

STATE OF MINNESOTA  
COURT OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation of  
Certain Real Property to the City of Austin  
from Austin Township  
(MBAU Docket OA-1940-1)

**ORDER APPROVING  
ANNEXATION**

On April 17, 2026, the City of Austin (City), with the approval of Austin Township (Township), filed a Joint Resolution for Orderly Annexation (Joint Resolution), requesting review and approval of the annexation of certain real property pursuant to Minn. Stat. § 414.0325 (2024). The record closed April 17, 2026.

Jerry Fuerstenberg (Property Owner) is the sole owner of real property legally described as follows:

Commencing at the most southerly corner of Out Lot 1, in the Northeast Quarter of Section 11, Township 102 North, Range 18 West, Mower County, Minnesota; thence northwesterly on the southwesterly line of said Out Lot a distance of 290 feet; thence northeasterly on a line parallel with the southeasterly line of said Out Lot to the point intersecting the northeasterly line of said Out Lot; thence southeasterly on the northeasterly line of said Out Lot to the most easterly corner of said Out Lot; thence southwesterly on the southeasterly line of said Out Lot to the place of beginning.

AND

All that portion of the railroad right-of-way adjacent to Out Lot 1 in Feely's Addition in the Northeast Quarter (NE 1/4) of Section 11, Township 102 North, Range 18 West, Mower County, Minnesota, lying southwesterly of the centerline of the main track (now abandoned) of the Chicago, Milwaukee, St. Paul and Pacific Railroad as said main track centerline was originally located and established over and across said tract, lying between the following described lines:

**LINE 1:** Commencing at the southerly most corner of said Out Lot 1; thence northwesterly 290 feet on the southwesterly line of said Out Lot 1, to the point of beginning; thence northeasterly 103 feet, more or less, at a right angle, to the point of intersection with the said main track centerline.

**LINE 2:** Commencing at the southerly most corner of said Out Lot 1; thence northeasterly on the southeasterly line of said Out Lot 1, extended northeasterly, a distance of 168.66 feet, more or less, to the point of intersection with the said main track centerline.

AND

All that portion of the railroad right-of-way adjacent to Out Lot 2 in Feely's Addition in the Northeast Quarter (NE 1/4) of Section 11, Township 102 North, Range 18 West, Mower County, Minnesota, lying southwesterly of the centerline of the main track (now abandoned) of the Chicago, Milwaukee, St. Paul and Pacific Railroad as said main track centerline was originally located and established over and across said tract, lying between the following described lines:

**LINE 1:** Commencing at the westerly most corner of said Out Lot 2; thence northeasterly on the northwesterly line of said Out Lot 2, extended northeasterly, a distance of 168.66 feet, more or less, to the point of intersection with the said main track centerline.

**LINE 2:** Commencing at the southerly most corner of said Out Lot 2; thence northwesterly 139.5 feet on the southwesterly line of said Out Lot 2, to the point of beginning; thence northeasterly 207.01 feet, more or less, at a right angle, to the point of intersection with the said main track centerline.

AND

All that part of the W $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 11-T102N-R18W, Mower County, Minnesota, described as follows:

Commencing at the northeast corner of said W 1/2 NE 1/4; thence South 00°46'39" East, a distance of 1649.09 feet, on an assumed bearing on the east line of said W 1/2 NE 1/4, to a point on the northeasterly right-of-way line of the formerly Chicago, Milwaukee, St. Paul & Pacific Railroad, which is the point of beginning; thence South 80°09'26" West, a distance of 135.47 feet, to a point on the southwesterly right-of-way line of said formerly Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southeasterly a distance of 169.60 feet, on the southwesterly right-of-way line of said formerly Chicago, Milwaukee, St. Paul & Pacific Railroad, on a nontangential curve, concave to the northeast with a central angle of 02°30'36", a radius of 3872.10 feet, and a chord bearing of South 52°50'41" East; thence North 00°46'39" West, a distance of 125.60 feet, to the point of beginning.

The above-described conveyance contains 1.14 acres, more or less, and is subject to any easements, covenants, and restrictions of record.

(hereafter, the Subject Property.)

On February 22, 2026, Property Owner filed a Petition for Annexation (Petition) with the City and Township requesting annexation of the Subject Property by the City from the Township.

Based upon the Petition, the City and Township adopted the Joint Resolution (City Resolution No. 17376 and Township Resolution No. 2026-02) on March 16, 2026. The orderly annexation agreement is fully contained in the Joint Resolution and no published notice was required under Minn. Stat. § 414.0325, subd. 1b, because the Petition was submitted by the sole property owner.

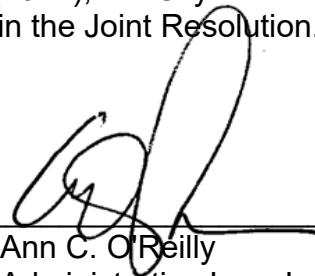
The Minnesota Department of Transportation approved as correct the above legal description for the Subject Property on April 24, 2026.

Based upon a review of the Petition and Joint Resolution, the Administrative Law Judge makes the following:

### **ORDER**

1. Pursuant to Minn. Stat. § 414.0325, the Joint Resolution is deemed legally adequate and properly supports this Order.
2. Pursuant to the terms of the Joint Resolution and this Order, the Property is **ANNEXED** to the City.
3. Pursuant to the agreement of the parties set forth in the Joint Resolution and as allowed by Minn. Stat. § 414.036 (2024), the City will reimburse the Township for the loss of taxes revenue as provided for in the Joint Resolution.

Dated: April 29, 2026



Ann C. O'Reilly  
Administrative Law Judge

### **NOTICE**

This Order is the final administrative order in this case under Minn. Stat. §§ 414.0325, .07, .09, .12 (2024). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Mower County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2025). However, no request for amendment shall extend the time of appeal from this Order.