

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Waconia from Waconia Township
(MBAU Docket A-8001)

**ORDER APPROVING
ANNEXATION ORDINANCE**

David P. Hubert, Melchert Hubert and Sjodin, PLLP, appears on behalf of the City of Waconia (City). Thomas Notch, Township Chair, appears on behalf of the Waconia Town Board (Township).

On June 20, 2016, the Office of Administrative Hearings received Ordinance Number 694 adopted by the City of Waconia (City) on June 6, 2016, annexing certain real property (Property) owned by the City legally described as follows:

(PID 09-023-1200) The Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 23, Township 116 North, Range 25 West, Carver County, Minnesota EXCEPTING therefrom the following tracts of land:

1. That part thereof platted as Sudheimer Industrial Park.
2. That part thereof platted as Sudheimer Industrial Park 2nd Addition.

The Ordinance states:

Pursuant to Minnesota Statutes §414.036, the Township shall receive a single payment of \$366.26 as reimbursement for all or part of the taxable property annexed by this ordinance. There are no special assessments assigned by the Township to the annexed property and no debt incurred by the Township prior to the annexation and attributable to the property annexed.¹

On June 20, 2016, the Office of Administrative Hearings received Waconia Township Receipt for Reimbursement to Township for Annexation of Taxable Property dated June 14, 2016, which states:

Pursuant to Minnesota Statutes Section 414.036, the Town of Waconia hereby acknowledges the receipt of a single payment of \$366.26 as reimbursement for all the taxable property being annexed to the City of Waconia as described on **Exhibit A** attached hereto and approves the annexation of such land. There are no special assessments assigned by

¹ Ordinance No. 694 adopted by the City on June 6, 2016.

Waconia Township to the annexed property and no debt incurred by the Township prior to the annexation attributable to the property annexed.²

For tax year 2016, the Property identified for tax purposes as Property ID Number 09.0231200 and made up of 7.69 acres generated taxes totaling \$366.26 to the Township.³

According to the record on file, the City has reimbursed the Township in the amount of \$366.26.⁴

Based upon a review of the Ordinance, the Chief Administrative Law Judge makes the following:

ORDER

1. Pursuant to Minn. Stat. § 414.033 (2014), the Ordinance is deemed adequate in all legal respects and properly supports this Order.

2. Pursuant to the terms of the Ordinance and this Order, the Property is **ANNEXED** to the City.

3. The reimbursement requirement pursuant to Minn. Stat. § 414.036 (2014), has been met.

Dated: July 14, 2016



TAMMY L. PUST
Chief Administrative Law Judge

² Waconia Township Receipt for Reimbursement to Township for Annexation of Taxable Property dated June 14, 2016.

³ Carver County 2016 Property Tax Statement, submitted by the City.

https://gis.co.carver.mn.us/digital_docs/prts/tax_statements/pdfs2016/pay2016-09.0231200.pdf

⁴ June 22, 2016 emailed correspondence between Susan Arntz, City Administrator, and Star Holman, Office of Administrative Hearings, sent at 9:08 a.m.

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.033, .07, .09, .12 (2014). Minn. Stat. § 414.033, subd. 7 requires that a copy of the annexation ordinance be filed with the township, the appropriate county auditor(s), and the Secretary of State.

Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Carver 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 (2015). However, no request for amendment shall extend the time of appeal from this Order.