

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Breckenridge from Breckenridge
Township (MBAU Docket A-8372)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On November 15, 2021, the City of Breckenridge (City) adopted Ordinance No. 519 (Ordinance) annexing certain real property (Property) from Breckenridge Township (Township) legally described as follows:

Parcels No. 06-010-1500 & 06-010-1550: The below describes a total of 47.13 acres-excluding 3.5 acres already annexed into the City (Parcel No. 23-010-0730).

All that part of the south half of the Southwest Quarter (S1/2 SW1/4) of Section Ten (10), Township One Hundred Thirty-two (132) North, Range Forty-seven (47), West of the Fifth Principal Meridian, Breckenridge Township, Wilkin County, Minnesota, described as follows:

Beginning at the Southwest corner of said Section Ten (10); thence on an assumed bearing of North 0 degrees 11 minutes 28 seconds West on and along the west line of said Section Ten (10) a distance of 1045.21 feet; thence due East a distance of 1126.64 feet to the Southwesterly right of way line of State Highway No. 75; thence along and on said right of way line on a curve that is concave to the southwest, said curve having a radius of 1909.86 feet, a central angle of 49 degrees 49 minutes 44 seconds, a chord distance of 766.58 feet, and a chord bearing of South 50 degrees 52 minutes 28 seconds East; thence South 38 degrees 48 minutes 12 seconds East and continuing along and on said right of way line a distance of 720.48 feet to the South line of said Section Ten (10); thence Due West on and along the said South line of Section Ten (10) a distance of 2169.33 feet to the point of beginning.

EXCLUDING:

All that part of the Southwest Quarter of the Southwest Quarter of Section 10, Township 132 North, Range 47 West of the 5th Principal Meridian, Breckenridge Township, Wilkin County, Minnesota described as follows:

Commencing at the iron monument marking the Southwest Corner of said Section 10; thence on an assumed bearing of North 00 degrees 11 minutes 37 seconds West, on and along the west line of said Section 10, a distance of 706.88

feet to the POINT OF BEGINNING; thence continuing North 00 degrees 11 minutes 37 seconds West, along said west line of Section 10, a distance of 338.80 feet to a point that is 200 feet southerly of its intersection with the southerly right of way line of State Highway 75; thence North 90 degrees East, parallel with the south line of said Section 10, a distance of 450.00 feet; thence South 00 degrees 11 minutes 37 seconds East, parallel with the said west line of Section 10, a distance of 338.80 feet; thence South 90 degrees West, parallel with the said south line of Section 10, a distance of 450.00 feet to the point of beginning.

The above described tract contains 3.50 acres, more or less, and is subject to an existing public road over, along and across its most westerly side, and is also subject to other reservations, restrictions, covenants, easements, and rights of way of record, if any.

Parcel No. 06-010-1700: All that part of the Southwest Quarter of the Southwest Quarter of Section 10, Township 132 North, Range 47 West of the 5th Principal Meridian, Wilkin County, Minnesota described as follows:

Commencing at the cast iron monument marking the Southwest Comer of said Section 10; thence on an assumed bearing of North 00°11'37" West, on and along the west line of said Section 10, a distance of 1045.68 feet to the POINT OF BEGINNING, said point being 200 feet south of the intersection of the said west line of Section 10 and the south right of way line of Minnesota State Highway No. 75; thence North 90°00'00" East, parallel with the south line of said Section 10, a distance of 291.00 feet to the southwest comer of that certain tract described and recorded in Book 224 of Deeds on page 20, said Book on file in the Office of the County Recorder in and for said County and State; thence North 00°11'37" West, parallel with the west line of said Section 10, and along the west line of said tract described in Book 224 of Deeds on page 20, a distance of 200.88 feet to the northwest comer of said tract described in Book 224 of Deeds on page 20, said comer point also being on the south right of way line of said State Highway No. 75; thence South 89°49'33" West, on and along the said south right of way line of State Highway No. 75, a distance of 291.00 feet to its Intersection with the west line of said Section 10; thence South 00°11'37" East, on and along the said west line of Section 10, a distance of 200.00 feet to the point of beginning.

The above described tract contains 1.34 acres more or less, and is subject to on existing public road over along and across its most westerly side, and is also subject to other easements, reservations, restrictions, and rights of way of record, if any.

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 the agreement of the parties and as allowed by Minn. Stat. § 414.036 (2020), the City will reimburse the Township \$892.09 over a two-year period as stated in Ordinance No. 519.

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: December 3, 2021


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 Wilkin 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 (2021). However, no request for amendment shall extend the time of appeal from this Order.