

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

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

WHEREAS, a joint resolution was received from the City of Waconia and the Town of Waconia indicating their desire that certain property be annexed to the City of Waconia 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 March 9, 2006, 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 Waconia, Minnesota, the same as if it had originally been made a part thereof:

The land referred to in this Commitment is located in the County of Carver, State of Minnesota, and described as follows:

The North 72.67 acres of the South Half of Northeast Quarter of Section 24, Township 116, Range 25, and

of the Southwest Quarter of the Northwest Quarter of Section 19, Township 116, Range 24, more particularly described as follows: Commencing at the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 19, Township 116, Range 24; thence running West 50 chains to the Northwest corner of the Southeast Quarter of Northeast Quarter of Section 24, Township 116, Range 25; thence South 14 chains to a post; thence East 50 chains; thence North 14 chains to place of beginning, also three acres along the East side of Southwest Quarter of Northeast Quarter of Section 24, Township 116, Range 25 of equal width. EXCEPT 2 rods of land on west line of said line 14 chains from South to North. AND EXCEPT any land located in the Southwest Quarter of the Northwest Quarter of Section 19, Township 116, Range 24.

Also the following tract in said County and State: Commencing at the Southeast corner of the Northeast Quarter of Northeast Quarter of Section 24, Township 116, Range 25, thence West on half quarter section line 24 chains to a post; thence North 45 degrees 45 minutes East 4.87 chains to a post; thence North 49 degrees 45 minutes East three chains to a post; thence North 67 degrees East 1 chain to a post; thence North 89 degrees 15 minutes East, 4.23 chains to a post; thence South 84 degrees 30 minutes East 13.15 chains to range line; thence South on said range line 4.63 chains to place of beginning. EXCEPT that part of the Northeast Quarter of the Northeast Quarter of Section 24, Township 116, Range 25, Carver County, Minnesota, described as follows: Beginning at the Southwest corner of said Northeast Quarter of the Northeast Quarter; thence on an assumed bearing of South 89 degrees 07 minutes 00 seconds East along the south line of said Northeast Quarter of the Northeast Quarter a distance of 403.00 feet; thence North 0 degrees 35 minutes 09 seconds East, parallel with the West line of said Northeast Quarter of the Northeast Quarter a distance of 408.91 feet to the centerline of Airport Road; thence Southwesterly along said centerline of Airport Road to the West line of said Northeast Quarter of the Northeast Quarter; thence South 0 degrees 35 minutes 09 seconds West along said West line a distance of 303.12 feet to the point of beginning. AND EXCEPT that part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 116, Range 25, Carver County, Minnesota, lying Southeasterly of the centerline of Airport Road.

Tract 1:

The South 12.0 acres of the Southeast Quarter of the Northeast Quarter of Section 24, Township 116, Range 25, Carver County, Minnesota.

Tract 2:

The Northeast Quarter of the Southeast Quarter of Section 24, Township 116, Range 25, Carver County, Minnesota, EXCEPTING THEREFROM THE TWO FOLLOWING DESCRIBED TRACTS:

1. Commencing at the southeast corner of said Northeast Quarter of the Southeast Quarter; thence North 58 degrees 05 minutes 00 seconds West, assuming the east line of said Northeast Quarter of the Southeast Quarter bears North 00 degrees 00 minutes 00 seconds East, a distance of 919.00 feet; thence North 43 degrees 05 minutes 00 seconds West, a distance of 100.00 feet; thence North 46 degrees 55 minutes 00 seconds East, a distance of 1.91 feet to the point of beginning; thence continue North 46 degrees 55 minutes 00 seconds East, a distance of 542.00 feet; thence South 71 degrees 00 minutes 26 seconds East, a distance of 176.74 feet; thence South 46 degrees 55 minutes 00 seconds West, a distance of 629.67 feet; thence 156.25 feet northwesterly along a curve concave to the southwest having a radius of 5379.51 feet, a central angle of 01 degrees 39 minutes 51 seconds, a chord that bears North 41 degrees 17 minutes 10 seconds West, to the point of beginning.

2. Commencing at the southeast corner of said Northeast Quarter of the Southeast Quarter; thence North 58 degrees 05 minutes 00 seconds West, assuming the east line of said Northeast Quarter of the Southeast Quarter bears North 00 degrees 00 minutes 00 seconds East, a distance of 919.00 feet; thence North 43 degrees 05 minutes 00 seconds West a distance of 100.00 feet; thence North 46 degrees 55 minutes 00 seconds East a distance of 1.91 feet to the actual point of beginning of the land to be described; thence North 46 degrees 55 minutes 00 seconds East a distance of 542.00 feet; thence North 81 degrees 00 minutes 53 seconds West a distance of 369.93 feet; thence South 46 degrees 55 minutes 00 seconds West a distance of 325.07 feet; thence Southeasterly 292.00 feet along a curve concave to the southwest, having a radius of 5379.51 feet, a central angle of 03 degrees 06 minutes 36 seconds, a chord that bears South 45 degrees 08

minutes 20 seconds East, to the point of beginning.

**Tract 3:**

The East 3.0 acres of the Northwest Quarter of the Southeast Quarter of Section 24, Township 116, Range 25, Carver County, Minnesota.

**PARCEL 1:**

The South Half of the Southeast Quarter of Section 24, Township 116, Range 25, Carver County, Minnesota.

Excepting therefrom the following described tracts:

**TRACT I:**

Commencing at the southeast corner of Section 24, Township 116, Range 25, Carver County, Minnesota; thence North along the east line of said Section a distance of 733.5 feet to a point; the place of beginning for the tract of land to be described herein; thence deflecting left 35 degrees 34 minutes and running northwesterly a distance of 718.07 feet to a point on the north line of the Southeast Quarter of the Southeast Quarter of Section 24, Township 116, Range 25 West; thence deflecting right 125 degrees 08 minutes and running East along the north line of the Southeast Quarter of the Southeast Quarter of said Section 24 a distance of 80.7 feet to a point; thence deflecting right 54 degrees 52 minutes and running southeasterly a distance of 579.3 feet to a point on the east line of said Section 24, Township 116 North, Range 25 West; thence deflecting right 35 degrees 34 minutes and running South along the east line of said Section 24 a distance of 113.47 feet to the place of beginning.

**TRACT II:**

Commencing at the southeast corner of Section 24, Township 116, Range 25, Carver County Minnesota; thence North along the east line of said Section 24, a distance of 1254.46 feet, the place of beginning for the tract of land to be described herein; thence deflecting left 120 degrees 03 minutes running southwesterly a distance of 238.47 to a point; thence deflecting right 84 degrees 29 minutes and running northwesterly a distance of 33.12 feet to a point; thence deflecting right 95 degrees 31 minutes and running northeasterly a distance of 260.74 feet to a point on the east line of said Section 24, Township 116, Range 25 West; thence deflecting right 120 degrees 03 minutes along the east line of Section 24, Township 116, Range 25 a distance of 38.12 feet to the place of beginning.

**TRACT III:**

Commencing at the Southeast Section corner of Section 24, Township 116, Range 25, and running thence North along the east section line of said Section 24 a distance of 1292.58 feet to the place of beginning; thence continuing North along said east section line a distance of 28.19 feet to a point; thence deflecting left 89 degrees 20 minutes and running east a distance of 337.5 feet to a point on the easterly right-of-way line of Carver County State Aid Highway No. 10; thence deflecting left 125 degrees 08 minutes and running southeasterly along said easterly right of way of Carver County State Aid Highway No. 10 a distance of 191.83 feet to a point; thence deflecting left 84 degrees 29 minutes and running northeasterly along the northerly right-of-way of a two rod roadway a distance of 260.24 feet to the place of beginning.

**TRACT IV:**

Commencing at the Southeast Section corner of Section 24, Township 116, Range 25, and running thence North along the east section line of said Section 24 a distance of 846.97 feet to the place of

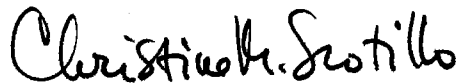
beginning; thence continuing North along said east section line a distance of 407.49 to a point on the southerly right-of-way of a two rod roadway; thence deflecting left 120 degrees 03 minutes and running southwesterly along said southerly right-of-way line a distance of 238.47 feet to a point on the easterly right-of-way line of Carver County State Aid Highway No. 10; thence deflecting left 95 degrees 31 minutes and running southeasterly along said Easterly right-of-way line of said County State Aid Highway a distance of 354.35 feet to the place of beginning.

PARCEL 2:

The East Twenty Acres of the North Half of the Northeast Quarter of Section 25, Township 116, Range 25, Carver County, Minnesota.

Dated this 9<sup>th</sup> day of March, 2006.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive, flowing style.

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1115-2, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph No. 18 states the agreement shall expire at the end of the day on July 1, 2015. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Chief Administrative Law Judge. Once jurisdiction is conferred, it cannot be taken away by written consent of the parties.

The authority to impose the type of charge identified in paragraph/section 6. b. 1. 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.

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