

# Holmstrom & Kvam

Attorneys at Law

A Professional Limited Liability Partnership

685 Prentice Street • PO Box 70 • Granite Falls, MN 56241 •

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August 10, 2016

✓ Secretary of State  
Business Services Division  
180 State Office Building  
100 Reverend Dr. Martin Luther King, Jr. Boulevard  
St. Paul, MN 55155

Yellow Medicine County  
Property and Public Services  
Public Services Division  
180 8<sup>th</sup> Avenue  
Granite Falls, MN 56241

Minnesota Falls Township  
c/o Ryan Fromm  
2404 540<sup>th</sup> Street  
Granite Falls, MN 56241

RE: City of Granite Falls Annexation

Pursuant to Minnesota Statutes §414.033, Subd. 7, together with the hereto enclosed Order Approving Annexation Ordinance from the State of Minnesota, Office of Administrative Hearings, dated August 3, 2016, I enclose a copy of the annexation ordinance together with a copy of the Order from the office of administrative hearings. If anything additional is required or if you have any questions, please do not hesitate to contact me.

Sincerely,

HOLMSTROM & KVAM, PLLP

A handwritten signature in black ink, appearing to read "G. Holmstrom".

Gregory L. Holmstrom  
City Attorney

dme

Enclosure

pc: Joan Taylor, City Clerk  
Minnesota Office of Administrative Hearings



170386

August 3, 2016

City of Granite Falls  
c/o Joan Taylor, Clerk  
Granite Falls City Hall  
641 Prentice Street  
Granite Falls, MN 56241-1517

Minnesota Falls Town Board  
c/o Ryan Fromm, Clerk  
2404 540<sup>th</sup> Street  
Granite Falls, MN 56241

Gregory Holmstrom  
Holmstrom & Kvam, PLLP  
PO Box 70  
Granite Falls, MN 56241

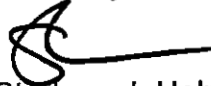
**RE: OAH 84-0331-33701 (MBAU A-8005 Granite Falls/Minnesota Falls Township)**

Dear Ms. Taylor, Mr. Fromm, and Mr. Holmstrom:

Attached and served upon you is Chief Administrative Law Judge Tammy L. Pust's **ORDER APPROVING ANNEXATION ORDINANCE** in the above-entitled matter. The Office of Administrative Hearings' file in this matter is now closed.

Please contact me at 651-361-7909 or [star.holman@state.mn.us](mailto:star.holman@state.mn.us) if you have any questions.

Sincerely,



Starlene J. Holman  
State Program Administrator Senior

Attachment

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of Certain  
Real Property to the City of Granite Falls  
from Minnesota Falls Township  
(MBAU Docket A-8005)

**ORDER APPROVING  
ANNEXATION ORDINANCE**

On July 18, 2016, the City of Granite Falls (City) adopted Ordinance Number 176 (Ordinance) annexing certain real property (Property) from Minnesota Falls Township (Township) legally described as follows:

TRACT #1

Starting at the north sixteenth (1/16) corner of the Northeast Quarter of Section Four (4), Range Thirty-nine West (R39W), Township One Hundred Fifteen North (T115N), Fifth (5) Principal Meridian; thence South 1°51'51" West Eight Hundred Sixty-two and Forty-two hundredths feet (862.42') along the sixteenth line to right-of-way corner B6 and to point of beginning; thence North 44°37'28" East Two Hundred Seventeen and Ninety hundredths feet (217.90') along right-of-way line to right-of-way corner B5; thence along an arc to the right One Hundred Seventy and Fifty-nine hundredths feet (170.59') long, with a radius of Five Hundred Twenty-two and Ninety-six hundredths feet (522.96') and an internal angle of 18°41'22" along the right-of-way line to right-of-way corner B4; thence South 45°20'48" East One Hundred Thirty-six and Twenty-nine hundredths feet (136.29') along the right-of-way line to right-of-way corner B3; thence along an arc to the left Six Hundred Fifty-five and Forty-six hundredths feet (655.46') long with a radius of Seven Thousand Seven Hundred Thirty-nine and Forty-four hundredths feet (7739.44') and an internal angle of 4°50'58" along the right-of-way line to the east/west sixteenth line; thence North 89°29'09" West Two Hundred Forty-six and Eighty-eight hundredths feet (246.88') along the sixteenth line to the center of the NE Quarter of Section 4; thence North 3°19'20" East Three Hundred Twenty-eight and Forty hundredths feet (328.40') along sixteenth line to right-of-way corner B7; thence North 1°23'18" East One Hundred Forty-three and Seventy-seven hundredths feet (143.77') along the sixteenth line to the point of beginning and right-of-way corner B6.

