

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1558-1
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 December 10, 2013, the Chief Administrative Law Judge or authorized designee reviewed and accepted the joint resolution which was adopted by the City on October 14, 2013, and the Township on October 22, 2013, and duly filed with the Office of Administrative Hearings, Municipal Boundary Adjustment Unit on November 19, 2013.

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

Commencing at the Northwest corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, Township 102 North, Range 21 West of the 5th P.M.; thence East on the section line between Sections 3 and 10, 1158.5 feet more or less to the westerly line of the right of way of Trunk Highway No. 1, now U.S. Highway 65; thence in a Southwesterly direction along the Westerly line of said Trunk Highway to the west line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 aforesaid a distance of 1369.5 feet; thence due North on said line 731.36 feet more or less to the place of beginning, **LESS THE FOLLOWING TRACT:** Commencing 531.36 feet South of the Northwest corner of the

NW ¼ NE ¼ of Section 10, Township 102 North, Range 21 West of the 5th P.M.; thence running due East 70 feet; thence South 157.97 feet to the Westerly line of U.S. Highway 65; thence Southwesterly along the West line of said Highway, 82.2 feet; thence North 200 feet to the place of beginning., **LESS PROPERTY CONVEYED TO ALICE SWIDERSKI described as follows:** Commencing at a point which point is 437.7 feet East of the Northwest corner of the NE ¼ of Section 10, Township 102 North of Range 21 West of the 5th P.M., thence South 8°1' East 422.7 feet to the North right-of-way line of U.S. Highways #16 and #65; thence Northeasterly along the North right-of-way of U.S. Highway #16 and #65, 782.67 feet to a point where the North Highway line intersects the North line of the NE ¼ of Section 10, Township 102 North, Range 21 West; thence West on the North line of the NE ¼ of Section 10, Township 102 North, Range 21 West of the 5th P.M., 720.8 feet to the point of beginning. **ALSO LESS AND EXCEPTING:** All that part of the NW ¼ NE ¼ Section 10-T102N-R21W, described as follows: Commencing at the northwest corner of the NW ¼ NE ¼ Section 10-T102N-R21W; thence South 00°00'00" West a distance of 534.00 feet, on an assumed bearing on the north-south ¼ section line of said Section 10; thence North 90°00'00" East a distance of 70.00 feet, to the point of beginning; thence South 00°00'00" West a distance of 153.95 feet, to a point on the northwesterly right-of-way line of Stevens Street (formerly Trunk Highway No. 1); thence North 57°39'00" East a distance of 22.00 feet, on the northwesterly right-of-way line of said Stevens Street; thence North 07°26'51" West a distance of 143.39 feet, 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.

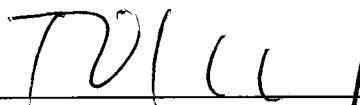
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

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, Albert Lea Township will be reimbursed by the City of Albert Lea in accordance with the terms of Joint Resolution No. 13-204, signed by the City on October 14, 2013, and Township on October 22, 2013.

Dated: December 10, 2013



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