

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION	)	
AGREEMENT BETWEEN THE CITY OF THIEF RIVER FALLS)	)	<u>FINDINGS OF FACT</u>
AND ROCKSBURY TOWNSHIP PURSUANT TO	)	<u>CONCLUSIONS OF LAW</u>
MINNESOTA STATUTES 414	)	<u>AND ORDER</u>

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The joint resolution for orderly annexation submitted by the City of Thief River Falls and Rocksbury 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 March 19, 2009, the Chief Administrative Law Judge reviewed and accepted the joint resolution which was adopted by the City on February 17, 2009, and by the Township on February 19, 2009, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on March 6, 2009.

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

Government Lot Two (2), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, EXCEPTING THEREFROM:

That part of Government Lot 2, Section 2, in Township 153 North of Range 43 West of the Fifth Principal Meridian described as follows: Commencing at the northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 2; thence North 89 degrees 45 minutes 50 seconds East, assumed bearing, along the north line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$  and the north

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Government Lot Two (2), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, EXCEPTING THEREFROM:

That part of Government Lot 2, Section 2, in Township 153 North of Range 43 West of the Fifth Principal Meridian described as follows: Commencing at the northwest corner of the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of said Section 2; thence North 89 degrees 45 minutes 50 seconds East, assumed bearing, along the north line of said SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> and the north

line of said Government Lot 2 a distance of 1412.74 feet to the point of beginning of the tract to be described; thence continuing North 89 degrees 45 minutes 40 seconds East along the north line of said Government Lot 2 a distance of 779.12 feet to an iron pipe monument at the intersection with the westerly right of way line of Trunk Highway No. 59; thence South 39 degrees 50 minutes 14 seconds East along said right of way line 366.40 feet; thence South 86 degrees 24 minutes 51 seconds West 625.99 feet; thence North 50 degrees 48 minutes 23 seconds West 502.02 feet to the point of beginning (St. Francis Real Property);

The East 400 feet of the North 550 feet of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, (Pamela Pals Real Property );

That part of Government Lot One (1), Section Two (2), Township One Hundred Fifty- three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, lying East of the Center line of present County Ditch No. 1, described as follows: Beginning at a point on the South line of Government Lot 1 a distance of 866 feet East of a point where the South line of said Government Lot 1 intersects with the center line of County Ditch No. 1; thence from this point of beginning, running North a distance of 169 feet to a point; thence Southeasterly in a straight line to a point on the South line of Government Lot 1 which is 936 feet East of the center line of County Ditch No. 1; thence running West upon the South line of said Government Lot 1 a distance of 70 feet to the point of beginning, (Lois Peterson Real Property);

That part of Government Lot One (1), Section Two (2), Township One Hundred Fifty- three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, lying East of the Center line of present County Ditch No. 1, described as follows: Beginning at a point on the South line of Government Lot 1 a distance of 936 feet East of a point where the South line of said Government Lot 1 intersects with the center line of County Ditch No. 1; thence running Northwesterly along and upon a line parallel to and 936 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point; thence running East along a line parallel to the South line of said Government Lot 1 a distance of 104 feet to a point; thence running Southeasterly along a line parallel to and 1,040 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point on the South line of said Government Lot 1; thence West along the South line of said Government Lot 1 a distance of 104 feet to the point of beginning, (Lois Peterson Real Property);

That part of Government Lot One (1), Section Two (2), Township One Hundred Fifty- three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, lying East of the Center line of present County Ditch No. 1, described as follows: Beginning at a point on the South line of Government Lot 1 a distance of 1,040 feet East of a point where the South line of said Government Lot 1 intersects with the center line of County Ditch No. 1; thence Northwesterly along and upon a

line parallel to and 1,040 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point; thence East along a line parallel to the South line of said Government Lot 1 a distance of 104 feet to a point; thence Southeasterly along a line parallel to and 1,144 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point on the South line of said Government Lot 1; thence West along the South line of said Government Lot 1 a distance of 104 feet to the point of beginning, (Lois Peterson Real Property);

That part of Government Lot Two (2), Section Two (2), in Township One Hundred Fifty- three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian described as follows: Commencing at the northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 2; thence North 89 degrees 45 minutes 50 seconds East, assumed bearing, along the north line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$  and the north line of said Government Lot 2 a distance of 1,412.74 feet to the point of beginning of the tract to be described; thence continuing North 89 degrees 45 minutes 40 seconds East along the North line of said Government lot 2 a distance of 779.12 feet to an iron pipe monument at the intersection with the westerly right of way line of Trunk Highway No. 59; thence South 39 degrees 50 minutes 14 seconds East along said right of way line 366.40 feet; thence South 86 degrees 24 minutes 51 seconds West 625.99 feet; thence North 50 degrees 48 minutes 23 seconds West 502.02 feet to the point of beginning (Lyle Paulson and Colleen M. Paulson Real Property).

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 Thief River Falls, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Rocksbury Township will be reimbursed by the City of Thief River Falls in accordance with the terms of the Joint Resolution signed by the City on February 17, 2009 and the Township on February 19, 2009.

Dated this 19<sup>th</sup> day of March, 2009.

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



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments