



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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June 20, 2012

Nick Wognum
Morse Township Clerk
P. O. Box 660
Ely, MN 55731

Re: A-7810 Ely/Morse Township (Ordinance No. 253; 75 acres)

Dear Mr. Wognum:


This is in response to your letter, received June 18, 2012, opposing the above-referenced annexation by ordinance to the City of Ely.

The annexation was initiated by the City of Ely pursuant to Minn. Stat. § 414.033, Subd. 2(1) which allows the annexation of city-owned property by ordinance without the requirement of a hearing pursuant to Minn. Stat. § 414.033, Subd. 2b.

The City of Ely has provided sufficient information for the Office of Administrative Hearings to find that the conditions set forth in Minnesota Statutes 414.033, Subd. 2(1) have been met.

If you have any questions, please contact me or Star Holman at 651-361-7909 or star.holman@state.mn.us.

Sincerely,


Timothy J. O'Malley
Assistant Chief Administrative Law Judge
Municipal Boundary Adjustment Unit

TJO:sjh

c: Terry Lowell, City Clerk (terry.lowell@ely.mn.us)
Kelly Klun, Attorney at Law (kelly.klun@klunlaw.com)
Amber Pederson, Attorney at Law (amber.pederson@klunlaw.com)

Town of Morse

P.O. Box 660
Ely, Minnesota

REC'D BY
MBA

JUN 18 2012

Office of Administrative Hearings
Municipal Boundary Adjustment Unit
P.O. Box 64620
St. Paul, MN 55164-0620

To Office of Administrative Hearings:

The Town of Morse board of supervisors has voted to oppose case number A-7810, the city of Ely's planned annexation of the following parcels:

TOWNSHIP SIXTY-THREE (63) NORTH, RANGE TWELVE (12) WEST, FOURTH PRINCIPAL MERIDIAN PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ OF SE ¼) OF SECTION TWENTY-THREE (23) DESCRIBED AS FOLLOWS:

Beginning at Southwest corner of Southeast Quarter of Southeast Quarter (SE ¼ OF SE ¼), running thence North four hundred (400) feet, thence East one thousand (1000) feet, thence Southwesterly along the Westerly Right of Way line of the D. M. and I. R. RY. To the South line of said forty, thence West to point of beginning, Section Twenty-three (23); Containing approximately six (6) acres of land, more or less

AND

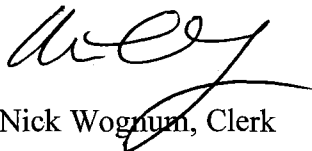
TOWNSHIP SIXTY-THREE (63) NORTH, RANGE TWELVE (12) WEST, FOURTH PRINCIPAL MERIDIAN PART OF THE NORTH HALF OF THE NORTHEAST QUARTER (N ½ OF NE ¼) LYING NORTH OF THE RAILWAY RIGHT OF WAY OF THE MAIN LINE AND OF THE SIBLY MINE SPUR OF THE D. M. AND I. R. RAILWAY, SECTION TWENTY-SIX (26), TOWNSHIP SIXTY-THREE (63) NORTH, RANGE TWELVE (12) ACCORDING TO THE GOVERNMENT SURVEY THEREOF. Containing Twenty-nine (29) acres of land, more or less

AND

TOWNSHIP SIXTY-THREE (63) NORTH, RANGE TWELVE (12) WEST, FOURTH PRINCIPAL MERIDIAN THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (SW ¼ OF NE ¼) IN SECTION THIRTY-FIVE (35), TOWNSHIP SIXTY-THREE (63), RANGE TWELVE (12), ACCORDING TO THE GOVERNMENT SURVEY THEREOF. Containing forty (40) acres of land, more or less

The township believes the city's actions were not within the spirit of compromise and negotiation as the council had discussed with the town board in previous meetings. Also, the council specifically used a process where the township was not allowed to voice its concerns through a public hearing. And, one of the parcels is all riverfront property. The town board and the city had been in discussions on these parcels through the city attorney and then suddenly, without discussion with the township, the city decided to move ahead. The board finds these actions to be unacceptable.

Sincerely,



Nick Wognun, Clerk

cc: Ely City Council