

GLENWOOD CITY ATTORNEY

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October 4, 2018

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

Minnewaska Town Board
Attn: Diane Ronnie, Clerk
25807 Nordic Point Drive
Glenwood, MN 56334

Pope County Auditor/Treasurer
Pope County Court House
130 East Minnesota Ave.
Glenwood, MN 56334

Re: City of Glenwood\Minnewaska Township Annexation Ordinance
Our File # 18-43

Ladies and Gentlemen:

I enclose with this correspondence and serve upon each of you the enclosed order of the State of Minnesota Office of Administrative Hearings approving the Annexation Ordinance in this matter (MBAU Docket A-8102) dated October 1, 2018.

Sincerely,

GLENWOOD CITY ATTORNEY

By: _____

Bruce D. Obenland

BDO/djw/ltr.
Enclosure



190913



MINNESOTA

OFFICE OF
ADMINISTRATIVE
HEARINGS

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October 1, 2018

Troy E. Nelson
Obenland & Nelson
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Minnewaska Town Board
c/o Dianne Ronnie, Clerk
25807 Nordic Pt Dr
Glenwood, MN 56334

City of Glenwood
c/o David Iverson, Administrator
Glenwood City Hall
137 E Minnesota Ave
Glenwood, MN 56334-1627

Re: OAH 84-0330-34892 (MBAU A-8102 Glenwood/Minnewaska Township)

Dear Mr. Nelson, Ms. Ronnie, and Mr. Iverson:

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 if you have any questions.

Sincerely,

STARLENE J. HOLMAN
State Program Administrator Senior

Attachment

c: Glenwood Town Board, c/o David Sibell, Clerk

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of
Certain Real Property to the City of
Glenwood from Minnewaska Township
(MBAU Docket A-8102)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On February 22, 2018, the City of Glenwood (City) adopted a Notice of Intent to Annex pursuant to Minn. Stat. § 414.033, subd. 3 (2016).

No objection by the Minnewaska Town Board (Township) was served pursuant to Minn. Stat. § 414.033, subd. 3.

On July 25, 2018, the City adopted Ordinance Number 16, Third Series (Ordinance) annexing certain real property (Property) legally described as follows:

Parcel 08-0001-000 (Anderson)

That part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 1, Township 125 North, Range 38 West, Pope County, Minnesota, described as follows:

Commencing at the southwest corner of Lot 4, Block One, NORTHGLEN, according to the recorded Plat thereof;

thence North 00 degrees 17 minutes 55 seconds West, assumed bearing, along the west line of said NORTHGLEN, and its northerly extension thereof, 597.00 feet to the point of beginning of the land to be described;

thence South 89 degrees 29 minutes 35 seconds West 483.18 feet to the east line of the West 10.00 acres of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 1;

thence North 01 degrees 32 minutes 09 seconds East, along said east line, 411.84 feet to the north line of said Section 1;

thence North 89 degrees 35 minutes 47 seconds East, along said north line, 990.45 feet to the east line of said Section 1;

thence South 00 degrees 10 minutes 46 seconds East, along said east line of Section 1, a distance of 446.88 feet to the north line of aforesaid NORTHGLEN;

thence South 89 degrees 29 minutes 35 seconds West, along said north line of NORTHGLEN, 519.53 feet to the west line of said NORTHGLEN;

thence North 00 degrees 17 minutes 55 seconds West, along the northerly extension of the west line of said NORTHGLEN, 37.08 feet to the point of beginning.

The tract contains 9.84 acres, more or less, subject to existing public roadway easements of record over the northerly portion thereof (Township Roadway) and the easterly portion thereof (Trunk Highway No. 29), and also being subject to an existing ingress and egress easement over the West 66.00 feet thereof (Document No. 211891).

EXCEPTING any right-of-way already within the City of Glenwood.

Parcels 08-0571-000, 08-0572-000, 08-0001-006 (Pederson)

Lots 8 and 9, Block One, NORTHGLEN; according to the recorded Plat thereof on file and of record in the Office of the Pope County Recorder.

AND

That part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 1, Township 125 North, Range 38 West, Pope County, Minnesota, described as follows:

Commencing at the Southwest corner of Lot 4, Block One, NORTHGLEN, according to the recorded Plat thereof;

thence North 00 degrees 17 minutes 55 seconds West, assumed bearing, along the west line of said NORTHGLEN, 359.92 feet to the southwest corner of Lot 8, Block One, said NORTHGLEN, said point being the point of beginning of the land to be described;

thence continuing North 00 degrees 17 minutes 55 seconds West, along said westerly line of NORTHGLEN and its northerly extension thereof, 237.08 feet;

thence South 89 degrees 29 minutes 35 seconds West 483.18 feet to the east line of the West 10.00 acres of aforesaid Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 1;

thence South 01 degrees 32 minutes 09 seconds West, along said east line, 237.23 feet to the westerly extension of the south line of aforesaid Lot 8, Block One, NORTHGLEN;

thence North 89 degrees 29 minutes 35 seconds East, along said extension, 490.77 feet to the point of beginning.

Parcels 08-0001-003, 08-0001-004 (Pope County)

Lots 4, 5, 6, and 7, Block One, NORTHGLEN

AND

That part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), except the West 10 acres thereof, Section 1-125-38, described as follows, to-wit:

Commencing at the Southwest corner of Lot 1, Block 1, Plat of NORTHGLEN;

thence North 00 degrees 07 minutes 41 seconds West, along the West line of said Lot 1, a distance of 112.00 feet to a point on the South line of Lot 2, Block 1, Plat of NORTHGLEN;

thence South 89 degrees 29 minutes 35 seconds West along the South line of said Lot 2, Block 1, Plat of NORTHGLEN, a distance of 62.05 feet to the Southwest corner of said Lot 2;

thence North 00 degrees 17 minutes 55 seconds West along the West line of the Plat of NORTHGLEN a distance of 335.00 feet;

thence South 89 degrees 29 minutes 35 seconds West a distance of 471.95 feet, more or less, to the West line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), except the West 10 acres thereof, Section 1-125-38;

thence South along the West line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), except the West 10 acres thereof a distance of 447 feet, more or less, to the Southwest corner of the said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), except the West 10 acres thereof;

thence East along the South line of the said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), except the West 10 acres thereof, to the place of beginning and there terminating.

EXCEPT that part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1-125-38, described as follows:

Commencing at the Southwest corner of Lot 2, Block 1, Plat of NORTHGLEN, said point being the point of beginning of the land to be described:

thence North 89 degrees 29 minutes 35 seconds East, along the South line of said Lot 2, Block 1, 62.05 feet;

thence South 00 degrees 07 minutes 41 seconds East, 112.00 feet to the South line of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1-125-38;

thence South 89 degrees 29 minutes 35 seconds West, along said South line 62.05 feet;

thence North, 112.00 feet, more or less, to the point of beginning.

AND

That part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), except the West 10 acres thereof, Section 1-125-38, described as follows, to-wit:

Commencing at the Southwest corner of Lot 4, Block 1, Plat of NORTHGLEN;

thence North 00 degrees 17 minutes 55 seconds West, along the West line of said Lot 4, a distance of 135.00 feet to the place of beginning;

thence South 89 degrees 29 minutes 35 seconds West a distance of 471.95 feet, more or less, to the West line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), except the West 10 acres thereof, Section 1-125-38 (hereinafter "Point A");

thence North 89 degrees 29 minutes 35 seconds East a distance of 471.95 feet, more or less, to the place of beginning;

thence North 00 degrees 17 minutes 55 seconds West, along the West line of the Plat of NORTHGLEN and extension thereof, a distance of 462.00 feet;

thence South 89 degrees 29 minutes 35 seconds West a distance of 471.95 feet, more or less, to the West line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), except the West 10 acres thereof, Section 1-125-38;

thence South along the West line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), except the West 10 acres thereof a distance of 462.00 feet, more or less, to said "Point A";

thence North 89 degrees 29 minutes 35 seconds East a distance of 471.95 feet, more or less, to the place of beginning and there terminating.

EXCEPT

That part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 1-125-38, Pope County, Minnesota, described as follows:

Commencing at the Southwest corner of Lot 4, Block One, NORTHGLEN, according to the recorded Plat thereof;

thence North 00 degrees 17 minutes 55 seconds West, assumed bearing, along the west line of said NORTHGLEN, 359.92 feet, to the southwest corner of Lot 8, Block One, said NORTHGLEN, said point being the point of beginning of the land to be described;

thence continuing North 00 degrees 17 minutes 55 seconds West, along said westerly line of NORTHGLEN and its northerly extension thereof, 237.08 feet;

thence South 89 degrees 29 minutes 35 seconds West 483.18 feet to the east line of the West 10.00 acres of aforesaid Northeast Quarter of the Northeast Quarter

(NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 1;

thence South 01 degrees 32 minutes 09 seconds West, along said east line, 237.23 feet to the westerly extension of the south line of aforesaid Lot 8, Block One, NORTHGLEN;

thence North 89 degrees 29 minutes 35 seconds East, along said extension, 490.77 feet, to the point of beginning.

Together with a permanent easement for ingress and egress, appurtenant to the above-described premises, bounded and enclosed within the following described lines, to-wit:

On the West, by the West line of the said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), except the West 10 acres thereof, Section 1-125-38;

on the East by a line parallel to and 66.00 feet Easterly of the West line of the said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), except the West 10 acres thereof;

on the North by the North line of the said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$); and

on the South by the North line of the above-described premises.

Parcel 08-0566-000 (Wood)

Lot 3, Block 1, NORTHGLEN, Pope County, Minnesota, according to the recorded Plat on file and of record in the Office of the County Recorder, Pope County, Minnesota.

Parcels 08-0565-000; 08-0001-005 (RMR of Glenwood, Inc.)

Lot Two (2), Block One (1), NORTHGLEN, according to the Plat thereof on file and of record in the Office of the Pope County Recorder.

AND

That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Township 125 North, Range 38 West, described as follows:

Commencing at the southwest corner of Lot 2, Block One, NORTHGLEN, according to the recorded plat thereof on file in the office of the County Recorder Pope County, Minnesota, said point being the point of beginning of the land to be described;

thence North 89 degrees, 29 minutes, 35 seconds East, along the South line of said Lot 2, Block One, 62.05 feet;

thence South 00 degrees, 07 minutes, 41 seconds East, 112.00 feet to the South

line of the NE¼ NE¼, Section 1, Township 125 North, Range 38 West;

thence South 89 degrees, 29 minutes, 35 seconds West, along said South line 62.05 feet;

thence North 112.00 feet more or less to the point of beginning.

Parcel 08-0564-000 (JWJH Properties, LLC)

Lot 1, Block 1, NORTHGLEN, according to the duly recorded Plat thereof and on file in the Office of the Pope County Recorder.

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

ORDER

1. Pursuant to Minn. Stat. § 414.033 (2018), 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. Pursuant to Minn. Stat. § 414.036 (2018), the City will reimburse the Township as stated in Ordinance Number 16.
4. The City must file a copy of the Annexation Ordinance with the Township, the appropriate county auditor(s), and the Secretary of State as required by Minn. Stat. § 414.033, subd. 7.

Dated: October 1, 2018



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 (2018). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Pope 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 (2017). However, no request for amendment shall extend the time of appeal from this Order.