

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Fosston from Rosebud Township
(MBAU Docket A-8068)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On June 12 2017, the City of Fosston (City) adopted Ordinance Number 4.28 (Ordinance) annexing certain real city-owned property (Property) from Rosebud Township (Township) legally described as follows:

That part of the following described property lying in the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Three (3), Township One Hundred Forty-seven (147) North, Range Forty (40) West of the Fifth Principal Meridian:

That part of the West Half of the Southeast Quarter of Section 3, Township 147 North, Range 40 West of the 5th Principal Meridian described as follows: Commencing at the southwest corner of said West Half of the Southeast Quarter; thence easterly, along the south line of said Section 3, to the intersection with a line 233.25 feet east of, measured at a right angle to and parallel with the north/south quarter line of said Section 3; thence northerly and parallel with said north/south quarter line a distance of 354.8 feet; thence southeasterly, deflecting to the right 95 degrees 02 minutes 40 seconds, parallel with the north right of way line of C.S.A.H. No. 1, a distance of 251.72 feet; thence northerly, deflecting to the left 90 degrees 00 minutes 13 seconds, a distance of 1696.02 feet; thence westerly, deflecting to the left 97 degrees 00 minutes 28 seconds, a distance of 400.00 feet to the intersection with the east line of the west 233.25 feet of said West Half of the Southeast Quarter; thence southerly, deflecting to the left 88 degrees 01 minutes 59 seconds, along said east line of the west 233.25 feet, a distance of 817.80 feet to the intersection with the north line of Rose Hill Cemetery as described on Document No. 417996; thence easterly, deflecting to the left 90 degrees 00 minutes 00 seconds, along said north line, a distance of 66.00 feet; thence southerly, deflecting to the right 90 degrees 00 minutes 00 seconds, along the easterly line of Rose Hill Cemetery, as described on Document No. 417996, a distance of 412.50 feet; thence westerly, deflecting to the right 90 degrees 00 minutes 00 seconds, along the south line of said Rose Hill Cemetery as described on Document No. 417996, a distance of 66.00 feet to the intersection with the east line of the west 233.25 feet of said West Half of the Southeast Quarter; thence southerly, deflecting to the left 90 degrees 00 minutes 00 seconds,

along said east line of the west 233.25 feet, a distance of 423.30 feet to the point of beginning and there terminating.

AND

That part of the following described property lying in the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section Three (3), Township One Hundred Forty-seven (147) North, Range Forty (40) West of the Fifth Principal Meridian:

That part of the West Half of the Southeast Quarter of Section 3, Township 147 North, Range 40 West of the 5th Principal Meridian described as follows: Commencing at the southwest corner of said West Half of the Southeast Quarter; thence easterly, along the south line of said Section 3, to the intersection with a line 233.25 feet east of, measured at a right angle to and parallel with the north/south quarter line of said Section 3; thence northerly and parallel with said north/south quarter line a distance of 354.8 feet; thence southeasterly, deflecting to the right 95 degrees 02 minutes 40 seconds, parallel with the north right of way line of C.S.A.H. No. 1, a distance of 251.72 feet; thence northerly, deflecting to the left 90 degrees 00 minutes 13 seconds, a distance of 1696.02 feet; thence westerly, deflecting to the left 97 degrees 00 minutes 28 seconds, a distance of 400.00 feet to the intersection with the east line of the west 233.25 feet of said West Half of the Southeast Quarter; thence southerly, deflecting to the left 88 degrees 01 minutes 59 seconds, along said east line of the west 233.25 feet, a distance of 817.80 feet to the intersection with the north line of Rose Hill Cemetery as described on Document No. 417996; thence easterly, deflecting to the left 90 degrees 00 minutes 00 seconds, along said north line, a distance of 66.00 feet; thence southerly, deflecting to the right 90 degrees 00 minutes 00 seconds, along the easterly line of Rose Hill Cemetery, as described on Document No. 417996, a distance of 412.50 feet; thence westerly, deflecting to the right 90 degrees 00 minutes 00 seconds, along the south line of said Rose Hill Cemetery as described on Document No. 417996, a distance of 66.00 feet to the intersection with the east line of the west 233.25 feet of said West Half of the Southeast Quarter; thence southerly, deflecting to the left 90 degrees 00 minutes 00 seconds, along said east line of the west 233.25 feet, a distance of 423.30 feet to the point of beginning and there terminating.

AND

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 147 North, Range 40 West of the Fifth Principal Meridian described as follows:

Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence northerly along the west line of said Southwest

Quarter of the Southeast Quarter having an assumed bearing of North 00 degrees 39 minutes 33 seconds West a distance of 743.56 feet to the southwest corner of a tract of land conveyed to the Rosehill Cemetery Association by Warranty Deed Document Number 293685 on file and recorded in the Office of the County Recorder, Polk County, Minnesota dated April 2nd, 1948 and the point of beginning; thence continuing northerly along the west line of said conveyed tract of land North 00 degrees 39 minutes 33 seconds West a distance of 126.17 feet; thence South 52 degrees 24 minutes 52 seconds East a distance of 165.84 feet to a line being 25.00 feet northerly of and parallel with the south line of said conveyed tract of land; thence South 89 degrees 25 minutes 15 seconds East along said parallel line a distance of 102.75 feet, more or less to the east line of a tract of land conveyed to the Rosehill Cemetery Association by said Warranty Deed Document Number 293685; thence South 00 degrees 39 minutes 33 seconds East along said east line a distance of 25.00 feet to the southeast corner of said conveyed tract of land; thence North 89 degrees 25 minutes 15 seconds West along the south line of said conveyed tracts of land a distance of 233.25 feet to the point of beginning. Containing 0.29 acres more or less.

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 supports this Order.
2. Pursuant to the terms of the Ordinance and this Order, the Property is **ANNEXED** to the City.
3. As there is no taxable property within the Property, the provisions of Minn. Stat. § 414.036 (2016) are not applicable.

Dated: October 12, 2017



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 Polk 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 (2017). However, no request for amendment shall extend the time of appeal from this Order.