

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-248-33
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. A joint resolution for orderly annexation was adopted by the City of Austin and Austin Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit.

2. A joint resolution adopted and submitted by the City of Austin and Austin Township, requests annexation of part of the designated area described as follows:

Commencing at a point which is 163.44 feet West of the SE corner of the West ½ of the East ½ of Outlot 10 in the NE ¼ of Section 9, Township 102 North, Range 18 West, Mower County, Minnesota; which point is also the SW corner of that portion of Outlot 10 described in the deed from Gertrude M. Sayles et al to Peter R. Nielsen et al, as recorded in the office of the Mower County, Minnesota Register of Deeds in Book 308, page 449; thence westerly along the south line of said Outlot a distance of 5 feet; thence Northerly parallel with the east line of said Outlot 10 a distance of 1,639.97 feet more or less to the South edge of Turtle Creek; thence southeasterly along the south edge of Turtle Creek to a point at the NE corner of the West One-Half of the East One-Half of said Outlot 10, which point is also the NW corner of that portion of Outlot 10 described in the Deed from Aldrich to Olson as recorded in Book 132, page 260 in the Office of the Register of Deeds, Mower County, Minnesota; thence South along the West

boundary of that tract of land conveyed in the above described Deed from Aldrich to Olson to a point which is 333 feet North of the South line of said Outlot; thence West parallel with the South line of said Outlot 10 a distance of 163.44 feet; thence South parallel with the W boundary line of the properties described in said Deed from Aldrich to Olson to the point of beginning.

AND,

The West half of the East half, and the West half of the Number 10 in Section 9, Township 102 North, Range 18 West, containing 15 acres more or less, except beginning at the southwest corner of Outlot 10, Section 9, Township 102 North, Range 18 West, Mower County, thence North along said lot line 120 feet; thence East parallel with the South line of said lot 194 feet, thence south parallel with the West line of said lot 120 feet; thence West along the south line of said lot 194 feet to the point of beginning.

And also except the following described property:

Commencing at a point which is 163.44 feet West of the SE corner of the West half of the East half of Outlot 10 in the Northeast Quarter of Section 9, Township 102 North, Range 18 West, Mower County, Minnesota; which point is also the SW corner of that portion of Outlot 10 described in the deed from Gertrude M. Sayles, et al, to Peter A. Nielsen, et al, as recorded in the office of the Mower County, Minnesota Register of Deeds in Book 308, page 449; thence westerly along the south line of said Outlot a distance of 5 feet; thence Northerly parallel with the east line of said Outlot 10 a distance of 1,639.97 feet more or less to the south edge of Turtle Creek; thence southeasterly along the south edge of Turtle Creek to a point at the NE corner of the West one-half of the East one-half of said Outlot 10, which point is also the NW corner of that portion of Outlot 10 described in the deed from Aldrich to Olson as recorded in Book 132, page 260 in the office of the Register of Deeds, Mower County, Minnesota; thence South along the West boundary of that tract of land conveyed in the above described deed from Aldrich to Olson to a point which is 333 feet North of the South line of said Outlot; thence West parallel with the South line of said Outlot 10 a distance of 163.44 feet; thence South parallel with the W boundary line of the properties described in said deed from Aldrich to Olson to the point of beginning.

And also except the following described property:

Commencing at a point which is the Southeast corner of the West half of the East half of Outlot 10 in the Northeast Quarter of Section 9, Township 102 North, Range 18 West, Mower County, Minnesota; which point is also the Southwest corner of that portion of Outlot 10 described in the deed from Aldrich to Olson as recorded in the Office of Mower County, Minnesota Register of Deeds in Book

132 of Deeds, page 260, thence North a distance of 333.00 feet along the west boundary of that tract of land described in the deed from Aldrich to Olson, aforementioned, to a point; thence west on a line parallel to the South line of Outlot 10, a distance of 163.44 feet to a point; thence south a distance of 333.00 feet on a line parallel with the west line of the property described in the deed from Aldrich to Olson, aforementioned, to a point on the south line of Outlot 10; thence east 163.44 feet on the south line of outlot 10 to the place of beginning, subject to existing highway right-of-way easements.

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 § 414.036, no reimbursement shall be made to the Township of Austin by the City of Austin in accordance with the terms of Joint

Resolution No. 14181 signed by the City on February 6, 2012 and Township on
January 17, 2012.

Dated: August 7, 2012



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