

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF COLOGNE)
AND THE TOWN OF BENTON PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Cologne and the Town of Benton; and

WHEREAS, a joint resolution was received from the City of Cologne and the Town of Benton indicating their desire that certain property be annexed to the City of Cologne pursuant to M.S. 414.0325; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Director of Strategic and Long Range Planning may review and comment, but shall within 30 days order the annexation of land pursuant to said subdivisions; and

WHEREAS, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge.

WHEREAS, on July 13, 2005, the Chief Administrative Law Judge reviewed and accepted the resolution for orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Cologne, Minnesota, the same as if it had originally been made a part thereof:

Casper/Blanche Tellers Property

That part of the Southeast Quarter of Section 15, Township 115, Range 25, Carver County, Minnesota described as follows: Commencing at the south quarter corner of said Section 15; thence on an assumed bearing of North 00 degrees 39 minutes 35 seconds West along the west line of said Southeast Quarter 500.00 feet to the point of beginning of the tract to be described;

thence South 89 degrees 54 minutes 57 seconds East parallel with the south line of said Southeast Quarter 215.00 feet; thence South 00 degrees 39 minutes 55 seconds East parallel with the west line of said Southeast Quarter 500.00 feet to the south line of said Southeast Quarter; thence South 89 degrees 54 minutes 57 seconds East along said south line 1322.88 feet; thence North 00 degrees 39 minutes 55 seconds West parallel with the west line of said Southeast Quarter 2146.42 feet more or less to the southerly right-of-way of the Soo Line Railroad formerly Hastings Dakota Railway Company; thence South 86 degrees 20 minutes 29 seconds West along said southerly railroad right-of-way 1549.86 feet more or less to the west line of said Southeast Quarter; thence South 00 degrees 39 minutes 55 seconds East along said west line 1545.24 feet to the point of beginning.

Gordon/Harriet Tellers Property

Tract 1. The West Half of the Southwest Quarter of Section 14, Township 115, Range 25, EXCEPTING THEREFROM the following described tracts:

1. All land lying north of the southerly right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad.
2. Commencing at the southwest corner of said Section 14; thence on an assumed bearing of North 90 degrees 00 minutes 00 seconds East along the south line of said Southwest Quarter 570.00 feet to the point of beginning of the tract to be described; thence continuing on a bearing of North 90 degrees 00 minutes 00 seconds East along said south line of the Southwest Quarter 441.00 feet; thence North 00 degrees 00 minutes 00 seconds East 591.20 feet; thence North 90 degrees 00 minutes 00 seconds West 441.00 feet; thence South 00 degrees 00 minutes 00 seconds West 591.20 feet to the point of beginning.

Tract 2. The Southeast Quarter of Section 15, Township 115 North, Range 25 West, Carver County, Minnesota, EXCEPTING THEREFROM the following described tracts:

1. The right of way of the Chicago, Milwaukee, St. Paul & Pacific Railroad;
2. That part taken for state highway purposes.
3. Beginning at the southeast corner of said Section 15; thence West along the south line of said Southeast Quarter of the Southeast Quarter 665.00 feet to the point of beginning of the tract to be described; thence continuing West along said south line of the Southeast Quarter of the Southeast Quarter 225.00 feet; thence North deflecting right 90 degrees 407.00 feet; thence East deflecting right 90 degrees 225.00 feet; thence South deflecting right 90 degrees 407.00 feet to the point of beginning.
4. Commencing at the south quarter corner of said Section 15; thence Northerly along the west line of said Southwest Quarter of the Southeast Quarter 500.00 feet; thence Easterly parallel with the south line of said Southwest Quarter of the Southeast Quarter 215.00 feet; thence Southerly parallel with the west line of said Southwest Quarter of the Southeast Quarter 500.00 feet to said south line of the Southwest

Quarter of the Southeast Quarter; thence Westerly along said south line 215.00 feet to the point of beginning.

5. That part of the Southeast Quarter of Section 15, Township 115, Range 25, Carver County, Minnesota, described as follows: Commencing at the south quarter corner of said Section 15; thence on an assumed bearing of North 00 degrees 39 minutes 35 seconds West along the west line of said Southeast Quarter 500.00 feet to the point of beginning of the tract to be described; thence South 89 degrees 54 minutes 57 seconds East parallel with the south line of said Southeast Quarter 215.00 feet; thence South 00 degrees 39 minutes 55 seconds East parallel with the west line of said Southeast Quarter 500.00 feet to the south line of said Southeast Quarter; thence South 89 degrees 54 minutes 57 seconds East along said south line 1332.88 feet; thence North 00 degrees 39 minutes 55 seconds West parallel with the west line of said Southeast Quarter 2146.42 feet more or less to the southerly right-of-way of the Soo Line Railroad formerly Hastings Dakota Railway Company; thence South 86 degrees 20 minutes 29 seconds West along said southerly railroad right-of-way 1549.86 feet more or less to the west line of said Southeast Quarter; thence South 00 degrees 39 minutes 55 seconds East along said west line 1545.24 feet to the point of beginning.

Lloyd/Lydene Vinkemeier Property

The East Half of the Southwest Quarter of Section 14, Township 115, Range 25 West, excepting there from the following tracts of land:

1. 4.64 acres formerly deeded to the Chicago, Milwaukee and St. Paul Railway Company.
2. Land acquired by the State of Minnesota for highway purposes.
3. Part of the East Half of the Southwest Quarter of Section 14, Township 115, Range 25, Carver County, Minnesota, described as follows: Beginning at the Southeast corner of said Southwest Quarter; thence on an assumed bearing of West along the South line of said Southwest Quarter of Section 14 a distance of 335.00 feet; thence North 01 degrees 04 minutes 03 seconds West 390.16 feet; East 335.00 feet to the East line of said Southwest Quarter; thence South 01 degrees 04 minutes 02 seconds East along said East line 390.16 feet to the point of beginning.

James/Carol Wickenhauser Property

That part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 115, Range 25, Carver County, Minnesota lying West of the East 25 acres thereof.

and

That part of the West Half of the Northeast Quarter of the Southeast Quarter of Section 14, Township 115, Range 25, Carver County, Minnesota excepting that part lying Northerly of the Southerly right of way line of the Chicago, Milwaukee and St. Paul Railway Company.

and

The West Half of the Southeast Quarter (W1/2 of SE1/4) of Section Fourteen (14), Township

One Hundred Fifteen (115) North, Range Twenty—Five (25) West.

Excepting therefrom right of way of the Hastings and Dakota Railway Co., now Chicago, Milwaukee & St. Paul Railway Co., described as follows: A strip of land One Hundred (100) feet in width across said premises to have its center in the center of the main railway track on the line that is now located over and across said premises.

Also excepting therefrom the right of way of the Chicago, Milwaukee and St. Paul Railway Co., described as follows: All that portion of land in the Northwest Quarter of Southeast Quarter (NW1/4 of SE1/4) Section Fourteen (14), Township One Hundred Fifteen (115) North of Range Twenty—five (25) West, and in the West twenty (20) rods of the Northeast Quarter of Southeast Quarter (NE1/4 of SE1/4) said Section, lying North of and adjacent to a line drawn Fifty—six and five tenths (56.5) feet South of and parallel to the centerline of the North or West bound track of said railway, as now located across said quarters. Also all the land lying North of the centerline of the North or West bound track and South of the Northerly line of the Southeast Quarter (SE1/4) Section Fourteen (14), Township One Hundred Fifteen (115) North of Range Twenty—five (25) West, not included in the old right of way. Also a strip of land Sixty—six (66) feet wide along south side of said right of way line in the West twenty (20) rods of the Northeast Quarter of Southeast Quarter (NE1/4 of SE1/4) of said Section Fourteen (14) and through the East Six Hundred (600) feet of the Northwest Quarter of Southeast Quarter (NW1/4 of SE1/4) of said Section Fourteen (14), Township One Hundred Fifteen (115) North of Range 25 West.

Also excepting that part of the Southeast Quarter of Section 14, Township 115 Range 25, Carver County, Minnesota, described as follows: Commencing at the southeast corner of said Section 14; thence Westerly along the South line of said Southeast Quarter 1833.00 feet to the point of beginning of the tract to be described; thence continuing Westerly along said South line 210.00 feet; thence Northerly deflecting Right 90 degrees 00 minutes 00 seconds 435.60 feet; thence Easterly deflecting Right 90 degrees 00 minutes 00 seconds 210.00 feet; thence Southerly deflecting Right 90 degrees 00 minutes 00 seconds 435.60 feet to the point of beginning.

Lemke Property

The West Half of the Southwest Quarter of Section 13, Township 115 North, Range 25 West of the 5th Principal Meridian, excepting therefrom that part lying northerly of the northerly right of way line of United States Highway 212, also excepting therefrom a tract of land out of the Southwest quarter of Section 13, Township 115 North, Range 25 West, more particularly described as follows: Commencing at a point on the East line of West Half of Southwest Quarter a distance of 1666.27 feet North from Southeast corner of said West Half of the Southwest Quarter; thence West at right angle to West right of way line of County Road and actual point of beginning of land to be described; thence continue West a distance of 100.0 feet; thence North at right angles 75.0 feet; thence East at right angles to said West right of way line of Said County Road; thence South along said right of way line to point of beginning.

The East Half of the Northeast Quarter of the Southeast Quarter and the east 25 acres of the Southeast Quarter of the Southeast Quarter of Section 14, Township 115 North, Range 25 West of the 5th Principal Meridian, excepting therefrom 55/100 acres heretofore conveyed to the Chicago Milwaukee and St. Paul Railway Company for additional right of way purposes, and also excepting therefrom that part lying northerly of the northerly right of way line of United

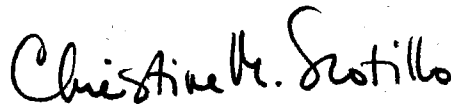
States Highway No. 212.

The West Half of the East Half of the Southwest Quarter of Section 13, Township 115 North, Range 25 West of the 5th principal Meridian, excepting therefrom land described as follows: Commencing at the northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 13; thence running South 11 chains; thence East 10 chains; thence North 11 chains; thence West 10 chains to the place of beginning.

Also excepting from the above described tracts of land those parts thereof now owned by the State of Minnesota in the County of Carver by virtue of condemnation proceedings for highway purposes as to United States Highway No. 212 and Carver County State Aide No. 53 as same exists of the date hereof.

Dated this 13th day of July, 2005.

For the Chief Administrative Law Judge
658 Cedar Street - Room 300
St. Paul, MN 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-1095-1 Cologne

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1095-1, the Chief Administrative Law Judge finds and makes the following comment:

The authority to impose the type of charge identified in paragraph/section 5 of the agreement is questionable. The issuance of this order makes no determination as to the legality or validity of these provisions of the agreement. Any issue that may arise relative to the application or interpretation of these sections will be the sole responsibility of the signatories to the agreement.

The parties are encouraged to consider this comment in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

CWS