

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION	)	
AGREEMENT BETWEEN THE CITY OF JACKSON	)	<u>AMENDED</u>
AND DES MOINES TOWNSHIP PURSUANT TO	)	<u>ORDER</u>
MINNESOTA STATUTES 414	)	

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WHEREAS, a joint resolution for orderly annexation was adopted by the City of Jackson and Des Moines Township; and

WHEREAS, a resolution was received from the City of Jackson indicating their desire that certain property be annexed to the City of Jackson pursuant to M.S. 414.0325; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to said subdivisions; and

WHEREAS, on July 23, 2008, 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 Jackson, Minnesota, the same as if it had originally been made a part thereof:

In Section 11:

Douglas A. Teigen ("Teigen"): The East 1,320 feet of the E½SE¼, *except* the South 620 feet of the East 800 feet thereof (containing 64.71 acres; population 0).

In Section 12:

Jackson Economic Development Corporation ("JEDC"): The  $W\frac{1}{2}SW\frac{1}{4}$ , *except* those parts thereof described as follows:

[1] Highway tracts: [1] The West 41.25 feet of the North 2353.5 feet of said  $W\frac{1}{2}SW\frac{1}{4}$ ; and [2] That part bounded by the west and south section lines and a line described as follows: commencing at a point on the west section line 286.5 feet North of the southwest corner of said  $SW\frac{1}{4}$ , thence East 33 feet; thence deflect Southeasterly on a line drawn parallel and distant 33 feet on the easterly and northerly side of, when measured at right angles from and to a  $20^\circ$  curve, tangent to said west and south section lines respectively for a distance of 286.5 feet North and East of the southwest corner of said  $SW\frac{1}{4}$  to a point 286.5 feet East of said west section line; thence South 33 feet to the south section line (see *Warranty Deed* filed for record in Book 88, page 117);

[2] Airport tract: Commencing at the northeast corner of said  $W\frac{1}{2}SW\frac{1}{4}$ , running thence South  $00^\circ19'00''$  West 727.51 feet along the east line of said  $W\frac{1}{2}SW\frac{1}{4}$ ; thence North  $41^\circ30'00''$  West 970.63 feet to the east-west quarter line; thence North  $89^\circ51'00''$  East 646.74 feet along the quarter line to the point of commencement; and

[3] Residential site: The Southerly 240 feet of the Westerly 454 feet of the Southwest Quarter of the Southwest Quarter ( $SW\frac{1}{4}SW\frac{1}{4}$ ) (containing 2.5 acres; population 0).

The JEDC tract (tax parcel 05.012.0500) contains 72.10 acres, and its population is 0.

In Section 13:

BCJB Enterprises LLC ("BCJB"): All of Lots 11, 13, 14, & 15, and part of Lot 12 in Block 1, and Lots 3 & 4 in Block 2, all in Ashley & Moore's Second Addition (tax parcels 05.206.0100 & 05.206.0030 containing 3.50 acres; population 0).

Nina M. Walterman ("Walterman"): All of Lots 9 & 10 and that part of Lot 12 not owned by BCJB in Block 1, Ashley & Moore's Second Addition (tax parcel containing 2.24 acres; population 1).

Clarence Huemoeller, c/o Gary Willink, conservator ("C. Huemoeller"): Lot 1 in Block 2, Ashley & Moore's Second Addition (tax parcel 05.206.0090, containing 0.33 acre; population 0).

Edwin Huemoeller, deceased, c/o Gary Willink, P.R. ("E. Hoemoeller"): Lot 2 in Block 2, Ashley & Moore's Second Addition (tax parcel 05.206.0080, containing 0.17 acre; population 0)

Evonne K. Sirovy ("Sirovy"): Lots 5, 6, & 7 in Block 2, Ashley & Moore's Second Addition (tax parcels 05.206.0120 & 05.206.0190, containing 0.51 acre; population 2)

C. V. Boultinghouse ("Boultinghouse"): Lot 8 and the North 60 feet of Lots 9 & 10 in Block 2, Ashley & Moore's Second Addition (tax parcel 05.206.0160, containing 0.30 acre; population 0).

Ordell G. & Arlyss A. Skogen ("Skogen"): The South 90 feet of Lots 9 & 10 in Block 2, Ashley & Moore's Second Addition (tax parcel 05.206.0180, containing 0.25 acre; population 2)

Agnes Bute ("Bute"): The Southerly 33.00 feet of the Easterly 627.00 feet of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  (containing 0.475 acre; population 0).

~~In Section 25: All that part of the SW $\frac{1}{4}$  lying Westerly of the centerline of the Des Moines River and not already within the corporate limits of the City, comprised of the following:~~

~~Jackson Cemetary Association ("JCA"): Tax parcel 05.025.1100 (containing 16.5 acres; population 0)~~

~~City of Jackson ("City"): Tax parcel 05.025.0313 (containing 0.07 acres; population 0).~~

~~Southwestern Rural Renovations LLC ("SWRR"): Tax parcel 05.025.1500 (containing 6.66 acres; population 0).~~

~~Willet Gravel Company ("Willet"): Tax parcel 05.025.0300 (containing 2.0 acres; population 0).~~

~~Josephine A. Fertig ("Fertig"): Tax parcel 05.025.0315 (containing 1.3 acres; population 0).~~

~~Michael T. & LeAnn K. Gruhlke ("Gruhlke"): Tax parcels 05.025.0301, 05.025.0302, 05.025.0305, 05.025.0325, & 05.025.0335 (containing 66.14 acres; population 2)~~

~~Troy W. & Jadee J. Menke ("Menke"): Tax parcels 05.025.0310 & 05.025.0500 (containing 3.5 acres; population 2 adults and 3 children).~~

~~Federated Rural Electric Association ("FREA"): Tax parcels 05.025.0350, 05.025.0400, 05.025.0800, 05.025.0900, & 05.025.1000 (containing 7.68 acres; population 0).~~

~~Great River Energy ("GRE"): Tax parcels 05.025.0600 & 05.025.0700 (containing 3.10 acres; population 0).~~

~~In Section 26: That part of the E $\frac{1}{2}$ SE $\frac{1}{4}$  not already within the corporate limits of the City, comprised of the following:~~

~~Jackson Cemetary Association ("JCA"): Tax parcel 05.026.0600 (containing 13 acres; population 0).~~

~~Clayton C., Bette J., Steven, & Diana Williams ("Williams"): Tax parcels 05.026.0400 & 05.026.0500 (containing 58.59 acres; population 0).~~

~~Jackson Congregation of Jehovah's Witnesses ("JCJW"): Tax parcel 05.026.0550; containing 2.5 acres; population 0)~~

~~Enterprise Products Operating LLC ("EPO"): Tax parcel 05.026.0800; containing 5.91 acres; population 0)~~

~~In Section 35:~~

~~Ag Forte LLC ("Ag Forte"): Commencing on the east line of the NE $\frac{1}{4}$  1319.51 feet South of the northeast corner of Section 35, thence Southerly 1843.51 feet along the east lines of the NE $\frac{1}{4}$  and SE $\frac{1}{4}$  of said Section 35; thence Westerly 945.20 feet; thence Northerly 1842.91 to a point 945.20 feet Westerly of the point of commencement; thence Easterly 945.20 feet to the point of commencement (tax parcel 05.035.0100; containing 40 acres; population 0).~~

~~Douglas Lucht ("D. Lucht"): The E $\frac{1}{2}$ NE $\frac{1}{4}$ , except the Ag-Forte tract (tax parcel 05.035.0100; containing 51 acres; population 1)~~

~~In Section 36:~~

~~Nasby Family Farms LLP ("Nasby"): The W $\frac{1}{2}$ NW $\frac{1}{4}$  and the North 524.00 feet of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  (tax parcel 05.36.0100; containing 95.88 acres; population 0)~~

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Des Moines will be reimbursed by the City of Jackson in accordance with the terms of Joint Resolution No. 023-408 signed by the City on April 1, 2008 and the Town on March 11, 2008.

IT IS FURTHER ORDERED: That the tax rate of the City of Jackson on the property herein ordered annexed shall be increased in substantially equal proportions over a period of 6 years to equality with the tax rate of the property already within the city.

Dated this 23<sup>rd</sup> day of July, 2008.

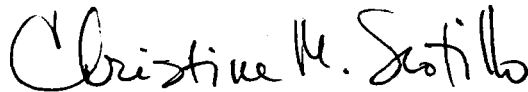
For the Chief Administrative Law Judge  
P. O. Box 64620  
St. Paul, Minnesota 55164-0620

A handwritten signature in black ink that reads "Christine M. Scotillo". The script is cursive and fluid.

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustment

Amended order dated this 30<sup>th</sup> day of July, 2008.

For the Chief Administrative Law Judge  
P. O. Box 64620  
St. Paul, Minnesota 55164-0620

A handwritten signature in black ink that reads "Christine M. Scotillo". The script is cursive and fluid.

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1406-1, the Chief Administrative Law Judge finds and makes the following comment:

Minnesota Statutes Section 414.0325 Subd. 5 requires that a joint resolution provide for planning controls for the designated area. The joint resolution does not address what provisions the parties have agreed upon to govern planning in the designated area.

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.

*CWS*