

OA-132-11 Morris
City of Morris Signed Joint Resolution 1-23-07
Town of Morris Signed Joint Resolution 1-22-07
Town of Darnen Signed Joint Resolution 1-22-07

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF MORRIS) NOTICE OF HEARING
AND THE TOWNS OF MORRIS AND DARNEN) CANCELLATION; AND
PURSUANT TO MINNESOTA STATUTES 414) ORDER

WHEREAS, a city resolution requesting the annexation of certain property from the Towns of Morris and Darnen to the City of Morris was filed with the Office of Administrative Hearings-Municipal Boundary Adjustments pursuant to Minnesota Statutes 414.0325 on May 31, 2006; and

WHEREAS, said area was previously designated for annexation pursuant to a joint agreement for annexation executed by the parties in 1978 and amended in 1979. The 1978 agreement did not contain the provisions of Minnesota Statutes 414.0325 Subd. 1(f) and (g) which would have allowed the parties to file joint, and negotiated unilateral, resolutions for the annexation of designated areas without the required administrative hearing under Chapter 414; 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 June 19, 2006, the Chief Administrative Law Judge directed the parties into mediation to try to resolve contested issues; and

WHEREAS, pursuant to statutory requirements a first hearing was convened on the city's resolution on July 25, 2006, after due and appropriate legal notice, and was continued to an indefinite date to allow the parties time to mediate; and

WHEREAS, various progress reports were received and in October 2006 the parties reported a tentative agreement. The parties continued to work with the mediator on drafting settlement terms of contested issues which were incorporated into a revised Joint Resolution; and

WHEREAS, on January 29, 2007, the MBA Unit of the Office of Administrative Hearings received the Joint Resolution And Settlement between the City of Morris and the Towns of Morris and Darnen representing settlement of the underlying dispute; modification of the 1978 Orderly Annexation Agreement between the parties; and requesting the immediate annexation of the 165.5 acres which were the subject of the contested proceeding; and

WHEREAS, on February 15, 2007, the Chief Administrative Law Judge granted the parties' request to cancel the continued hearing; accepted the Joint Resolution dated January 2007; and approved the immediate annexation of 165.5 acres.

IT IS HEREBY ORDERED: That the continued hearing in this matter is cancelled.

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

Morris Township: Lands in Township 125 North, Range 42 West, Stevens County, MN

That part of Section 25 and that part of Section 36, both in, Township 125, Range 42, Stevens County, Minnesota, described as follows: Beginning at the northeast corner of Lot 19, Block Two, RILEY'S HILLSIDE ADDITION, according to the recorded plat thereof, on file in the Stevens County Recorder's office; thence westerly along the north line of said RILEY'S HILLSIDE ADDITION to the northwest corner of said RILEY'S HILLSIDE ADDITION; thence southerly along the west line of said RILEY'S HILLSIDE ADDITION to its intersection with the north line of the Mohr Plumbing and

Heating, Inc. tract, according to Document Number 119977, on file in said Stevens County Recorder's office; thence southwesterly along said north line of the Mohr Plumbing and Heating, Inc. tract to the northwest corner of said Mohr Plumbing and Heating, Inc. tract; thence southerly along the west line of said Mohr Plumbing and Heating, Inc. tract to its intersection with the northerly right of way line of Trunk Highway Number 28; thence southwesterly along said northerly right of way line of Trunk Highway Number 28 to its intersection with the west line of the SE1/4-SW1/4 of said Section 25; thence south along said west line of the SE1/4-SW1/4 and along the west line of the NE1/4-NW1/4 of said Section 36 to the southwest corner of the Rambow tract, according to Document Number 152855, on file in said Stevens County Recorder's office; thence easterly along the south line of said Rambow tract to the southeast corner of said Rambow tract; thence northerly along the east line of said Rambow tract to the southwest corner of Lot 5, Block One, WOHLER'S SUBDIVISION, according to the recorded plat thereof, on file in said Stevens County Recorder's office; thence easterly along the south line of said Lot 5 to the west line of the Schmidgall tract according to Document Number 152551 on file in said Stevens County Recorder's Office; thence southerly along said west line of the Schmidgall tract to the southwest corner of said Schmidgall tract; thence easterly along the south line of said Schmidgall tract and along the south line of the Huebner tract, according to Document Number 154070, on file in said Stevens County Recorder's office to the southeast corner of said Huebner tract; thence northerly, northeasterly and northwesterly along the east line of said Huebner tract and along the easterly line of RILEY'S ADDITION, according to the recorded plat thereof, on file in said Stevens County Recorder's office to the intersection of said easterly line of RILEY'S ADDITION and the southerly right of way line of County Road Number 21; thence northeasterly along said southerly right of way line of County Road Number 21 to its intersection with the west line of the Woolridge tract, according to Document Number 139370, on file in said Stevens County Recorder's office; thence southeasterly along said west line of the Woolridge tract to its intersection with the most westerly right of way line for Trunk Highway Number 59, according to STATE HIGHWAY RIGHT OF WAY PLAT NUMBER 75-4 according to the recorded plat thereof, on file in said Stevens County Recorder's office; thence northerly along said most westerly right of way line for Trunk Highway Number 59, to point B4 according to STATE HIGHWAY RIGHT OF WAY PLAT NUMBER 75-5 according to the recorded plat thereof, on file in said Stevens County Recorder's office; thence northeasterly along the northerly right of way line said County Road Number 59 to the southwest corner of Lot 1, Block 1, KAYE'S ADDITION, according to the recorded plat thereof, on file in said Stevens County Recorder's office; thence northerly along the westerly line of said Lot 1 and its northerly extension to the south line of Lot 14, said Block 1, KAYE'S ADDITION; thence northeasterly along said south line of Lot 14 to the most easterly corner of said Lot 14; thence northwesterly along the east line of said Lot 14 to the southerly right of way line of said Trunk Highway Number 28, according to said STATE HIGHWAY RIGHT OF WAY PLAT NUMBER 75-5; thence northeasterly along said southerly line to its intersection with the southeasterly extension of the east line of Tract G, according to the Michael Nyberg survey dated August 30, 1991, recorded as

Document Number 144195 on file in said Stevens County Recorder's office; thence northwesterly along said southeasterly extension of the east line of Tract G and along the east line of said Tract G to the most northerly corner of said Tract G; thence southwesterly along the north line of said Tract G to the east line of Tract F, said Michael Nyberg survey dated August 30, 1991; thence northwesterly along said east line of Tract F to the most northerly corner of said Tract F; thence southwesterly along said north line of Tract F to the east line of Lot 20, said Block Two, RILEY'S HILLSIDE ADDITION; thence northwesterly along said east line of Lot 20 to the east line of said Lot 19; thence northerly along said east line of Lot 19 to the point of beginning.

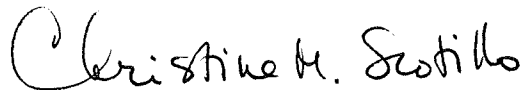
Darnen Township: Lands in Township 124 North, Range 42 West, Stevens County, MN

PARK VIEW HEIGHTS, according to the recorded plat thereof, Stevens County, Minnesota and also that part of the Northwest Quarter of Section 12, Township 124, Range 42, Stevens County, Minnesota which lies North of the North line of said PARK VIEW HEIGHTS, West of the West line of said PARK VIEW HEIGHTS, Northerly of the Westerly extension of the South line of said PARK VIEW HEIGHTS and Westerly of the Northerly extension of the East line of said PARK VIEW HEIGHTS.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Towns of Morris and Darnen will be reimbursed by the City of Morris in accordance with the terms of the Joint Resolution signed by the City of Morris on January 23, 2007; the Town of Morris on January 22, 2007; and the Town of Darnen on January 22, 2007.

Dated this 15th day of February, 2007.

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, looped initial "C".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments