

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1535-1
Lakefield/Heron Lake Township/Hunter Township
Pursuant to Minnesota Statutes 414

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The joint resolution for orderly annexation submitted by the City of Lakefield, Heron Lake Township, and Hunter 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. On November 13, 2012, the Chief Administrative Law Judge or authorized designee reviewed and accepted the joint resolution which was adopted by the City on June 18, 2012 and the Townships on August 7, 2012, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit on September 28, 2012.

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

To be annexed Parcel 09.004.1000 described as:

Part of the NW ¼ NE ¼ of Section 4, Township 102 North, Range 36, Jackson County, Minnesota, described as follows:

Beginning at an existing iron monument at the Northwest corner of the NE ¼ of said Section 4; thence North 89 degrees 52 minutes 25 seconds East, assumed bearing, along the North line of said NE ¼ a distance of 87 feet; thence South 00 degrees 07 minutes 35 seconds East, a distance of 573.20 feet, to the center line of the abandoned Chicago, Milwaukee & St. Paul Railroad; thence Northwesterly, along said abandoned railroad centerline, along a non-tangential curve, concave to the Northeast, having a central angle of 00 degrees 27 minutes 34 seconds, a radius of 11,459.16 feet, a chord bearing of North 68 degrees

45 minutes 52 seconds West, an arc distance of 91.87 feet, to a point on the West line of said NE ¼; thence North 00 degrees 16 minutes 46 seconds West along said West line, a distance of 539.73 feet, to the point of beginning. The tract contains 1.10 acres and is subject to existing highway easements and other easements of record, if any.

To be annexed Parcels 08.032.2000 and 08.032.2500 described as:

Part of the SW ¼ of NE ¼ of Section 32, Township 103 North, Range 36 West of the 5th P.M., Jackson County, Minnesota described as follows:

Commencing at a point 1,072.50 feet (65 rods) due East from the Southwest corner of the NE ¼ of said Section 32; and running thence due North 528 feet (32 rods), thence due East 247.5 feet (15 rods); thence due South 528 feet (32 rods); thence due West 247.5 feet (15 rods) to the place of commencement.

To be annexed all of the SE ¼ of Section 33; Township 103 (Heron Lake); Range 36, Jackson, County, Minnesota

except for Parcel 08.033.1000 described as:

Commencing at a point 860 feet East of the South West corner of the SE ¼ of Section 33, Township 103, Range 36 running thence 330 feet (20 rods) due East, along said section line, thence due North for a distance of 660 feet (40 rods), thence due West for a distance of 330 feet (20 rods), thence due South 660.0 feet (40 rods) to the point of commencement; containing 5 acres, more or less, Excepting there from; the parcel of ground described as: Commencing at a point 860 feet East of the South West corner of the SE ¼ of said Section 33, along said section line, thence North 250 feet, thence East 200 feet, thence South 250 feet, thence West along said Section line 200 feet to the place of commencement.

and except for Parcel 08.033.0500 described as:

That part of the SE ¼ of Section 33, Township 103 North, Range 36 West, Jackson County, Minnesota, described as follows:

Commencing at a point 1190.0 feet East of the South Quarter corner of said Section 33; thence 660.0 feet North; thence 500.0 feet East; thence in a southwesterly direction so as to connect all of the following 7 described points;

Point 1 600.0 feet North and 490.0 feet East of point of commencement

Point 2 500.0 feet North and 478.0 feet East of point of commencement
Point 3 400.0 feet North and 478.0 feet East of point of commencement
Point 4 300.0 feet North and 397.0 feet East of point of commencement
Point 5 200.0 feet North and 317.0 feet East of point of commencement
Point 6 100.0 feet North and 242.0 feet East of point of commencement
Point 7 162.0 feet East of point of commencement; and

running thence 162.0 feet west to the point of commencement; containing 5.44 acres, more or less.

and except for Parcel 08.033.0900 described as:

All that part of the SE ¼ of Section 33, Township 103 North, Range 36, West of the Fifth Principal Meridian, described as follows:
Commencing at a point 10 feet East of the center of said Section 33; thence East a distance of 295 feet; thence South a distance of 295.32 feet; thence West a distance of 295 feet, thence North a distance of 295.32 feet, to the point of commencement.

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.

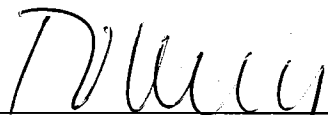
ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Lakefield, 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 Heron Lake Township and Hunter Township by the City of Lakefield in accordance with the terms of the Joint Resolution No. 12-21 signed by the City on June 18, 2012 and the Townships on August 7, 2012.

3. Pursuant to Minnesota Statutes § 414.035, the tax rate of the City of Lakefield on the property herein ordered annexed shall be increased in substantially equal proportions over a period of four years to equality with the tax rate of the property already within the city.

Dated: November 13, 2012



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