

OA-1282-1 Shafer
City Signed Resolution 3-8-06
Town Signed Resolution 3-16-06

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

ORDER

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

WHEREAS, said joint resolution requests that certain property be annexed to the City of Shafer 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 December 15, 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 Shafer, Minnesota, the same

as if it had originally been made a part thereof:

The southwest property proposed to be annexed is owned as follows:

1. Parcel ID 08.00313.00, is owned by Joseph and Mary Eichten and is legally described as follows:

That part of the Southwest Quarter of Section 31, Township 34 North, Range 19 West, Chisago County, Minnesota, described as follows: Beginning at the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 31; thence Northerly, along the East line of said Southwest Quarter of the Southwest Quarter to the North line of the South 800 feet of said Southwest Quarter of the Southwest quarter; thence Westerly, along said North line, to the center line of Quandam Lane; thence Southerly, along said center line, to the South line of said Southwest Quarter; thence Easterly, along said South line, to the point of beginning.

Subject to Quandam Lane and Lake Boulevard (also known as Trunk Highway No. 8)

2. Parcel ID 08.00313.10 is approximately 72 acres and is owned by Edwin G. Eichten and legally described as follows:

That part of the Southwest Quarter of Section 31, Township 34 North, Range 19 West, Chisago County, Minnesota, described s follows: Beginning at the southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 31; thence Northerly, along the East line of said Southwest Quarter of the Southwest Quarter to the North line of the South 800 feet of said Southwest Quarter of the Southwest Quarter; thence Westerly, along said North line, to the center line of Quandam Lane; thence Northerly, along said center line, to the center line of the former Northern Pacific Railway Company property; thence Easterly, along said center line, to the East line of the Southwest Quarter of Section 31; thence Southerly, along said East line, to the North line of the South 545 feet of said Southwest Quarter; thence Westerly, along said North line, to the West line of the East 400 feet of said Southwest Quarter; thence Southerly, along said West line, to the South line of said Southwest Quarter; thence Westerly, along said South line, to the point of beginning.

Subject to Quandam Lane and Lake Boulevard (also known as Trunk Highway No. 8).

EXCEPTING THEREFROM;

That part of the Southwest Quarter of Section 31, Township 34 North, Range 19 West, Chisago County, Minnesota, lying southerly of the centerline of the former Northern Pacific Railroad right-of-way, which lies within a 25-foot wide parcel whose northerly line is described as follows:

Commencing at the southwest corner of said Section 31; thence North 1 degree 25 minutes 33 seconds West, assumed bearing along the west line of said Section 31, a distance of 1820 feet; thence South 89 degrees 30 minutes 30 seconds East, 505 feet more or less, to the center line of Quandam Lane and the point of beginning of the Northerly line to be described; thence continuing South 89 degrees 30 minutes 30 seconds East, 2205 feet more or less, to the east line of said Southwest Quarter and there terminating.

3. Parcel ID 08.00314.00 is 47.09 acres and is owned by William D. Wolf and Sheri L. Wolf and Edwin G. Eichten, and is legally described as follows:

All that part of the West Half of Southeast Quarter (W1/2 of SE1/4), Section 31, lying south of the center line of former N. P. Railroad right-of-way, except the East Half of the Southeast Quarter of Southwest Quarter of Southeast Quarter (E1/2 of SE1/4 of SW1/4 of SE1/4), of Section 31, Township 34 North, Range 19 West. EXCEPT That part of the West Half of the Southeast Quarter of Section 31, Township 34 North, Range 19 West, Chisago County, Minnesota, lying southerly of the center line of the former Northern Pacific Railroad right-of-way, which lies within a 25-foot wide parcel whose northerly line is described as follows: Commencing at the southwest corner of said Section 31, thence North 1 degree 25 minutes 33 seconds West, assumed bearing along the west line of said Section 31, a distance of 1820 feet, thence South 89 degrees 30 minutes 30 seconds East, 2710 feet, more or less, to the west line of said West Half of the Southeast Quarter and the point of beginning of the line to be described; thence continuing South 89 degrees 30 minutes 30 seconds East, 1325 feet, more or less, to the east line of said West Half of the Southeast Quarter and there terminating.

Subject to Lake Boulevard (also known as Trunk Highway No. 8).

The north property proposed to be annexed is owned as follows:

1. Parcel ID 08.00303.00 is a 40-acre tract and is owned by Joseph and Mary Eichten and is legally described as follows:

The Northwest Quarter of the Northeast Quarter (NW1/4 of NE1/4), Section 31, Township 34, Range 19, Chisago County, Minnesota. Subject to Rainbow Avenue on the west and 310th Street on the north.

310th Street is also described as part of the Chisago County Highway right-of-way Plat No. 25.

2. Parcel ID 08.00301.00 is a 40-acre tract and is owned by the Pamela K. Eichten Trust, Pamela K. Eichten, trustee, and described as follows:

The Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4), Section 31, Township 34, Range 19, Chisago County, Minnesota. Subject to 310th Street on the north.

310th Street is also part of the Chisago County Highway right-of-way Plat No. 25.

3. Parcel ID 08.00323.00 is 17.93 acres and has two separate owners and legal descriptions. Edwin G. Eichten and Pamela Eichten own the following:

The West Half of the West Half of the Northwest Quarter (W1/2 of W1/2 of NW1/4), Section 32, Township 34, Range 19, Chisago County, Minnesota. Subject to 310th Street on the north.

310th Street is also part of the Chisago County Highway right-of-way Plat No. 25.

Pamela K. Eichten, Trustee, of the Pamela K. Eichten Trust is the owner of the following:

East Half of the West Half of the Northwest Quarter (E1/2 of W1/2 of NW1/4) EXCEPT the following described parcel:

Commencing at the northwest corner of Section Thirty-two (32); thence east along the north line a distance of 560 feet to the point of beginning; thence South 614 feet at right angles; thence East 360 feet; thence North 614 feet; thence West along the north line of Section Thirty-two (32) to the point of beginning, containing 5 acres, more or less, Chisago County, Minnesota.

This property is also subject to 310th Street on the north which is part of the Chisago County Highway Plat No. 25.

4. Parcel ID 08.00324.00 is approximately 4.5 acres. Jackie M. Danielson and Sandra Danielson own the following:

Part of the NW1/4 of NW1/4, Section Thirty-Two (32), Township Thirty-four (34), Range Nineteen (19), Chisago County, Minnesota, described as follows, to wit:

Commencing at the NW corner of Section 32, thence east along the North line a distance of 560 feet to the point of beginning; thence South 614 feet at right angles; thence East 360 feet; thence North 614 feet; thence West along the North line of Section 32 to the point of beginning.

This property is subject to 310th Street on the north which is also described as part of Chisago County Highway right-of-way Plat No. 25.

**Land owned by the City of Shafer
Identified as "City Land"**

Parcel A

The North 258 feet of the South 603 feet of the East 844 Feet of the Southwest Quarter of the Northeast Quarter (SW ¼ of NE ¼) of Section 31, Township 34 North, Range 19 West, Chisago County, Minnesota.

Parcel B

The West 433.46 feet of the East 844 feet of the South 110 feet of the North 522.50 feet of the Northwest Quarter of the Southeast Quarter of Section 31, Township 34 North, Range 19 West, Chisago County, Minnesota.

Parcel C

The East 844 feet of the South 345 feet of the Southwest Quarter of the Northeast Quarter (SW ¼ of NE ¼) and the West 433.46 feet of the East 844 feet of the North 412.50 feet of the Northwest Quarter of the Southeast Quarter (NW ¼ of SE ¼), both of Section Thirty-one (31), Township Thirty-four (34) North, Range Nineteen (19) West, Chisago County, Minnesota.

Parcel D

That part of the Northeast Quarter of the Southeast Quarter, Section 31, Township 34 North, Range 19 West, Chisago County, Minnesota, lying northwesterly of a line drawn from a point on the north line of said Northeast Quarter, distant 425.00 feet easterly of the northwest corner of said Northeast Quarter, to a point on the west line of said Northeast Quarter, distant 700.02 feet southerly of said northwest corner.

Together with the East 410.54 feet of the South 287.50 feet of the North 700.00 feet of the Northwest Quarter of the Southeast Quarter, Section 31, Township 34 North, Range 19 West, Chisago County, Minnesota.

Parcel E

The East 410.54 feet of the North 412.50 feet (25 rods) of the Northwest Quarter of the Southeast Quarter (NW ¼ of SE ¼) of Section Thirty-one (31), Township Thirty-four (34) North, Range Nineteen (19) West, Chisago County, Minnesota.

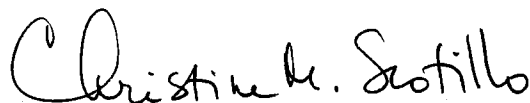
Parcel F

The South Six Hundred Sixty (660) feet of the Southeast Quarter of the Northeast Quarter (SE ¼ of NE ¼), Section Thirty-one (31), Township Thirty-four (34) North, Range Nineteen (19) West, Chisago County, Minnesota, containing twenty (20) acres, more or less.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the City of Shafer will reimburse the Town of Shafer \$6,460.28 over a period of two years with two equal installments of \$3,230.14.

Dated this 15th day of December, 2006.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1282-1, the Chief Administrative Law Judge finds and makes the following comment:

Recent legislative amendments to Chapter 414 became effective on August 1, 2006.

Included in the amendments is a new subdivision that requires published notice prior to adopting an orderly annexation agreement. Minn. Stat. Sec. 414.0325, Subd. 1b states:

Subd. 1b. Notice of intent to designate an area. At least ten days before the municipality or township adopts an orderly annexation agreement, a notice of the intent to include property in an orderly annexation area must be published in a newspaper of general circulation in both the township and municipality. The notice must clearly identify the boundaries of the area proposed to be included in the orderly annexation agreement and the date, time, and place of the public informational meeting to be held as provided in section 414.0333. The cost of providing notice must be equally divided between the municipality and the township, unless otherwise agreed upon by the municipality and the township.

The Joint Resolution for Orderly Annexation referenced above was signed after the effective date of the new law changes and therefore would have been subject to the Notice of intent to designate requirement of Minn. Stat. Sec. 414.0325 Subd. 1b.

For future reference, any new orderly annexation agreements must comply with this notice requirement.

Cws