

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1581-1
Austin/Lansing Township
Pursuant to Minnesota Statutes 414
(Joint Resolution No. 14776)

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

The joint resolution for orderly annexation submitted by the City of Austin and Lansing 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 on July 7, 2014, and the Township on July 9, 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:

Morem Properties (08-027-0081)

The following described portion of the E 1/2 SW 1/4 of Sec. 27, Twp. 103 North, Range 18 West, to-wit: Starting at the south quarter corner of said Sec. 27, thence North 1266.00 feet along the north-south quarter line of said section; thence West 555.72 feet at a deflection angle of 89 degrees 36.5 minutes left, to the point of beginning of tract being described, which point is the southwest corner of the land conveyed to Parish (hereinafter called the Parrish Tract) by deed recorded in Book 266 of Deeds, page 208; thence North 250.00 feet at a deflection angle of 89 degrees 36.5 minutes right along the west line of said Parrish Tract to the northwest corner thereof; thence West 522.72 feet at a deflection angle of 89 degrees 36.5 minutes left; thence South 250.00 feet at a deflection angle of 90 degrees 23.5 minutes left; thence east 522.72 feet at a deflection angle of 89 degrees 36.5 minutes left; to the point of beginning; containing three acres more or less, less the West 174.23 feet thereof. Together

with rights and benefits conferred and subject to duties and liabilities imposed and reservations "and" agreements contained, in easements appearing in deed recorded in Book 311 of Deeds, page 200, Mower County, Minnesota.

Kent Harrington (08-027-0084)

The West 174.23 feet of the following described tract located in the East Half of the Southwest Quarter of Section 27, Township 103 North, Range 18 West, Mower County, Minnesota:

Starting at the South Quarter corner of said Section 27, thence North 1266.00 feet along the North-South Quarter line of said section; thence West 555.72 feet at a deflection angle of 89 degrees 36.5 minutes left, to the point of beginning of tract being described, which point is the Southwest corner of the land conveyed to Parrish (hereinafter called the Parrish Tract) by deed recorded in Book 266 of Deeds, page 208; thence North 250.00 feet at a deflection angle of 89 degrees 36.5 minutes right, along the West line of said Parrish Tract to the Northwest Corner thereof; thence West 522.72 feet at a deflection angle of 89 degrees 36.5 minutes left; thence South 250.00 feet at a deflection angle of 90 degrees 23.5 minutes left; thence East 522.72 feet at a deflection angle of 89 degrees 36.5 minutes left, to the point of beginning.

Brown Wilbert Inc. (08-034-0110)

The following portion of the Northeast Quarter of the Northwest Quarter of Section 34, Township 103 North, Range 18 West to-wit: Beginning of the South line of said quarter-quarter section at a point 850.7 feet West of the Southeast corner thereof, which point lies 300 feet West of the Southwest corner of land conveyed to Collins by the deed recorded in Book 16 of Deeds page 349; in the office of the Register of Deeds of said county; thence West along the South line of said quarter-quarter section for 380.8 feet more or less, to a point 218.7 feet East of the Southwest corner of the East 44 acres of the North Half of said quarter section; thence North 295.00 feet; thence East 380.8 feet more or less, to a point 295.00 feet North of the point of beginning; thence South 295.00 feet to the point of beginning; subject to the public highway easement upon the South 33.00 feet of said tract.

Kenneth Dahlgren (08-050-0030)

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.

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.

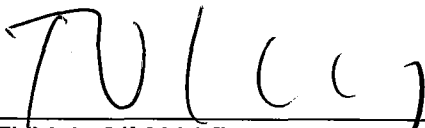
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

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. 14776 signed by the City on July 7, 2014, and the Township on July 9, 2014.

Dated: August 12, 2014



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