

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation  
of Certain Real Property to the City of  
Pine Island from New Haven Township  
(MBAU Docket OA-1396-5)

**ORDER APPROVING  
ANNEXATION**

A joint resolution for orderly annexation (Joint Resolution to Designate) was adopted by the City of Pine Island (City) on February 6, 2008, and the New Haven Town Board (Township) on February 19, 2008, pursuant to Minn. Stat. § 414.0325, designating certain real property for annexation.

The City adopted Resolution No. 22-62 (City Resolution to Annex) on November 15, 2022, requesting annexation of certain real property (Property) legally described as follows:

That part of the Northwest Quarter of the Southwest Quarter of Section 2 and that part of the Northeast Quarter of the Southeast Quarter of Section 3, all in Township 108 North, Range 15 West, lying northerly and easterly of the center line of the Zumbro River, Olmsted County, Minnesota.

AND

The Southeast Quarter of the Northwest Quarter of Section 2, Township 108 North, Range 15 West, Olmsted County, Minnesota, lying southerly and westerly of the southwesterly right-of-way line of State Highway No. 52.

AND

The Northeast Quarter of the Southwest Quarter of Section 2, Township 108 North, Range 15 West, Olmsted County Minnesota.

AND

The Southeast Quarter of the Southwest Quarter of Section 2, Township 108 North, Range 15 West, Olmsted County, Minnesota, EXCEPT that part shown as Parcel 8C on the MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 55-105 as the same is on file and of record in the Office of the Olmsted County Recorder, ALSO EXCEPT that part shown as Parcel 2 on the OLMSTED COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 215 as the same is on file and of record in the Office of the Olmsted County Recorder.

EXCEPT (EXCEPTION A): That part of the East Half of the Southwest Quarter of

Section 2, Township 108 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of said East Half of the Southwest Quarter; thence on an assumed bearing of North 00°50'18" West along the east line of said East Half of the Southwest Quarter 1322.98 feet to the northeast corner of the Southeast Quarter of said Southwest Quarter of said Section 2 and the point of beginning; thence South 89°01'25" West along the north line of said Southeast Quarter of the Southwest Quarter 661.17 feet to the west line of the East Half of said Southeast Quarter of the Southwest Quarter; thence South 00°49'09" East along said west line 611.29 feet; thence South 89°10'51" West 347.77 feet; thence North 19°48'24" East 347.49 feet; thence North 19°19'41" West 48.01 feet; thence South 89°01'25" West 410.64 feet to a point 10.00' easterly of the west line of said East Half of the Southwest Quarter; thence North 00°48'00" West parallel with said west line 710.16 feet; thence South 79°08'53" East 201.06 feet; thence South 71°52'34" East 184.20 feet; thence South 62°44'18" East 169.06 feet; thence South 58°03'17" East 97.73 feet; thence North 89°01'25" East 709.63 feet to the east line of said East Half of the Southwest Quarter; thence South 00°50'18" East 235.67 feet to the point of beginning, containing 15.06 acres and is subject to any easements, covenants, and restrictions of record.

ALSO EXCEPT (EXCEPTION B): That part of the East Half of the Southwest Quarter of Section 2, Township 108 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of said East Half of the Southwest Quarter; thence on an assumed bearing of North 00°50'18" West along the east line of said East Half of the Southwest Quarter 1322.98 feet to the northeast corner of the Southeast Quarter of said Southwest Quarter of Section 2; thence South 89°01'25" West along the north line of said Southeast Quarter of the Southwest Quarter 661.17 feet to the west line of the East Half of said Southeast Quarter of the Southwest Quarter; thence South 00°49'09" East along said west line 611.29 feet; thence South 89°10'51" West 347.77 feet; thence North 19°48'24" East 347.49 feet; thence North 19°19'41" West 48.01 feet; thence South 89°01'25" West 410.64 feet to a point 10.00' easterly of the west line of said East Half of the Southwest Quarter and the point of beginning; thence North 00°48'00" West parallel with said west line 710.16 feet; thence North 79°08'53" West 10.21 feet to said west line of the East Half of the Southwest Quarter; thence South 00°48'00" East along said west line 712.25 feet; thence North 89°01'25" East 10.00 feet to the point of beginning, containing 0.16 acres and is subject to any easements, covenants, and restrictions of record.

ALSO EXCEPT (EXCEPTION C): That part of the Southeast Quarter of the Southwest Quarter of Section 2, Township 108 North, Range 15 West, Olmsted

County, Minnesota, described as follows:

Commencing at the southeast corner of said Southeast Quarter of the Southwest Quarter; thence on an assumed bearing of North 00°50'18" West along the east line of said Southeast Quarter of the Southwest Quarter 1322.98 feet to the northeast corner of said Southeast Quarter of the Southwest Quarter; thence South 89°01'25" West along the north line of said Southeast Quarter of the Southwest Quarter 661.17 feet to the west line of the East Half of said Southeast Quarter of the Southwest Quarter; thence South 00°49'09" East along said west line 611.29 feet; thence South 89°10'51" West 347.77 feet to the point of beginning; thence North 19°48'24" East 347.49 feet; thence North 19°19'41" West 48.01 feet; thence South 89°01'25" West 155.78 feet; thence South 22°39'00" West 403.71 feet; thence North 89°10'51" East 209.39 feet to the point of beginning, containing 1.67 acres and is subject to any easements, covenants, and restrictions of record.

ALSO EXCEPT (EXCEPTION D): That part of the Northeast Quarter of the Southwest Quarter and that part of the Southeast Quarter of the Northwest Quarter all in Section 2, Township 108 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of said Southwest Quarter of Section 2; thence on an assumed bearing of North 00°50'18" West along the east line of said Southwest Quarter 1558.65 feet to the point of beginning; thence continuing North 00°50'18" West along said east line 1087.31 feet to the northeast corner of said Northeast Quarter of the Southwest Quarter; thence continuing North 00°50'18" West along the east line of said Southeast Quarter of the Northwest Quarter 124.92 feet to the southwesterly right of way of Trunk Highway Number 52; thence South 89°09'30" West along said southwesterly right of way 33.01 feet; thence North 00°50'17" West along said southwesterly right of way 84.38 feet; thence North 30°04'13" West along said southwesterly right of way 174.53 feet; thence South 59°18'11" East 138.73 feet to said east line of the Southeast Quarter of the Northwest Quarter; thence North 00°50'18" West along said east line of the Southeast Quarter of the Northwest Quarter 333.21 feet; thence North 59°18'11" West 88.58 feet to a point on the northeasterly right of way of said Trunk Highway Number 52; thence continuing North 59°18'11" West along said northeasterly right of way 1.00 feet; thence South 30°41'49" West 1.00 feet; thence South 59°18'11" East 89.02 feet; thence South 00°50'18" East 330.86 feet; thence North 59°18'11" West 140.78 feet; thence South 30°04'13" East 178.11 feet; thence South 00°50'17" East 85.12 feet; thence North 89°09'30" East 33.01 feet; thence South 00°50'18" East 860.70 feet; thence South 89°12'03" West 1009.77 feet; thence South 00°48'00" East 196.34 feet; thence South 71°52'34" East 74.00 feet; thence South 62°44'18" East 169.06 feet; thence South 58°03'17" East 97.73 feet; thence North 89°01'25" East 709.63 feet

to the point of beginning, containing 7.61 acres and is subject to any easements, covenants, and restrictions of record.

ALSO EXCEPT (EXCEPTION - PARCEL A1): That part of the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, and the West Half of the Southeast Quarter all in Section 2, Township 108 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Beginning at the northwest corner of said West Half of the Southeast Quarter; thence on assumed bearing of North 89°47'43" East along the north line of said West Half of the Southeast Quarter 60.00 feet; thence South 00°04'40" East parallel with the west line of said West Half of the Southeast Quarter 120.22 feet; thence southeasterly 272.76 feet along a non-tangential curve, concave to the southwest, said curve has a radius of 1235.91 feet, a central angle of 12°38'41", and the chord of said curve bears South 06°24'20" East 272.20 feet; thence South 00°04'40" East parallel with the west line of said West Half of the Southeast Quarter and tangent to said curve 359.76 feet; thence North 89°55'20" East 10.00 feet; thence South 00°37'25" East 511.01 feet; thence South 01°32'25" East 80.02 feet; thence southeasterly 211.89 feet along a non-tangential curve, concave to the northeast, said curve has a radius of 17993.40 feet, a central angle of 00°40'29", and the chord of said curve bears South 02°00'12" East 211.89 feet; thence South 02°20'26" East tangent to said curve 33.18 feet; thence South 87°39'32" West 20.00 feet; thence South 02°20'45" East 659.43 feet; thence North 87°22'30" East 15.00 feet; thence South 02°56'25" East 163.81 feet; thence North 89°47'20" East 300.18 feet; thence South 03°40'02" East 146.82 feet; thence South 89°46'10" West 453.99 feet to the west line of said West Half of the Southeast Quarter; thence North 00°04'40" West along the west line of said West Half of the Southeast Quarter 1232.99 feet to the southeast corner of said Northeast Quarter of the Southwest Quarter; thence South 89°46'52" West along the south line of said Northeast Quarter of the Southwest Quarter 93.74 feet; thence northwesterly 480.85 feet along a non-tangential curve, concave to the northeast, said curve has a radius of 18193.40 feet, a central angle of 01°30'52", and the chord of said curve bears North 00°49'58" West 480.83 feet; thence North 00°04'32" West tangent to said curve 105.92 feet; thence North 89°57'37" East 10.07 feet; thence North 00°04'40" West 345.78 feet; thence northwesterly 499.48 feet along a tangential curve, concave to the southwest, said curve has a radius of 1055.91 feet, a central angle of 27°06'10", and the chord of said curve bears North 13°37'47" West 494.84 feet; thence North 63°54'04" East not tangent to said curve 10.00 feet; thence northwesterly 583.62 feet along a non-tangential curve, concave to the southwest, said curve has a radius of 1065.91 feet, a central angle of 31°22'17", and the chord of said curve bears North 42°51'24" West 576.36 feet; thence North 58°32'32" West tangent to said curve 331.07 feet; thence South 31°27'23" West 15.00 feet; thence North 58°32'32" West 519.04 feet; thence North 00°02'26" West 149.96 feet to the southwesterly right of way line of Trunk Highway No. 52

per the Minnesota Department of Transportation Right of Way Plat No. 55-29; thence South 58°32'38" East along said southwesterly right of way line of Trunk Highway No. 52 a distance of 1410.82 feet; thence South 29°18'38" East along said southwesterly right of way line of Trunk Highway No. 52 a distance of 174.53 feet; thence South 00°04'39" East along said southwesterly right of way line of Trunk Highway No. 52, and parallel to the east line of said Northwest Quarter of Section 2 a distance of 84.47 feet; thence North 89°55'19" East along said southwesterly right of way line of Trunk Highway No. 52 a distance of 33.00 feet to the east line of said Southeast Quarter of the Northwest Quarter; thence South 00°04'39" East 124.93 feet to the point of beginning.

The above described conveyance contains 100.88 acres, more or less, and is subject to any easements, covenants and restrictions of record.

Based upon a review of the Joint Resolution to Designate and the City Resolution to Annex, the Administrative Law Judge makes the following:

**ORDER**

- 1. Pursuant to Minn. Stat. § 414.0325 (2022), the City 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 City Resolution to Annex, and this Order, the Property is **ANNEXED** to the City.
- 3. Pursuant to the agreement of the parties and as allowed by to Minn. Stat. § 414.036 (2022), no reimbursement shall be made by the City to the Township in accordance with the terms of the Joint Resolution to Designate and the City Resolution to Annex.

Dated: April 26, 2023

  
 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 Olmsted 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.