

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1580-1
Austin/Austin Township
Pursuant to Minnesota Statutes 414
(Joint Resolution No. 14775)

**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. The Chief Administrative Law Judge or authorized designee reviewed and accepted the joint resolution which was adopted by the City and Township on July 7, 2014, and filed with the Office of Administrative Hearings, Municipal Boundary Adjustment Unit on July 21, 2014.

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

James, Joseph & Anthony Bennett (02-008-0190)

Beginning at a point on the West line, of Trunk Highway #218 which is 325 feet Southeasterly of a point that is 1,535.15 feet South and 880.6 feet East of the Northwest corner of the Northeast Quarter of Section 11, Township 102 North, Range 18 West of the Fifth P.M.

The above described point being on the West line of Trunk Highway #218, and is the place of beginning; thence souththeasterly along the West line of said Highway #218, 150 feet; thence Southwesterly at a right angle (90 degrees) off the West line of said Highway #218, 590 feet; thence Northwesterly on a line that is parallel with the West line of said Highway #218, 150 feet; thence Northeasterly, 590 feet to the place of beginning.

Stephen & Katherine Sollie (02-008-0191)

Beginning at a point that is 1,535.15 test south and 880.8 feet East of the

Northwest corner of the Northeast Quarter of Section 11, Township 102 North, Range 18 West of the Fifth P.M.; the above described point being on the West line of Trunk Highway #218, and is the place of beginning; thence Southeasterly along the West line of said Highway #218, 625 feet; thence Southwesterly at a right angle off the West line of said Highway #218, 590 feet; thence Northwesterly on a line that is parallel, with the West line of said Highway #218, 625 feet; thence Northeasterly, 590 feet to the place of beginning.

Except the following tracts:

1. Beginning at a point that is 1,535.15 feet South and 880.8 feet East of the Northwest corner of the Northeast Quarter of Section 11, Township 102 North, Range 18 west, of the Fifth P.M. the above described point being on the West line of Trunk Highway #218, and is the place of beginning; thence Southeasterly along the West line of said Highway #218, 175 feet; thence Southwesterly at a right angle off the West line of, said Highway #218, 590 feet; thence Northwesterly on a line that is parallel with the West line of said Highway #218, 175 feet; thence Northeasterly, 590 feet to the place of beginning.
2. Beginning at a point on the West line of Trunk Highway #218 which is 325 feet Southeasterly of a point that is 1,535.15 feet South end 880.8 feet East of the Northwest corner of the Northeast Quarter of Section 11, Township 102 North, Range 18 West of the 5th P.M.; the above described point being on the West line of Trunk Highway #218, and is the place of beginning; thence Southeasterly along the West line of said Highway #218, 300 feet; thence Southwesterly, at a right angle (90 degrees) off the West Line of said Highway #218, 590 feet; thence Northwesterly on a Line that is parallel with the West line of said Highway #218, 300 feet; thence Northeasterly 590 feet to the place of beginning.

Subject to all valid and existing covenants, restrictions, reservations easements, conditions and rights appearing of record, if any. Grantee covenants and agrees that from and after the date hereof, the above described property shall not be used for the exhibition of motion pictures.

Eric Kozak (02-059-0250)

Lot 25, of Norman Park First Addition of Outlots in the N1/3 of the W3/4 of the N1/2 of the NW 1/4 of Section 4, Township 102 North, Range 18 West, Mower County, Minnesota.

Richard & Belita Schindler (02-059-0155)

The South 55.60 feet of Lot 15, Norman Park First Addition of Outlots in the North 1/3 of the West 3/4 of the North Half of the Northwest Quarter of Section 4, Township 102 North, Range 18 West, Mower County, Minnesota, said 55.60 feet being measured on a line perpendicular to the South line of said Lot 15.

Kenneth & Mercedee Dahlgren Rev Family Trust (02-059-0050)

Outlot 6, Norman Park First Addition of Outlots in the North one-third of the West three-fourths of the North Half of the Northwest Quarter of section 4, Township

102 North, Range 18 West; and Outlot 3 in Norman Park Second Addition of Outlots in the South Half of the West three-quarters of the Southwest Quarter of Section 33, Township 103 North, Range 18 West, Mower County, Minnesota, except no warranties shall be included on the following described tract: Beginning at the Northwest corner of said Outlot 3; thence along the North line of said Outlot 3, a distance of 10 feet; thence Southwesterly in a line parallel to the Westerly side of said Outlot 3 to the South line of said Outlot 3; thence along the South line of Outlot 3 to the Southwesterly corner of said Outlot; thence Northeasterly along the Westerly side of said outlot 3 to the place of beginning.

Nicholas & Carolyn Endres (02-059-0205)

The East 25 feet of Outlot 20 in Norman Park First Addition of Outlots in the North one-third of the West three-fourths of the North Half of the Northwest Quarter of Section 4, Township 102 North, Range 18 West, Mower County, Minnesota.

AND

Out Lot 21, of Norman Park First Addition of Outlots in the North one-third of the West three-fourths of the North Half of the Northwest Quarter of Section 4, Township 102 North, Range 18 West, Mower County, Minnesota.

Wolfgang & Linda Baumann (02-047-0010)

Lot 1 and Lot 5 in Cresthaven Second Addition in the Southeast Quartet of the Northeast Quarter of Section 5, Township 102, Range 18, Mower County, Minnesota.

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).

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has jurisdiction of the within proceeding.

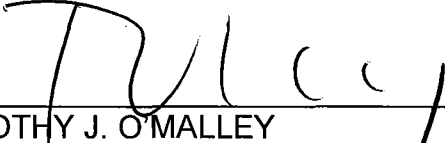
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Austin.

2. 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. 14775 signed by the City and Township on July 7, 2014.

Dated: August 12, 2014


TIMOTHY J. O'MALLEY
Deputy Chief Administrative Law Judge
Municipal Boundary Adjustment Unit