

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-8297)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On October 5, 2020, the City of Waconia (City) adopted Ordinance No. 734 (Ordinance) annexing certain real property (Property) from Waconia Township (Township) legally described as follows:

PARCEL A

Tract I:

That part of the Northeast Quarter of Section 27, Township 116 North, Range 25 West, Carver County, Minnesota described as follows:

Commencing at the north quarter corner of said Section 27; thence southerly along the west line of said Northeast Quarter, a distance of 995.52 feet to the point of beginning of the tract to be described; thence continuing southerly along said west line of the Northeast Quarter, a distance of 1011.28 feet; thence easterly deflecting left 90 degrees 00 minutes 00 seconds, a distance of 400.00 feet; thence northerly deflecting left 90 degrees 00 minutes 00 seconds, a distance of 1243.31 feet to the previous southerly right-of-way line of the former Chicago-Northwestern Transportation Company; thence southwesterly along said former Transportation Company right-of-way line to the point of beginning.

Tract II:

That part of the Northeast Quarter of Section 27, Township 116 North, Range 25 West, Carver County, Minnesota described as follows:

Commencing at the north quarter corner of said Section 27; thence southerly along the west line of said Northeast Quarter, a distance of 995.52 feet; thence continuing southerly along said west line of the Northeast Quarter, a distance of 1011.28 feet to the point of beginning of the tract to be described; thence easterly deflecting left 90 degrees 00 minutes 00 seconds, a distance of 400.00 feet; thence northerly deflecting left 90 degrees 00 minutes 00 seconds, a distance of 1243.31 feet to the previous southerly right-of-way line of the former Chicago-Northwestern Transportation Company; thence northeasterly deflecting right 59 degrees 53 minutes 00 seconds along said former Transportation Company right-of-way line, a distance of 72.36 feet; thence southerly deflecting right 120 degrees 07 minutes

00 seconds on a line parallel to said west line of the Northeast Quarter, a distance of 1909.20 feet to the south line of said Northeast Quarter; thence westerly deflecting right 89 degrees 45 minutes 45 seconds along said south line of the Northeast Quarter, a distance of 462.60 feet to the center of said Section 27; thence northerly deflecting right 90 degrees 14 minutes 15 seconds along said west line of the Northeast Quarter a distance of 635.62 feet to the point of beginning.

Tract III:

That part of the Northeast Quarter of Section 27, Township 116 North, Range 25 West, Carver County, Minnesota described as follows:

Commencing at the north quarter corner of said Section 27; thence southerly along the west line of said Northeast Quarter, a distance of 995.52 feet; thence continuing southerly along said west line of the Northeast Quarter, a distance of 1011.28 feet; thence easterly deflecting left 90 degrees 00 minutes 00 seconds, a distance of 400.00 feet; thence northerly deflecting left 90 degrees 00 minutes 00 seconds, a distance of 1243.31 feet to the previous southerly right-of-way line of the former Chicago-Northwestern Transportation Company, said point being the point of beginning of the tract to be described; thence northeasterly deflecting right 59 degrees 53 minutes 00 seconds along said former Transportation Company right-of-way line, a distance of 72.36 feet to a point; thence northerly deflecting left 59 degrees 53 minutes 00 seconds on a line parallel to said west line of the Northeast Quarter, a distance of 115.61 feet to the previous northerly right-of-way line of the former Chicago-Northwestern Transportation Company, also being the southerly right-of-way line of State Highway No. 5; thence southwesterly deflecting left 120 degrees 07 minutes 00 seconds along said former Transportation Company right-of-way line and the southerly right-of-way line of State Highway No. 5, a distance of 534.78 feet to the point of intersection with the west line of said Northeast Quarter of Section 27, Township 116, Range 25; thence south deflecting left 59 degrees 53 minutes 00 seconds, a distance of 115.61 feet along the west line of said Northeast Quarter of Section 27, Township 116, Range 25 to said former southerly Transportation Company right-of-way line; thence northeasterly deflecting left 120 degrees 07 minutes 00 seconds along said former southerly Transportation Company right-of-way line 462.42 feet to the point of beginning.

Tract IV:

The easterly 50 feet of the following described parcel of land as measured along the centerline of the main track (now removed) of the Minneapolis & St. Louis Railway Company (now the Chicago and North Western Transportation Company), as said main track centerline was originally located over said parcel, the westerly line of said 50 feet being parallel with the east line of the Northwest Quarter of Section 27, Township 116, Range 25:

A strip of land 100 feet in width, the same being 50 feet in width on each side of the centerline of the main track (now removed) of the Minneapolis & St. Louis Railway Company (now the Chicago and North Western Transportation

Company), as said main track centerline was originally located over and across the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter of Section 27, Township 116, Range 25.

Said 100-foot-wide strip of land lies southerly of and adjacent to the right of way of Trunk Highway No. 5 as shown on Minnesota Department of Transportation Monumentation Plat No. 10-M25.

PARCEL B

Tract I:

That part of the East Half of the Northwest Quarter of Section 27, Township 116, Range 25, Carver County, Minnesota, lying south of the Railroad right of way (formerly the southerly right of way line of the Minneapolis and St. Louis Railway Co.),

EXCEPTING THEREFROM

1) The South 348.48 feet of the West 250 feet of the Southeast Quarter of the Northwest Quarter of said Section 27, Township 116, Range 25.

2) That part of the Southeast Quarter of the Northwest Quarter of Section 27, Township 116, Range 25, Carver County, Minnesota, described as follows: Beginning at the southwest corner of said Southeast Quarter of the Northwest Quarter of Section 27; thence northerly along the west line of said Southeast Quarter of the Northwest Quarter a distance of 359.00 feet; thence easterly deflecting right 92 degrees 00 minutes 00 seconds, a distance of 320.19 feet; thence southerly deflecting right 88 degrees 00 minutes 00 seconds, a distance of 346.62 feet to the south line of said Southeast Quarter of the Northwest Quarter; thence westerly deflecting right 89 degrees 47 minutes 00 seconds along said south line of the Southeast Quarter of the Northwest Quarter, a distance of 320.00 feet to the point of beginning.

Said Railroad right of lies southerly of and adjacent to the right of way of Trunk Highway No. 5 as shown on Minnesota Department of Transportation Monumentation Plat No. 10-M25.

Tract II:

A strip of land 100 feet in width, the same being 50 feet in width on each side of the centerline of the main track (now removed) of the Minneapolis & St. Louis Railway Company (now the Chicago and North Western Transportation Company), as said main track centerline was originally located over and across the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter of Section 27, Township 116, Range 25, Carver County, Minnesota, EXCEPTING THEREFROM the easterly 50 feet of the above-described parcel of land, as measured along the centerline of the main track (now removed) of the Minneapolis & St. Louis Railway Company (now the Chicago and

Northwestern Transportation Company), as said main track centerline was originally located over said parcel, the westerly line of said 50 feet being parallel with the east line of the Northwest Quarter of Section 27, Township 116, Range 25.


Said 100-foot-wide strip of land lies southerly of and adjacent to the right of way of Trunk Highway No. 5 as shown on Minnesota Department of Transportation Monumentation Plat No. 10-M25.

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

ORDER

1. Pursuant to Minn. Stat. § 414.033 (2020), 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 (2020), the City will reimburse the Township as stated in Ordinance 734.
4. The City must file a copy of the Annexation Ordinance with the Township, the appropriate county auditor(s), and the Secretary of State as required by Minn. Stat. § 414.033, subd. 7.

Dated: October 23, 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 (2020). 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 (2019). However, no request for amendment shall extend the time of appeal from this Order.