

OA-1306-1 Big Lake
Joint Resolution No. 2006-05

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

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

WHEREAS, said resolution requests that certain property be annexed to the City of Big Lake 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; and

WHEREAS, on December 15, 2006, the Chief Administrative Law Judge has 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 Big Lake, Minnesota, the same as if it had originally been made a part thereof:

Legal Description:

All those parts of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 31, Township 33, Range 27, and Government Lots 1 and 2, Section 6, Township 32, Range 27, Sherburne County, Minnesota, lying southerly of County State Aid Highway Number 14 and northerly of the Mississippi River, more particularly described as follows, to wit:

The Southeast Quarter of the Southwest Quarter, said Section 31.

EXCEPT

The west 781.77 feet of said Southeast Quarter of the Southwest Quarter, Section 31, Township 33, Range 27.

ALSO EXCEPTING

The South 328.00 feet of the East 430.00 feet of the West 1211.77 feet of said Southeast Quarter of the Southwest Quarter, Section 31, Township 33, Range 27.

AND

All of that part of the Southwest Quarter of the Southeast Quarter, Section 31, Township 33, Range 27, lying West of the East 844.54 feet thereof.

AND

All of that part of Government Lot 1, Section 6, Township 32, Range 27, lying West of the following described line:

Commencing at the Southwest corner of said Southwest Quarter of the Southeast Quarter, Section 31, Township 33, Range 27, marked by a cast iron survey marker, thence easterly, along the South line of said Southwest Quarter of the Southeast Quarter, on an assumed bearing of South 89 degrees 36 minutes 00 seconds East, a distance of 465.46 feet to the Southwest corner of the East 844.54 feet of said Southwest Quarter of the Southeast Quarter and the point of beginning; thence South 00 degrees 17 minutes 43 seconds West, a distance of 479.10 feet to the Mississippi River.

AND

Government Lot 2, Section 6, Township 32, Range 27.

EXCEPT that part thereof lying within SLEEPY HOLLOW SOUTH, according to the plat thereof on file and of record at the Office of Recorder, Sherburne County.

ALSO EXCEPTING

The North 200.00 feet of the East 430.00 feet of the West 1211.77 feet of said Government Lot 2, Section 6, Township 32, Range 27.

Subject to the right-of-way of County State Aid Highway Number 14 and any easements of record and/or apparent on the ground.

ACCESS EASEMENT LEGAL DESCRIPTION

An easement for access over that part of Government Lots 1 and 2, Section 6, Township 32 North, Range 27 West, Sherburne County Minnesota described as: Government Lot 2 lying easterly of SLEEPY HOLLOW SOUTH and Government Lot 1 lying westerly of the following described line:

Commencing at the Southwest corner of said Southwest Quarter of the Southeast Quarter, Section 31, Township 33, Range 27, marked by a cast iron survey marker, Thence easterly, along the South line of said Southwest Quarter of the Southeast Quarter, on an assumed bearing of South 89 degrees 36 minutes 00 seconds East, a distance of 465.46 feet to the Southwest corner of the East 844.54 feet of said Southwest Quarter of the Southeast Quarter and the point of beginning; thence South 00 degrees 17 minutes 43 seconds West, a distance of 479.10 feet to the Mississippi River.

Excepting therefrom the North 200 feet of both Government Lots 1 and 2.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Big Lake will not be reimbursed by the City of Big Lake in accordance with the terms of the letter dated November 15, 2006 from the attorney for the City of Big Lake outlining the taxable status of the annexed property.

Dated this 15th day of December, 2006.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive style with a large initial 'C'.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-1306-1 Big Lake

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1306-1, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph #3 of this agreement purports to dictate future actions of this office. The parties to an orderly annexation agreement are without authority to require future outcomes of a state agency, whose jurisdiction is defined by the legislature. The Office of Administrative Hearings is not a signatory to this agreement and is therefore not bound by its terms and conditions, particularly those which seek to restrict its future actions as they relate to land designated herein.

The issuance of this order makes no determination as to the legality or validity of this provision of the agreement. Any issue that may arise relative to the application or interpretation of this section 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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