

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City
of Elgin from Elgin Township
(MBAU Docket A-8478)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On February 20, 2024, the City of Elgin (City) adopted Ordinance No. 2024-01 (Ordinance) annexing certain real property (Property) from Elgin Township (Township) legally described as follows:

TRACT A DESCRIPTION: That part of the West Half of the Northeast Quarter of Section 27, Township 108, Range 12, Wabasha County, Minnesota, lying southerly of County Road 25 and westerly of Highway 42, described as follows:

Commencing at the North Quarter corner of said Section 27; thence on an assumed bearing of South 0 degrees 07 minutes 07 seconds East, along the North-South Quarter line of said Section 27, a distance of 138.00 feet to the point of beginning of the land to be described; thence continue South 0 degrees 07 minutes 07 seconds East, along said North-South Quarter line, a distance of 642.74 feet; thence South 89 degrees 44 minutes 24 seconds East, a distance of 675.59 feet; thence South 0 degrees 55 minutes 18 seconds East, a distance of 339.07 feet; thence North 89 degrees 20 minutes 59 seconds East, a distance of 189.63 feet; thence South 1 degree 02 minutes 41 seconds East, a distance of 164.21 feet; thence South 45 degrees 37 minutes 38 seconds West, a distance of 57.98 feet; thence South 89 degrees 10 minutes 50 seconds West, a distance of 149.87 feet; thence South 1 degree 15 minutes 20 seconds East, a distance of 135.57 feet; thence North 89 degrees 02 minutes 42 seconds West, a distance of 353.97 feet to the east line of the west 330.00 feet of the Northeast Quarter of said Section 27; thence North 0 degrees 07 minutes 07 seconds West, along said east line, a distance of 363.00 feet; thence North 67 degrees 56 minutes 52 seconds West, a distance of 356.34 feet to a point on the west line of the Northwest Quarter of the Northeast Quarter of said Section 27, distant 355.00 feet north of the southwest corner thereof; thence South 0 degrees 07 minutes 07 seconds East, along said west line, a distance of 355.00 feet to the southwest corner of the Northwest Quarter of the Northeast Quarter of said Section 27; thence South 0 degrees 07 minutes 07 seconds East, along the west line of the Southwest Quarter of the Northeast Quarter of said Section 27, a distance of 30 feet, more or less, to the westerly extension of the northerly line of Block 1 of the Original Plat of the TOWN OF ELGIN; thence easterly along said extension and along the north line of said Block 1, to the northeast corner of said Block 1; thence South 0 degrees

23 minutes 37 seconds East, along the east line of said Block 1, a distance of 400.00 feet to the southeast corner of said Block 1; thence North 89 degrees 36 minutes 23 seconds East, along the easterly extension of the south line of said Block 1, a distance of 66.00 feet to the east line of Water Street, as platted in said TOWN OF ELGIN; thence South 0 degrees 23 minutes 37 seconds East, along said east line of Water Street, a distance of 479.00 feet to a point 100.00 feet north of the southwest corner of the Mill Lot, as platted in said TOWN OF ELGIN; thence North 89 degrees 36 minutes 23 seconds East, parallel with the south line of said Mill Lot, a distance of 100.00 feet; thence South 0 degrees 23 minutes 37 seconds East, parallel with the west line of said Mill Lot, a distance of 100.00 feet to the south line of said Mill Lot, also being the north line of Outlot A of WHITEWATER WAY; thence North 89 degrees 36 minutes 23 seconds East, along the northerly line of said Outlot A, a distance of 81.50 feet to an angle point on the northerly line of said Outlot A, thence North 0 degrees 23 minutes 37 seconds West, along said boundary line of Outlot A, and along the west line of Outlot B, of said WHITEWATER WAY, a distance of 297.00 feet to the north line of said Mill Lot, being the northwesterly corner of said Outlot B, thence North 89 degrees 36 minutes 23 seconds East, along the north line of said Mill Lot, and along the northerly line of said Outlot B, a distance of 95 feet, more or less, to the centerline of the North Fork of the White Water River; thence northeasterly, along said centerline, to the east line of the West Half of the Northeast Quarter of said Section 27; thence North 0 degrees 11 minutes 13 seconds West, along said east line, a distance of 985 feet, more or less, to the northeast corner of the West Half of the Northeast Quarter of said Section 27; thence North 89 degrees 38 minutes 25 seconds West, along said north line, a distance of 1178.15 feet to a point distant 136.00 feet east from the North Quarter corner of said Section 27; thence South 44 degrees 41 minutes 56 seconds West, a distance of 192.94 feet to the point of beginning.

AND

That part of the Northeast Quarter of the Northwest Quarter of Section 27, Township 108, Range 12, Wabasha County, Minnesota, and that part of Auditors Lots 4, 5, 6 and 7, of said Section 27, lying westerly of Highway 42 and easterly of Outlot 1, original plat of the TOWN OF ELGIN, described as follows:

Commencing at the North Quarter corner of said Section 27; thence southerly, along the North-South Quarter line of said Section 27, to the intersection with a line parallel with and distant 50 feet southeasterly, as measured at right angles to, the centerline of the railroad right of way originally acquired by the Plainview Railroad Company, now owned by Wabasha County, being the point of beginning of the land to be described; thence southwesterly, parallel with said centerline, to the northwesterly corner of Lot 6, Block 6, BRYANT ADDITION to TOWN OF ELGIN; thence easterly along the northerly line of said Block 6 and the northerly lines of Outlots 26, 25 and 24 of ELGIN VILLAGE, and its easterly extension, to the North-South Quarter line of said Section 27; thence northerly, along said North-South Quarter line to the point of beginning.

EXCEPT

Those parts lying to the right of the following described line:

Commencing at the North Quarter corner of said Section 27; thence on an assumed bearing of South 0 degrees 07 minutes 07 seconds East, along the North-South Quarter line of said Section 27, a distance of 1125.74 feet to the intersection with easterly extension of the northerly lines of said Outlots 24, 25 and 26 of ELGIN VILLAGE; thence South 89 degrees 36 minutes 23 seconds West, along said line, 73.69 feet to the westerly right of way of Highway 42 and the point of beginning of the line to be described; thence northeasterly along said line 475.16 feet along a nontangential curve concave to the southeast having a central angle of 13 degrees 42 minutes 59 seconds and a radius of 1984.86 feet, the chord of said curve bears North 08 degrees 49 minutes 27 seconds East; thence continue northeasterly 1170.07 feet, along a tangential concave to the southeast having a central angle of 33 degrees 46 minutes 33 seconds and a radius of 1984.86 feet to the south line of County Road 25; thence North 89 degrees 38 minutes 10 seconds West along said line, 197.78 feet and said line there terminating.

TRACT B DESCRIPTION: That part of the West Half of the Northeast Quarter of Section 27, Township 108, Range 12, Wabasha County, Minnesota, described as follows:

Commencing at the North Quarter corner of said Section 27; thence on an assumed bearing of South 0 degrees 07 minutes 07 seconds East, along the North-South Quarter line of said Section 27, a distance of 780.74 feet to the point of beginning of the land to be described; thence South 89 degrees 44 minutes 24 seconds East, 675.59 feet; thence South 0 degrees 55 minutes 18 seconds East, 260.00 feet; thence South 89 degrees 44 minutes 24 seconds East, 20.00 feet; thence North 0 degrees 55 minutes 18 seconds West, 430.04 feet; thence North 89 degrees 44 minutes 24 seconds West, 679.28 feet to the westerly right of way of highway 42; thence southwesterly along said line 49.02 feet along a nontangential curve concave the southeast having a central angle of 1 degree 24 minutes 54 seconds and a radius of 1984.86 feet, the chord of said curve bears South 16 degrees 23 minutes 23 seconds West from the point of beginning; thence South 0 degrees 07 minutes 07 seconds East, 122.91 feet to the point of beginning.

Subject to existing road right of way.

TRACT C DESCRIPTION: That part of the Northeast Quarter of the Northwest Quarter of Section 27, Township 108, Range 12, Wabasha County, Minnesota, and that part of Auditors Lots 4, 5, 6 and 7, of said Section 27, lying entirely in Highway 42, described as follows:

Commencing at the North Quarter corner of said Section 27; thence on an assumed bearing of South 0 degrees 07 minutes 07 seconds East, along the North-South Quarter line of said Section 27, a distance of 657.83 feet to westerly

right of way of Highway 42 and the point of beginning of the land to be described; thence continue South 0 degrees 07 minutes 07 seconds East, along said North - South Quarter line, 467.91 feet to the easterly extension of the northerly lines of Outlots 24, 25 and 26 of ELGIN VILLAGE; thence South 89 degrees 36 minutes 23 seconds West along said line, 73.69 feet to said westerly right of way of Highway 42; thence northeasterly along said line 475.16 feet along a nontangential curve concave to the southeast having a central angle of 13 degrees 42 minutes 59 seconds and a radius of 1984.86 feet, the chord of said curve bears North 08 degrees 49 minutes 27 seconds East to the point of beginning.

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 \$43.55 each year for two years as stated in Ordinance No. 2024-01.
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: April 9, 2024


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 Wabasha 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 (2023). However, no request for amendment shall extend the time of appeal from this Order.