

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

The joint resolution for orderly annexation submitted by the City of Marshall and Lake Marshall Township was reviewed for conformity with applicable law. By delegation, 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 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 Adjustment Unit.

2. A joint resolution adopted and submitted by the City of Marshall and Lake Marshall Township, requests annexation of part of the designated area described as follows:

A tract of land located in Northeast Quarter of Section 7, Township 111 North, Range 41 West, Lyon County, Minnesota, being more particularly described as follows:

Beginning at the northwest corner of the East Half of the Northeast Quarter of said Section 7, said point being located on the current Corporate Limits line of the City of Marshall; thence south along the westerly line of said East Half of the Northeast Quarter to the north right-of-way line of the Burlington Northern Santa Fe Railroad; thence southeasterly perpendicular to said railroad right-of-way line, a distance of 100 feet more or less to the south right-of-way line of said railroad, said point being located on the northerly boundary of the current Corporate Limits line of the City of Marshall; thence easterly along the current Corporate Limits line of the City of Marshall to the east line of said Section 7; thence northerly along the east line of said Section 7, said line being the current Corporate Limits line of the City of Marshall, to the northeast corner of said Section 7; thence westerly along the north line of said Section 7, said line being the current

Corporate Limits line of the City of Marshall, to the point of beginning.

Said tract containing 53.16 acres more or less.

AND

All that part of the Northeast Quarter of Section 7, Township 111 North, Range 41 West, Lyon County, Minnesota, being more particularly described as follows:

Commencing at the southeast corner of said Northeast Quarter; thence north 01 degrees 02 minutes 14 seconds East, along the east line of said Northeast Quarter and current Corporate Limits line of the City of Marshall, a distance of 443.15 feet to the true point of beginning; thence North 88 degrees 18 minutes 31 seconds West along the current Corporate Limits line of the City of Marshall, a distance of 353.11 feet to the current Corporate Limits line of the City of Marshall; thence southerly and easterly along the current Corporate Limits line of the City of Marshall to the east line of said Section 7; thence northerly along said east line of said Section 7, the current Corporate Limits line of the City of Marshall, to the point of beginning.

Said tract containing 0.537 acres more or less.

3. 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.

4. 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 Chief Administrative Law Judge or authorized designee 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. 3745 signed by the City on May 22, 2012 and the Township on May 8, 2012.

Dated this 12th day of June, 2012.


Timothy J. O'Malley
Assistant Chief Administrative Law Judge
Municipal Boundary Adjustment Unit