

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of  
Certain Real Property to the City of  
Austin from Austin Township  
(MBAU Docket A-8448)

**ORDER APPROVING  
ANNEXATION ORDINANCE**

On May 22, 2023, the City of Austin (City) filed Resolution No. 16783/Notice of Intent for Annexation with the Office of Administrative Hearings pursuant to Minn. Stat. § 414.033, subd. 3 (2022).

The Office of Administrative Hearings was notified on June 7, 2023, that the Austin Town Board (Township) had no objection to the annexation pursuant to Minn. Stat. § 414.033, subd. 3.

On August 7, 2023, the City adopted Ordinance No. 273 (Ordinance) annexing certain real property (Property) from Austin Township legally described as follows:

All that part of Interstate 90 Right-of-Way, County State Aid Highway No. 46, and State Highway 105, lying in the Northeast Quarter of Section 5, Township 102N Range 18W; Northwest Quarter of Section 5, Township 102N, Range 18W; Southwest Quarter of Section 5, Township 102N, Range 18W; Southeast Quarter of Section 5, Township 102N, Range 18W and; Northwest Quarter of Section 4, Township 102N Range 18W, Mower County, Minnesota, excepting any land already within the city.

The Ordinance was filed on August 28, 2023, with the Office of Administrative Hearings. The legal description contained in the Ordinance differed from the legal description identified in Resolution No. 16783.

On September 12, 2023, the City filed Resolution No. 16834/Amended Notice of Intent for Annexation with the Office of Administrative Hearings. This resolution contained the description used in the Ordinance. The revised description does not change the area to be annexed.

The Office of Administrative Hearings was notified on September 21, 2023, that the Township had no objection to the annexation of the Property described in Resolution No. 16834.

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

## ORDER


1. Pursuant to Minn. Stat. § 414.033 (2022), 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. As there is no taxable property within the Property, the provisions of Minn. Stat. § 414.036 (2022), are not applicable.

4. The City must file a copy of the Annexation Ordinance with the Township, the appropriate county auditor, and the Secretary of State as required by Minn. Stat. § 414.033, subd. 7.

Dated: October 4, 2023

  
JESSICA A. PALMER-DENIG  
Administrative Law Judge

## NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.033, .07, .09, .12 (2022). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Mower 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.