

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
of Certain Real Property to the City
of St. Cloud from Haven Township
(MBAU Docket OA-1500-1)

**ORDER APPROVING
ANNEXATION**

Haven Township Resolution No. 2010-3/City of St. Cloud Resolution No. 2010-10-191 (Joint Resolution to Designate) was adopted by the City of St. Cloud (City) on October 11, 2010, and Haven Township (Township) on October 18, 2010, pursuant to Minn. Stat. § 414.0325, designating certain real property for annexation.

City Resolution No. 2020-06-59/Town Resolution No. R-2020-02 (Joint Resolution to Annex), adopted by the City and Township on July 15, 2020, requests annexation of certain real property (Property) legally described as follows:

Parcel 1:

Tract A:

A tract of land lying in and being a part of Section 6, Township 35 North, Range 30 West, Sherburne County, Minnesota, described as follows:

Beginning at the Northwest corner of said Section 6, thence along the North line thereof due East 371.5 feet to a point on the Easterly right-of-way of U.S. Highway 10; thence along said right-of-way South 43 degrees 03 minutes East 250 feet to the point of beginning of the tract herein described: Thence due East 567.5 feet; thence due North 183.7 feet to a point on the North line of said Section 6; Said point being 1,110.28 feet due East of the Northwest corner of said Section 6; thence along said North line due East 1,662.38 feet to the Northeast corner of the Northwest Quarter of Section 6; thence Southerly along the East line of Northwest Quarter of Section 6 a distance of 767.34 feet; thence due West 1,694.43 feet to a point on said Easterly right-of-way of U.S. Highway 10; thence North 46 degrees 57 minutes West 800 feet to the point of beginning.

Tract B:

A tract of land lying in and being part of the Northwest Quarter of Section 6, Township 35 North, Range 30 West, Sherburne County, Minnesota, described as follows, to-wit: Beginning at a point of intersection of the North line of said Section

6, Township 35 North, Range 30 West with the Easterly right-of-way line of U.S. Highway 10 as now constructed and traveled; said point being 371.5 feet East of the Northwest corner of Section 6, Township 35 North, Range 30 West; thence continuing East along said North line of said Section 6, Township 35 North, Range 30 West 738.78 feet; thence deflect 90 degrees to the right and South for a distance of 183.7 feet; thence deflect to the right 90 degrees, West and parallel with the said North line of said Section 6, Township 35 North, Range 30 West for a distance of 567.50 feet to an intersection with said Easterly line of said U.S. Highway No. 10; thence Northwesterly and in a straight line along said Easterly line of said U.S. Highway 10 for a distance of 250.00 feet to the point of beginning and there terminating.

Less and EXCEPT the following described parcels:

1. That part of the Northwest Quarter of the Northwest Quarter of Section 6, Township 35 North, Range 30 West of the 4th Principal Meridian, Sherburne County Minnesota, described as follows: Commencing at the Northwest corner of said Section 6; thence South 90 degrees 00 minutes 00 seconds East on an assumed bearing along the North line of said Northwest Quarter of the Northwest Quarter, a distance of 372.17 feet to the Northeasterly right-of-way line of U.S. Highway 10 being the point of beginning of the land to be described; thence 43 degrees 03 minutes 00 seconds East, along said Northeasterly right-of-way line, a distance of 90.32 feet; thence South 90 degrees 00 minutes 00 seconds East, parallel with the North line of said Northwest Quarter of the Northwest Quarter, a distance of 156.58 feet; thence North 48 degrees 57 minutes 00 seconds East, a distance of 96.68 feet, more or less to the North line of said Northwest Quarter of the Northwest Quarter; thence North 90 degrees 00 minutes 00 seconds West, along the North line of said Northwest Quarter of the Northwest Quarter a distance of 288.88 feet to the point of beginning.

2. That part of the Northwest Quarter of the Northwest Quarter of Section 6, Township 35 North, Range 30 West of the 4th Principal Meridian, Sherburne County, Minnesota, described as follows: Commencing at the Northwest corner of said Section 6; thence South 90 degrees 00 minutes 00 seconds East on an assumed bearing along the North line of said Northwest Quarter of the Northwest Quarter, a distance of 372.17 feet to the Northeasterly right-of-way line of U.S. Highway 10; thence South 43 degrees 03 minutes 00 seconds East, along said Northeasterly right-of-way line, a distance of 90.32 feet to the point of beginning of the land to be described; thence South 90 degrees 00 minutes 00 seconds East, parallel with the North line of said Northwest Quarter of the Northwest Quarter, a distance of 156.58 feet; thence South 46 degrees 57 minutes 00 seconds West, a distance of 81.42 feet; thence South 43 degrees 03 minutes 00 seconds East, parallel with said Northeasterly right-of-way line, a distance of 85.00 feet, more or less, to the intersection with a line 183.70 feet South of, measured at a right angle to and parallel with the North line of the said Northwest Quarter of the Northwest Quarter; thence North 90 degrees 00 minutes 00 seconds West, along the last mentioned parallel line, a distance of 45.16 feet, more or less to its intersection

with said Northwesterly right-of-way line; thence North 43 degrees 03 minutes 00 seconds West along said Northeasterly right-of-way line, a distance of 161.07 feet to the point of beginning.

3. That part of the Northwest Quarter of the Northwest Quarter of Section 6, Township 35 North, Range 30 West of the 4th Principal Meridian, Sherburne County, Minnesota, described as follows: Commencing at the Northwest corner of said Section 6; thence South 90 degrees 00 minutes 00 seconds East, on an assumed bearing along the North line of said Northwest Quarter of the Northwest Quarter, a distance of 372.17 feet to the Northeasterly right-of-way line of U.S. Highway 10 thence South 43 degrees 03 minutes 00 seconds East, along said Northeasterly right-of-way line, a distance of 90.32 feet; thence South 90 degrees 00 minutes 00 seconds East parallel with the North line of said Northwest Quarter of the Northwest Quarter, a distance of 156.58 feet; thence South 46 degrees 57 minutes 00 seconds West, a distance of 9.19 feet to the point of beginning of the land to be described; thence continued South 45 degrees 57 minutes 00 seconds West, a distance of 72.23 feet; thence South 43 degrees 03 minutes 00 seconds East, parallel with said Northeasterly right-of-way, a distance of 85.00 feet to the intersection with a line 183.70 feet South of, measured at a right angle to and parallel with the North line of said Northwest Quarter of the Northwest Quarter; thence South 90 degrees 00 minutes 00 seconds East along the last mentioned parallel line, a distance of 31.43 feet; thence Northwesterly, a distance of 14.16 feet along a non-tangential curve concave to the Northeast, having a radius of 183.50 feet, a central angle of 04 degrees 25 minutes 21 seconds and a chord that bears North 11 degrees 51 minutes 33 seconds West to the point of reverse curvature; thence Northwesterly, a distance of 103.71 feet along a curve concave to the Southwest, having a radius of 314.83 feet, a central angle of 18 degrees 52 minutes 30 seconds and a chord that bears North 19 degrees 05 minutes 20 seconds West to the point of beginning.

4. That part of the Northwest Quarter of the Northwest Quarter of Section 6, Township 35 North, Range 30 West, Sherburne County, Minnesota, described as follows: Beginning at the intersection of a line 33.00 feet Northwesterly of, measured at a right angle to and parallel with the Northeasterly right-of-way of U.S. Highway 10 with a line 183.70 feet Southerly of, measured at a right angle to and parallel with the North line of said Section, assuming the North line of said Section bears West; thence East 246.32 feet; thence North 43 degrees 03 minutes 00 seconds West, parallel with said right-of-way 251.38 feet to the North line of said Section, thence West along said North line 2.58 feet; thence South 46 degrees 57 minutes 00 seconds West 178.11 feet to said parallel line which is 33.00 feet Northeasterly of said Northeasterly right-of-way; thence South 43 degrees 03 minutes 00 seconds East along last mentioned parallel line 85.00 feet to the point of beginning and there terminating.

Parcel 2:

A part of Section 6, Township 35 North, Range 30 West, Sherburne County, Minnesota, described as follows:

Beginning at the Northwest corner of said Section 6; thence East 371.5 feet to a point on the Easterly right-of-way line of Minnesota Trunk Highway 10; thence along said right-of-way line, South 43 degrees 03 seconds East 1,050 feet to point of beginning of the tract herein described; thence East 1,694.43 feet; thence South 00 degrees 45 seconds east, 1,496.15 feet; thence North 88 degrees 05 seconds West 460 feet to a point on the Easterly right-of-way line; thence along said right-of-way line, North 39 degrees 01 seconds West 692.39 feet to the point of beginning of a tangential curve to the West, central angle 04 degrees 02 seconds left, tangent length 392.2 feet; thence along said curve, an arc distance of 783.68 feet to point of tangency; thence North 43 degrees 03 seconds West 444.2 feet to the point of beginning of the tract herein described.

Also, the Westerly 500 feet of the Northeast Quarter (NE ¼) of Section 6, Township 35 North, Range 30 West, less the Southerly 433.04 feet thereof, Sherburne County, Minnesota.

Also, the Northerly 100 feet of the Northeast Quarter (NE ¼) of Section 6, Township 35 North, range 30 West, less the Westerly 500 feet thereof, Sherburne County, Minnesota.

Parcel 3:

That part of the Northwest Quarter of the Northwest Quarter of Section 6, Township 35 North, Range 30 West, Sherburne County, Minnesota, described as follows: Beginning at the intersection of a line 33.00 feet Northeasterly of, measured at a right angle to and parallel with the Northeasterly right-of-way of U.S. Highway 10 with a line 183.70 feet Southerly of, measured at a right angle to and parallel with the North line of said Section, assuming the North line of said Section bears West; thence East 246.32 feet; thence North 43 degrees 03 minutes 00 seconds West, parallel with said right-of-way 251.38 feet to the north line of said Section, thence West along said North line 2.58 feet; thence South 46 degrees 57 minutes 00 seconds West 178.11 feet to said parallel line which is 33.00 feet Northeasterly of said Northeasterly right-of-way; thence South 43 degrees 03 minutes 00 seconds East along last mentioned parallel line 85.00 feet to the point of beginning and there terminating.


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

ORDER

1. Pursuant to Minn. Stat. § 414.0325 (2020), 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 Joint 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 (2020), the City will reimburse the Township in accordance with the terms of the Joint Resolution to Annex.

Dated: August 7, 2020


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 (2020). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Sherburne 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 (2019). However, no request for amendment shall extend the time of appeal from this Order.