

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
of Certain Real Property to the City
of Eagle Lake from LeRay Township
(MBAU Docket OA-1755-1)

**ORDER APPROVING
ANNEXATION**

Joint Resolution 2019-1/2019-25 (Joint Resolution) was adopted by the City of Eagle Lake (City) on September 9, 2019, and LeRay Township (Township) on October 8, 2019, requesting the designation and immediate annexation of the certain real property (Property) legally described as follows:

Parcel No. R12.10.07.326.003 (C L Dauk Family LLP – 23.70 acres) and Parcel No. R39.10.07.400.010 (C L Dauk Family LLP – 134.39 acres):

E 1/2 SE 1/4 and SW 1/4 SE 1/4 and Government Lot Number 3 and the E 1/2 of Government Lot Number 4, all in Sec. 7-108-25.

Except the following tracts:

1. That part of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section Seven (7), Township One Hundred Eight (108) North, Range Twenty-five (25) West, Blue Earth County, Minnesota, described as follows, to-wit: Commencing at the Southwest corner of said Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4), thence East along the South line of said Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) a distance of 707.63 feet to the intersection of Blue Earth County Road No. 17 and the centerline of the driveway, bearing North, which provides access to the parcel or real estate herein described, thence North along the centerline of said driveway a distance of 355 feet to the true point of beginning; thence East along a line parallel with the South line of said Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) a distance of 169 feet, thence North along a line parallel with the West line of said Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) a distance of 280 feet, thence West along a line parallel with the South line of said Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) a distance of 260 feet, thence South along a line parallel with the West line of said Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) a distance of 280 feet, thence East along a line parallel with the South line of said Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) a distance of 91 feet, more or less, to the point of beginning, and including an easement

to the grantees across the existing driveway for ingress to and egress from the above described tract of land.

2. A tract of land located in the Southeast Quarter of Section 7-108-25, described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 7-108-25, thence Westerly along the Northerly line of said Southeast Quarter 580 feet, thence Southerly and parallel with the Easterly line of said Southeast Quarter 65 feet to the point of beginning of the parcel to be described; thence continuing South, parallel with the East line of said Southeast Quarter 446 feet, thence West 487 feet, thence North 446 feet, thence East 487 feet to the point of beginning, containing 5 acres of land more or less. Together with a permanent access easement for driveway purposes from County Road No. 27, running thence Westerly to the parcel of land described herein.
3. Part of the East Half of Government Lot 4 and part of the Southwest Quarter of the Southeast Quarter all in Section 7, Township 108 North, Range 25 West, Blue Earth County, Minnesota, described as: Beginning at the Southeast corner of Government Lot 4; thence South 89 degrees 59 minutes 32 seconds West (assumed bearing) on the South line of Government Lot 4, a distance of 656.45 feet to the Southwest corner of the East Half of Government Lot 4; thence North 00 degrees 04 minutes 14 seconds West on the West line of the East Half of Government Lot 4, a distance of 602.99 feet to the centerline of a 15 foot wide waterway; thence North 55 degrees 44 minutes 19 seconds East on the centerline of said 15 foot waterway, 94.00 feet to the centerline of a 25 foot wide waterway; thence South 80 degrees 01 minutes 41 seconds East, on said centerline, 175.00 feet; thence South 74 degrees 23 minutes 16 seconds East, on said centerline, 217.00 feet; thence South 71 degrees 32 minutes 55 seconds East, on said centerline, 96.00 feet; thence South 62 degrees 42 minutes 36 seconds East, on said centerline, 76.00 feet; thence South 41 degrees 44 minutes 00 seconds East, on said centerline, 64.00 feet; thence South 21 degrees 02 minutes 50 seconds East, on said centerline, 60.00 feet; thence South 02 degrees 54 minutes 11 seconds East, on said centerline, 99.00 feet; thence South 00 degrees 14 minutes 08 seconds West, on said centerline, 120.00 feet; thence South 03 degrees 00 minutes 05 seconds East, on said centerline, 179.52 feet to a point on the South line of the Southeast Quarter of Section 7; thence North 89 degrees 58 minutes 17 seconds West, on said South line, 38.52 feet to the point of beginning. Contains 9.21 acres of land being subject to right-of-way for LeRay Avenue across the southerly boundary and is also subject to and together with any and all easements of record.
4. That part of the Southwest Quarter of the Southeast quarter, Section 7, Township 108 North, Range 25 West described as follows;

Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence South 89 degrees 58 minutes 17 seconds East, assumed bearing, along the south line of said Southwest Quarter of the Southeast Quarter, 62.56 feet to the point of beginning; thence continuing South 89 degrees 58 minutes 17 seconds East, 502.08 feet to a southerly right of way line of Trunk Highway Number 14; thence North 00 degrees 03 minutes 04 seconds East, along said right of way, 61.58 feet to a point on a 511.37 foot radius curve to the left, having a central angle of 24 degrees 21 minutes 23 seconds and a 215.75 foot chord which bears North 77 degrees 52 minutes 20 seconds East; thence on said curve, also being along said right of way, 217.39 feet; thence North 06 degrees 01 minutes 12 seconds East, along said right of way, 117.38 feet; thence North 48 degrees 02 minutes 38 seconds West, along said right of way, 31.60 feet to the point of curvature of a 2446.48 foot radius curve to the left, having a central angle of 19 degrees, 42 minutes, 18 seconds; thence on the curve, along said right of way, a distance of 841.36 feet; thence South 00 degrees 14 minutes 08 seconds West, 509.61 feet; thence South 03 degrees 00 minutes 05 seconds East, 180.11 feet to the point of beginning. Said parcel's southerly boundary is subject to and together with a roadway easement for County State Aid Highway Number 17 and is subject to and together with any and all other easements of record. Said parcel contains 7.8 acres of land more or less.

5. U.S. Trunk Highway #14.
6. Any land already within the City limits.

Parcel No. R39.10.07.400.005 (James and Darlene Dauk – 0.11 acres):

That part of the Southeast Quarter (SE1/4) of Section Seven (7), Township One Hundred Eight (108) North, Range Twenty-five (25) West, described as:

Commencing at the Southwest corner of the Southeast Quarter (SE1/4) of Section Seven (7);

thence North 90 degrees 00 minutes 00 seconds East, assumed bearing, along the South line of Section Seven (7), a distance of 707.63 feet;

thence North 0 degrees 00 minutes 00 seconds East 354.55 feet to the point of beginning;

thence North 00 degrees 00 minutes 00 seconds East 169.03 feet;

thence North 90 degrees 00 minutes 00 seconds East 280 feet;

thence South 00 degrees 00 minutes 00 seconds West 260.03 feet;

thence South 90 degrees 00 minutes 00 seconds West 280 feet;

thence North 00 degrees 00 minutes 00 seconds East 91 feet, to the point of beginning.

EXCEPTING THEREFROM, 1.56 acres pursuant to Minnesota Department of Transportation Right of Way Plat No. 07-46, according to the plat thereof on file and of record with the Blue Earth County Recorder.

Parcel No. R39.10.07.400.006 (James and Darlene Dauk - 5 acres):

A tract of land located in the Southeast Quarter of Section 7-108-25, described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 7-108-25, thence Westerly along the Northerly line of said Southeast Quarter 580 feet, thence Southerly and parallel with the Easterly line of said Southeast Quarter 65 feet to the point of beginning of the parcel to be described; thence continuing South, parallel with the East line of said Southeast Quarter 446 feet, thence West 487 feet, thence North 446 feet, thence East 487 feet to the point of beginning, containing 5 acres of land more or less. Together with a permanent access easement for driveway purposes from County Road No. 27, running thence Westerly to the parcel of land described herein.

Parcel No. R39.10.07.200.003 (Kopacheck - 92.25 acres less 12 acres):

The Southeast Quarter of the Northeast Quarter (SE1/4 of NE1/4) and Government Lot 2, all in Section Seven (7), Township One Hundred Eight (108), Range Twenty-five (25), containing 92.25 acres, Blue Earth County, Minnesota.

LESS:

That part of Government Lot 2, Section 7, Township 108 North Range 25 West, Blue Earth County, Minnesota, described as:

Commencing at the East Quarter corner of said Section 7; thence North 00 degrees 40 minutes 01 seconds West, (Minnesota County Coordinate System – Blue Earth County Zone – HARN NAD83 – 1996), along the east line of the Northeast Quarter of said Section 7, a distance of 1316.22 feet to the northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 7; thence South 89 degrees 48 minutes 59 seconds West, along the north line of the Southeast Quarter of the Northeast Quarter of said Section 7 and along the north line of said Government Lot 2, a distance of 2154.83 feet to the southeasterly corner of Schneider Second Subdivision, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence continuing South 89 degrees 48 minutes 59 seconds West, along the south line of said Schneider Second Subdivision, a distance of 25.69 feet to the point of beginning; thence South 35 degrees 19 minutes 33 seconds West, a distance of 1615.37 feet to a point on the south line of said Government Lot 2; thence South 89 degrees 50 minutes 20 seconds West, along said south line, a distance of 90 feet, more or less, to the point of intersection with the easterly water's edge of Eagle Lake; thence northerly, along said water's edge, 1600 feet, more or less, to the point of

intersection with the south line of said Schneider Second Subdivision; thence North 89 degrees 48 minutes 59 seconds East, a distance of 810 feet, more or less, to the point of beginning. Containing 12 acres, more or less.

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: November 21, 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 Blue Earth 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.