

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-775-6
Waite Park/St. Joseph Township
Pursuant to Minnesota Statutes 414

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

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

PARCEL 1

That part of the West Half of the Southeast Quarter (W1/2 SE1/4) of Section 13, Township 124 North, Range 29 West in Stearns County Minnesota; lying northerly of the south right of way line of County State Aid Highway 138 and southerly of the south bank of the Sauk River.

PARCEL 2

That part of the West Half of the Southeast Quarter (W1/2 SE1/4) of Section 13, Township 124 North, Range 29 West in Stearns County Minnesota; lying southerly of the south right of way line of County State Aid Highway 138 and lying westerly of the following described line: Commencing at point B3, of MNDOT Right of Way Plat No. 73-39; thence North 57 degrees 58 minutes 15 seconds East a distance of 10.00 feet to the point of beginning; thence North 32 degrees 01 minutes 45 seconds

West a distance of 34.81 feet; thence northwesterly along a tangential curve concave to the northeast a distance of 242.08 feet, said curve having a radius of 440 feet, a delta of 31 degrees 31 minutes 22 seconds and having a chord bearing of North 16 degrees 16 minutes 04 seconds West and a chord length of 239.04 feet; thence North 00 degrees 30 minutes 23 seconds West a distance of 3237.23 feet; thence northwesterly along a tangential curve concave to the southwest a distance of 239.86 feet, said curve having a radius of 360 feet, a delta of 38 degrees 10 minutes 29 seconds and having a chord bearing of North 19 degrees 35 minutes 38 seconds West and a chord length of 235.45 feet; thence North 38 degrees 40 minutes 52 seconds West a distance of 79.89 feet more or less to the point of termination at the intersection of the south right of way line of County State Aid Highway 138.

PARCEL 3

The West Half of the Northeast Quarter (W1/2 NE1/4) of Section 24, Township 124 North, Range 29 West in Stearns County Minnesota; less an except that part of said W1/2 NE1/4 included in MNDOT Right of Way Plat No. 73-39; and less an except that part of said W1/2 NE1/4 included in Lots 1 & 2, Block One, INDUSTRIES WEST PLAT 3, according to the recorded plat thereof on file and of record in the Office of County Recorder in and for Stearns County, Minnesota; and less an except that part of said W1/2 NE1/4 included in following described parcel: Commencing at point B3, of said MNDOT Right of Way Plat No. 73-39; thence North 57 degrees 58 minutes 15 seconds East a distance of 10.00 feet to the point of beginning; thence North 32 degrees 01 minutes 45 seconds West a distance of 34.81 feet; thence northwesterly along a tangential curve concave to the northeast a distance of 242.08 feet, said curve having a radius of 440 feet, a delta of 31 degrees 31 minutes 22 seconds and having a chord bearing of North 16 degrees 16 minutes 04 seconds West and a chord length of 239.04 feet; thence North 00 degrees 30 minutes 23 seconds West a distance of 2209.68 feet to the north line of said W1/2 NE1/4; thence North 88 degrees 56 minutes 00 seconds East along said north line 699.67 feet to the northeast corner of said W1/2 NE1/4; thence South 00 degrees 29 minutes 45 seconds East along the east line of said W1/2 NE1/4 a distance of 290.33 feet; thence South 89 degrees 29 minutes 37 seconds West a distance of 619.58 feet; thence South 00 degrees 30 minutes 23 seconds East a distance of 1926.19 feet; thence southeasterly along a tangential curve concave to the northeast a distance of 198.06 feet, said curve having a radius of 360 feet, a delta of 31 degrees 31 minutes 22 seconds and having a chord bearing of South 16 degrees 16 minutes 04 seconds East and a chord length of 195.58 feet; thence South 32 degrees 01 minutes 45 seconds East a distance of 34.81 feet to a point on said MNDOT Right of Way Plat No. 73-39; thence South

57 degrees 58 minutes 15 seconds West along said MNDOT Right of Way Plat No. 73-39 a distance of 80.00 feet to the point of beginning.

PARCEL 4

That part of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 24, Township 124 North, Range 29 West in Stearns County Minnesota; lying northerly of the north right of way line of Trunk Highway 23 and westerly of the west right of way line of 36th Avenue.

PARCEL 5

That part of the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section 24, Township 124 North, Range 29 West in Stearns County Minnesota; lying southerly of the north right of way line of Trunk Highway 23.

PARCEL 6

That part of the Southeast Quarter (SE1/4) of Section 24, Township 124 North, Range 29 West in Stearns County Minnesota; lying southerly of the north right of way line of Trunk Highway 23.

PARCEL 7

The East Half (E1/2) of Section 25 LESS AND EXCEPT the West half of the Southwest Quarter of the Southeast Quarter, Township 124 North, Range 29 West in Stearns County Minnesota.

3. The city resolution states that a Rural Tax Code will be established for the annexation area.

4. 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.

5. 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 Waite Park, the same as if it had originally been made a part thereof.
2. Pursuant to Minnesota Statutes §414.036, St. Joseph Township will be reimbursed by the City of Waite Park in accordance with the terms of Joint Resolution No. 01-1/01-26 signed by the City on May 8, 2001 and the Township on May 29, 2001; and City Resolution No. 091012-06A.
3. The effective date of this Order is January 1, 2013 at 12:01 a.m.

Dated: November 13, 2012



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