

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF WINNEBAGO ) FINDINGS OF FACT  
AND VERONA TOWNSHIP PURSUANT TO ) CONCLUSIONS OF LAW  
MINNESOTA STATUTES 414 ) AND ORDER  
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The joint resolution for orderly annexation submitted by the City of Winnebago and Verona 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. On October 23, 2008, the Chief Administrative Law Judge reviewed and accepted the joint resolution which was adopted by the City on October 15, 2008, and by the Township on October 14, 2008, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on October 20, 2008.

2. The joint resolution requests the designation and immediate annexation of certain property to the City of Winnebago described as follows:

**Tract 1 - The South Half of the South Half of the Southeast Quarter of the Northwest Quarter, all that part of the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter that lies North and West of the Railroad right-of-way except a tract in the Southeast Quarter beginning at the Northeast corner of the Southeast Quarter being 2142.7 feet West of the East quarter corner on the East quarter line of Section Three (3), thence in a Westerly direction along the East quarter line a distance of 100 feet to the Northwest corner of the tract thence in a Southerly direction with an inside angle of 96 degrees 31 minutes a distance of 244.8 feet to the Southwest corner of said tract being on the West right-of-way line of the Railroad right-of-way, thence in a Northeasterly direction along said West right-of-way line with an inside angle of 29 degrees 33 minutes a distance of 201.35 feet to the Southeast corner thence in a Northerly direction with an inside angle of 150 degrees 27 minutes a distance of 81.0 feet to point of beginning, all of said lands being located in Section Three (3), Township One Hundred Three (103) North of Range Twenty-eight (28) West of the Fifth Principal Meridian.**

Tract 2 - Also a tract commencing at the Southeast corner of the West Half of the Southwest Quarter of Section Three (3) in Township One Hundred Three (103) North of Range Twenty-eight (28) West of the Fifth Principal Meridian thence North on the East line of the West Half of the Southwest Quarter of said Section Three (3) a distance of 148 rods, thence West to a point which is located 37 chains North and 13 chains and 90 links East of the Southwest corner of the East Half of the Southeast Quarter of Section Four (4) in Township One Hundred Three (103) North of Range Twenty-eight (28) West of the Fifth Principal Meridian, Faribault County, Minnesota, thence South 11 chains and 10 links to a point located 25 chains and 90 links North and 13 chains and 90 links East of the Southwest corner of the East Half of the Southeast Quarter of said Section Four (4) above described, thence Southeasterly to a point which is located 18 chains and 50 links North and 19 chains and 50 links East of the Southwest corner of the East Half of the Southeast Quarter of said Section Four (4) above described, thence Southeasterly to a point which point is located 9 chains and 25 links North and 21 chains and 20 links East of the Southwest corner of the East Half of the Southeast Quarter of said Section Four (4); thence in a Southwesterly direction to a point on the South line of said Section Four (4) which point is 9 chains and 90 links East of the Southwest corner of the East Half of the Southeast Quarter of said Section Four (4), thence East to point of beginning; excepting and reserving therefrom the right of way of the Chicago, Milwaukee and St. Paul Railway Company across the Southeast corner of the West Half of the Southwest Quarter of Section Three (3) in Township One Hundred Three (103) North of Range Twenty-eight (28) West of the Fifth Principal Meridian in the County of Faribault and State of Minnesota, and Range aforesaid all of said land lying and being in the County of Faribault and State of Minnesota; said right-of-way being described as a tract commencing at a point 18 rods North of the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section Three (3) in Township One Hundred Three (103) North of Range Twenty-eight (28) West of the Fifth Principal Meridian in the County of Faribault and State of Minnesota, and running thence South 18 rods to said corner, thence West 12 rods, thence Northeasterly to place of beginning, containing 108 rods of land.

Tract 3 - All that part of the Southeast Quarter of the Southwest Quarter of Section Three (3) in Township One Hundred Three (103) North of Range Twenty-eight (28) West of the Fifth Principal Meridian, lying and being North and West of the Railroad Right of Way of the Chicago, Milwaukee and St. Paul Railway Company as now located and constructed across and over said section.

excepting from Tracts 2 and 3 all that property conveyed by that certain warranty deed dated August 14, 1979 and filed August 16, 1979 from Ethel M. Robertson and Scott J. Robertson to Robert D. Weerts and recorded as Document No. 239142 in the office of the County Recorder, Faribault County, Minnesota.

Subject to an easement to Northern Natural Gas Company.

AND

East half ( $E\frac{1}{2}$ ) of the Southeast quarter ( $SE\frac{1}{4}$ ) East of the river in Section Four (4), Township One-hundred three (103), Range Twenty-eight (28) and West half ( $W\frac{1}{2}$ ) of the Southwest quarter ( $SW\frac{1}{4}$ ) and Northeast quarter ( $NE\frac{1}{4}$ ) of the Southwest quarter ( $SW\frac{1}{4}$ ) Northwest of Railroad in Section Three (3), Township one-hundred three (103), Range Twenty-eight (28), in Faribault County, Minnesota.

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.

4. 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 Winnebago, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, the Township of Verona will be reimbursed by the City of Winnebago in accordance with the terms of the joint resolution which was signed by the City on October 15, 2008, and by the Township on October 14, 2008.

Dated this 23<sup>rd</sup> day of October, 2008.

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

A handwritten signature in black ink, reading "Christine M. Scotillo". The signature is written in a cursive style with a large initial "C".

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments