

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1538-1  
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:

That part of the Northwest Quarter of the Southwest Quarter of Section 22, Township 102 North, Range 21 West, Freeborn County, Minnesota, described as follows:

Beginning at a point 290.2 feet North of the South line of the said Northwest Quarter of the Southwest Quarter, said point being also the East right of way line of old Trunk Highway 65;

Thence North 89 degrees 46 minutes 15 seconds East, assumed bearing, parallel with the South line of the said Northwest Quarter of the Southwest

Quarter 56.64 feet to the easterly right of way line of Trunk Highway 65; Thence continuing North 89 degrees 46 minutes 15 seconds East 215.00 feet;

Thence North 00 degrees 13 minutes 45 seconds West 392.80 feet; thence South 89 degrees 46 minutes 15 seconds West 282.71 feet to the easterly right of way line of new Trunk Highway 65; thence continuing South 89 degrees 46 minutes 15 seconds West 69.15 feet to the Easterly right of way line of old Trunk Highway 65; thence Southerly 347.46 feet along a nontangential curve in said line, concave to the west, having a central angle of 6 degrees 42 minutes 54 seconds and a radius of 2964.79 feet and a chord bearing of South 12 degrees 13 minutes 16 seconds East; thence South 08 degrees 51 minutes 49 seconds East 53.72 feet along said right of way line to the point of beginning.

Reserving an access easement for ingress and egress over and across the South 25.00 feet of the East 60.00 feet of the above-described tract. Said easement being for the benefit of the owner of the tract adjoining and Easterly of the above described tract. Also being subject to highway and access control easements and other easements of record.

LESS:

That part of Tract A described below:

Tract A. That part of the Northwest Quarter of the Southwest Quarter of Section 22, Township 102 North, Range 21 West, Freeborn County, Minnesota, described as follows: Beginning at a point 290.2 feet North of the South line of the said Northwest Quarter Southwest Quarter, said point being also on the East right of way line of old Truck Highway 65; thence North 89 degrees 46 minutes 15 seconds East, assumed bearing, parallel with the south line of the said Northwest Quarter of the Southwest Quarter, 56.64 feet to the Easterly right of way line of Trunk Highway 65; thence continuing North 89 degrees 46 minutes 15 seconds east 215 feet; thence North 00 degrees 13 minutes 45 seconds West 392.80 feet; thence South 89 degrees 46 minutes 15 seconds West 282.17 feet to the Easterly right of way line of new Trunk Highway 65; thence continuing South 89 degrees 46 minutes 15 seconds West 69.15 feet to the Easterly right of way line of old Trunk Highway 65; thence Southerly 347.46 feet along a nontangential curve in said line, concave to the West having a central angle of 06 degrees 42 minutes 54 seconds and a radius of 2964.79 feet and a chord bearing of South 12 degrees 13 minutes 16 seconds East; thence South 08 degrees 51 minutes 49 seconds East 53.27 feet along said right of way line to the point of beginning; excepting therefrom the right of way Trunk Highway No. 65 as now located and established:

Which lies Northerly of Line 1 described below;

Line 1. Beginning at a point of Line 2 described below, distant 119.3 feet northerly of its point of termination; thence run Easterly at right angles to said

Line 2 for 400 feet and there terminating;

Line 2. Beginning at a point on the north line of Section 21, Township 102 North, Range 21 West, distant 700.8 feet East of the North quarter corner thereof; thence run Southeasterly at an angle of 32 degrees 54 minutes 35 seconds from said North section line (measured from East to South) for 592.3 feet; thence deflected to the right at an angle of 23 degrees 57 minutes 00 seconds for 2400.6 feet; thence deflect to the right on an 01 degree 46 minutes 9 second curve (delta angle 24 degrees 40 minutes 00 seconds) for 1389.9 feet and there terminating; Containing 0.97 acre, 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 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. 12-168 signed by the City on August 27, 2012 and Township on  
September 11, 2012.

Dated: October 9, 2012

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