

DYMOKE LAW OFFICE P.A.

Scott E. Dymoke
Rachel J. Dymoke

300 Riverside Avenue NW
P.O. Box 127
Melrose, MN 56352-0127

Telephone (320) 256-4205
FAX (320) 256-7201
www.dymokelawoffice.com

January 6, 2017

Steve Simon
Minnesota Secretary of State
Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St Paul, MN 55155



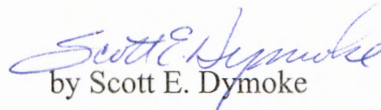
Re: Annexation of Eich/Engelbretson Property
Stearns County, MN
Part of Parcel No. 21.12553.0000

Dear Mr. Simon:

The City of Melrose has completed the annexation by ordinance of part of the Joseph Eich and Melissa Engelbretson property. Enclosed for your files are copies of Melrose City Ordinance No. 11-17-2016-1 and the Minnesota Office of Administrative Hearings' Order Approving Annexation Ordinance. We are also enclosing your office's "Precinct Boundary Change Notice."

If you have any questions or concerns regarding this matter, please feel free to contact us or Melrose City Administrator Michael Brethorst.

Sincerely,
Dymoke Law Office, PA


by Scott E. Dymoke

enclosures

cc: M. Brethorst
M. Creelman

171814

Ordinance No. 11-17-2016-1

**AN ORDINANCE APPROVING THE PETITION
OF JOSEPH J. EICH AND MELISSA S. ENGBRETSON
FOR THE ANNEXATION OF UNPLATTED LAND NOT EXCEEDING 120 ACRES
TO THE CITY OF MELROSE,
UNDER MINNESOTA STATUTES SECTION 414.033, SUBD. 2(3).**

THE CITY COUNCIL OF THE CITY OF MELROSE ORDAINS AS FOLLOWS:

Section 1. Findings.

- A. On October 7, 2016, Joseph J. Eich and Melissa S. Engebretson ("Petitioners") filed a Petition for Annexation pursuant to Minnesota Statutes Section 414.033, Subd. 2(3) with the City of Melrose; said petition identified the Petitioners' as all of the owners of real property described as follows:

See attached Land Description

and requested that the City Council annex the described Premises;

- B. On October 17, 2016, the City of Melrose notified the Petitioners that the cost of electrical utility service may change and provided the Petitioners with an estimate of the cost of electrical utility service following annexation as required by Minnesota Statutes Section 414.033, Subd. 13;
- C. On October 17, 2016, the City of Melrose, as required by Minnesota Statutes Section 414.033, Subd. 2b, gave written notice by certified mail to Melrose Township and all of the owners of property contiguous to the described Premises that a public hearing on the Petitioners' petition would be held on November 17, 2016;
- D. On October 17, 2016, the City of Melrose published notice of the public hearing on the Petitioners' petition in the Melrose Beacon;
- E. On November 17, 2016, the City of Melrose held a public hearing, at which the City Council considered the Petitioners' petition; persons attending said public hearing included Joseph J. Eich and Melissa S. Engebretson, members of the Melrose Township Board of Supervisors, owners of property contiguous to the described Premises, and other members of the public;
- F. The Petitioners' petition recites that:
1. the Petitioners are all of the owners of the described Premises,

2. the described Premises abuts the City of Melrose and is not included within any other municipality,
3. the described Premises is 120 acres or less, and
4. the described Premises is not presently served by public sewer facilities or public sewer facilities are not otherwise available;

G. The City Planning and Development Director testified at the public hearing that:

1. annexation will permit the described premises to be served by City of Melrose public sewer facilities, and
2. reviewed applicable portions of the City's Comprehensive Plan;

H. No testimony was presented by the Melrose Township officers present at the hearing;

I. The described Premises is not included in any other boundary proceeding pending before the Office of Administrative Hearings; and

J. The described Premises is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes Section 414.0325;

Section 2. Conclusions. Based upon the notices and petitions filed with the City of Melrose, and the information presented at the public hearing, the City Council of the City of Melrose concludes that:

- A. Pursuant to Minnesota Statutes Section 414.033, subd. 2(3) the described Premises is deemed urban or suburban in character or is about to become so, and
- B. The City Council may declare by ordinance that the described Premises are annexed to the City of Melrose.

Section 3. Approval of Petition. Pursuant to Minnesota Statutes Section 414.033, subd. 2(3), the City Council of the City of Melrose hereby:


- A. Approves the Petition for Annexation of Joseph J. Eich and Melissa S. Engebretson, and,
- B. Annexes to the City of Melrose and extends the City's boundaries to include the real property described as follows:

See attached Land Description

Section 4. Zoning District Assignment. Pursuant to Section 203 of Melrose City Ordinance No. 1989-A, as amended, the City Council of the City of Melrose hereby by assigns the described Premises to the I Industry District.

Section 5. Effective Date. This ordinance shall take effect upon its passage and publication.

Adopted by the City Council of the City of Melrose on November 17, 2016.



Joe Finken, Mayor
City of Melrose

Attest: 

Patricia Haase, City Clerk

LAND DESCRIPTION:

That part of the East Half of the Southeast Quarter, Section 35, Township 126, Range 33, Stearns County, Minnesota, being described as follows:

Commencing at the southeast corner of said Section 35; thence on an assumed bearing of North 89 degrees 52 minutes 43 seconds West, along the south line of said Southeast Quarter and also being the south line of the plat of EICH'S ACRES, according to the recorded plat thereof on file in the office of the County Recorder, Stearns County, Minnesota, a distance of 662.18 feet to the southwest corner of the East Half of the Southeast Quarter of the Southeast Quarter and also being the southwest corner of said plat of EICH'S ACRES; thence North 00 degrees 43 minutes 50 seconds West, along the westerly line of said plat of EICH'S ACRES also being the west line of said East Half of the Southeast Quarter of the Southeast Quarter, a distance of 285.00 feet to the northwest corner of said plat of EICH'S ACRES; thence continuing North 00 degrees 43 minutes 50 seconds West, along said west line of the East Half of the Southeast Quarter of the Southeast Quarter, a distance of 700.60 feet to the point of beginning of the parcel of land to be described; thence continuing North 00 degrees 43 minutes 50 seconds West, along said west line of the East Half of the Southeast Quarter of the Southeast Quarter and its northerly extension, a distance of 518.62 feet; thence North 52 degrees 34 minutes 36 seconds West, a distance of 555.79 feet; thence North 00 degrees 40 minutes 00 seconds West, a distance of 694 feet, more or less, to the southerly bank of the Sauk River; thence Southwesterly, along said southerly bank of the Sauk River, a distance of 239 feet, more or less, to the west line of the East Half of the Southeast Quarter; thence South 00 degrees 40 minutes 00 seconds East, along the west line of said East Half of the Southeast Quarter, a distance of 1462 feet, more or less, to the northwest corner of West Half of the South Three-Fourths of the Southeast Quarter of said Southeast Quarter; thence South 89 degrees 54 minutes 31 seconds East, a distance of 661.07 feet to the point of beginning.

Said parcel of land contains 14.6 acres of land, more or less, and is subject to existing easements of record.

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Melrose from Melrose Township
(MBAU Docket A-8032)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On November 17, 2016, the City of Melrose (City) adopted Ordinance Number 11-17-2016-1 (Ordinance) annexing certain real property (Property) from Melrose Township (Township) legally described as follows:

That part of the East Half of the Southeast Quarter, Section 35, Township 126, Range 33, Stearns County, Minnesota, being described as follows:

Commencing at the southeast corner of said Section 35; thence on an assumed bearing of North 89 degrees 52 minutes 43 seconds West, along the south line of said Southeast Quarter and also being the south line of the plat of EICH'S ACRES, according to the recorded plat thereof on file in the office of the County Recorder, Stearns County, Minnesota, a distance of 662.18 feet to the southwest corner of the East Half of the Southeast Quarter of the Southeast Quarter and also being the southwest corner of said plat of EICH'S ACRES; thence North 00 degrees 43 minutes 50 seconds West, along the westerly line of said plat of EICH'S ACRES also being the west line of said East Half of the Southeast Quarter of the Southeast Quarter, a distance of 285.00 feet to the northwest corner of said plat of EICH'S ACRES; thence continuing North 00 degrees 43 minutes 50 seconds West, along said west line of the East Half of the Southeast Quarter of the Southeast Quarter, a distance of 700.60 feet to the point of beginning of the parcel of land to be described; thence continuing North 00 degrees 43 minutes 50 seconds West, along said west line of the East Half of the Southeast Quarter of the Southeast Quarter and its northerly extension, a distance of 518.62 feet; thence North 52 degrees 34 minutes 36 seconds West, a distance of 555.79 feet; thence North 00 degrees 40 minutes 00 seconds West, a distance of 694 feet, more or less, to the southerly bank of the Sauk River; thence Southwesterly, along said southerly bank of the Sauk River, a distance of 239 feet, more or less, to the west line of the East Half of the Southeast Quarter; thence South 00 degrees 40 minutes 00 seconds East, along the west line of said East Half of the Southeast Quarter, a distance of 1462 feet, more or less, to the northwest corner of West Half of the South Three-Fourths of the Southeast Quarter of said Southeast Quarter; thence South 89 degrees 54 minutes 31 seconds East, a distance of 661.07 feet to the point of beginning. Said parcel of land contains 14.6 acres of land, more or less, and is subject to existing easements of record.

