

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
of Certain Real Property to the City of
Bingham Lake from Lakeside Township
(MBAU Docket OA-1747-1)

**ORDER APPROVING
ANNEXATION**

Joint Resolution #2019-8-1 (Joint Resolution) was adopted by the City of Bingham Lake (City) on August 12, 2019, and Lakeside Township (Township) on August 13, 2019, requesting the designation and immediate annexation of the certain real property (Property) legally described as follows:

Parcel No. 1:

Commencing at the Northwest corner of the South Half of the Southwest Quarter (S½ SW¼) of Section 10, Township 105 North, Range 35 West of the Fifth Principal Meridian, in Cottonwood County, Minnesota, thence East along the North line of said 80-acre tract, 615 feet, thence South and parallel with the West boundary line of said Section 10 a distance of 240 feet, thence West and parallel with the North line of said 80-acre tract, a distance of 615 feet to the West boundary line of said Section 10, thence North along the West boundary line of said Section 10, a distance of 240 feet to the point of beginning, containing 3.34 acres, more or less, **EXCEPTING THEREFROM THE FOLLOWING TWO TRACTS:**

Tract 1: The tract of land shown as Parcel 318 on Minnesota Department of Transportation of Right-of-Way Plat Numbered 17-13 as said Plat is on file and of record in the Office of the County Recorder in and for Cottonwood County, Minnesota.

Tract 2: The tract of land shown as Parcel 418 on Minnesota Department of Transportation Right-of-Way Plat Numbered 17-33 as said Plat is on file and record in the Office of the County Recorder in and for Cottonwood County, Minnesota.

Parcel No. 2:

All that part of the South Half of the Southwest Quarter (S½ SW¼) of Section 10, in Township 105 North, Range 35 West of the Fifth Principal Meridian, in Cottonwood County, Minnesota, described as follows to wit:

Commencing at the Northwest corner of the South Half of the Southwest Quarter of Section 10, 105 North, Range 35 West of the Fifth Principal Meridian, thence East along the North line of the said 80 acres, 720 feet, this being the point of beginning; thence South and parallel with the West boundary line of said Section

10 to the North line of the right-of-way of the Union Pacific Railroad (formerly the Chicago, St. Paul, Minneapolis, and Omaha Railroad); thence Southwesterly along the Northerly line of said right-of-way, a distance of 130 feet, thence in a Northwesterly direction 279.5 feet to a point 520 feet East of the West boundary line of said Section 10, thence East and parallel with the North line of said 80 acres, a distance of 95 feet, thence North and parallel with the West boundary line of said Section 10, a distance of 240 feet, to the North line of said 80 acre tract, thence East along said North Line of said 80 acre tract, a distance of 105 feet to the point of beginning, containing approximately 1.66 acres, more or less, **EXCEPTING THEREFROM THE FOLLOWING TWO TRACTS:**

Tract 1: The tract of land shown as parcel 318A on the Minnesota Department of Transportation Right-of-Way Plat No. 17-13 as the same as on file and of record in the office of the County Recorder in and for Cottonwood County, Minnesota.

Tract 2: The tract of land as Parcel 418 on Minnesota Department of Transportation Right-of-Way Plat Numbered 17-33 as said Plat is on file and of record in the Office of the County Recorder in and for Cottonwood County, Minnesota.

Parcel No. 3:

Commencing at a point 240 feet South of the Northwest corner of the South Half of the Southwest Quarter (S½ SW¼) of Section 10 in Township 105 North, Range 35 West of the Fifth Principal Meridian in Cottonwood County, Minnesota; thence East 520 feet parallel with the North line of said 80 acres; thence in a Southeasterly direction 279½ feet more or less to the Northwesterly line of the Union Pacific Railroad (formerly Chicago, St. Paul, Minneapolis, and Omaha Railroad); thence Southwesterly along said railroad right-of-way to the West Section line of said Section 10; thence North 495 feet to the point of beginning. Containing 4.80 acres, more or less. **EXCEPTING THEREFROM the following described real estate:**

Commencing at a point on the West line of said Section 10 which is 760 feet North of Southwest corner of said Section 10; thence East at right angles to the West line of said Section 10 a distance of 83 feet; thence North and parallel with the West line of said Section 10, a distance of 100 feet; thence West at right angles a distance of 83 feet, more or less, to the West line of said Section 10; thence South and on and along the West line of said Section 10, a distance of 100 feet to the point of beginning.

Based upon a review of the Joint Resolution, the Administrative Law Judge makes the following:


ORDER

1. Pursuant to Minn. Stat. § 414.0325 (2018), the Joint Resolution is deemed adequate in all legal respects and properly supports this Order.

2. Pursuant to the terms of the Joint Resolution and this Order, the Property is **ANNEXED** to the City.

3. Pursuant to the agreement of the parties and as allowed by Minn. Stat. § 414.036 (2018), the City shall reimburse the Township as stated in the Joint Resolution.

Dated: September 16, 2019


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 (2018). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Cottonwood 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 (2017). However, no request for amendment shall extend the time of appeal from this Order.