

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1536-1
Albert Lea/Albert Lea 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 Albert Lea and Albert Lea 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 October 9, 2012, the Chief Administrative Law Judge or authorized designee reviewed and accepted the joint resolution which was adopted by the City on August 27, 2012 and the Township on September 11, 2012, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit on October 1, 2012.

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

All that part of the SW $\frac{1}{4}$ Section 17-T102N-R21W and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18 T102N-R21W, Freeborn County, Minnesota; described as follows:

Commencing at the southeast corner of Southgate Addition, as the same is platted and recorded in the office of the County Recorder of Freeborn County, Minnesota;

thence North 00°41'14" West a distance of 33.00 feet, on the east line of said Southgate Addition, to the north right-of-way line of West Ninth Street, assuming the west line of the SW $\frac{1}{4}$ of said Section 17 has a bearing of North 00°41'14" West;

thence North 88°23'21" East a distance of 1349.91 feet, on the north right-

of-way line of said West Ninth Street, on a line parallel with and 33.00 feet north of the south line of the S½ SW¼ of said Section 17, to a point of intersection with the east line of South Fourth Avenue;

thence South 00°50'42" East a distance of 66.00 feet, on the southerly extension of said east line of South Fourth Avenue, to a point on the south right-of-way line of said West Ninth Street;

thence South 88°23'21" West a distance of 1350.09 feet, on said south right-of-way line of West Ninth Street, on a line parallel with and 33.00 feet south of the north line of said S½ SW¼, to a point on the west line of said S½ SW¼;

thence South 89°08'40" West a distance of 229.24 feet, on said south right-of-way line of West Ninth Street;

thence North 00°58'49" West a distance of 33.00 feet, to a point on the south line of said Southgate Addition;

thence North 89°08'40" East a distance of 229.43 feet, on the south line of said Southgate Addition, to the point of beginning;

less any part thereof previously annexed into the City of Albert Lea.

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 Albert Lea, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes § 414.036, the Township of Albert Lea shall be reimbursed by the City of Albert Lea in accordance with the terms of the Joint Resolution No. 12-166 signed by the City on August 27, 2012 and Township on September 11, 2012.

Dated: October 9, 2012



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