

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1563-1
Austin/Austin 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 Austin and Austin 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 December 2, 2013 and the Township on November 18, 2013, and duly filed with the Office of Administrative Hearings, Municipal Boundary Adjustment Unit on December 6, 2013.

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

All that part of the N $\frac{1}{2}$ Section 5-T102N-R18W, Mower County, Minnesota; described as follows:

Commencing at the northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 5; thence South 00°39'09" East a distance of 411.00 feet, on an assumed bearing on the east line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, to the point of beginning;

thence South 89°00'03" West a distance of 585.71 feet, parallel with the north line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$;

thence South 00°39'09" East a distance of 662.53 feet more or less, parallel with the east line of said SE¼ NW¼, to a point on the now former northerly right-of-way line of Interstate Highway No. 90 (now County State Aid Highway No. 46 – Oakland Avenue);

thence along the northerly right-of-way line of said former Interstate Highway No. 90 (now County State Aid Highway No. 46 – Oakland Avenue), as follows:

Westerly a distance of 596.85 feet, on a nontangential curve concave to the north with a central angle of 15°25'35", a radius of 2216.80 feet and a chord bearing of South 81°27'18" West;

South 89°09'57" West a distance of 14.83 feet;

South 00°50'03" East a distance of 10.00 feet;

thence South 89°10'06" West a distance of 135.49 feet, to a point on the west line of the said SE¼ NW¼;

thence Northerly a distance of 970 feet more or less, to the southerly-most corner of the plat of Wildwood Estates, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence Northeasterly a distance of 1955 feet more or less, on the southeasterly line of said Wildwood Estates, to a point on the east line of the NW¼ of said Section 5;

thence Northerly a distance of 85 feet, more or less, on the east line of said NW¼, to the N¼ corner of said Section 5;

thence Easterly a distance of 2321 feet more or less, on the north line of the NE¼ of said Section 5, to a point on the northwesterly right-of-way line of Interstate Highway No. 90;

thence along the northwesterly right-of-way line of said Interstate Highway No. 90, as follows:

South 45°56'36" West a distance of 1166.35 feet;

South 45°56'36" West a distance of 521.48 feet;

Southwesterly a distance of 129.77 feet, on a nontangential curve concave to the southeast with a central angle of 06°38'00", a radius of 1120.92 feet and a chord bearing of South 42°37'36" West;

South 39°18'36" West a distance of 251.45 feet;

Southwesterly a distance of 143.05 feet, on a tangential curve concave to the northwest with a radius of 1170.92 feet and a central angle of 07°00'00";

South 46°18'36" West a distance of 940.91 feet;

Southwesterly a distance of 76.16 feet, on a nontangential curve concave to the northwest with a central angle of 03°43'36", a radius of 1170.92 feet and a chord bearing of South 48°10'24" West, to a point on the east line of the said SE¼ NW¼;

thence North 00°39'09" West a distance of 113.64 feet, on the east line of said SE¼ NW¼, to a point 788.30 feet south of the northeast corner of the said SE¼ NW¼;

thence South 89°20'51" West a distance of 133.00 feet;

thence North 00°39'09" West a distance of 100.00 feet;

thence North 89°20'51" East a distance of 133.00 feet, to a point on the east line of said SE¼ NW¼;

thence North 00°39'09" West a distance of 277.30 feet, on the east line of said SE¼ NW¼, to the point of beginning.

Containing 96.28 Acres 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

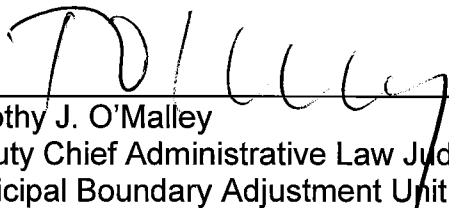
1. The property described in Findings of Fact 2 is annexed to the City of Austin, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes § 414.035, the tax rate of the City of Austin on the property herein ordered annexed shall be increased in substantially equal proportions over a period of six years to equality with the tax rate of the property already within the city.

3. Pursuant to Minnesota Statutes § 414.036, Austin Township will be reimbursed by the City of Austin in accordance with the terms of Joint Resolution No. 14629 signed by the City on December 2, 2013 and the Township on November 18, 2013.

4. The effective date of the annexation is January 1, 2014.

Dated: December 10, 2013



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