and

TRACT #2

Beginning at the intersection of the East line of the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) of Section Four (4) Township One Hundred Fifteen (115) Range Thirty-nine (39) with the center line of County State Aid Road No. 39 as now constructed, running thence South a distance of 213 feet along

aforementioned East line, thence West to right angles a distance of 200.31 feet to intersect with the center of County State Aid Road No. 39, running thence easterly 292.39 feet to the place of beginning.

Based upon a review of the Ordinance, the Chief Administrative Law Judge makes the following:

### ORDER

1. Pursuant to Minn. Stat. § 414.033 (2016), the Ordinance is deemed adequate in all legal respects and properly supports this Order.
2. Pursuant to the terms of the Ordinance and this Order, the Property is **ANNEXED** to the City.
3. As there is no taxable property within the Property, the provision of Minn. Stat. § 414.036 (2016) are not applicable.

Dated: August 3, 2016



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TAMMY L. PUST  
Chief Administrative Law Judge

### NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.033, .07, .09, .12 (2016). Minn. Stat. § 414.033, subd. 7 requires that a copy of the annexation ordinance be filed with the township, the appropriate county auditor(s), and the Secretary of State.

Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Yellow Medicine 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 (2015). However, no request for amendment shall extend the time of appeal from this Order.

ORDINANCE NO. 176, 2<sup>ND</sup> SERIES

AN ORDINANCE OF THE CITY OF GRANITE FALLS, MINNESOTA, ANNEXING PROPERTY LOCATED IN MINNESOTA FALLS TOWNSHIP, YELLOW MEDICINE COUNTY, MINNESOTA, PURSUANT TO MINNESOTA STATUTES §414.033, SUBD. 2(3), PERMITTING ANNEXATION BY ORDINANCE.

WHEREAS, said property is unincorporated and abuts the City of Granite Falls on its south border; and

WHEREAS, the property to be annexed is 120 acres or less, specifically approximately 5.09 acres, is not presently served by public wastewater facilities nor are public wastewater facilities otherwise available and the owners of the property have filed a petition with the City seeking annexation of the same; and

WHEREAS, the City of Granite Falls, pursuant to Minnesota Statutes §414.033, Subd. 2(b), has held a public hearing after giving 30 days written notice by certified mail to the Township of Minnesota Falls and the landowners within and contiguous to the property to be annexed;

NOW, THEREFORE, the city council of the City of Granite Falls hereby ordains as follows:

1. The city council hereby determines that the property as hereinafter described abuts the City limits and is urban or suburban in nature or about to become so pursuant to a proposal for development of the same.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation.
3. The corporate limits of the City of Granite Falls, Minnesota, are hereby extended to include the following described property, said land abutting the City of Granite Falls and being owned by individuals who have petitioned the City for the annexation of the same and it being necessary and appropriate that the same be annexed for purposes of its intended usage by the property owners, with said annexation to be within the corporate limits of said City of Granite Falls, Minnesota, the property being located in the County of Yellow Medicine, legally described as follows, to-wit:

**TRACT #1**

Starting at the north sixteenth (1/16) corner of the Northeast quarter of Section Four (4), Range Thirty-nine west (R39W), Township One Hundred Fifteen North (T115N), Fifth (5) Principal Meridian; thence South 1°51'51" West Eight Hundred Sixty-two and Forty-two hundredths feet (862.42') along the sixteenth line to right-of-way corner B6 and to point of beginning; thence North 44° 37' 28" East Two Hundred Seventeen and Ninety hundredths feet (217.90') along right-of-way line to right-of-way corner B5; thence along an arc to the right One Hundred Seventy and Fifty-nine hundredths feet (170.59') long, with a radius of Five Hundred Twenty-two and Ninety-six hundredths feet (522.96') and an internal angle of 18° 41' 22" along the right-of-way line to right-of-

way corner B4; thence South 45° 20' 48" East One Hundred Thirty-six and Twenty-nine hundredths feet (136.29') along the right-of-way line to right-of-way corner B3; thence along an arc to the left Six Hundred Fifty-five and Forty-six hundredths feet (655.46') long with a radius of Seven Thousand Seven Hundred Thirty-nine and Forty-four hundredths feet (7739.44') and an internal angle of 4° 50' 58" along the right-of-way line to the east/west sixteenth line; thence north 89° 29' 09" West Two Hundred Forty-six and Eighty-eight hundredths feet (246.88') along the sixteenth line to the center of the NE quarter of Section 4; thence North 3° 19' 20" East Three Hundred Twenty-eight and Forty hundredths feet (328.40') along sixteenth line to right-of-way corner B7; thence North 1° 23' 18" East One Hundred Forty-three and Seventy-seven hundredths feet (143.77') along the sixteenth line to the point of beginning and right-of-way corner B6.

#### TRACT #2

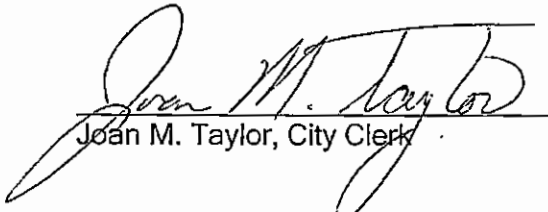
Beginning at the intersection of the East line of the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) of Section Four (4) Township One Hundred Fifteen (115) Range Thirty-nine (39) with the center line of County State Aid Road No. 39 as now constructed, running thence south a distance of 213 feet along aforementioned East line, thence west to right angles a distance of 200.31 feet to intersect with the center of County State Aid Road No. 39, running thence Easterly 292.39 feet to the place of beginning.

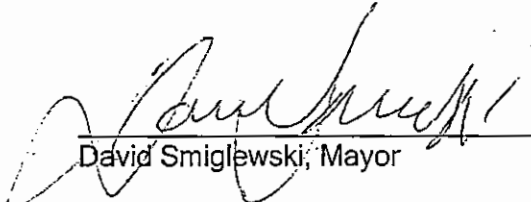
The above-described property consists of a total of 5.09 acres more or less. A copy of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries of the City of Granite Falls is attached hereto as Exhibit A.

4. That the area legally described herein is vacant and will not affect the population of the City at this time.
5. The City of Granite Falls will make no cash payment to Minnesota Falls Township pursuant to Minnesota Statutes §414.036.
6. That pursuant to Minnesota Statutes §414.036 there are no special assessments assigned by the town to the annexed property.
7. That the city manager of the City of Granite Falls is hereby authorized and directed to file a copy of this ordinance with the Municipal Boundary Adjustment Unit of the Office of the Administrative Hearings, the Minnesota Secretary of State, the Yellow Medicine County Auditor/Treasurer and the Minnesota Falls Township clerk.
8. That this ordinance shall be in full force and effect and final upon the date this ordinance is approved by the Office of Administrative Hearings.

Passed and adopted by the city council of the City of Granite Falls, Minnesota, this 18<sup>th</sup> day of July, 2016.

ATTEST:

  
Joan M. Taylor, City Clerk

  
David Smiglewski, Mayor

This Ordinance published in the *Granite Falls-Clarkfield Advocate Tribune* on the 20<sup>th</sup> day of July, 2016.

State of Minnesota            )  
  ) ss.  
County of Yellow Medicine    )

Subscribed and sworn to before me this 19<sup>th</sup> day of July 2016, by David Smiglewski and Joan M. Taylor, the Mayor and City Clerk, respectively, of the City of Granite Falls, Minnesota, a political subdivision of the State of Minnesota.

  
Notary Public

