

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Roseau from Spruce Township
(MBAU Docket A-8380)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On December 6, 2021, the City of Roseau (City) adopted Ordinance No. 41 Third Series (Ordinance) annexing certain real property (Property) from Spruce Township (Township) legally described as follows:

That part of Government Lot Two (2), of Section Nineteen (19), in Township One Hundred Sixty-two (162) North, Range Thirty-nine (39) West of the Fifth Principal Meridian in Minnesota described as follows, to-wit: Commencing at the point of intersection of the West Line of said Lot Two (2) and the South Right-of-Way Line of the Burlington Northern Railway; thence South along the West Line of said Lot Two (2), a distance of Two Hundred Ninety-two and one-tenth (292.1) feet; thence Northeasterly on a bearing of North 87° 10' 30" East, a distance of Three Hundred Sixty-five (365) feet to the point of beginning of the tract of land herein intended to be described; thence continue Northeasterly on said bearing a distance of Three Hundred Forty (340) feet; thence North, parallel to the West line of said Lot Two (2), to the South Right-of- Way Line of the Burlington Railway; thence Southwesterly on and along said Right-of-way Line a distance of Three Hundred Forty and four-tenths (340.4) feet, more or less, to a point on said Right-of-way Line which is directly North of the point of beginning; thence South, parallel to the West Line of said Lot Two (2), a distance of Three Hundred Ten and one-tenth (310.1) feet to the point of beginning, and there terminating.

AND ALSO:

An appurtenant non-exclusive easement for ingress, egress, access and utilities over, under and across the following described land:

Through that part of Lot 2, Sect. 19, in Twp. 162 N., Range 39 W., described as follows:

Commencing at the point of intersection of the West line of said Lot 2 and south right-of-way line of Burlington Northern Railway; thence southerly along the west line of said Lot 2 a distance of 257.1 ft.; thence northeasterly on a bearing of N 87° 10' 30" E. a distance of 705 ft; thence southerly and parallel to the west line of said Lot 2 a distance of 70 ft; thence southwesterly to a point on the west line of said Lot 2, said point being 70 ft. south of the point of beginning; thence north


on and along the west line of said Lot 2 a distance of 70 ft. to the point of beginning, subject to special assessments, ditch liens, restrictions, reservations and easements 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 (2022), 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 (2022), the City will reimburse the Township \$177.72 each year for two years as stated in Ordinance No. 41 Third Series.
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: January 6, 2023


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 (2022). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Roseau 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.