

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)	<u>AMENDED</u>
AGREEMENT BETWEEN THE CITY OF SARTELL)	<u>FINDINGS OF FACT</u>
AND LE SAUK TOWNSHIP PURSUANT TO)	<u>CONCLUSIONS OF LAW</u>
MINNESOTA STATUTES 414)	<u>AND ORDER</u>

The city resolution for orderly annexation submitted by the City of Sartell 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. A joint resolution for orderly annexation was adopted by the City of Sartell and Le Sauk Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.
2. A resolution adopted and submitted by the City of Sartell, requests annexation of part of the designated area described as follows:

Kenneth & Diane Jones
Parcel No. 17.09238.0006

That part of Lot 1 and Lot 16, Auditor's Subdivision #2, Stearns County, Minnesota, according to the recorded plat thereof, described as follows:
Beginning at a point on the West bank of the Mississippi River, said point being North 49 degrees 30 minutes West 1298.30 feet from the northeast corner of said Lot 1; thence South 34 degrees 55 minutes West 395 feet, more or less, to a point lying North 34 degrees 55 minutes East 262.49 feet from the center line of Stearns County Road 1; thence North 53 degrees 18 minutes 53 seconds West 141.00 feet; thence North 34 degrees 55 minutes East 399 feet, more or less to the west bank

of the Mississippi River; thence southeasterly, along said west bank to the point of beginning.

Richard & Kay Baschky

Parcel No. 17.09246.0000

That tract of land lying in Section Numbered 34, Township 125 North of Range 28 West, Fifth Principal Meridian, in Stearns County, Minnesota, bounded as follows, to wit: Beginning at a point on the West Bank of the Mississippi River, said point being North 49 degrees 30 minutes West and 1439.9 feet distant from the Northeast corner of Lot 1 of Auditor's Subdivision No. 2 of the East Half and the East Half of the Northwest Quarter of Section 34, Township 125 North, Range 28 West; Thence running South 34 degrees 55 minutes West 624.7 feet, more or less, to the center line of State Aid Road No. 1; thence running North 53 degrees West, along the center line of said road, for a distance of 140.5 feet; thence running North 34 degrees 55 minutes East to the West Bank of said Mississippi River; thence Southeasterly along said West Bank of said River to the place of beginning and there terminating. Said tract being part of Lots 1 and 16 of said Auditor's Subdivision No. 2

Richard & Kay Baschky

Parcel No. 17.09246.0000

~~That part of Lots 1 and 16, AUDITOR'S SUBDIVISION NUMBER 2, a duly recorded plat in Stearns County, Minnesota, described as follows: Commencing at the east quarter corner of Section 34, Township 125, Range 28, in said county and state; thence North 1 degree 11 minutes 22 seconds West (assumed bearing) along the east line of said Section 34 for 10.75 feet; thence North 66 degrees 20 minutes 01 seconds West for 375.38 feet; thence South 78 degrees 52 minutes 07 seconds West for 473.47 feet; thence North 51 degrees 48 minutes 29 seconds West for 934.61 feet to the point of beginning of the tract to be described; thence continue North 51 degrees 48 minutes 29 seconds West for 151.63 feet; thence North 41 degrees 58 minutes 23 seconds East for 622 feet, more or less, to the westerly shoreline of the Mississippi River; thence southeasterly along said shoreline for 87 feet; more or less, to a line drawn North 35 degrees 57 minutes 26 seconds East from the point of beginning; thence South 35 degrees 57 minutes 26 seconds West for 635 feet, more or less, to the point of beginning.~~

Dani Westra

Parcel No. 17.09243.0000

A tract of land in Lot One (1) of Auditors Subdivision No. 2 of Section 34, Township 125, Range 28 described as follows: Commencing at a point on the

bank of the Mississippi River 1010 feet North 48 degrees 55 minutes West of the Northeast corner of said Lot One (1); thence South 34 degrees 55 minutes West 588 feet to the center of State Aid Road No. 1; thence North 53 degrees West along the center line of said road 74.5 feet; thence North 34 degrees 55 minutes East 605 feet to the right bank of the Mississippi River; thence South 48 degrees 50 minutes East along the bank of said river to the place of beginning.

Less and except that part of the above described tract described as follows: Beginning at a point on the right bank of the Mississippi River, 48 degrees 55 minutes West of the Northeast corner of Lot One (1), Auditors Subdivision No. 2, of Section 34, Township 125, Range 28, said point being 1010 feet distant from said Northeast corner of Lot One (1) and running thence South 34 degrees 55 minutes West 200 feet to a point; thence North 53 degrees West 74.5 feet; to a point; thence North 34 degrees 55 minutes East a distance of 200 feet to the right bank of the Mississippi River; thence South 48 degrees 50 minutes East along the bank of said river to the place of beginning and there terminating.

