

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Hawley from Hawley Township
(MBAU Docket A-8442)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On March 20, 2023, the City of Hawley (City) adopted Ordinance No. 292 (Ordinance) annexing certain real property (Property) from Hawley Township (Township) legally described as follows:

The Southwest Quarter LESS 61.37 acres, Section Two (2), Township One Hundred Thirty-nine (139), Range Forty-five (45) (Parcel No. 13.002.3000) more particularly described as follows:

Southwest Quarter, Section Two (2), Township One Hundred Thirty-nine (139), Range Forty-five (45), Clay County, Minnesota, LESS the following parcels:

Hawley Cemetery Association:

1. Beginning at a point on the East line of said SW1/4 of said Section 2, 100 rods North of the Southeast corner thereof, thence West 24 rods, thence South 16 rods, thence East 24 rods, thence North 16 rods to the place of beginning.
2. Beginning at a point on the East line of said SW1/4, Section 2, 140 rods from the Southeast corner thereof and running thence South 40 rods, thence West 32 rods, thence North 16 rods, thence North 44°33' east 40 rods to the point of beginning.
3. Beginning at a point on the Easterly line of the said SW1/4 about 84 rods North of the Southeast corner of said SW1/4, said point of beginning also being at the Southeast corner of the Addition to the Hawley Cemetery, thence Westerly 24 rods, along the South line of the said Addition to the Hawley Cemetery, then Southerly 23 rods, thence Easterly 24 rods, to the Easterly line of the said SW1/4, thence Northerly 23 rods to the place of beginning.
4. All that part of the Southwest Quarter (SW1/4), Section 2, Township 139N, Range 45W of the 5th P.M., Clay County, Minnesota, which is included within the following metes and bounds: Commencing at a point on the

North-South Quarter Line in Section 2, Township 139N, Range 45W of the 5th P.M., Clay County, Minnesota, said point being located 1,006.50 feet North of the South Quarter Corner in said Section 2; thence West along a line which is perpendicular to said North-South Quarter Line a distance of 396.00 feet to the Point of Beginning of the tract of land herein described; thence West along a line which is perpendicular to said North-South Quarter Line a distance of 132.00 feet; thence North along a line which is parallel with said North-South Quarter Line a distance of 643.50 feet; thence East along a line which is perpendicular to said North-South Quarter Line a distance of 132.00 feet; thence South along a line which is parallel with said North-South Quarter Line a distance of 643.50 feet, more or less, to the Point of Beginning. Said tract of land containing 1.950 acres, more or less, and is subject to the agreement set forth in Warranty Deed dated November 19, 1953, between Joseph Lewis LeClair and Rose LeClair, his wife, and the Hawley Cemetery Association, pertaining to the construction, maintenance, and repair of a drain upon lands adjoining the previous Cemetery purchases.

AND ALSO EXCEPT the following describe tract:

All that part of the SW1/4 of Section 2, Township 139N, Range 45W of the Fifth Principal Meridian, Clay County, Minnesota, being more fully described as follows: Commencing at a point where the east line of said SW1/4 of Section 2 intersects the North right-of-way line of federal Highway Number 10; thence Westerly on and along the North right-of-way line of federal Highway Number 10 a distance of 1336.11 feet to the point of beginning; thence North 88 degrees 56 minutes 40 seconds West on an assumed bearing on and along the North right-of-way line of federal Highway Number 10 a distance of 50.00 feet; thence North 00 degrees 49 minutes 15 seconds East a distance of 558.48 feet; thence North 87 degrees 10 minutes 01 seconds West a distance of 94.69 feet; thence North 30 degrees 29 minutes 27 seconds West a distance of 434.84 feet; thence North 06 degrees 45 minutes 20 seconds East a distance of 211.09 feet; thence North 39 degrees 22 minutes 58 seconds East a distance of 252.19 feet; thence South 83 degrees 40 minutes 39 seconds East a distance of 374.79 feet; thence South 01 degrees 25 minutes 58 seconds West a distance of 533.41 feet; thence North 89 degrees 27 minutes 18 seconds West a distance of 175.79 feet; thence South 00 degrees 49 minutes 15 seconds West a distance of 770.51 feet to the point of beginning. Said tract contains 7.99 acres, more or less. Said tract being subject to easements, restrictions, reservations or rights whether of record or not, if any.

(Legal Description taken from Warranty Deed, Vernon R. Tiede and Linda R. Tiede, husband and wife, Grantors, to Brian Petermann and Lora Petermann, husband and wife, as joint tenants, Grantees, recorded as Document No. 600177 on July 21, 2004).

Also LESS Petermann's First Addition Plat, described as follows:

That part of the Southwest Quarter of Section 2, Township 139, Range 45, Clay County, Minnesota, described as follows:

Beginning at the South Quarter corner of said Section 2; thence on an assumed bearing of North 00 degrees 48 minutes 46 seconds East along the east line of said Southwest Quarter, a distance of 1006.50 feet; thence North 89 degrees 11 minutes 14 seconds West a distance of 978.92 feet; thence South 00 degrees 13 minutes 57 seconds West a distance of 174.13 feet; thence South 89 degrees 20 minutes 41 seconds West a distance of 375.79 feet; thence South 00 degrees 22 minutes 47 seconds East a distance of 213.58 feet; thence North 88 degrees 22 minutes 02 seconds West a distance of 64.09 feet; thence South 00 degrees 18 minutes 36 seconds East a distance of 458.87 feet; thence South 44 degrees 46 minutes 32 seconds West a distance of 141.21 feet; thence on a bearing of South a distance of 77.05 feet to the south line of said Southwest Quarter; thence North 89 degrees 46 minutes 09 seconds East along said south line, a distance of 1500.65 feet to the point of beginning.

(Legal Description taken from Petermann's First Addition, Plat No. 802-803, recorded as Document No. 604074 on October 19, 2004).

Also LESS the Autumn View Plat, described as follows:

That part of the Southwest Quarter of Section 2, Township 139 North, Range 45 West of the 5th Principal Meridian to the City of Hawley, Clay, County, Minnesota more particularly described as follows:

Beginning at the Southwest Corner of Lot 1, Block Two of Petermann's First Addition to the City of Hawley; thence North 88 degrees 12 minutes 25 seconds West along the North Right of Way line of Hartford Street for a distance of 64.04 feet to the Northwest corner of said Hartford Street Right of Way as recorded in Petermann's First Addition; thence North 88 degrees 45 minutes 04 seconds West for a distance of 80.68 feet; thence North 31 degrees 54 minutes 27 seconds West for a distance of 434.84 feet; thence North 05 degrees 12 minutes 39 seconds East for a distance of 211.09 feet; thence North 37 degrees 54 minutes 34 seconds East for a distance of 252.19 feet thence South 85 degrees 09 minutes 03 seconds East for a distance of 374.79 feet; thence South 00 degrees 07 minutes 18 seconds East for a distance of 354.16 feet; thence South 89 degrees 20 minutes 26 seconds East for a distance of 199.99 feet to the Northwest corner of Lot 4, Block 2 of said Petermann's First Addition; thence South 00 degrees 02 minutes 39 seconds West for a distance of 174.13 feet to the Northeast corner of Lot 3, Block 2 of said Petermann's First Addition; thence South 89 degrees 08 minutes 55 seconds West along the North line of said Block 2 for a distance of 375.79 feet to the Northwest corner of said Lot 1, Block 2; thence South 00 degrees 34 minutes 34 seconds East along the West line of said Lot 1 for a distance of 213.58 feet to the point of beginning.

(Legal Description taken from Autumn View Addition, Plat No. 1042-1043, recorded as Document No. 762814 on November 2, 2016).

Also LESS Hawley Autumn Ridge, LLC, tract number 13.002.4800, described as follows:

Part of Section Two, in Township One Hundred Thirty-nine North of Range Forty-five West of the Fifth Principal Meridian, situate in the City of Hawley, the County of Clay and the State of Minnesota, more particularly described as follows: Beginning at the Northeast corner of Lot Four, Block Two, of Petermann's First Addition; thence North 00°26'47" East on an assumed bearing, a distance of 350.00 feet; thence North 89°26'52" West a distance of 30.53 feet; thence North 00°33'08" East a distance of 167.59 feet; thence North 89°26'52" West a distance of 325.35 feet to the extended East line of Autumn View Addition; thence South 00°01'59" East along said extended East line, a distance of 518.21 feet to the North line of Lot One, Block One, of Autumn View Addition; thence South 89°26'53" East along said North lot line a distance of 351.23 feet to the point of beginning.

(Legal Description taken from Warranty Deed, Hawley Cemetery Association, Inc., a Minnesota non-profit corporation AKA Hawley Cemetery Association, Grantor to Hawley Autumn Ridge, LLC, Grantee, recorded as Document No. 816469 on June 1, 2021).

Also LESS City of Hawley, tract number 13.002.3800, described as follows:

That part of the East Half of the Southwest Quarter (E1/2SW1/4), Section Two (2), Township One Hundred Thirty-nine (139) North, Range Forty-Five (45) West, Clay County, Minnesota, described as follows:

From the Southeast Corner of the Southwest Quarter (SW1/4) of said Section Two (2), bear N 00°00'00" E (Assumed Bearing) along the East Line of Said Southwest Quarter (SW1/4) for a distance of One Thousand Six and Fifty Hundredths (1,006.50) Feet; thence N 90°00'00" W for a distance of Five Hundred Twenty-Eight (528.00) Feet to the Southwest Corner of an existing Cemetery; thence N 00°00'00" E along the West Line of said existing Cemetery for a distance of Three Hundred Fifty (350.00) Feet to the point of beginning; thence continue N 00°00'00" E along the West Line of said existing Cemetery for a distance of Five Hundred Fifty-Seven and Fifty Hundredths (557.50) Feet; thence S 12°27'28" W for a distance of Two Hundred Seventy-Eight and Forty Eight Hundredths (278.48) Feet; thence S 55°12'29" W for a distance of Two Hundred Seven and Nine Hundredths (207.09) Feet; thence N 89°53'46" W for a distance of One Hundred (100.00) Feet; thence S 00°00'00" E for a distance of One Hundred Sixty-Seven and Forty One Hundredths (167.41) Feet; thence N 90°00'00" E for a distance of Three Hundred Thirty (330.00) Feet, more or less, to the point of beginning. Said Tract contains 1.85 acres, more or less.

(Legal Description taken from Quit Claim Deed, Hawley Cemetery Association, a

non-profit corporation, Grantor to City of Hawley, Grantee, recorded as Document No. 601225 on August 12, 2004).

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 the agreement of the parties and as allowed by Minn. Stat. § 414.036 (2022), the City will reimburse the Township as stated in the Ordinance.

4. The City must file a copy of the Annexation Ordinance with the Township, the appropriate county auditor, and the Secretary of State as required by Minn. Stat. § 414.033, subd. 7.

Dated: May 17, 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 Clay 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.