

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

The joint resolution for orderly annexation submitted by the City of Fergus Falls and Buse 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 22, 2009, the Chief Administrative Law Judge reviewed and accepted the joint resolution which was adopted by the City on September 25, 2009, and by the Township on September 8, 2009, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on October 8, 2009.

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

That part of the Northeast Quarter of the Southwest Quarter (NE ¼ SW ¼) of Section Eleven (11), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows:

Commencing at the South Quarter Section corner of said Section 11; Thence North 00 degrees 01 minutes 50 seconds East (assumed bearing) along the North-South Section line of said Section 11 a distance of 119.18 feet to the Southwesterly right-of-way line of State Highway Number 59; Thence North 23 degrees 42 minutes 30 seconds West along said right-of-way a distance of 1,331.14 feet to the Point of Beginning; Thence continuing North 23 degrees 42 minutes 30 seconds West along said right-of-way line a distance of 314.69 feet;

Thence South 66 degrees 17 minutes 30 seconds West a distance of 210.00 feet; Thence North 23 degrees 42 minutes 30 seconds West a distance of 535.71 feet; Thence North 66 degrees 17 minutes 30 seconds East a distance of 210.00 feet to the Southwesterly right-of-way line of State Highway Number 59; Thence North 23 degrees 42 minutes 30 seconds West along said right-of-way line a distance of 278.80 feet; Thence South 66 degrees 17 minutes 30 seconds West a distance of 220.00 feet; Thence South 23 degrees 42 minutes 30 seconds East a distance of 824.51 feet; Thence North 66 degrees 17 minutes 30 seconds East a distance of 70.00 feet; Thence South 23 degrees 42 minutes 30 seconds East a distance of 236.92 feet to the South line of the Northeast Quarter of Southwest Quarter; Thence South 89 degrees 23 minutes 44 seconds East along said South line a distance of 164.60 feet to the Point of Beginning. Containing 2.5 acres more or less. Subject to an easement for roadway purposes over and across the Southerly 50.00 feet thereof. Subject to easements and right-of-way of record.

EXCEPT THE FOLLOWING TRACT:

That part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, described as follows:

Commencing at the South Quarter corner of said Section 11; Thence on an assumed bearing of North 00 degrees 01 minutes 50 seconds East along the North-South Quarter line of Section 11 a distance of 121.59 feet to the Westerly right-of-way line of County State Aid Highway No. 82; Thence North 23 degrees 42 minutes 30 seconds West along said Westerly right-of-way line a distance of 1,611.60 feet to the Point of Beginning of the land to be described; Thence continuing North 23 degrees 42 minutes 30 seconds West along said Westerly right-of-way line a distance of 34.48 feet; Thence South 66 degrees 17 minutes 30 seconds West a distance of 154.15 feet; Thence South 23 degrees 42 minutes 30 seconds East a distance of 4.50 feet; Thence North 66 degrees 17 minutes 30 seconds East a distance of 15.00 feet; Thence South 23 degrees 42 minutes 30 seconds East a distance of 28.00 feet; Thence North 67 degrees 06 minutes 18 seconds East a distance of 139.16 feet to the Point of Beginning. Containing 4726 square feet 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 annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Fergus Falls, the same as if it had originally been made a part thereof.
2. Pursuant to Minnesota Statutes §414.036, Buse Township will be reimbursed by the City of Fergus Falls in accordance with the terms of the Joint Resolution signed by the City on September 25, 2009 and the Township on September 8, 2009.

Dated this 22nd day of October, 2009.

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

Christine M. Scotillo

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments