

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF NEW ULM ) ORDER  
AND THE TOWN OF COTTONWOOD PURSUANT )  
TO MINNESOTA STATUTES 414 )  
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WHEREAS, a joint resolution for orderly annexation was adopted by the City of New Ulm and the Town of Cottonwood; and

WHEREAS, a resolution was received from the City of New Ulm indicating their desire that certain property be annexed to the City of New Ulm pursuant to M.S. 414.0325; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Director of Strategic and Long Range Planning may review and comment, but shall within 30 days order the annexation of land pursuant to said subdivisions; and

WHEREAS, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge; and

WHEREAS, on September 13, 2007, the Chief Administrative Law Judge has reviewed and accepted the resolution for orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of New Ulm, Minnesota, the same as

if it had originally been made a part thereof:

Parcel #1

Sublot A of Lot M, and all of Lot C, in the Southeast Quarter Section 32, Township 110 North, Range 30 West, Brown County, Minnesota, and;

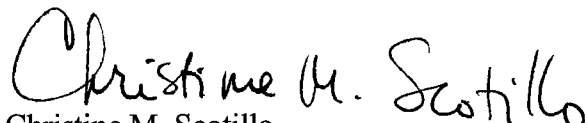
Parcel #2

The balance of Lot N of the Southeast Quarter, Lot O of Lot 3 of the Southwest Quarter, Lot P of the North Half of the Southwest Quarter, and Lot Q of the South Half of the Northwest Quarter, all being in Section 32, Township 110 North, Range 30 West, Brown County, Minnesota.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Cottonwood will be reimbursed by the City of New Ulm in accordance with the terms of the Joint Resolution signed by the City of New Ulm and Cottonwood Township on April 17, 2006.

Dated this 13<sup>th</sup> day of September, 2007.

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

  
Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

OA-1260-1 New Ulm

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1260-1, the Chief Administrative Law Judge finds and makes the following comment:

Planning in the area designated for orderly annexation must be provided for by one of three provisions set forth in Minnesota Statutes Section 414.0325, Subd. 5. If the joint resolution does not provide for joint planning and land use control certain statutory procedures apply. The joint resolution purports to subscribe to Minn. Stat. 414.0325 Subd. 5(d)(1). However there is no evidence that the county and the township have agreed to the city exercising its territorial authority, unless that acquiescence was part of the City's extraterritorial subdivision regulation resolution of 2003. If so, please note in future annexations from this agreement. If that is not the case, please review Minn. Stat. 414.0325 Subd. 5 before submitting other annexations from this agreement.

The parties are encouraged to consider this comment in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

CWO