

OA-1349-1 Benson
City Signed Joint Resolution 8-13-07
Township Signed Joint Resolution 8-6-07

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF BENSON)
AND SIX MILE GROVE TOWNSHIP PURSUANT TO)
MINNESOTA STATUTES 414)

ORDER

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Benson and Six Mile Grove Township; and

WHEREAS, said joint resolution requests that certain property be annexed to the City of Benson 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 January 24, 2008, 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 Benson, Minnesota, the same as if

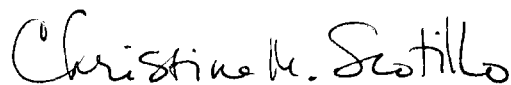
it had originally been made a part thereof:

That part of Section One (1), Township One Hundred Twenty-one (121), Range Forty (40), more particularly described as follows: Commencing at the northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section One (1); thence Easterly on the north line of Section One (1), bearing North 90° 00' East for 360 feet and thence South for 300 feet to a point which will be the point of beginning; thence continuing South for 241.7 feet; thence West bearing South 86° 45' West for 360.4 feet to the West line of said Northeast Quarter (NE $\frac{1}{4}$) of Section One (1); thence Northerly on the West line of said Northeast Quarter (NE $\frac{1}{4}$) of Section One (1) for 262.1 feet; thence Easterly on a line parallel to the North line of said Northeast Quarter (NE $\frac{1}{4}$) of Section One (1) for 360 feet to the point of beginning.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, Six Mile Grove Township will be reimbursed in accordance with the terms of the Joint Resolution signed by the City on August 13, 2007 and the Township on August 6, 2007; and the Addendum to the Joint Resolution signed by the City on September 10, 2007 and the Township on November 5, 2007.

Dated this 24th day of January, 2008.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1349-1, the Chief Administrative Law Judge finds and makes the following comment:

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.

