

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Rochester from Cascade Township
(MBAU Docket A-8424)

**ORDER APPROVING
ANNEXATION ORDINANCES**

On January 7, 2019, the City of Rochester (City) adopted Ordinance No. 4360 for annexation of certain real property (Property) from Cascade Township (Township). On September 4, 2019, the City adopted Ordinance No. 4387 correcting a typographic error and amending legal description of the Property described in Ordinance No. 4360. The description of the Property, as amended, is legally described as follows:

DESCRIPTION 1 (Kirckof Parcels):

The South one acre of that part of the Northeast Quarter of the Northwest Quarter, Section 24, Township 107 North, Range 14 West, Olmsted County, Minnesota, which lies west of Trunk Highway No. 63 (now C.S.A.H. No 33), less the south 66 feet thereof.

Also: The Easterly 40 feet of that part of the Northwest Quarter of the Northwest Quarter of said Section 24, Township 107 North, RANGE 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the Southeast corner of said Northwest Quarter of the Northwest Quarter of Section 24; thence North 66.42 feet (formerly described as 66.00 feet) along the East line of said Quarter-Quarter Section to the point of beginning; thence deflecting to the left 90 degrees 5 minutes a distance of 367.80 feet; thence deflecting to the right 90 degrees 55 minutes for a distance of 355.30 feet; thence deflecting to the right 89 degrees 05 minutes a distance of 367.80 feet to the Easterly line of said Quarter-Quarter Section; thence deflecting to the right 90 degrees 55 minutes a distance of 355.30 feet to the point of beginning; the West line of the Easterly 40 feet measured parallel with the East line of said Quarter-1 Quarter Section; less that part of Northwest Quarter of the Northwest Quarter shown as Parcel 5 on the Olmsted County Right-of Way Plat No. 201 , according to the map or plat thereof on file in the Office of the County Recorder in and for Olmsted County, Minnesota.

DESCRIPTION 2 (Right of Way Parcels):

That part of the North Half of the Northwest Quarter of Section 24, Township 107 North, Range 14 West, Olmsted County, Minnesota, shown as Right of Way Parcels 4 and 5 within the boundaries of said Right of Way on OLMSTED COUNTY


HIGHWAY RIGHT OF WAY PLAT NO. 201, according to the recorded plat thereof. Containing 0.41 acres, more or less.

Based upon a review of Ordinance Nos. 4360 and 4387, the Administrative Law Judge makes the following:

ORDER

1. Pursuant to Minn. Stat. § 414.033 (2022), Ordinance Nos. 4360 and 4387 are deemed adequate in all legal respects and properly support this Order.
2. Pursuant to the terms of Ordinance Nos. 4360 and 4387 and this Order, the Property is **ANNEXED** to the City.
3. Pursuant to Minn. Stat. § 414.036 (2022), the City will reimburse the Township as stated in Ordinance No. 4360.
4. The City must file a copy of the Annexation Ordinances with the Township, the appropriate county auditor(s), and the Secretary of State as required by Minn. Stat. § 414.033, subd. 7.

Dated: April 26, 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 Olmsted 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.