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

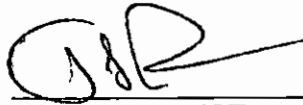
ORDER

1. Pursuant to Minn. Stat. § 414.033 (2016), the Ordinance is deemed adequate in all legal respects and properly support this Order.

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

3. Pursuant to Minn. Stat. § 414.036 (2016), and as agreed to by the City and Township, and the City will reimburse the Township two equal payments of \$125 as stated in the City's January 5, 2017 letter to the Township.

Dated: January 6, 2017



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 Stearns 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.

**Office of the Minnesota Secretary of State
Precinct Boundary Change Notice**

Municipal clerks and county auditors may use this form to notify the Secretary of State within 30 days of any precinct boundary change, as required by *Minnesota Statutes* 204B.14, subd. 5, or to request correction of an election district boundary under *Minnesota Statutes* 204.146, subd. 3. See page 2 for details about the statutes relating to precincts and election districts.

Contact Information

Name Scott E. Dymoke
Title Melrose City Attorney City/Town/County Melrose, Stearns County
Address 300 Riverside Ave NW
City, State and Zip Code Melrose, MN 56352
Email address sedymoke@meltel.net Phone number 320-256-4205

Boundary change

Reason for change

- ☒ Annexation/Detachment—specify OAH Docket number(s): A-8032
☐ Other changes by municipality or county:

Precincts involved

Territory that was in precinct Melrose Twp will now be in precinct City of Melrose
Attach additional sheets if more explanation is necessary.

Election district boundary change request

- ☒ Check if requesting change in election district boundary (boundary adjustments only—see page 2)
If checked, include the number of registered voters affected by each boundary adjustment: 0

Supplemental materials

A copy of relevant resolutions/ordinances and a map clearly showing new boundaries are requested.

- ☐ These supplemental materials are attached with this form
☒ These supplemental materials were submitted to the Office of Administrative Hearings as part of boundary adjustment proceedings, and are available on the Municipal Boundary Adjustment website.

This office will contact the person named above with any additional questions.

Submitting this notice

Return form and materials via email (elections.dept@state.mn.us), fax (651-296-9073) or postal mail (Elections Division, Secretary of State, 180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd, Saint Paul, MN 55155). For questions, email or call 651-215-1440.

Office of the Minnesota Secretary of State

Information about precincts

What are precincts?

Precincts are the basic geographical units for organizing and administering elections. Each city and town has at least one precinct. A municipality may be subdivided into more than one precinct by its city council or town board. An unorganized area may be subdivided into more than one precinct by the county board. One precinct may not be in more than one:

- Congressional district (*Minnesota Statutes* 204B.14, subd. 3)
- Legislative district (*Minnesota Statutes* 204B.14, subd. 3)
- County commissioner district (*Minnesota Statutes* 375.025, subd. 1)
- City ward (*Minnesota Statutes* 204B.14, subd. 2(a)(1))

When can precincts change?

- Even years (except Redistricting): precinct changes may not be adopted later than June 1 (*M.S.* 204B.14, subd. 4)
- Odd years (except Redistricting): precinct changes must be adopted at least ten weeks before the next election (*Minnesota Statutes* 204B.14, subd. 4)
- Redistricting: from January 1, 2020 until the legislature has been redistricted, no changes may be made to precinct boundaries except due to annexations adjacent to the municipal boundary, and subdividing existing precincts. First class cities electing council members by ward in 2021 also have an exception. (*Minnesota Statutes* 204B.14, subd. 3)

What about boundary adjustments?

Precinct changes due to municipal boundary adjustments under *Minnesota Statutes* 414 that are effective more than 21 days before a regularly scheduled election take effect at the scheduled election. Those that are effective less than 21 days before a regularly scheduled election take effect the day after the scheduled election. (*Minnesota Statutes* 204B.14, subd. 4a)

Information about election districts

What are election districts?

Election districts are areas that elect a representative to a governmental body. Examples include congressional districts at the federal level, senate and legislative seats at the state level, commissioner districts at the county level, wards at the city level, and board member districts in certain school districts.

When can election districts change?

Election districts usually only change after the decennial census as part of the redistricting process.

In addition to that, the secretary of state may order corrections to election district boundaries in certain circumstances: when a municipal boundary that is coterminous with a congressional, legislative, or county commissioner district boundary has changed, and the affected territory contains 50 or fewer registered voters. Due to this requirement, if requesting an election district change, include the number of registered voters. If an election district change is not requested, a new precinct may be required. An election district boundary change done in this way is effective 28 days after the date the order is issued. (*Minnesota Statutes* 204B.146, subd. 3)

7/10/20 1:00 PM