

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE PETITION FOR	)	<u>NOTICE OF</u>
THE DETACHMENT OF CERTAIN LAND	)	<u>HEARING CANCELLATION</u>
FROM THE CITY OF NASHWAUK AND	)	<u>AND</u>
ANNEXATION TO THE CITY OF KEEWATIN	)	<u>FINDINGS OF FACT</u>
PURSUANT TO MINNESOTA STATUTES	)	<u>CONCLUSIONS OF LAW AND ORDER</u>

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WHEREAS, a petition requesting the detachment of certain property from the City of Nashwauk and annexation of said property to the City of Keewatin was filed with Municipal Boundary Adjustments (hereinafter "MBA") within the Office of Administrative Hearings pursuant to Minnesota Statutes Section 414.061, Subd. 5 on September 27, 2004 (MBA Docket Number: D-412/A-7168); and

WHEREAS, on October 20, 2004, MBA received a resolution from the City of Keewatin supporting the concurrent detachment and annexation; and

WHEREAS, on December 9, 2004, the Director of Strategic and Long Range Planning (hereinafter "the Director"), pursuant to Minnesota Statutes Section 414.01, Subd. 16, ordered the Cities of Nashwauk and Keewatin to meet up to three times over a period of sixty days to address resolution of contested issues at the local level; and

WHEREAS, after due and appropriate legal notice, a hearing was convened on the petition on December 14, 2004, as required by Minnesota Statutes Section 414.09. The hearing was continued to an indefinite date to allow the parties time to complete the directed local meetings; and

WHEREAS, on January 5, 2005, the request of the City of Nashwauk for a 60-day extension of the discussion period pursuant to Minnesota Statutes 414.01, subd. 16 was granted; and

WHEREAS, Reorganization Order No. 192, effective March 8, 2005, transferred the duties of the Director to the Chief Administrative Law Judge for the Minnesota Office of Administrative Hearings, and

WHEREAS, on March 30, 2005, the City of Nashwauk requested a further extension of the discussion period pursuant to Minnesota Statutes 414.01, subd. 16 until May 1, 2005; and

WHEREAS, on April 7, 2005, the Chief Administrative Law Judge denied the City of Nashwauk's request for a second extension and the parties were directed into mediation; and

WHEREAS, MBA was advised by the parties that settlement had been reached and proceeding to mediation would be unnecessary; and

WHEREAS, MBA received a resolution from the City of Nashwauk supporting the concurrent detachment annexation; and

WHEREAS, on May 12, 2005, with the submission of a supporting resolution from the City of Nashwauk, the Chief Administrative Law Judge cancelled the continued hearing and approved the concurrent detachment and annexation.

#### FINDINGS OF FACT

1. That resolutions requesting concurrent detachment and annexation of certain properties were received from the Cities of Nashwauk and Keewatin.
2. The resolutions contained all the information required by statute including a description of the territory proposed for concurrent detachment and annexation, which is as

follows:

Section 36, Township 57 North, Range 22 West. All of the NE $\frac{1}{4}$  NE $\frac{1}{4}$ ; and Section 36, Township 57 North, Range 22 West. All of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  except that small portion which is currently incorporated in the City of Keewatin.

3. The area proposed for concurrent detachment and annexation is situated within the City of Nashwauk and abuts the municipal boundary of the City of Keewatin.

4. On May 12, 2005, the Office of Administrative Hearings reviewed the resolutions and all pertinent information contained in the file for concurrent detachment and annexation.

#### CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has duly acquired jurisdiction of the within proceeding.

2. An order should be issued by the Office of Administrative Hearings concurrently detaching and annexing the area described herein.

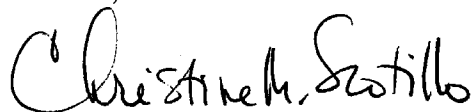
#### ORDER

1. IT IS HEREBY ORDERED: That the continued hearing is canceled.

2. IT IS FURTHER ORDERED: That the property described in Findings of Fact 2 be, and the same hereby is, detached from the City of Nashwauk and annexed to the City of Keewatin, the same as if it had originally been made a part thereof.

Dated this 12<sup>th</sup> day of May, 2005.

For the Chief Administrative Law Judge  
658 Cedar Street, Room 300  
St. Paul, Minnesota 55155



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments