

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION) AMENDED
AGREEMENT BETWEEN THE CITY OF MARSHALL) FINDINGS OF FACT
AND LAKE MARSHALL TOWNSHIP PURSUANT TO) CONCLUSIONS OF LAW
MINNESOTA STATUTES 414) AND ORDER

In 1982, the City of Marshall and Lake Marshall Township executed a joint resolution for orderly annexation. In July 2009, the parties amended their 1982 agreement by submitting a joint resolution which 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. A joint resolution for orderly annexation was previously adopted by the City of Marshall and Lake Marshall Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments, or its predecessor.
2. A joint resolution amending the existing agreement was adopted and submitted by the City of Marshall and Lake Marshall Township, to increase the designated area by 1.13 acres.
3. The City of Marshall and Lake Marshall Township request the immediate annexation of part of the designated area described as follows:

~~All that part of the Northeast Quarter of Section 10, Township 111 North, Range 41 West, located in the County of Lyon, State of Minnesota, being more particularly described as follows:~~

Beginning at the intersection of the southeast right-of-way line of Trunk Highway 23 and the westerly line of the Northeast Quarter of Section 10, Township 111 North, Range 41 West; thence South 00 degrees, 37 minutes, 51 seconds East along the westerly line of the Northeast Quarter (also the current City of Marshall Corporate Limits Line) a distance of 1715.15 feet to the southwest corner of the Northeast Quarter of Section 10, Township 111 North, Range 41 West; thence North 89 degrees 43 minutes 59 seconds East along the south line of the Northeast Quarter (also the current City of Marshall Corporate Limits Line) a distance of 33.00 feet; thence North 00 degrees, 37 minutes, 51 seconds West, a distance of 505.90 feet to the southerly right-of-way line of Trunk Highway 23 (also the current City of Marshall Corporate Limits Line); thence South 55 degrees 51 minutes 25 seconds West along the southerly right-of-way line of Trunk Highway 23 (also the current City of Marshall Corporate Limits Line), a distance of 79.16 feet to the point of beginning. Said tract containing 1.73 acres more or less.

More particularly described as:

All that part of the Northeast Quarter of Section 10, Township 111 North, Range 41 West, located in the County of Lyon, State of Minnesota, being more particularly described as follows:

Beginning at the intersection of the southeast right-of-way line of Trunk Highway 23 and the westerly line of the Northeast Quarter of Section 10, Township 111 North, Range 41 West; thence South 00 degrees, 37 minutes, 51 seconds East along the westerly line of the Northeast Quarter (also the current City of Marshall Corporate Limits Line) a distance of 1715.15 feet to the southwest corner of the Northeast Quarter of Section 10, Township 111 North, Range 41 West; thence North 89 degrees 43 minutes 59 seconds East along the south line of the Northeast Quarter (also the current City of Marshall Corporate Limits Line) a distance of 33.00 feet; thence North 00 degrees, 37 minutes, 51 seconds West, a distance of 1,102.04; thence North 11 degrees 48 minutes 23 seconds East, a distance of 153.23 feet; thence North 00 degrees 37 minutes 51 seconds West, a distance of 505.90 feet to the southerly right-of-way line of Trunk Highway 23 (also the current City of Marshall Corporate Limits Line); thence South 55 degrees 51 minutes 25 seconds West along the southerly right-of-way line of Trunk Highway 23 (also the current City of Marshall Corporate Limits Line), a distance of 79.16 feet to the point of beginning. Said tract containing 1.73 acres more or less.

4. Minnesota Statutes §414.0325, subd. 1(h) 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.

5. The joint resolution contains all the information required by Minnesota Statutes §414.0325, subd. 1(h), 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.

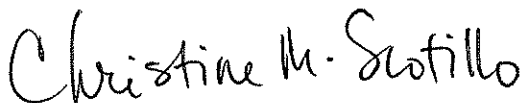
ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Marshall, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Lake Marshall Township will be reimbursed by the City of Marshall in accordance with the terms of Joint Resolution No. 3250, 2nd Series signed by the City on June 23, 2009 and Township on June, 9, 2009.

Amended this 19th day of August, 2009.

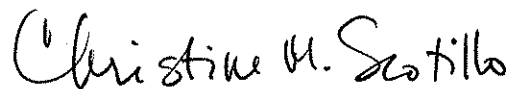
For the Assistant Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

Dated this 23rd day of July, 2009.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments