

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

The joint resolution for orderly annexation submitted by the City of Thief River Falls and Rocksbury Township was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On September 13, 2011, the Chief Administrative Law Judge or authorized designee reviewed and accepted the joint resolution which was adopted by the City on July 19, 2011 and the Township on July 14, 2011, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit on August 30, 2011.

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

Lots Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), and Twenty (20), Block Three (3), Oak Haven Subdivision, situated in the North Half (N½) of Section Nine (9), Township One Hundred Fifty-three (153) North, Range Forty-three (43) West of the Fifth Principal Meridian, Pennington County, Minnesota,

AND

That part of the West Half (W½) of Section Nine (9), Township One Hundred

Fifty-three (153) North, Range Forty-three (43) West of the Fifth Principal Meridian, Pennington County, Minnesota, lying westerly of the following described line:

Beginning at the northwest corner of Government Lot 3 of said Section 9, said point also lying on the westerly line of Oak Haven Subdivision, as platted and filed at the Pennington County Recorder's office; thence South 00 degrees 30 minutes 39 second East (assumed bearing), along the westerly line of said Government Lot 3 and along the westerly line of said Oak Haven Subdivision for a distance of 33.00 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence North 88 degrees 40 minutes 00 seconds East, parallel with the northerly line of the Northwest Quarter of said Section 9 and along the westerly line of said Oak Haven Subdivision, for a distance of 570.14 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 01 degrees 19 minutes 55 seconds East, along the westerly line of said Oak Haven Subdivision, for a distance of 194.86 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 88 degrees 40 minutes 00 seconds West, along the westerly line of said Oak Haven Subdivision, for a distance of 53.91 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 02 degrees 15 minutes 45 minutes West, along the westerly line of said Oak Haven Subdivision, for a distance of 446.91 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 38 degrees 16 minutes 49 seconds East, along the westerly line of said Oak Haven Subdivision, for a distance of 202.54 feet to an angle point on the westerly line of said Oak Haven Subdivision; thence South 71 degrees 52 minutes 02 seconds East, along the westerly line of said Oak Haven Subdivision, for a distance of 313.00 feet; thence South 04 degrees 51 minutes 20 seconds West for a distance of 789.76 feet; thence South 08 degrees 32 minutes 40 seconds East for a distance of 611.40 feet; thence South 79 degrees 49 minutes 41 seconds West for a distance of 304.74 feet; thence South 33 degrees 53 minutes 00 seconds West for a distance of 294.57 feet; thence South 86 degrees 57 minutes 28 seconds West for a distance of 243.04 feet to a point of intersection with the westerly line of Magner's First Subdivision as extended northerly; thence South 04 degrees 44 minutes 22 seconds West, along the westerly line of said Magner's First Subdivision as extended northerly, for a distance of 73.67 feet to the northwest corner of said Magner's First Subdivisions; thence continue South 04 degrees 44 minutes 22 seconds West, along the centerline of said road and along the westerly line of said Magner's First Subdivision, for a distance of 1,295.98 feet to a point of intersection with the northerly line of Government Lot 9 of said Section 9 and the southwest corner of said Magner's First Subdivision; thence South 04 degrees 46 minutes 05 seconds West for a distance of 1,324.81 feet to the southwest corner of said Government Lot 9, said line

there terminating. Excepting therefrom existing highway and railroad rights-of-way and a tract of land described in Book 252 of Records, Page 14, filed at said recorder's office.

AND

That part of the East Half ($E\frac{1}{2}$) of Section Eight (8), Township One Hundred Fifty-three (153) North, Range Forty-three (43) West of the Fifth Principal Meridian, Pennington County, Minnesota, lying easterly of Minnesota State Highway No. 32 right-of-way, less a tract of land described in Book 129 of Records, Page 1, filed at the Pennington County Recorder's office.

AND

That part of the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$), Section Nine (9), Township One Hundred Fifty-three (153) North, of Range Forty-three (43) West of the Fifth Principal Meridian, described as follows:

Commencing at an iron monument at the Northwest Corner of said Section 9; thence South 89 degrees 48 minutes 03 seconds East, assumed bearing, along the North line of the said $NW\frac{1}{4}NW\frac{1}{4}$ a distance of 224.98 feet to the Easterly right-of-way line of Trunk Highway No. 32, being the point of beginning of the tract to be described; thence continuing South 89 degrees 48 minutes 03 seconds East along said North line 774.32 feet; thence South 00 degrees 11 minutes 57 seconds West, perpendicular to the above said North line 270.00 feet to an iron pipe monument; thence North 89 degrees 48 minutes 03 seconds West, parallel with the said North line 838.99 feet to an iron pipe monument on the said Easterly right of way line of Trunk Highway No. 32; thence North 13 degrees 40 minutes 09 seconds East along said Easterly right-of-way line 277.64 feet to the point of beginning.

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.

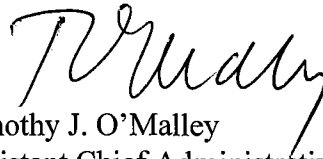
CONCLUSIONS OF LAW

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 or authorized designee 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 July 19, 2011 and the Township on July 14, 2011.

Dated this 13th day of September, 2011.

A handwritten signature in black ink, appearing to read "T. O'Malley", is written over the printed name.

Timothy J. O'Malley
Assistant Chief Administrative Law Judge
Municipal Boundary Adjustment Unit