

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1556-1
Ortonville/Ortonville 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 Ortonville and Ortonville 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 12, 2013, the Chief Administrative Law Judge or authorized designee reviewed and accepted the joint resolution which was adopted by the City on October 7, 2013 and the Township on October 4, 2013, and duly filed with the Office of Administrative Hearings, Municipal Boundary Adjustment Unit on October 21, 2013.

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

Lot J (Alan Thomas Knippen and Kimberly Ann McClelland-Knippen, owners)(±111.28 Acres): Lot J of the South Half of the Southwest Quarter (S1/2 SW1/4) of Section Fifteen (15) and of the West Half (W1/2) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.

Lot K (June Joann Ziegler, owner)(±102.71 Acres): Lot K of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Fifteen (15), of Government Lots Three (3) and Four (4) of Section

Twenty-one (21), of the West Half (W1/2) of Section Twenty-two (22), and of the South Half of the Southeast Quarter (S1/2 SE1/4) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.

Lot L (Geraldine Ann Crookston, owner)(±3.98 Acres): Lot L of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Fifteen (15), of Government Lot Six (6) of Section Sixteen (16), of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Twenty-one (21), and of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.

Lot M (Geraldine Ann Crookston, owner)(±63.52 Acres): Lot M of Government Lot Six (6) of Section Sixteen (16) and of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Twenty-one (21), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.

Lot N (Geraldine Ann Crookston, owner)(±48.61 Acres): Lot N of Government Lot Six (6) of Section Sixteen (16), of Government Lots One (1), Three (3) and Four (4) and the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Twenty-one (21), and of Government Lots One (1) and Two (2) of Section Twenty-two (22), all in Township One Hundred Twenty-one (121) North, Range Forty-six (46) West of the 5th P.M., according to the Plat on file in the office of the County Recorder, Original, Big Stone County, Minnesota, in Book 5 of Plats, page 424.

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.

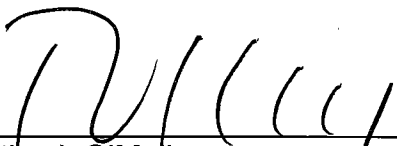
CONCLUSIONS OF LAW

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 Ortonville, the same as if it had originally been made a part thereof.
2. Pursuant to Minnesota Statutes § 414.036, Ortonville Township will be reimbursed by the City of Ortonville in accordance with the terms of Joint Resolution No. 2013-099/2013-1 signed by the City on October 7, 2013 and the Township on October 4, 2013.

Dated: November 14, 2013



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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1556-1, the Chief Administrative Law Judge finds and makes the following comment:

The sixth paragraph on Page 1 of the JOINT RESOLUTION ESTABLISHING AN ORDERLY ANNEXATION AGREEMENT BETWEEN THE CITY OF ORTONVILLE AND ORTONVILLE TOWNSHIP states,

“WHEREAS, it is not necessary for the City and Town to provide notice of intent to designate an area for orderly annexation under Minn. Stat. § 414.0325, subd. 1d because the Joint Petition and the fact this agreement provides for the immediate annexation of the Designated Area.”

There is no subd. 1d in Minn. Stat. § 414.0325.

Minn. Stat. § 414.0325, subd. 1b states,

“Notice of intent to designate an area. At least ten days before the municipality or township adopts an orderly annexation agreement, a notice of the intent to include property in an orderly annexation area must be published in a newspaper of general circulation in both the township and municipality. The notice must clearly identify the boundaries of the area proposed to be included in the orderly annexation agreement. The cost of providing notice must be equally divided between the municipality and the township, unless otherwise agreed upon by the municipality and the township. This subdivision applies only to the initial designation to include property in an orderly annexation area subject to the orderly annexation agreement, or any expansion of the orderly annexation area subject to the agreement, and not to any subsequent annexation of any property from within the designated area. This subdivision also does not apply when the orderly annexation agreement only designates for immediate annexation property for which all of the property owners have petitioned to be annexed.”

The subject addressed in the sixth paragraph on Page 1 quoted above clearly relates to the statutory “Notice of intent to designate an area” requirement set forth in Minn. Stat. § 414.0325, subd. 1b. It is the opinion of the Chief Administrative Law Judge that 1) the parties to the JOINT RESOLUTION ESTABLISHING AN ORDERLY

ANNEXATION AGREEMENT BETWEEN THE CITY OF ORTONVILLE AND
ORTONVILLE TOWNSHIP mistakenly cited the nonexistent subd. 1d when they
intended to cite subd. 1b, and 2) this typographical error neither invalidates the joint
resolution, nor the Chief Administrative Law Judge's statutory authority to approve the
annexation of the designated area.

T.J.O.