

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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| IN THE MATTER OF THE ORDERLY ANNEXATION) | |
| AGREEMENT BETWEEN THE CITY OF CLEAR LAKE) | <u>FINDINGS OF FACT</u> |
| AND CLEAR LAKE TOWNSHIP PURSUANT TO) | <u>CONCLUSIONS OF LAW</u> |
| MINNESOTA STATUTES 414) | <u>AND ORDER</u> |

The joint resolution for orderly annexation submitted by the City of Clear Lake and Clear Lake 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 April 16, 2009, the Chief Administrative Law Judge reviewed and accepted the joint resolution which was adopted by the City on March 17, 2009, and by the Township on March 17, 2009, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on April 6, 2009.

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

The Southwest quarter of the Southwest quarter (SW ¼ SW ¼) of Section Twenty-four (24), Township Thirty-four (34), North Range Thirty (30) West, and that part of the Northwest quarter of the Northwest quarter (NW ¼ NW ¼), of Section Twenty (25), Township Thirty-four (34) North, Range Thirty (30) West, Sherburne County, Minnesota, lying Northerly and Northeasterly of the following described line: commencing at the Northeast corner of said Section 25; thence South 00 degrees, one minute, four seconds East on an assumed bearing along the east line of said Section 25 a distance of 791.00 feet for the point of beginning of the line to be described; thence South 89 degrees, 58 minutes, 56 seconds West 4,239.53 feet; thence North

25 degrees, 3 minutes, 27 seconds West 564.95 feet; thence North 53 degrees, 45 minutes, 8 seconds West 395.66 feet; thence North 87 degrees, 44 minutes, 26 seconds West to the West line of Said (NW ¼ NW ¼) and said described line there terminating.

AND,

That part of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section seven (7), Township Thirty-four (34), Range Twenty-nine (29), described as follows: Beginning at the point of intersection of the North line thereof and the Easterly right-of-way line of County State Aid Road No. 6, which point is 28.97 feet East of the Northwest corner thereof; thence South along said right-of-way line 444.49 feet; thence East Parallel with said North line 163.0 feet; thence North parallel with said Easterly right-of-way line 444.49 feet to intersect said North line; thence West along said North line 163.0 feet to the point of beginning.

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 annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Clear Lake, the

same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, no reimbursement shall be made to the Township of Clear Lake by the City of Clear Lake in accordance with the terms of the Joint Resolution signed by the City and Township on March 17, 2009.

Dated this 16th day of April, 2009.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments