

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Perham from Perham Township
(MBAU Docket A-8027)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On November 14, 2016, the City of Perham (City) adopted Ordinance Number 392 (Ordinance) annexing certain real property (Property) from Perham Township (Township) legally described as follows:

That part of the Northwest Quarter of the Southwest Quarter of Section 4, Township 136 North Range 39 West of the Fifth Principal Meridian in Otter Tail County, Minnesota described as follows: Beginning at an iron monument which designates the southwest corner of said Northwest Quarter of the Southwest Quarter; thence North 00 degrees 37 minutes 10 second East 244.57 feet on an assumed bearing along the west line of said Northwest Quarter of the Southwest Quarter to an iron monument on the southerly line of STATE HIGHWAY RIGHT OF WAY PLAT NO. 56-1, said plat on file and of record in the office of the Recorder of said County; thence South 63 degrees 17 minutes 26 seconds East 401.13 feet along the southerly line of said STATE HIGHWAY RIGHT OF WAY PLAT NO. 56-1 to a found cast iron right of way monument; thence South 57 degrees 28 minutes 43 seconds east continuing along the southerly line of said STATE HIGHWAY RIGHT OF WAY PLAT NO. 56-1 to the south line of said Northwest Quarter of the Southwest Quarter; thence westerly along the south line of said Northwest Quarter of the Southwest Quarter to the point of beginning. The above described tract contains 1.3 acres more or less; and

That part of the East Half of the Southeast Quarter of Section 5, Township 136 North, Range 39 West, of the Fifth Principal Meridian in Otter Tail County, Minnesota described as follows: Commencing at an iron monument which designates the southeast corner of said Section 5; thence North 00 degrees 37 minutes 10 seconds East 359.53 feet on an assumed bearing along the east line of said Section 5 to an iron monument on the easterly line of STATE HIGHWAY RIGHT OF WAY PLAT NO. 56-1, said plat is on file and of record in the office of the Recorder of County, to the point of beginning; thence North 88 degrees 38 minutes 13 seconds West 27.18 feet along the easterly line of said STATE HIGHWAY RIGHT OF WAY PLAT NO. 56-1 to a found cast iron right of way monument; thence North 20 degrees 20 minutes 34 seconds West 750.48 feet continuing along the easterly line of said STATE HIGHWAY RIGHT OF WAY PLAT NO. 56-1 to a found cast iron right of way monument; thence North 15 degrees 45 minutes 31 seconds West 675.67 feet continuing along the easterly line of said

STATE HIGHWAY RIGHT OF WAY PLAT NO. 56-1 to a found cast iron right of way monument; thence South 77 degrees 45 minutes 11 seconds East 335.04 feet along southerly line of said STATE HIGHWAY RIGHT OF WAY PLAT NO. 56-1 to a found cast iron right of way monument; thence South 63 degrees 17 minutes 26 seconds East 175.96 feet along the southerly line of STATE HIGHWAY RIGHT OF WAY PLAT NO. 56-1 to an iron monument on the east line of said Section 5; thence south 00 degrees 37 minutes 10 seconds West 1204.50 feet along the East line of said Section 5 to the point of beginning. The above described tract contains 7.78 acres; and

That part of the South Half of the Southwest Quarter of Section 4, Township 136 North, Range 39 West of the Fifth Principal Meridian in Otter Tail County, Minnesota, described as follows: Beginning at an iron monument which designates the northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 4; thence South 00 degrees 37 minutes 10 seconds West 959.93 feet on an assumed bearing along the west line of said Southwest Quarter of the Southwest Quarter to an iron monument on the northerly line of State Highway Right Of Way Plat No. 56-1, said plat is on file and of record in the office of the Recorder of said County; thence South 88 degrees 38 minutes 13 seconds East 38.82 feet along the easterly line of said State Highway Right Of Way Plat No. 56-1 to a found cast iron right of way monument; thence South 19 degrees 45 minutes 43 seconds East 383.24 feet continuing along the easterly line of said State Highway Right Of Way Plat No. 56-1 to an iron monument on the south line of said Section 4; thence South 89 degrees 18 minutes 26 seconds East 1985.53 feet along the south line of said Section 4 to an iron monument on the southwesterly right of way line of old Trunk Highway No. 10; thence North 49 degrees 22 minutes 41 seconds West 1555.65 feet along said southwesterly right of way line of old Trunk Highway No. 10 to a found cast iron right of way monument on the southerly line of said State Highway Right of Way Plat No. 56-1; thence South 40 degrees 38 minutes 24 seconds West 60.00 feet along the southerly line of said State Highway Right of Way Plat No. 56-1 to a found cast iron right of way monument; thence North 49 degrees 21 minutes 36 seconds West 200.00 feet along the southerly line of said State Highway Right Of Way Plat No. 56-1 to the southerly right of way line of old Trunk Highway No. 10; thence South 40 degrees 38 minutes 24 seconds West 84.00 feet along said southerly right of way line of old Trunk Highway No. 10; thence North 49 degrees 21 minutes 36 seconds West 40.00 feet along said southerly right of way line of old Trunk Highway No. 10; thence North 40 degrees 38 minutes 24 seconds East 84.00 feet along said southerly right of way line of old Trunk Highway No. 10 to the southerly line of said State Highway Right Of Way Plat No. 56-1; thence North 49 degrees 21 minutes 36 seconds West 260.00 feet along the southerly line of said State Highway Right Of Way Plat No. 56-1 to a found cast iron right of way monument; thence North 57 degrees 28 minutes 43 seconds West continuing along the southerly line of said State Highway Right Of Way Plat No. 56-1 to the north line of said Southwest Quarter of the Southwest Quarter; thence westerly along the north line of said Southwest Quarter of Southwest Quarter to the point of beginning. The above described tract contains 40.0 acres, more or less; and

Commencing at an iron monument which designates the north quarter corner of said Section 9; thence South 01 degree 22 minutes 11 seconds West 1076.97 feet on an assumed bearing along the east line of said North Half of the Northwest Quarter to an iron monument; thence North 46 degrees 11 minutes 46 seconds West 779.08 feet to an iron monument, said point is the point of beginning; thence South 01 degree 22 minutes 11 seconds West 694.50 feet to an iron monument; thence North 48 degrees 42 minutes 49 seconds West 1903.99 feet to an iron monument on the north line of said North Half of the Northwest Quarter; thence South 89 degrees 18 minutes 26 seconds East 872.40 feet along the north line of said North Half of the Northwest Quarter to an iron monument; thence South 46 degrees 11 minutes 46 seconds East 796.66 feet to the point of beginning. The above described tract contains 17.09 acres; and

That part of the Northeast Quarter of the Northwest Quarter, Section 9, Township 136, Range 39 of the Fifth Principal Meridian in Otter Tail County, Minnesota described as follows: Commencing at an iron monument which designates the north quarter corner of said Section 9; thence South 01 degree 22 minutes 11 seconds West 416.97 feet on an assumed bearing along the east line of said Northeast Quarter of the Northwest Quarter to an iron monument on the southwesterly right of way line of old Trunk Highway N. 10, said point is the point of beginning; thence continuing South 01 degree 22 minutes 11 seconds West 660.00 feet along the east line of said Northeast Quarter of the Northwest Quarter to an iron monument; thence North 46 degrees 11 minutes 46 seconds West 779.08 feet to an iron monument; thence continuing North 46 degrees 11 minutes 46 seconds West 796.66 feet to an iron monument on the north line of said Northeast Quarter of the Northwest Quarter; thence South 89 degrees 18 minutes 26 seconds East 660.00 feet along the north line of said Northeast Quarter of the Northwest Quarter to an iron monument on said southwesterly right of way line of old Trunk Highway No. 10; thence South 49 degrees 22 minutes 41 seconds East 649.59 feet along said southwesterly right of way line of old Trunk Highway No. 10 to the point of beginning. The above described tract contains 11.97 acres; and

That part of the Northwest Quarter, Section 9, Township 136, Range 39, more particularly described as follows, to wit: Beginning at a point on the north-south centerline of Section 9, Township 136, Range 39, 660 feet south of the intersection of said centerline with the southwesterly boundary of State Trunk Highway No. 10; thence south for a distance of 390.8 feet; thence west and at right angles with said centerline for a distance of 575 feet; thence north and at right angles to previously described line for a distance of 916.5 feet; thence southeasterly at an angle of 47 degrees and 32 minutes with the previously described line for a distance of 778.7 feet to the point of beginning. Said tract of land contains 8.63; and

That part of the Southeast Quarter of the Northwest Quarter of Section 9, Township 136, Range 39 West of the Fifth Principal Meridian in Otter Tail County Minnesota described as follows: Commencing at an iron monument which designates the north quarter corner of said Section 9; thence South 01 degree 22 minutes 11 seconds West 1467.77 feet on an assumed bearing along the north-south quarter

line of said Section 9 to an iron monument, said point is the point of beginning; thence continuing South 01 degree 22 minutes 11 seconds West 259.08 feet along the east line of said Southeast Quarter of the Northwest Quarter to an iron monument; thence North 48 degrees 42 minutes 49 seconds West 403.76 feet to an iron monument; thence South 88 degrees 37 minutes 49 seconds East 309.68 feet to the point of beginning. The above described tract contains 0.92 acres; and

That part of the Northeast Quarter (NE $\frac{1}{4}$) of Section 9, Township 135, Range 39 West, lying and being south of the Northern Pacific Railway Company right of way and the State Highway No. 10 of the State of Minnesota. Containing approximately 70.19 acres; and

Commencing at a point on the east-west center line of Section 9, Township 136 North, Range 39 West, which lies 1971.2 feet east of the center of said section; thence south at right angles to the east-west center line of said section for a distance of 180 feet; thence west and parallel to the east-west center line of said section for distance of 500 feet; thence north at right angles to the east-west center line of said section for a distance of 180 feet; thence east on the east-west center line of said section a distance of 500 feet to the point of beginning. The described tract of land lies in the Northeast Quarter of the Southeast Quarter, Section 9, Township 136 North, Range 39 West and contains 2.07 acres, more or less; and

That part of the Southwest Quarter of the Northwest Quarter of Section 10, Township 136 North, Range 39 West of the fifth Principal Meridian in Otter Tail County, Minnesota, described as follows: Beginning at an iron monument which designates the southwest corner of said Southwest Quarter of the Northwest Quarter; thence North 01 degree 39 minutes 03 seconds East 75.34 feet on an assumed bearing along the west line of said Southwest Quarter of the Northwest Quarter to an iron monument on the southwesterly right of way line of old Trunk Highway no. 10; thence South 49 degrees 22 minutes 41 seconds East along the southwesterly right of way line of old Trunk Highway No. 10 to the south line of said Southwest Quarter of the Northwest Quarter; thence westerly along the south line of said Southwest Quarter of the Northwest Quarter to the point of beginning. The above described tract contains 0.1 of an acre, more or less; and

That part of the North half of the Southeast Quarter of Section 9, Township 136 North, Range 39 West of the Fifth Principal Meridian in Otter Tail County, Minnesota, described as follows: Beginning at an iron monument which designates the northeast corner of said North half of the Southeast Quarter; thence North 89 degrees 30 minutes 47 seconds West 650.0 feet on an assumed bearing along the north line of said North half of the Southeast Quarter to an iron monument; thence South 00 degrees 29 minutes 13 seconds West 180.00 feet to an iron monument; thence North 89 degrees 30 minutes 47 seconds West 500.00 feet to an iron monument; thence North 00 degrees 29 minutes 13 seconds East 180.00 feet to an iron monument on the north line of said North half of the Southeast Quarter; thence North 89 degrees 30 minutes 47 seconds West 435.34 feet along the north line of said North half of the Southeast Quarter to an iron

monument; thence South 48 degrees 42 minutes 49 seconds East 1661.71 feet to an iron monument; thence North 41 degrees 17 minutes 11 seconds East 493.21 feet to an iron monument on the east line of said North half of the Southeast Quarter; thence North 00 degrees 54 minutes 08 seconds East 712.44 feet along the east line of said North half of the Southeast Quarter to the point of beginning. The above described tract contains 20.31 acres; and

That part of the Northwest Quarter of the Southwest Quarter of Section 10, Township 136 North, Range 39 West of the Fifth Principal Meridian in Otter Tail County, Minnesota, described as follows: Beginning at an iron monument which designates the northwest corner of said Northwest Quarter of said Southwest Quarter, thence South 00 degrees 54 minutes 08 seconds West 712.44 feet on an assumed bearing along the west line of said Northwest Quarter of the Southwest Quarter to an iron monument, thence North 41 degrees 17 minutes 11 seconds East 306.79 feet to an iron monument; thence continuing North 41 degrees 17 minutes 11 seconds East 299.82 feet to an iron monument on the southwesterly right of way line of old Trunk Highway No. 10; thence North 49 degrees 22 minutes 41 seconds West along said southwesterly right of way line of old Trunk Highway No. 10 to the north line of said Northwest Quarter of the Southwest Quarter; thence westerly along the north line of said Northwest Quarter of the Southwest Quarter to the point of beginning. The above described tract contains 3.5 acres, more or less.


Subject to easements, restrictions, or reservations of record if any.

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

ORDER

1. Pursuant to Minn. Stat. § 414.033 (2016), the Ordinance is deemed adequate in all legal respects and properly support this Order.
2. Pursuant to the terms of the Ordinance and this Order, the Property is **ANNEXED** to the City.
3. Pursuant to Minn. Stat. § 414.036, the City will reimburse the Township \$1,075.83 on June 1, 2017 and November 1, 2017 for a total of \$2,151.66 as stated in Ordinance Number 392.

Dated: December 12, 2016



TAMMY L. PUST
Chief Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.033, .07, .09, .12 (2016). 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 Otter Tail 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.