

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Detroit Lakes from Detroit Township
(MBAU Docket A-8253)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On January 14, 2020, the City of Detroit Lakes (City) adopted Ordinance Number 458 (Ordinance) annexing certain real property (Property) from Detroit Township legally described as follows:

Tract A

That part of the Southeast Quarter of the Southeast Quarter in Section 16, Township 139 North, Range 41 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Commencing at an iron monument which designates the south quarter corner of said Section 16; thence South 88 degrees 38 minutes 13 seconds East 1321.60 feet on an assumed bearing along the south line of said Section 16 to the southwest corner of said Southeast Quarter of the Southeast Quarter; thence continuing South 88 degrees 38 minutes 13 seconds East 400.00 feet along the south line of said Section 16; thence North 01 degree 10 minutes 04 seconds East 300.00 feet parallel with the west line of said Southeast Quarter of the Southeast Quarter to an iron monument, said point is the point of beginning; thence continuing North 01 degree 10 minutes 04 seconds East 336.22 feet parallel with the west line of said Southeast Quarter of the Southeast Quarter; thence South 57 degrees 50 minutes 42 seconds East 192.88 feet to an iron monument; thence continuing South 57 degrees 50 minutes 42 seconds East 309.29 feet to an iron monument; thence South 01 degree 32 minutes 41 seconds West 327.31 feet to an iron monument; thence continuing South 01 degree 32 minutes 41 seconds West 51.84 feet to the south line of said Section 16; thence South 88 degrees 38 minutes 13 seconds East 493.59 feet along the south line of said Section 16 to an iron monument at the southeast corner of said Section 16; thence North 01 degree 32 minutes 41 seconds East 1317.76 feet along the east line of said Section 16 to the northeast corner of said Southeast Quarter of the Southeast Quarter; thence North 88 degrees 40 minutes 18 seconds West 1330.27 feet along the north line of said Southeast Quarter of the Southeast Quarter to an iron monument at the northwest corner of said Southeast Quarter of the Southeast Quarter;

thence South 01 degree 10 minutes 04 seconds West 372.55 feet along the west line of said Southeast Quarter of the Southeast Quarter to an iron monument at the northeasterly corner of Lot 2, Block One of FOLTZ'S ACRES, said plat is on file and of record in the office of the Recorder in said County; thence continuing South 01 degree 10 minutes 04 seconds West 439.17 feet along the west line of said Southeast Quarter of the Southeast Quarter to an iron monument at the northeasterly corner of Lot 3 in said Block One; thence continuing South 01 degree 10 minutes 04 seconds West 205.23 feet along the west line of said Southeast Quarter of the Southeast Quarter to a point which is 300.00 feet northerly of the southwest corner of said Southeast Quarter of the Southeast Quarter as measured along the west line of said Southeast Quarter of the Southeast Quarter; thence South 88 degrees 38 minutes 13 seconds East 400.00 feet parallel with the south line of said Section 16 to the point of beginning. The above described tract contains 32.34 acres. Less the southerly 33 feet which was previously annexed.

SUBJECT TO an easement for public road purposes for County Road No. 131 over, under and across that part of the above tract which lies within 33.00 feet of the centerline of said County Road No. 131.

Tract B

That part of the Southeast Quarter of the Southeast Quarter in Section 16, Township 139 North, Range 41 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Commencing at an iron monument which designates the south quarter corner of said Section 16; thence South 88 degrees 38 minutes 13 seconds East 1321.60 feet on an assumed bearing along the south line of said Section 16 to the southwest corner of said Southeast Quarter of the Southeast Quarter; thence continuing South 88 degrees 38 minutes 13 seconds East 400.00 feet along the south line of said Section 16 to the point of beginning; thence North 01 degree 10 minutes 04 seconds East 300.00 feet parallel with the west line of said Southeast Quarter of the Southeast Quarter to an iron monument; thence continuing North 01 degree 10 minutes 04 seconds East 336.22 feet parallel with the west line of said Southeast Quarter of the Southeast Quarter; thence South 57 degrees 50 minutes 42 seconds East 192.88 feet to an iron monument; thence continuing South 57 degrees 50 minutes 42 seconds East 309.29 feet to an iron monument; thence South 01 degree 32 minutes 41 seconds West 327.31 feet to an iron monument; thence continuing South 01 degree 32 minutes 41 seconds West 51.84 feet to the south line of said Section 16; thence North 88 degrees 38 minutes 13 seconds West 428.01 feet along the south line of said Section 16 to the point of beginning. The above described tract contains 5.01 acres. Less the southerly 33 feet which was previously annexed.

SUBJECT TO an easement for public road purposes for County Road No. 131 over, under and across that part of the above tract which lies within 33.00 feet of the centerline of said County Road No. 131.

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

ORDER

1. Pursuant to Minn. Stat. § 414.033 (2018), 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. Pursuant to Minn. Stat. § 414.036 (2018), the City will reimburse the Township \$112.17 each year for five years as stated in Ordinance No. 458.
4. The City must file a copy of the Annexation Ordinance with Detroit Township, the appropriate county auditor(s), and the Secretary of State as required by Minn. Stat. § 414.033, subd. 7.

Dated: March 16, 2020


JESSICA A. PALMER-DENIG
Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.033, .07, .09, .12 (2018). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Becker 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 (2019). However, no request for amendment shall extend the time of appeal from this Order.