

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
of Certain Real Property to the City of
Princeton from Baldwin Township
(MBAU Docket OA-1894-1)

**ORDER APPROVING
ANNEXATION**

On April 11, 2024, the City of Princeton (City) adopted Princeton Resolution 24-16, and on April 15, 2024, the Baldwin Town Board (Township) adopted Joint Resolution 24-09. The resolutions (Joint Resolution) were filed with the Office of Administrative Hearings on July 9, 2024. On July 15, 2024, the Office of Administrative Hearings received the filing fee required by Minn. R. 6000.0800(A) (2023), and the filing became complete.

The Joint Resolution requests the designation and immediate annexation of certain real property (Property) legally described as follows:

That part of the North Half of the Southeast Quarter of Section 4, Township 35, Range 26, Sherburne County, Minnesota, which is bounded on the West by the Easterly right of way line of U.S. Highway No. 169, as shown on the duly recorded plat of STATE HIGHWAY RIGHT OF WAY PLAT NO. 71-1, Sherburne County, Minnesota; and which is bounded on the South by the following described line: Beginning at a point on the Easterly line of the right-of-way of U.S. Highway No. 169 where the same intersects the North boundary line of a tract described in Instrument No. 87929, files of the County Recorder in and for said Sherburne County; thence Easterly along the North line of said tract, said line to be hereafter described as Line "A" for the purposes of this description, and the Easterly extension thereof to the point of intersection with the East line of the Northwest Quarter of the Southeast Quarter of said Section 4, said point of intersection to be hereafter described as Point "A" for the purposes of this description; thence northerly along said East line to the point of intersection with the North line of the South 1235 feet of the Northeast Quarter of the Southeast Quarter of said Section 4; thence easterly to the point of intersection with the following line, which is to be described as Line "B" for the purposes of this description, and said south line there terminating; and which is bounded on the East by the following described Line "B": Commencing at the above described Point "A"; thence easterly along the easterly extension of said Line "A" to the point of intersection with the Westerly line of a tract of land described in Instrument No. 92047, files of the County Recorder in and for said Sherburne County, and to the point of beginning of said Line "B"; thence northerly along said Westerly line to the Northwest corner thereof; thence easterly along the North line of said tract to the point of intersection with the Westerly line of the right of way of the former Township Road formerly known as

122nd Street West and now known as 120th Street Northwest; thence northerly along said Westerly right of way line to the point of intersection with the North line of said North Half of the Southeast Quarter and said Line "B" there terminating.

EXCEPTING therefrom that part of the Northwest Quarter of the Southeast Quarter of Section 4, Township 35, Range 26, described as follows: Beginning at a point that is 295 feet East of the Southwest corner of the Northwest Quarter of the Southeast Quarter; thence North parallel with the West line of said Northwest Quarter of Southeast Quarter to a point that is 1967.5 feet North of the South line of said Section 4; thence East parallel with said South line of Section 4 to a point that is 530 feet East of the East right-of-way line of U.S. Highway No. 169; thence North parallel with said right-of-way line 505 feet; thence West parallel with said South line of Section 4 to an intersection with the West line of said Northwest Quarter of the Southeast Quarter; thence South along said West line to the point of beginning.

And

That part of the East Half of Section Four (4), Township Thirty-five (35), Range Twenty-six (26), described as beginning at a point on the Easterly line of the right-of-way of U.S. Highway #169 where the same intersects the North boundary line of a tract described in Instrument #87929, files of the County Recorder in and for said Sherburne County; thence North 89° 51' 12" East along the North line of said tract and the Easterly extension thereof for a distance of 1379.05 feet, more or less, to intersect the Westerly line of a tract of land described in Instrument #92047, said files of the County Recorder; thence North 0° 28' 08" East along the West line of said tract a distance of 127.43 feet, more or less, to the Northwest corner thereof; thence North 89° 45' 08" East along the North line of said tract a distance of 12.00 feet, more or less, to intersect the Westerly line of the right-of-way of the Township Road running Northerly and Southerly through said East Half of Section 4; thence North 3° 56' 08" West along said Westerly right-of-way a distance of 1352.44 feet, more or less, to intersect the North line of the South Half of the Northeast Quarter of said Section 4; thence West along said North line of the South Half of the Northeast Quarter to intersect said Easterly line of the right-of-way of U.S. Highway #169; thence South 0° 08' 48" East along said Easterly line of the right-of-way a distance of 1480.26 feet, more or less, to the point of beginning.

Excepting therefrom all that part of the Southwest Quarter of the Northeast Quarter of said Section 4, described as beginning at the point of intersection of the North line of said Southwest Quarter of the Northeast Quarter with said Easterly line of the right-of-way of U.S. Highway #169; thence South 0° 08' 48" East along said Easterly line of the right-of-way for a distance of 1055.5 feet; thence East parallel with said North line of the Southwest Quarter of the Northeast Quarter a distance of 500.00 feet; thence North 0° 08' 48" West parallel with said highway right-of-way line for a distance of 500.00 feet; thence East parallel with said North line of the Southwest Quarter of the Northeast Quarter for a distance of 194.0 feet; thence North 0° 08' 48" West parallel with said highway right-of-way line for a distance of

555.5 feet to intersect said North line of the Southwest Quarter of the Northeast Quarter; thence West along said North line 694.0 feet to the point of beginning. For the purpose of these descriptions said North line of the South Half of the Northeast Quarter is assumed to bear due East and West.

Also excepting therefrom that part thereof which lies south of the south line of the Northeast Quarter of Section 4, Township 35, Range 26.

Based upon a review of the Joint Resolution, the Administrative Law Judge makes the following:

ORDER

1. Pursuant to Minn. Stat. § 414.0325 (2022), the Joint Resolution is deemed adequate in all legal respects and properly supports this Order.
2. Pursuant to the terms of the Joint Resolution and this Order, the Property is **ANNEXED** to the City.
3. Pursuant to the agreement of the parties and as allowed by Minn. Stat. § 414.036 (2022), the City will reimburse the Township in a one-time payment of \$1,375.18 as provided in the Joint Resolution.

Dated: July 16, 2024


JESSICA A. PALMER-DENIG
Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.0325, .07, .09, .12 (2022). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Sherburne 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 (2023). However, no request for amendment shall extend the time of appeal from this Order.

MEMORANDUM

This matter is related to another case pending before the Administrative Law Judge, *In the Matter of the Petition for the Incorporation of Baldwin Township (MBAU Docket I-75)*, OAH 71-0330-39760. In that proceeding, the Township requested approval of its petition for incorporation as a city. The parties agreed, however, that the Property identified in this case should be annexed to the City, rather than remaining subject to the outcome of the incorporation proceeding. The parties further agreed that annexation of the Property should be ordered concurrently with the order issued in the incorporation case. The order approving the Township's petition for incorporation is being issued simultaneously with this Order, satisfying the condition identified by the parties for approval of the requested annexation.¹

Minn. Stat. § 414.0325 provides that a municipality and a township may designate an area as "in need of orderly annexation" and, pursuant to an orderly annexation agreement, may specify the terms under which the designated property will be annexed. The parties may further limit the scope of review by the Office of Administrative Hearings if the agreement provides that no alteration of the stated boundaries is appropriate, and if the joint resolution "designates an area as in need of orderly annexation, provides for the conditions for its annexation, and states that no consideration by" the administrative law judge is necessary."² The parties agreed to these terms and, therefore, the Administrative Law Judge may review and comment, but must order the annexation.³

The Administrative Law Judge takes this opportunity to review and comment to explain the underlying circumstances of this case and to commend the parties for reaching an agreement regarding the Property. In adopting statutes to govern municipal boundary adjustments, the legislature found that joint resolutions for orderly annexation and other cooperative efforts among local units of government are to be encouraged.⁴ While the City and Township did not agree about whether the Township should be incorporated, they set aside that disagreement and successfully pursued a negotiated resolution for the Property. The Administrative Law Judge appreciates the work of both parties, and she encourages them to engage in similar cooperative problem-solving efforts in the future.

J. P. D.

¹ See FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, *In the Matter of the Petition for the Incorporation of Baldwin Township (MBAU Docket I-75)*, OAH 71-0330-39760 (July 16, 2024).

² Minn. Stat. § 414.0325, subd. 1(g)-(h).

³ *Id.*; *Trails Truck & Travel Plaza, LLC v. Albert Lea Township*, 995 N.W.2d 185, 189-90 (Minn. Ct. App. 2023).

⁴ Minn. Stat. § 414.01, subd. 1a(5) (2022).