

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

The joint resolution for orderly annexation submitted by the City of Paynesville and Paynesville Township 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 Paynesville and Paynesville Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.

2. A joint resolution adopted and submitted by the City of Paynesville and Paynesville Township, requests annexation of part of the designated area described as follows:

The Northwest Quarter of the Southeast Quarter (NW ¼ SE ¼), Section 16, Township 122, Range 32, Stearns County, Minnesota.

LESS AND EXCEPT:

A part of the Southeast Quarter (SE ¼) of Section Sixteen (16), Township One Hundred Twenty-two (122) North, Range Thirty-two (32) West, Stearns County, Minnesota, described as follows: Beginning at the center of said Section 16; thence along the North line thereof East 50.0 feet to the right of way line of Minn. T.H.# 124; thence along said highway right of way line South 488.2 feet to the point of beginning of the tract herein described; thence East 300.0 feet; thence South 180.0 feet; thence West 300.0 feet to the

East 50 foot right of way line of Minnesota Trunk Highway #124; thence along said highway right of way line North 180.0 feet to point of beginning, Stearns County, Minnesota.

AND LESS AND EXCEPT:

A part of the Southeast Quarter (SE $\frac{1}{4}$) of Section Sixteen (16), Township One Hundred Twenty-two (122) North, Range Thirty-two (32) West, described as follows: Beginning at the center of said Section 16; thence along the North line thereof East 50.0 feet to the right of way line of Minn. T.H. #124; thence along said highway right of way line South 308.20 feet to the point of beginning of the tract herein described; thence East 300.00 feet; thence South 180.00 feet; thence West 300 feet to the East 50 foot right of way line of Minnesota Trunk Highway #124; thence along said highway right of way line North 180.00 feet to point of beginning, Stearns County, Minnesota.

AND LESS AND EXCEPT:

A part of the Northwest One Quarter of the Southeast One Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Sixteen (16), Township One Hundred Twenty-two (122) North, Range Thirty-two (32) West, Stearns County, Minnesota, described as follows, to-wit: Commencing at a point which is six hundred sixty-eight and two-tenths (668.2) feet due South of, and three hundred ten (310) feet due East of the Northwest corner of the Northwest One Quarter of the Southeast One Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Sixteen (16); thence due East One Hundred Fifty-one (151) feet; thence due South five hundred eighty-two and forty-three hundredths (582.43) feet to the centerline of Township Road as now existing; thence North $87^{\circ}37'$ West along the centerline of said Township road one hundred fifty-one and thirteen hundredths (151.13) feet; thence due North five hundred seventy-six and fifty-five hundredths (576.55) feet to the point of beginning of the tract herein described.

AND LESS AND EXCEPT:

A part of the Southeast Quarter (SE $\frac{1}{4}$) of Section Sixteen (16), Township One Hundred Twenty-two (122), Range Thirty-two (32), described as follows: Commencing at a point on the Easterly 50 foot right of way line of Minnesota Trunk Highway #4, which point is 668.2 feet due South of, and 50 feet due East of the center of Section Sixteen (16) thence due East 260 feet; thence due South 576.55 feet to the center of Township Road; thence North $87^{\circ}37'$ West along the centerline of Township Road 260.23 feet to the Easterly 50 foot right of way line of Minnesota Trunk Highway #4; thence North along said right of way line 565.73 feet to the place of beginning. Tract contains 3.41 acres, more or less, and said tract being subject to 33 foot right of way road along the South line thereof.

ALSO LESS: That part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 122, Range 32, described as follows:

Commencing at the center of Section 16, Township 122, Range 32; thence due East 50 feet; thence due South 668.2 feet; thence due East 411 feet to the point of beginning; thence due East 375 feet; thence due South 588 feet to the center of Township Road No. 34; thence Westerly 375.5 feet along the centerline of Township Road No. 34; thence due

North 582.43 feet to the point of beginning of the tract herein described.

ALSO LESS: All that part of the NW ¼ SE ¼ of Section 16, Township 122, Range 32, which lies to the South and West of the centerline of Stearns County Road No. 34.

Said parcel containing 23.665 acres, more or less.

3. Minnesota Statutes §414.0325, subd. 1 (g) 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.

5. The joint resolution contains all the information required by Minnesota Statutes §414.0325, subd. 1 (g), 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

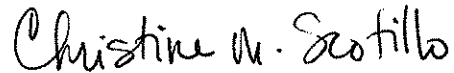
1. The property described in Findings of Fact 2 is annexed to the City of Paynesville, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Paynesville Township will be reimbursed by the City of Paynesville in accordance with the terms of Joint Resolution No.

2007-45 signed by the City on December 26, 2007 and the Township on February 11, 2007; and Joint Resolution No. 2008-28 signed by the City on October 8, 2008 and the Township on July 28, 2008.

Dated this 24th day of November, 2008.

For the Assistant Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments