

OA-1339-1 St. Cloud  
City Resolution No. 2007-6-135  
Township Resolution No. 07-04

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF ST. CLOUD )  
AND THE TOWN OF LYNDEN PURSUANT TO )  
MINNESOTA STATUTES 414 )  
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O R D E R

WHEREAS, a joint resolution for orderly annexation was adopted by the City of St. Cloud and the Town of Lynden; and

WHEREAS, said joint resolution requests that certain property be annexed to the City of St. Cloud 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 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.

WHEREAS, on July 18, 2007, the Chief Administrative Law Judge 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 St. Cloud, Minnesota, the same as if it had originally been made a part thereof:

The North Half of the Northwest Quarter East of the Great Northern Railway Company (now owned by Stearns County) right of way as now located and constructed over and across said tract in Section 20, Township 123 North, Range 27 West, Stearns County, Minnesota. Containing 54.05 acres, more or less.

And

The North 396.00 feet of Government Lot 2, Section 20, Township 123 North, Range 27 West, Stearns County, Minnesota. Containing 5.67 acres, more or less.

And

That part of the former Great Northern Railroad, now owned by Stearns County, Minnesota, that lies within the North Half of the of the Northwest Quarter of Section 20, Township 123 North, Range 27 West, Stearns County, Minnesota. Containing 3.63 acres, more or less, and is subject to easements of record.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Lynden will be reimbursed by the City of St. Cloud in accordance with the terms of the Joint Resolution signed by the City of St. Cloud on June 4, 2007 and the Town of Lynden on May 7, 2007.

Dated this 18<sup>th</sup> day of July, 2007.

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

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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1339-1, the Chief Administrative Law Judge finds and makes the following comment:

Recent legislative amendments to Chapter 414 became effective on August 1, 2006. Included in the amendments is a new subdivision that requires published notice prior to adopting an orderly annexation agreement. Minn. Stat. Sec. 414.0325, Subd.

1b states:

**Subd. 1b. Notice of intent to designate an area.** At least ten days before the municipality or township adopts an orderly annexation agreement, a notice of the intent to include property in an orderly annexation area must be published in a newspaper of general circulation in both the township and municipality. The notice must clearly identify the boundaries of the area proposed to be included in the orderly annexation agreement and the date, time, and place of the public informational meeting to be held as provided in section 414.0333. The cost of providing notice must be equally divided between the municipality and the township, unless otherwise agreed upon by the municipality and the township.

For future reference, any new orderly annexation agreements must comply with this notice requirement. 