re-approves the annexation of the properties identified in **Exhibit A** with the noted clarification and as shown in the map in **Exhibit B**, and the minimum maintenance road identified in **Exhibit C**; and

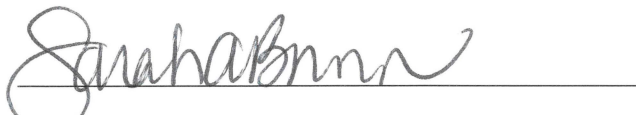
**BE IT FURTHER RESOLVED**, the City of Foley will issue the tax reimbursement to Gilmanton Township per the conditions of the orderly annexation agreement approved by the Municipal Boundary Adjustment Unit and identified as OA-1795.

**ADOPTED BY THE FOLEY CITY COUNCIL THIS 7<sup>th</sup> DAY OF OCTOBER, 2025.**



Brandon Voit  
Mayor

ATTEST:



Sarah A. Brunn  
City Administrator

**EXHIBIT A**  
**(Properties to be Annexed)**

PID No. 020037100 - .89 acres

All that part of the Northwest Quarter of the Southwest Quarter (NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ), of Section Twenty-six (26), Township Thirty-seven (37) North, Range Twenty-nine (29) West, Fourth Principal Meridian, lying Northerly of Stony Brook Creek, and Westerly of Minnesota Trunk Highway No. 25 (formerly known as Minnesota Trunk Highway No. 218), Benton County, Minnesota, subject to existing highways and easements of record,

PID No. 020036600 – 8.51 acres

All that part of the West Half of the Southwest Quarter (W  $\frac{1}{2}$  of SW  $\frac{1}{4}$ ) of Section Twenty-six (26), Township Thirty-seven (37) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County, Minnesota, Lying westerly of the westerly right of way line of Minnesota Trunk Highway No. 25 and Lying northerly of the Northerly right of way of Minnesota Trunk Highway No. 23, and Lying Southerly of the following described line:

Commencing at a point on West line of the said Section 26, 1792.3 feet North of the Southwest corner thereof, said point being the center of the bridge; thence deflecting to the right a delta angle of  $77^{\circ}50'$  for a distance of 208.2 feet to a point on the West right-of-way line of Trunk Highway No. 25; thence southeasterly along the highway right of way line for a distance of 773.2 feet to the point of beginning of the line to be described; thence deflecting to the right a delta angle of  $106^{\circ}50'$  for a distance of 563.7 feet to a point on the West line of said Section 26 and said line there terminating.

EXCEPTING THEREFROM all that part lying Southerly of the following described line: Beginning at a point on the West line of said W  $\frac{1}{2}$  of SW  $\frac{1}{4}$ , distant 320 feet North of the Southwest corner of said Section 26; thence Northerly along said West line 36 feet, thence Easterly at a right angle 48.97 feet, thence northeasterly, deflecting to the left  $36^{\circ}19'10''$ , a distance of 822.76 feet to the Westerly right of way line of Minnesota Trunk Highway No. 25 and there terminating.

PID No. 020036800 – 4.26 acres

That part of the Southwest Quarter of the Southwest Quarter (SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ) of Section Twenty six (26), Township Thirty-seven (37) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County, Minnesota, described as follows, to-wit:

Beginning at a point on the West line of said Southwest Quarter of the Southwest Quarter, distant 320.00 feet North of the Southwest corner of said Section 26; thence Northerly, along said West line 36.00 feet; thence Easterly at a right angle 48.97 feet; thence Northeasterly, deflecting to the left 36 degrees 19 minutes 10 seconds, a distance of 822.76 feet to the Westerly right-of-way line of Trunk Highway 25; thence Southeasterly, along said right-of-way line 213.00 feet to a highway right-of-way monument; thence Southwesterly 253.70 feet, along sight triangle to a highway right-of-way monument on Trunk Highway 23; thence Southwesterly, along the Northerly right-of-way line of said Trunk Highway 23, a distance of 610.40 feet to a highway right-of-way monument; thence Northwesterly on a sight triangle 120.20 feet to a highway right-of-way monument; thence Westerly, a distance of 33.00 feet to the point of beginning. Subject to easements of record.

Less: Parcel 324G as shown on Minnesota Department of Transportation Right of Way Plat No. 05-37

PID No. 020038500 – 79.76 acres

The East Half of the Southeast Quarter (E  $\frac{1}{2}$  of SE  $\frac{1}{4}$ ), less road right of way, all in section Twenty-seven (27), Township Thirty-seven (37) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County, Minnesota.

Except Parcel 254 as shown on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 05-37

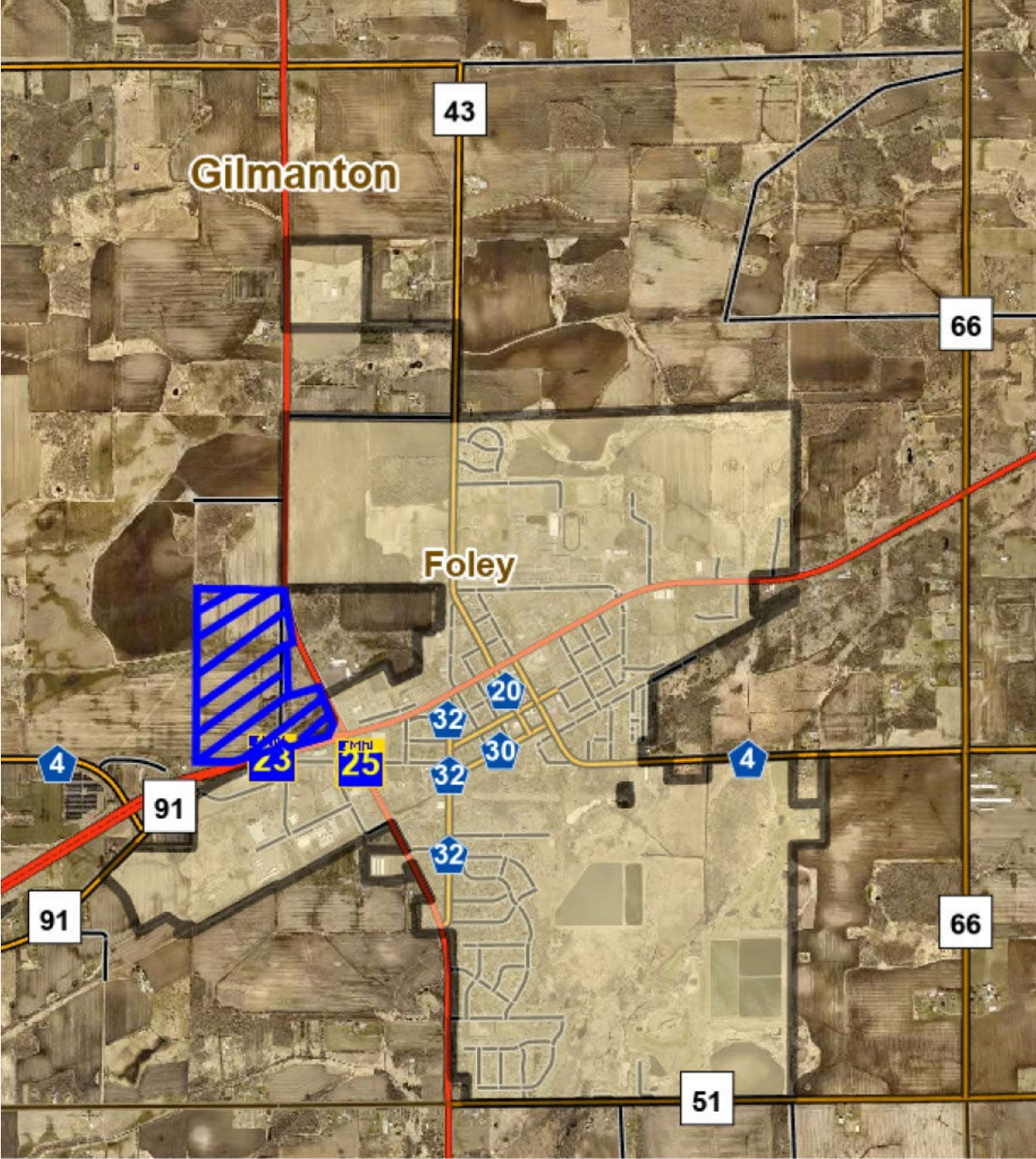
Expect land already within the city.

## EXHIBIT B

(Depiction of Properties to be Annexed, Indicated by the Hashing)







## **EXHIBIT A**

### **(Description of Minimum Maintenance Road)**

The Township Road (no number listed on County map) to the North of Highway 23 and West of Highway 25 from North of the Thomas Henry residence to North to Highway 25 shall be a Minimum Maintenance Road starting as soon as the road signs are in place.

## EXHIBIT D

(Written Notice to Township from City)



# City of Foley

251 4th Avenue North • P.O. Box 709  
Foley, Minnesota 56329  
(320) 968-7260 • Fax (320) 968-6325  
[www.ci.foley.mn.us](http://www.ci.foley.mn.us) • Email: [contactus@ci.foley.mn.us](mailto:contactus@ci.foley.mn.us)

September 5, 2025

Gilmanton Township  
Attn: Beth Kipka, Clerk  
8051 95<sup>th</sup> Street NE  
Foley, MN 56329

Re: City of Foley/Gilmanton Township OAA – Annexation Notification (Legal Correction on Hwy 23-25)

Dear Ms. Kipka:

Please consider this notification of the intent to annex property within the Orderly Annexation Area (OAA). A request for annexation was received by a resolution adopted by Gilmanton Township.

This is the second time you are receiving this notification because in order to make a necessary legal correction identified by Benton County, we must re-process a new annexation order. This serves as the 30 day notice.

Please contact me with any additional questions at 320-968-7260 or [sbrunn@ci.foley.mn.us](mailto:sbrunn@ci.foley.mn.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah A. Brunn", with a long horizontal flourish extending to the right.

Sarah A. Brunn  
City Administrator



**Exhibit E**

**(Notice to Property Owners)**



*City of Foley*

251 4th Avenue North • P.O. Box 709  
Foley, Minnesota 56329  
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[www.ci.foley.mn.us](http://www.ci.foley.mn.us) • Email: [contactus@ci.foley.mn.us](mailto:contactus@ci.foley.mn.us)

September 5, 2025

Michael T. Henry  
6823 Hwy 25 NE  
Foley, MN 56329

Re: City of Foley/Gilmanton Township OAA – Annexation Notification (Legal Correction)

Dear Mr. Henry:

Please consider this notification of the intent to annex property within the Orderly Annexation Area (OAA). A request for annexation was received by Gilmanton Township. Per the OAA agreement, the City is to provide 30 days' notice to the affected property owners when there is an annexation request in order to provide for comments.

This is the second time you are receiving this notification because in order to make the legal correction, a new order will be processed.

Please contact me with any additional questions at 320-968-7260 or [sbrunn@ci.foley.mn.us](mailto:sbrunn@ci.foley.mn.us).

Sincerely,

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Sarah A. Brunn  
City Administrator

Enclosure



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September 5, 2025

Thomas L Henry & Paige Ladue Henry  
6633 115<sup>th</sup> Avenue NE  
Foley, MN 56329

Re: City of Foley/Gilmanton Township OAA – Annexation Notification (Legal Correction)

Dear Mr. & Mrs. Henry:

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Sarah A. Brunn  
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September 5, 2025

John G. Herbst & Patricia L. Herbst  
4260 150<sup>th</sup> Avenue  
Clear Lake, MN 55319

Re: City of Foley/Gilmanton Township OAA – Annexation Notification (Legal Correction)

Dear Mr. & Mrs. Herbst:

Please consider this notification of the intent to annex property within the Orderly Annexation Area (OAA). A request for annexation was received by Gilmanton Township. Per the OAA agreement, the City is to provide 30 days' notice to the affected property owners when there is an annexation request in order to provide for comments.

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Sincerely,

Sarah A. Brunn  
City Administrator

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