James Noonan

Parcel No. 17.09238.0000

That part of Lot 1 and Lot 16, Auditor's Subdivision Number 2, Stearns County, Minnesota, according to the recorded plat thereof, described as follows:

Commencing at a point on the west bank of the Mississippi River, said point being North 49 degrees 30 minutes West 1298.30 feet from the northeast corner of said Lot 1; thence South 34 degrees 55 minutes West 395 feet, more or less to the point of beginning of the land to be described; thence continuing South 34 degrees 55 minutes West 262.49 feet to the center line of Stearns County Road 1; thence North 53 degrees 14 minutes West, along said center line 141.00 feet; thence North 34 degrees 55 minutes East 262.29 feet; thence South 53 degrees 18 minutes 53 seconds East 141.00 feet to the point of beginning.

Patsy Schelske

Parcel No. 17.09270.0000

Lot 13 and that part of Lot 12, BRAUCH'S SUB-DIVISION LOT 17, AUDITORS SUB-DIV. NO. 2 SEC. 34, T125N, R28W (Lot 12), according to the plat and survey thereof on file and of record in the office of the County Recorder, in and for said Stearns County, Minnesota, lying southeasterly of the following described Line A:

Line A

Commencing at the point of intersection of the south line of Lot 17, AUDITORS

SUBDIVISION NO. 2 OF THE E1/2 AND THE E1/2 OF NW1/4 OF SEC. 34, T125N, R28W according to the plat and survey thereof on file and of record in the office of the County Recorder, in and for said Stearns County, Minnesota (Lot 17) with the southwesterly line of said Lot 12, designated by an iron pipe, 3/4 inch in diameter; thence easterly along said south line of Lot 17 on an assumed bearing of South 74 degrees 08 minutes 51 seconds East for 228.32 feet to the southeast corner of said Lot 17, said corner designated by a found iron pipe, 2 inches in diameter; thence South 64 degrees 46 minutes 09 seconds West for 141.35 feet to the point of intersection with the northeasterly right of way line of River Vista Lane, f/k/a County Road No. 1; thence North 36 degrees 57 minutes 32 seconds West, along said northeasterly right of way line for 81.09 feet to the point of beginning of the line to be described, an iron pipe, 3/4 inch in diameter, marked DELEO RLS 40341, has been set to mark said point; thence North 58 degrees 14 minutes 30 seconds East for 558.14 feet, an iron pipe, 3/4 inch in diameter, marked DELEO RLS 40341, has been set to mark said point; thence continue North 58 degrees 14 minutes 30 seconds East for 37 feet more or less to the point of intersection southwesterly shoreline of the Mississippi River said point of intersection being the most easterly corner of said Lot 12, and there terminate said line.

together with;

That part of Lot 16, AUDITORS SUBDIVISION NO. 2 OF THE E1/2 AND THE E1/2 OF NW1/4 OF SEC. 34, T125N, R28W, according to the plat and survey thereof on file and of record in the office of the County Recorder, in and for said Stearns County, Minnesota (Lot 16) lying southeasterly of the above described Line A and lying northeasterly of the northeasterly right of way line of River Vista Lane, f/k/a County Road No. 1, described as follows:

Beginning at the point of beginning of the above described Line A; thence; thence northerly along the above described Line A on an assumed bearing of North 58 degrees 14 minutes 30 seconds East for 59.40 feet to the point of intersection with the north line of said Lot 16; thence South 74 degrees 08 minutes 51 seconds East, along the north line of said Lot 16 for 119.15 feet to the southeast corner of Lot 17, said AUDITORS SUBDIVISION NO. 2 OF THE E1/2 AND THE E1/2 OF NW1/4 OF SEC. 34, T125N, R28W, said corner designated by a found iron pipe, 2 inches in diameter; thence South 64 degrees 46 minutes 09 seconds West for 173.27 feet to the point of intersection with the centerline of River Vista Lane, f/k/a County Road No. 1; thence North 36 degrees 57 minutes 32 seconds West for 77.46 feet along said centerline to the southwesterly extension of said Line A; thence North 58 degrees 14 minutes 30 seconds East, along said Line A, 31.57 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 Assistant 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 Sartell, the same as if it had originally been made a part thereof.

2. That in accordance with the terms of City Resolution No. 117-1992/Town Resolution No. 92-1 signed by the City of Sartell on October 26, 1992 and the Town of Le Sauk on October 13, 1992, as amended by Town of Le Sauk Resolution No. 95-3 and City of Sartell Resolution 72-1955, the parties have negotiated financial arrangements that stand in lieu of any other reimbursements to the Town of Le Sauk pursuant to Minn. Stat. 414.036, as amended.

3. Pursuant to Minnesota Statutes §414.035, the tax rate of the City of Sartell on the property herein ordered annexed shall be increased in substantially equal proportions over a

period of five years to equality with the tax rate of the property already within the city.

Dated this 26th day of February, 2010.

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

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

Amended this 19th day of March, 2010.

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

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments