

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF ROCHESTER) FINDINGS OF FACT
AND CASCADE TOWNSHIP PURSUANT TO) CONCLUSIONS OF LAW
MINNESOTA STATUTES 414) AND ORDER

The city resolution for orderly annexation submitted by the City of Rochester was 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 joint resolution for orderly annexation was adopted by the City of Rochester and Cascade Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.
2. A resolution adopted and submitted by the City of Rochester, requests annexation of part of the designated area described as follows:

That part of the Northeast Quarter lying westerly of the railroad less TILL'S FIRST SUBDIVISION, Section 28, Township 107 North, Range 14 West, Olmsted County, Minnesota, except the following described Parcel:

Commencing at the Southwest corner of said Northeast Quarter; thence North assumed bearing, along the west line of said Northeast Quarter and along the east line of HENDRICK'S SUBDIVISION, 539.64 feet, to the Southeast corner of Lot 3, Block 2, in said HENDRICK'S SUBDIVISION for the point of beginning; thence continue North, along said west line of said Northeast Quarter 457.66 feet to the southerly line of 22nd Street N.W., as dedicated in TILL'S FIRST SUBDIVISION; thence North 70 degrees 45 minutes 43

seconds East, along said southerly line and along the southerly line of Lot 1, Block 1 in said TILL'S FIRST SUBDIVISION, 289.70 feet; thence South parallel with the west line of said Northeast Quarter 497.87 feet; thence south 78 degrees 34 minutes 51 seconds West 279.05 feet to the point of beginning.

Said tract contains 29.85 acres more or less

3. Minnesota Statutes §414.0325, subd. 1(h) states that in certain circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to the terms of a joint resolution for orderly annexation.

4. The joint resolution contains all the information required by Minnesota Statutes §414.0325, subd. 1(h), including a provision that the Chief Administrative Law Judge may review and comment but shall order the annexation within 30 days in accordance with the terms of the joint resolution.

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 annexing the area described herein.

ORDER

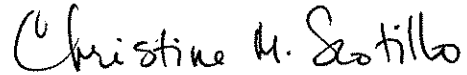
1. The property described in Findings of Fact 2 is annexed to the City of Rochester, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Cascade Township will be reimbursed by the City of Rochester in accordance with the terms of Joint Resolution signed by

the City on May 17, 2004 and the Township on May 3, 2004.

Dated this 22nd day of January, 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 initial "C".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments