

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
of Certain Real Property to the City
of Farmington from Empire Township
(MBAU Docket OA-1387-2)

**ORDER APPROVING
ANNEXATION**

Joint Resolution R19-08, an Orderly Annexation Agreement Between Empire Township and the City of Farmington (Joint Resolution to Designate), was adopted by the City of Farmington (City) and the Empire Town Board (Township) on March 19, 2008, designating certain real property for orderly annexation pursuant to Minn. Stat. § 414.0325 (2022).

The City and Township amended their Orderly Annexation Agreement by adopting Resolution No. R36-22/Empire Resolution No. 2022-5B, Amendment to Joint Resolution/Orderly Annexation Agreement (Amendment to Joint Resolution to Designate) on May 15, 2022, and May 26, 2022, respectively, amending Paragraph 8 of the Joint Resolution to Designate. The Amendment to Joint Resolution to Designate provides that real property designated for annexation that has not previously been annexed under the parties' Orderly Annexation Agreement will be annexed to the City upon issuance of an order from this tribunal under Minn. Stat. § 414.02 (2022), incorporating any portion of the Township.

Now pending before this tribunal is Empire Township Resolution No. 2022-7B/Resolution No. R54-22 (Joint Resolution to Annex) adopted by the City on July 18, 2022, and the Township on July 26, 2022. The Joint Resolution to Annex requests annexation of certain real property (Property) legally described as follows:

Section 19, Township 114, Range 19 West:

That part of the Southeast ¼ Quarter of Section 19, Township 114, Range 19 lying west of the right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company located in Dakota County, Minnesota.

Section 29, Township 114, Range 19 West:

The Southeast Quarter of Section 29, Township 114 North, Range 19 West.

AND

The south half of the Southwest Quarter of Section 29, Township 114 North, Range 19 West, except that property already within the City of Farmington.

AND

Lot 1, Block 1, Church of St. Michael Cemetery

AND

That part of the West 331.0 feet of the North one-half ($N\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 29, Township 114, Range 19, lying North of the South 658.5 feet thereof.

AND

That part of the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, of Section 29, Township 114, Range 19, Dakota County, Minnesota described as follows:

Commencing at the North quarter corner of Section 29; thence on an assumed bearing of due South along the North quarter line of said Section 29 a distance of 2262.83 feet; thence North 89 degrees 47 minutes West and parallel with the West quarter line of said Section 29 a distance of 200.00 feet to the point of beginning; thence South 54 degrees 30 minutes West a distance of 115.00 feet; thence North 18 degrees 22 minutes West a distance of 247.42 feet, more or less, to the centerline of County State Aid Highway No. 66 as it now exists; thence Northeast along said centerline a distance of 193.5 feet, more or less, to a point on said centerline which lies due North 257.30 feet, more or less, from the point of beginning; thence due South 257.30 feet, more or less, to the point of beginning.

AND

The following described tracts, pieces of parcels of land situate, lying and being in the County of Dakota and State of Minnesota, to-wit:

That part of the South one half ($S\frac{1}{2}$) of Northwest quarter ($NW\frac{1}{4}$) of Section Twenty nine (29), Township One hundred fourteen (114), Range Nineteen (19) Dakota County, Minnesota, described as follows:

Commencing at the N $\frac{1}{4}$, corner of Section 29; thence on an assumed bearing of due south along the north-south $\frac{1}{4}$ line of said Section 29 a distance of 2262.83 feet; thence North 89 degrees 47 minutes West and parallel with the east-west $\frac{1}{4}$ line of Section 29, a distance of 200.00 feet; thence South 54 degrees 30 minutes West a distance of 346.00 feet; thence South 37 degrees 30 minutes West a distance of 19.00 feet to the point of beginning; thence continuing South 37 degrees 30 minutes West a distance of 159.40 feet; thence North 47 degrees 47 minutes West a distance of 330.54 feet more or

less to the centerline of CR #66 as it now exists; thence in a north-easterly direction along said centerline a distance of 144.28 feet more or less to a point on said centerline which bears North 51 degrees 30 minutes West from the point of beginning; thence South 51 degrees 30 minutes East a distance of 285.45 feet more or less to the point of beginning. Said tract contains 1.0 acres, more or less, and is subject to existing road easements. According to the Government Survey thereof.

AND

All that part of the Northwest Quarter (NW¼) of Section Twenty-Nine (29), Township One Hundred Fourteen (114), Range Nineteen (19), described as follows: Commencing at the intersection of the East line of the NW ¼ of said Section 29 and the centerline of State Aid Road Number 66 as now laid out and constructed; thence South to a point on the East line of said NW ¼ which point is distant 475 feet north of the Southeast corner thereof; thence West parallel with the South line of said NW ¼ a distance of 200 feet; thence North parallel with the East line of said NW ¼, to the intersection with the centerline of State Aid Road Number 6; thence in a Northeasterly direction along said centerline to the point of commencement.

AND

That part of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of Section Twenty-nine (29), Township One Hundred Fourteen (114), Range Nineteen (19), described as follows: Commencing at the North One Quarter (N¼) corner of Section Twenty-Nine (29); thence on an assumed bearing of due south along the north-south one quarter line of said Section Twenty-Nine (29), a distance of 2262.83 feet, thence North 89° 47' West and parallel with the east-west one-quarter line of Section Twenty Nine (29), a distance of 200.00 feet; thence South 54° 30' West a distance of 115 feet to the point of beginning; thence continuing South 54° 30' West a distance of 231.00 feet; thence South 37° 30' West 19.00 feet; thence North 51° 30' West, a distance of 285.45 feet, more or less, to the centerline of Dakota County Road No. 66 (C.R. #66) as it now exists; thence northeasterly along said centerline a distance of 402.00 feet more or less, to a point on said centerline which bears North 18° 22' West from the point of beginning; thence South 18° 22' East a distance of 247.42 feet more or less to the point of beginning according to the Government Survey thereof.

AND

That part of the South ½ of the Northwest ¼ of Section 29, Township 114, Range 19, Dakota County, Minnesota, described as follows:

Commencing at the North $\frac{1}{4}$ corner of Section 29, thence on an assumed bearing of due South along the North $\frac{1}{4}$ line of said Section 29 a distance of 2,167.83 feet to the point of beginning thence continuing South a distance of 95.00 feet; thence North 89 degrees 47 minutes West a distance of 200.00 feet; thence North and parallel with said North $\frac{1}{4}$ line a distance of 95.00 feet; thence South 89 degrees 47 minutes East a distance of 200.00 feet to the point of beginning, according to the United States Government Survey thereof and situated in Dakota County, Minnesota.

AND

That part of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty Nine (29) Township One Hundred Fourteen (114), Range Nineteen (19) described as follows:

Beginning at the Southeast corner of the Northwest Quarter ($NW\frac{1}{4}$) running thence North along the East line of said Northwest Quarter ($NW\frac{1}{4}$) a distance of 260 feet to the actual point of beginning of the property to be described, thence continuing North along said East line a distance of 120 feet to a point which is 2262.83 feet south of the North Quarter corner of said section, thence North 89° 47' West a distance of 200 feet, thence South a distance of 120 feet to a point which is 260 feet North of the South line of said Northwest Quarter ($NW\frac{1}{4}$) thence East a distance of 200 feet to the actual point of beginning according to the Government survey thereof; and subject to existing Public road easement along the east line.

AND

That part of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section 29, Township 114, Range 19, described as follows:

Commencing at the Northeast corner of said Northwest Quarter ($NW\frac{1}{4}$); thence South along the East line of said Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) a distance of 2262.83 feet; thence North 89 degrees 47 minutes West a distance of 200 feet to the point of beginning; thence South 54 degrees 30 minutes West a distance of 346 feet; thence South 37 degrees 30 minutes West a distance of 19 feet; thence South 37 degrees 30 minutes West a distance of 159.40 feet; thence South 47 degrees 47 minutes East to a point on the South line of said Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), said point being 550.10 feet from the Southeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest corner; thence easterly along said South line to the Southeast corner of said Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$); thence northerly along the East line of said Southeast Quarter ($SE\frac{1}{4}$)

of the Northwest Quarter (NW $\frac{1}{4}$) a distance of 260 feet; thence North 89 degrees 47 minutes West a distance of 200 feet; thence northerly on a line parallel with said East line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) to the point of beginning and there terminating.

Section 30, Township 114, Range 19 West:

That part of the North One-Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty (30), Township One Hundred Fourteen (114), Range Nineteen (19) lying West of the right-of-way of the Chicago, Milwaukee, Saint Paul and Pacific Railway Company excepting therefrom the following:

The South 30.00 feet of the East 275.00 feet of the West 384.00 feet of the Northwest one-quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty (30), Township One Hundred Fourteen (114), Range Nineteen (19).

AND

That part of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 30, Township 114, Range 19 lying West of the railroad right of way, also including the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 30, Township 114, Range 19, Dakota County, Minnesota.

AND

The South 30.00 feet of the East 275.00 feet of the West 384.00 feet of the Northwest one-quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty (30), Township One Hundred Fourteen (114), Range Nineteen (19), Dakota County, Minnesota.

AND

That part of the North Half of the Northeast Quarter (N $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section Thirty (30), Township One Hundred Fourteen (114), Range Nineteen (19) lying west of the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

AND

Linden Street (Portion thereof)

That part of the Southeast Quarter of Section 30, Township 114, Range 19, Dakota County, Minnesota described as follows:

Beginning at the intersection of the south line of said Southeast Quarter and the north extension of the west line of 5th Street in the

Town of Farmington, said Dakota County; thence north along said north extension, a distance of 150.00 feet; thence east parallel with said south line of the Southeast Quarter, a distance of 290.40 feet to the intersection with the herein described Line 1; thence southerly along said Line 1, a distance of 150.00 feet to said south line of the Southeast Quarter; thence westerly along said south line of the Southeast Quarter, a distance of 290.40 feet to said point of beginning.

Line 1

Commencing at the intersection of said south line of the Southeast Quarter and said north extension of the west line of 5th Street; thence easterly along said south line of the Southeast Quarter, a distance of 290.40 feet to a point hereinafter referred to as Point A; thence easterly along said south line of the Southeast Quarter to a point which lies 940 feet West of the southeast corner of said Southeast Quarter; thence North and parallel to the east line of said Southeast Quarter, a distance of 200.00 feet; thence West and parallel to said south line of the Southeast Quarter to a point which lies 200.00 feet North of the herein described Point A being the point of beginning of the line to be described, thence southerly along said Line 1, a distance of 200.00 feet to said Point A and said Line 1 there terminating.

Excepting therefrom land already within the City of Farmington.

Section 32, Township 114, Range 19 West:

All property located in Section 32 that is not currently within the City of Farmington.

Based upon a review of the Joint Resolution to Designate, the Amendment to Joint Resolution to Designate, and the Joint Resolution to Annex, and for the reasons explained in the accompanying Memorandum, the Administrative Law Judge makes the following:

ORDER

1. Pursuant to Minn. Stat. § 414.0325, the Joint Resolution to Annex is deemed adequate in all legal respects and properly supports this Order.
2. Pursuant to the terms of the Joint Resolution to Designate, the Amendment to Joint Resolution to Designate, and the Joint Resolution to Annex, and this Order, the Property is **ANNEXED** to the City.

3. Pursuant to Minn. Stat. § 414.036 (2022), the City will reimburse the Township as stated in the Joint Resolution to Designate.

Dated: August 31, 2022


JESSICA A. PALMER-DENIG
Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.0325, .07, .09, .12 (2022). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Dakota County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2021). However, no request for amendment shall extend the time of appeal from this Order.

MEMORANDUM

In their Joint Resolution to Designate adopted in 2008, the parties agreed to the orderly annexation of certain designated property within the Township to the City. The 2008 agreement provided that, in the event that the Township sought to incorporate in the future, the City would support the Township's petition.

The City and Township subsequently amended their Orderly Annexation Agreement by adopting the Amendment to Joint Resolution to Designate. Under their prior agreement, the parties had not specified incorporation of the Township as a condition triggering annexation of the designated property. The Amendment to Joint Resolution to Designate provides that real property designated for annexation that has not previously been annexed will be annexed to the City upon issuance of an order incorporating the Township.

On April 7, 2022, the Township filed Resolution No. 2022-2B entitled In the Matter of the Petition of Empire Township for Incorporation Pursuant to Minnesota Statutes § 414.02, requesting that this tribunal issue an order incorporating the Township, to include all property other than that designated for orderly annexation to the City.¹ On May 13, 2022, the Township filed a Resolution 2022-5A entitled In the Matter of the

¹ *In the Matter of the Petition for the Incorporation of Empire Township (MBAU Docket I-74)*, OAH 71-0330-38285, Resolution No. 2022-2B In the Matter of the Petition of Empire Township for Incorporation Pursuant to Minnesota Statutes § 414.02 (Feb. 22, 2022) (on file with the Minn. Office Admin. Hearings).

Amended Petition of Empire Township for Incorporation Pursuant to Minnesota Statutes § 414.02 (Amended Petition).² The Amended Petition revised the legal description contained in the original petition. On August 31, 2022, the Administrative Law Judge issued her Findings of Fact, Conclusions of Law, and Order granting the Township's Amended Petition and providing for incorporation of the Township as the City of Empire.³

On August 1, 2022, the parties filed their Joint Resolution to Annex, now pending before the Administrative Law Judge. The Joint Resolution to Annex requests that an order annexing the remaining property designated in the Orderly Annexation Agreement be issued in the event that this tribunal issues an order for incorporation of any portion of the Township.

Pursuant to Minn. Stat. § 414.0325, subd. 1(g), if a joint resolution designates an area as in need of orderly annexation and states that no alteration of its stated boundaries is appropriate, the administrative law judge may review and comment, but may not alter the boundaries. Further, Minn. Stat. § 414.0325, subd. 1(h), provides that if a joint resolution "designates an area as in need of orderly annexation, provides for the conditions for its annexation, and states that no consideration" by the administrative law judge is necessary, the administrative law judge may review and comment, but shall order the annexation within 30 days. The Joint Resolution to Designate contains terms consistent with Minn. Stat. § 414.0325, subd. 1(g)-(h).

Based on the issuance of the order for incorporation of the Township, a condition precedent to annexation of the property designated under the parties' Orderly Annexation Agreement has been satisfied. The Administrative Law Judge also concludes that the parties have satisfied all statutory requirements in this matter. Therefore, the parties' request for annexation of the Property is approved.

J. P. D.

² *In the Matter of the Petition for the Incorporation of Empire Township (MBAU Docket I-74)*, OAH 71-0330-38285, Resolution No. 2022-5A *In the Matter of the Amended Petition of Empire Township for Incorporation Pursuant to Minnesota Statutes § 414.02* (May 10, 2022) (on file with the Minn. Office Admin. Hearings).

³ *In the Matter of the Petition for the Incorporation of Empire Township (MBAU Docket I-74)*, OAH 71-0330-38285, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER (Aug. 31, 2022) (on file with the Minn. Office Admin. Hearings).