

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1537-1
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 N $\frac{1}{2}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 7-T102N-R21W, Freeborn County, Minnesota; described as follows:

Commencing at the point of intersection with the northerly right-of-way line of the former Chicago, Milwaukee, St. Paul & Pacific Railroad (now Iowa, Chicago & Eastern Railroad Corporation) and the east line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7-T102N-R21W;

thence Northwesterly a distance of 1300.70 feet more or less, on the northerly right-of-way line of said Iowa, Chicago & Eastern Railroad Corporation, to a point on the east right-of-way line of Lake Chapeau Drive;

thence Southerly a distance of 1808 feet more or less, on the east right-of-

way line of said Lake Chapeau Drive, to a point on a line parallel with and 299 feet north of the south line of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 7;

thence East a distance of 2075 feet more or less, on a line parallel with and 299 feet north of the south line of said N $\frac{1}{2}$ SW $\frac{1}{4}$, to the west line of Wedgewood Addition, as the same is platted and recorded in the office of the County Recorder of Freeborn County;

thence North a distance of 208.4 feet more or less, on the west line of said Wedgewood Addition, to the northwest corner thereof;

thence East a distance of 411.3 feet more or less, on the north line of said Wedgewood Addition, to the southwest corner of Lot 45, Garden Villa Addition, as the same is platted and recorded in the office of the County Recorder of Freeborn County, Minnesota;

thence North a distance of 424.14 feet more or less, on the west line of said Garden Villa Addition and a northerly extension thereof, to a point 45.00 feet north of the north line of Brent Drive, as shown thereon;

thence East a distance of 4.17 feet, on a line 45.00 feet north of the north line of said Brent Drive, to a point 100.00 feet west of the north-south $\frac{1}{4}$ section line of said Section 7;

thence North a distance of 532.5 feet more or less, on a line parallel with and 100 feet west of said north-south $\frac{1}{4}$ section line, to a point on the southerly right-of-way line of said former Chicago, Milwaukee, St. Paul & Pacific Railroad (now Iowa, Chicago & Eastern Railroad Corporation);

thence Northwesterly a distance of 1249 feet more or less, on the southerly right-of-way line of said Iowa, Chicago & Eastern Railroad Corporation, to a point on the east line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$;

thence North a distance of 103.59 feet more or less, on the east line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, 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 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. 12-167 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