

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE PETITION FOR)	<u>NOTICE OF</u>
THE ANNEXATION OF CERTAIN LAND TO)	<u>HEARING CANCELLATION</u>
THE CITY OF AUSTIN PURSUANT TO)	<u>AND</u>
MINNESOTA STATUTES 414)	<u>ORDER TO DISMISS</u>

A petition for annexation submitted by the petitioners and supported by the City of Austin, and other pertinent documents in the file, were reviewed for conformity with applicable law. The undersigned Assistant Chief Administrative Law Judge, acting under a delegation from the Chief Administrative Law Judge, hereby makes and files the following Findings of Fact, Conclusions, of Law and Order.

FINDINGS OF FACT

1. A petition was filed with the Office of Administrative Hearings-Municipal Boundary Adjustments (herein after MBA) pursuant to Minnesota Statutes 414.033, Subd. 1(a)(3) on January 31, 2008, MBA Docket A-7607.
2. On February 21, 2008, the Assistant Chief Administrative Law Judge, in his capacity as the Chief Administrative Law Judge for purposes of Chapter 414, ordered the City and the Township to meet at least three times over a period of sixty days to address resolution of the issues pursuant to Minnesota Statutes Section 414.01, subd. 16.
3. A first statutory hearing was convened on the petition on March 31, 2008, after due and appropriate legal notice, and was continued to an indefinite date to allow the parties time to complete mediation.

5. On July 22, 2008, the parties participated in mediation and resolved contested issues.

6. On January 28, 2009, MBA received the Joint Resolution for Orderly Annexation between the City of Austin and Lansing Township representing settlement of the underlying dispute and designating approximately 698.55 acres of land for orderly annexation; and requesting the immediate annexation of approximately 336.75 acres of the designated area.

7. The city requested that the petition for annexation pursuant to Minnesota Statutes 414.033, Subd. 1(a)(3) be withdrawn; that MBA Docket A-7607 Austin be closed; and the filing fee transferred to MBA Docket OA-1426 and OA-1426-1.

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 Assistant Chief Administrative Law Judge allowing the withdrawal of the petition and canceling of the continued hearing.

ORDER

1. On February 12, 2009, the Chief Administrative Law Judge granted the request to withdraw the petition; canceled the continued hearing; transferred the filing fee; and closed MBA Docket A-7607 Austin;

2. The petition for annexation of certain property to the City of Austin described as:

All that part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22-T103N-R18W, Section 23-T103N-R18W, the N $\frac{1}{2}$ Section 26-T103N-R18W and the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the N $\frac{1}{4}$ corner of said Section 26;

thence South a distance of 1326.00 feet, on the north-south $\frac{1}{4}$ line of said Section 26, to the south line of the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of said Section 26;

thence Westerly on said south line a distance of 33 feet;

thence Southerly a distance of 1327.50 feet, on a line parallel to said north-south $\frac{1}{4}$ line, to a point on the south line of the $N\frac{1}{2}$ $NE\frac{1}{4}$ of said Section 26;

thence East a distance of 2248 feet, on the south line of the $NE\frac{1}{4}$ of said Section 26;

thence North a distance of 1322 feet, to a point on the south line of the $N\frac{1}{2}$ $NE\frac{1}{4}$ of said Section 26, which is 436.66 feet west of the southeast corner thereof;

thence Northeasterly a distance of 1393 feet, to the northeast corner of the $NE\frac{1}{4}$ of said Section 26;

thence North a distance of 2639.74 feet, on the east line of the $SE\frac{1}{4}$ of said Section 23, to the northeast corner thereof;

thence North a distance of 1317.54 feet, on the east line of the $SE\frac{1}{4}$ $NE\frac{1}{4}$ of said Section 23, to the northeast corner thereof;

thence West a distance of 5312.61 feet, on the north line of the $S\frac{1}{2}$ $NE\frac{1}{4}$ and the north line of the $S\frac{1}{2}$ $NW\frac{1}{4}$ of said Section 23, to the northwest corner of said $S\frac{1}{2}$ $NW\frac{1}{4}$;

thence South a distance of 1322 feet, on the west line of said $S\frac{1}{2}$ $NW\frac{1}{4}$, to the southwest corner of the $NW\frac{1}{4}$ of said Section 23;

thence South a distance of 1320.4 feet, on the west line of the $NW\frac{1}{4}$ $SW\frac{1}{4}$ of said Section 23, to the southwest corner thereof;

thence West a distance of 42.76 feet, on the north line of the $S\frac{1}{2}$ $SE\frac{1}{4}$ Section 22-T103N-R18W, to the west right-of-way line of County State Aid Highway No. 25 (540th Avenue), as shown on Mower County Highway Right Of Way Plat No. 4;

thence Southerly a distance of 2120 feet, on the west right-of-way line of said County State Aid Highway No. 25 (540th Avenue), as shown on said Mower County Highway Right Of Way Plat No. 4;

thence Southerly a distance of 518.70 feet, to the southwest corner of the $N\frac{1}{2}$ $NW\frac{1}{4}$ of said Section 26;

thence South a distance of 206 feet, on the west line of the $NW\frac{1}{4}$ of said Section 26, to the south right-of-way line of Queens Lane, as shown on the plat of Royal Manor Subdivision, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence Easterly a distance of 210.6 feet, on the south line of said Queens Lane, to the northwest corner of Lot 11, Block 2 in said Royal Manor Subdivision;

thence Southeasterly a distance of 146 feet, on the west line of said Lot 11, Block 2, to the southwest corner thereof;

thence East a distance of 10.89 feet, on the south line of said Lot 11, to the northwest corner of Block 2, Royal Manor Second Subdivision, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence Southeasterly a distance of 936 feet, on the southwesterly line of said Block 2, Royal Manor Second Subdivision, to the southeast corner of said Block 2;

thence Southwesterly a distance of 29 feet, on the westerly right-of-way line of Kings Row, as shown on said Plat of Royal Manor Second Subdivision;

thence Southeasterly a distance of 66 feet, on the southerly right-of-way line of said Kings Row, to the westerly line of Lot 11, Block 3 in said Royal Manor Second Subdivision;

thence Southwesterly a distance of 37 feet, on the westerly line of said Lot 11, Block 3 to a corner thereof;

thence Southwesterly a distance of 207.4 feet, on the westerly line of said Lot 11, and a southwesterly extension thereof, to a point on the south line of the NW $\frac{1}{4}$ of said Section 26;

thence East a distance of 1397 feet, on the south line of said NW $\frac{1}{4}$ to a point on the westerly right-of-way line of the Iowa, Chicago & Eastern Railroad Corporation (formerly the Chicago, Milwaukee, St. Paul & Pacific Railroad;

thence Northerly a distance of 1326 feet, on the westerly right-of-way line of said Iowa, Chicago & Eastern Railroad Corporation (formerly the Chicago, Milwaukee, St. Paul & Pacific Railroad), to a point on the south line of the N $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 26;

thence Westerly a distance of 719.5 feet, on the south line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 26, to a point on the centerline of the Cedar River;

thence Northerly and Northeasterly a distance of 3025 feet, on the centerline of said Cedar River, to a point on the westerly right-of-way line of said Iowa, Chicago & Eastern Railroad Corporation (formerly Chicago, Milwaukee, St. Paul & Pacific Railroad), this point being in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 23;

thence Southeasterly a distance of 1467 feet, on the westerly right-of-way line of said Iowa, Chicago & Eastern Railroad Corporation (formerly the Chicago, Milwaukee, St. Paul & Pacific Railroad), to a point on the north line of the NW $\frac{1}{4}$ of said Section 26;

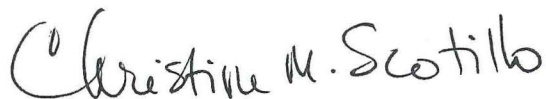
thence East a distance of 446.75 feet, on the north line of the NW $\frac{1}{4}$ of said Section 26, to the point of beginning.

is withdrawn, the continued hearing in this matter is canceled, and MBA Docket A-7607 Austin

is closed without prejudice.

Dated this 12th day of February, 2009.

For the Assistant Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive style with a large, stylized "C" at the beginning.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments