

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF ST. CHARLES)
AND THE TOWN OF ST. CHARLES PURSUANT TO)
MINNESOTA STATUTES 414)

A M E N D E D

ORDER

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

WHEREAS, said joint resolution requests that certain property be annexed to the City of St. Charles 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 St. Charles, Minnesota, the same as if it had originally been made a part thereof:

A part of the Northwest Quarter (NW ¼) of Section Twenty-one (21), Township One Hundred Six (106) North, Range Ten (10) West, Winona county, Minnesota, described as follows:

Commencing at the Southeast corner of the Northwest Quarter (NW ¼) of said Section Twenty-one (21); thence South 89° 08' 51" West (NOTE: all bearings are in relationship with the east line of said Northwest Quarter (NW ¼) which is assumed to be North 02° 01' 27" West) along the South line of said Northwest Quarter (NW ¼) for a distance of 490.10 feet; thence North 02°

01° 27" West for a distance of 348.29 feet to the centerline of Trunk Highway #14; thence North 84° 24' 27" West for a distance of 466.32 feet to the point of beginning; thence South 02° 01' 27" East a distance of 357 feet; thence West parallel with the South line of the Northwest Quarter (NW ¼) of said Section Twenty-one (21) a distance of 188 feet; thence North parallel with the East line of the Northwest Quarter (NW ¼) of said Section Twenty-one (21) a distance of 375 feet, more or less, to the centerline of Trunk Highway #14, thence easterly along said centerline to the point of beginning.

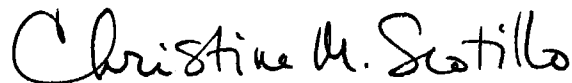
1.6

The tract contains ~~4.03~~ 1.6 acres of land and is subject to right-of-way in existing highway and road and subject to any and all easements of record.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of St. Charles will be reimbursed by the City of St. Charles in accordance with the terms of Joint Resolution No. 06-36/06-02 signed by the City of St. Charles on December 12, 2006 and the Town of St. Charles on December 19, 2006.

Dated this 13th day of September, 2007.

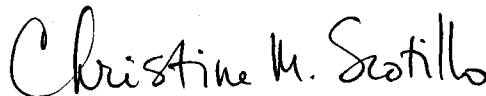
For the Chief Administrative Law Judge
658 Cedar Street, Room 300
St. Paul, Minnesota 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

Amended Order dated this 26th day of October, 2007.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1348-1, the Chief Administrative Law Judge finds and makes the following comment:

Recent legislative amendments to Chapter 414 became effective on August 1, 2007.

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. *This subdivision applies only to the initial designation to include property in an orderly annexation area subject to the orderly annexation agreement and not to any subsequent annexation of any property from within the designated orderly annexation area. This subdivision also does not apply when the orderly annexation agreement only designates for immediate annexation property for which all of the property owners have petitioned to be annexed.*

It is not clear from the joint resolution whether all the property owners have petitioned for annexation. For future reference, any new orderly annexation agreements must comply with this notice requirement.

CWS