

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of Certain
Real Property to the City of Wolf Lake
from Wolf Lake Township
(MBAU Docket A-8533)

**ORDER APPROVING
ANNEXATION ORDINANCE**

On August 12, 2025, the City of Wolf Lake (City) adopted Ordinance No. 43 (Ordinance) annexing certain real property (Property) from Wolf Lake Township (Township) pursuant to Minn. Stat. § 414.033, subd. 2(3) (2024). The City filed the Ordinance with the Court of Administrative Hearings on October 7, 2025. The Court subsequently received additional required information, and the record related to the Ordinance closed on October 14, 2025.

The Property is legally described as follows:

P.N. 37.0144.000

Part of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), Section 34, Township 139, Range 37, described as follows:

Commencing at the Southeast corner of said SW1/4 SW1/4, and thence North along the East line thereof, 60 rods; thence West parallel with the South line thereof, 8 rods; thence South parallel with the East line thereof, 60 rods to the South line of said SW1/4 SW1/4; thence East along the South line thereof, 8 rods to the place of beginning.

Based upon a review of the Ordinance, and as explained in the accompanying Memorandum, the Administrative Law Judge makes the following:

ORDER

1. Pursuant to Minn. Stat. § 414.033 (2024), 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 the agreement of the parties and as allowed by Minn. Stat. § 414.036 (2024), no reimbursement shall be made by the City to the Township.

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: November 6, 2025



NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.033, .07, .09, .12 (2024). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Becker 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 (2025). However, no request for amendment shall extend the time of appeal from this Order.

MEMORANDUM

The City passed the Ordinance in response to a petition for annexation submitted by the owner of the Property. The City now seeks approval from this Court for its annexation of the Property from the Township under Minn. Stat. § 414.033, subd. 2(3). That section allows a city to adopt an ordinance annexing property of 120 acres or less which is not served by public wastewater facilities or where such facilities are not otherwise available.

Minn. Stat. § 414.033 establishes certain procedural requirements for an annexation of this type. The city must hold a public hearing and give 30 days' written notice by certified mail to the town or towns affected by the proposed ordinance and to all landowners within and contiguous to the area to be annexed.¹ The city is also required to provide notice to the petitioner that the cost of electric service may change if the land is annexed to the city, and the notice must estimate the cost of any change in service.²

The City provided notice to adjacent landowners, including as to one property that abuts the area to be annexed located in Spruce Grove Township. Spruce Grove Township itself was not formally notified of the annexation, however. The Court concludes that this does not constitute a procedural defect because the statute requires notice to towns

¹ Minn. Stat. § 414.033, subd. 2b.

² *Id.*, subd. 13.

“affected by” the annexation, not merely those that abut an annexation area. The record does not reveal that there is any impact from the annexation on Spruce Grove Township, and Spruce Grove Township has not contested approval of the proposed annexation.

Further, the City did not provide notice to the petitioner regarding potential changes in electric utility service. The City represents that the property is a vacant lot and that an old house previously existed on the property but was removed several years ago.³ Under these circumstances, the lack of an electric utility service notice is not a fatal procedural flaw as there is no evidence that the annexation will cause any change in utility service or rates for the property.⁴

Therefore, based on the record presented to this Court, the City’s request to annex the Property is approved.

J. P. D.

³ Email from the City to the Court (Oct. 9, 2025) (on file with the Minn. Court Admin. Hearings).

⁴ See *In re the Annexation of Certain Real Property to the City of Buffalo from Buffalo Township*, OAH 84-0331-33376, 2016 WL 6216497, at *3 (Minn. Court Admin. Hearings June 14, 2016) (holding that the lack of an electric utility notice did not require denial of a proposed annexation).