

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF STACY) FINDINGS OF FACT
AND LENT TOWNSHIP PURSUANT TO) CONCLUSIONS OF LAW
MINNESOTA STATUTES 414) AND ORDER

The joint resolution for orderly annexation submitted by the City of Stacy and Lent Township was reviewed for conformity with applicable law. The undersigned Assistant Chief Administrative Law Judge, acting under a delegation from the Chief Administrative Law Judge, hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On December 18, 2008, the Chief Administrative Law Judge reviewed and accepted Joint Resolution No. 08-07/2008-5-3 which was adopted by the City on November 25, 2008, and by the Township on May 27, 2008, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on December 11, 2008.

2. The joint resolution requests the designation and immediate annexation of certain property to the City of Stacy described as follows:

1. PID 05.00495.00
Name of Owner: Cindy Johnson

State of Minnesota, County of Chisago, to-wit:
All that part of the E 1/2 of the SW ¼ which lies to the West of the right-of-way of the Northern Pacific Railroad, in Section **32**, **Township** 34, Range 21, EXCEPT therefrom that part thereof conveyed to the State of Minnesota by deed dated November 4, 1964, filed December 29, 1964, as Microfilm No. 134577 and describing the two following described tracts.

1. That part of the E 1/2 of the SW 1/4 of Section 32, Township 34 North, Range 21 West, lying Northwesternly of a line run parallel with and distant one foot Northwesternly of the railroad right-of-way;
2. That part of the SE 1/2 of NW 1/4 of Section 32, Township 34 North, Range 21 West, lying West of the railroad right-of-way, which lies within a distance of 100 feet Northeastly and 164 feet Southwestly of the following described line.

Beginning at a point on the North line of said Section 32, distant 902.35 feet East of the Northwest corner thereof; thence run Southeastly at an angle of $75^{\circ}32'50''$ with said North section line for 3646.7 feet; thence deflect to the right on a $1^{\circ}30'$ curve (delta angle $22^{\circ}12'55''$) for 1481 feet; thence on tangent to said curve for 400 feet and there terminating; together with all that part of the first above described tract, which lies Northeastly of the above described strip and Southwestly of a line run parallel with and distant 100 feet Northeastly of the following described line: Beginning at a point on the above described line, distant 1981 feet Northerly of its point of termination; thence run Southeastly along the above described line for 100 feet; thence continue Southeastly along the last described course for 1200 feet and there terminating, also together with all that part of the first above described tract, which lies Westerly of the first above described strip and Easterly of a line run parallel with and distant 100 feet Westerly of the following described line: From a point on the first above described line, distant 2046.5 feet Northerly of its point of termination run Southwestly at right angles with the first above described line for 64 feet to the point of beginning of the line to be described; thence deflect to the left at an angle of 90° for 100 feet; thence deflect to the right on a $1^{\circ}30'$ curve (delta angle $22^{\circ}12'55''$) for 1481 feet; thence on tangent to said curve for 400 feet and there terminating; also together with all that portion of the first above described tract which lies Southeastly of the first above described strip and Southwestly of the second above described strip; containing 19.91 acres, more or less in addition to the existing highway, together with all right of access, being the right of ingress to and egress from that portion of the two above described tracts, not acquired herein, to Trunk Highway No. 35.

Subject to easements appearing of record, if any

ALSO XCEPTING that part of the E 1/2 of the SW 1/4 of Section 32, Township 34, Range 21, Chisago County, Minnesota, lying Westerly of the right-of-way of Interstate 35, according to the United States Government Survey thereof

ALSO EXCEPTING that part of the North 232 feet of the NE 1/4 of the SW 1/4, Section 32, Township 34 North, Range 21 West, Chisago County, Minnesota, lying Easterly of the Easterly right-of-way line of Interstate Highway No. 35, and lying Westerly of the Westerly right-of-way line of the Burlington Northern, Inc. Railroad

2. PID 05.00503.00

Name of Owner: Frank D. Juszczak and Barbara Juszczak

All that part of the South Half (S 1/2) of Section Thirty-two (32), Township Thirty-four (34) North, Range Twenty-one (21) West, Chisago County, Minnesota, described as follows, to-wit:

Commencing at the point of intersection of the Easterly right-of-way line of the northern Pacific Railway with the North line of said S 1/2 of Sec. 32; thence South 7°44'06" West along said Easterly railway right-of-way line, 2065.21 feet to the point of beginning; thence continuing South 7°44'06" West along said right-of-way line, 295.03 feet; thence East (0°00') parallel with the North line of said S1/2, 846.3 feet to the North-South quarter line of said Sec. 32; thence continuing East (0°00') parallel with said North line 809.2 feet to the Westerly right-of-way line of Trunk Highway No. 61; thence Northerly along said Westerly right-of-way line, 302 feet, more or less, to a point that bears East (0°00') from the point of beginning; thence West (0°00') parallel with the North line of said S1/2 of Sec. 32, 905.0 feet to the North-South quarter line of said Sec. 32, thence continuing West (0°00') parallel with said North line, 785.1 feet to the point of beginning, containing 11.2 acres, more or less, and including any right of title existing in Trunk Highway No. 61. (11.7 acres with T. H. No. 61 right-of-way included).

3. PID 05.00504.00

Name of Owner: Cheryl A. Shanahan

All that part of the South Half of Section 32, Township 34 North, Range 21 West, Chisago County, Minnesota, described as follows, to-wit:

Commencing at the point of intersection of the Easterly right of way line of the Northern Pacific Railway with the North line of said South Half of Section 32; thence South 7 degrees 44 minutes 06 seconds West along said Easterly railway right of way line, 2360.24 feet to the point of beginning; thence continuing South 7 degrees 44 minutes 06 seconds West along said right of way line, 298.26 feet to the South line of said South Half of Section 32; thence North 89 degrees 48 minutes 06 seconds East along said South line 908.1 feet to the South Quarter Corner of said Section 32; thence South 89 degrees 35 minutes 28 seconds East along said South line 707.5 feet to the Westerly right of way line of Trunk Highway No. 61; thence Northerly along said Westerly right of way line 308 feet, more or less, to a point that bears 0 degrees 00 minutes from the point of beginning; thence West 0 degrees 00 minutes, parallel with the North line of said South Half of Section 32, 809.2 feet to the North-South Quarter line of said Section 32; thence continuing West 0 degrees 00 minutes parallel with said North line 846.3 feet to the point of beginning.

4. PID 05.00507.00

Name of Owner: Donald L. Knight, Jr. and Sandra J. Knight

That part of the South Half of the Southeast Quarter (S 1/2 of SE 1/4) of Section Thirty-two (32), Township Thirty-four (34) North, Range Twenty-one (21) West, Chisago County, Minnesota, described as follows:

Beginning at the SW corner of SE 1/4 of SE 1/4, thence easterly, along the south line of the SE 1/4 of SE 1/4, a distance of 33 feet, thence northerly, parallel with the west line of the SE 1/4 of SE 1/4, a distance of 700 feet, thence westerly, parallel with the south line of the S 1/2 of SE 1/4, to the center line of Forest Boulevard (also known as County Road No. 30, formerly known as Trunk Highway No. 61), thence southerly, along said center line, to the south line of the S 1/2 of SE 1/4, thence easterly, along said south line, to the point of beginning.

5. PID 05.00507.20

Name of Owner: Carolyn M. Carr -

The South 500 feet of the East 500 feet of the Southeast Quarter of the Southeast Quarter (SE1/4 Of SE1/4), of Section Thirty-two (32), Township Thirty-four (34) North, Range Twenty-one (21) West, Chisago County, Minnesota.

TOGETHER WITH AN EASEMENT for driveway purposes as shown in Document Number 255115 over the North 33 feet of the lands described below;

The North 620 feet of the West 355 feet of the East 1038 feet of the NE 1/4 of the NE1/4, Section 5, Township 33 North, Range 21 West, Chisago County, Minnesota, except that part described in Document Number 110583.

AND

That part of the North 300 feet of the NE1/4, Section 5, Township 33 North, Range 21 West, Chisago County, Minnesota, lying westerly of the East 1038 feet and easterly of the center line of Forest Boulevard (also known as County State Aid Highway No 30).

AND

That part of the West 584 feet of the East 683 feet of the NE1/4 of the NE1/4, Section 5, Township 33 North, Range 21 West, Chisago County, Minnesota, which lies northerly of the State of Minnesota property described in Document Number 110583.

6. PID 05.00509.00

Name of Owner: U.S. West Communications, Inc. do Qwest Corp.

N 50 VT OF SW ¼ OF SE ¼ LYING F OF E'LY R/W LINE OF HY #61

Section: 32 Township: 034 Range: 021

7. PID 05.00512.00

Name of Owner: Scott T. Leibke and Lola j. Leibke

Part of the North 1/2 of the Southeast 1/4 of Section 32, Township 34, Range 21, described as follows: Beginning at the intersection of the North line of said North 1/2 of the Southeast 1/4 and East line of Trunk Highway No.61 as now established, across said tract thence East on said quarter section line 653.4 feet thence South 3 degrees 15 minutes east parallel with the East line of said Highway No.61 for 200 feet; thence West parallel with described first course for 653.4 feet to aforesaid East line of Highway No. 61; thence North along the East line of said Trunk Highway No. 61 a distance of 200 feet to the point of beginning. Records of Chisago County, Minnesota.

8. PID 00513.00

Name of Owner: Michelle M. & James C. Kultala

That part of the N 1/2 of the SE 1/4 of Section 32, Township 34, Range 21, described as follows: Commencing at the point of intersection of the east-west quarter line of said Sec. 32 with the E'ly right-of-way line of Trunk Highway #61; thence S'ly along said E'ly highway right-of-way line, a distance of 200 feet to the point of beginning; thence E'ly, parallel with the east-west quarter line of said Sec. 32, a distance of 240 feet; thence S'ly, parallel with the E'ly right-of-way line of Trunk Highway #61, a distance of 258 feet; thence W'ly, parallel with the east-west quarter line of said Sec. 32, a distance of 240 feet to said E'ly right-of-way line of Trunk Highway #61; thence N'ly, along said E'ly right-of-way line, a distance of 258 feet to the point of beginning, containing 1.4 acre, more or less, and including any right of title in the adjacent Trunk Highway #61, to the center line thereof.

3. Minnesota Statutes §414.0325, subd. 1(h) states that in certain circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to the terms of a joint resolution for orderly annexation.

4. The joint resolution contains all the information required by Minnesota Statutes §414.0325, subd. 1(h), including a provision that the Chief Administrative Law Judge may

review and comment but shall order the annexation within 30 days in accordance with the terms of the joint resolution.

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.
2. An order should be issued by the Chief Administrative Law Judge annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Stacy, the same as if it had originally been made a part thereof.
2. Pursuant to Minnesota Statutes §414.036, no reimbursement shall be made to the Town of Lent by the City of Stacy in accordance with the terms of the Joint Resolution No. 08-07/2008-5-3.

Dated this 18th day of December, 2008.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustment