

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)	
AGREEMENT BETWEEN THE CITY OF ROCHESTER)	<u>FINDINGS OF FACT</u>
AND MARION TOWNSHIP PURSUANT TO)	<u>CONCLUSIONS OF LAW</u>
MINNESOTA STATUTES 414)	<u>AND ORDER</u>

The city resolution for orderly annexation submitted by the City of Rochester was reviewed for conformity with applicable law. The undersigned Assistant Chief Administrative Law Judge, acting under a delegation from 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 Rochester and Marion Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.
2. A resolution adopted and submitted by the City of Rochester, requests annexation of part of the designated area described as follows:

That part of the Northwest Quarter of Section 21, Township 106 North Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the northwest corner of said Northwest Quarter; thence North 89 degrees 29 minutes 48 seconds East, assumed bearing, along the north line thereof, 1313.29 feet to the east line of the West Half of said Northwest Quarter; thence South 01 degree 23 minutes 50 seconds East, along said east line, 943 feet more or less to the northerly right of way line of C.S.A.H. No. 36; thence southeasterly along said northerly right of way line, 1225 feet more or less, to the easterly extension of the north line of Lot 41, AUDITOR'S PLAT "C"; thence westerly along said line and the north line of Lot 41, a distance of 383.60 feet to the northwest corner thereof; thence southerly along the east line

of Lot 40 in said AUDITOR'S PLAT "C", 128.41 feet to the southeast corner thereof; thence westerly 717 feet more or less to the easterly right of way line of 42nd Avenue Southeast; thence northwesterly along said easterly right of way line, 132 feet more or less to the north line of said Lot 40; thence southwesterly 66 feet more or less to a point on the westerly right of way line of said 42nd Avenue Southeast and on the south line of Lot 37 in said AUDITOR'S PLAT "C"; thence westerly along said south line, 889 feet more or less to the west line of the Northwest Quarter of said Section 21; thence North 01 degree 23 minutes 49 seconds West, along said west line, 1906 feet more or less to the point of beginning.

And ALSO

That part of the Southwest Quarter of Section 16, Township 106 North Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the northwest corner of the Southwest Quarter of said Section 16; thence North 89 degrees 18 minutes 59 seconds East, assumed bearing, along the north line thereof, 1089.00 feet to the northeast corner of HYLAND VIEW SUBDIVISION NUMBER TWO; thence South 01 degree 08 minutes 37 seconds East, along the east line of said SUBDIVISION and along the east line of HYLAND VIEW, 536.15 feet to the southeast corner of said HYLAND VIEW; thence South 89 degrees 18 minutes 59 seconds West, along the south line of HYLAND VIEW, 561.01 feet to the northerly extension of the east line of Lot 4, Crystal Spring Subdivision; thence South 01 degree 08 minutes 37 seconds East, along said line and along the east line of said Lot 4, a distance of 416.25 feet to the northwest corner of Lot 7 in said Subdivision; thence North 89 degrees 24 minutes 23 seconds East, along the north line of said Subdivision, 1056.00 feet to the northeast corner of said Subdivision; thence South 01 degree 08 minutes 37 seconds East, along the east line thereof, 363.00 feet to the south line of the North Half of the Southwest Quarter of said Section 16; thence North 89 degrees 24 minutes 23 seconds East along said south line, 290.11 feet to a point distant 559.89 feet east of the northwest corner of the Southeast Quarter of the Southwest Quarter of Section 16; thence South 01 degree 06 minutes 07 seconds East, parallel with the west line of said Section, 299.00 feet; thence North 89 degrees 24 minutes 23 seconds East, parallel with the north line of said Southwest Quarter, 345.17 feet; thence South 01 degree 06 minutes 07 seconds East, parallel with the west line of said Southeast Quarter, 364.20 feet; thence South 89 degrees 24 minutes 23 seconds West, 290.87 feet to the northeast corner of OUTDOOR THEATRE SUBDIVISION; thence South 01 degree 15 minutes 12 seconds East, along the east line thereof, 654.40 feet to the south line of said Section 16; thence South 89 degrees 29 minutes 48 seconds West, along the south line thereof, 1927.31 feet to the southwest corner thereof; thence North 01 degree 08 minutes 37 seconds West, along the west line of said Section 16, a distance of 2629.14 feet to the point of beginning.

And ALSO

Land Parcel owned by Dale G. Ragan, 4204 Countrywood DR SE, Rochester, described as follows:

That Part of the Northwest Quarter of the Southwest Quarter of Section 16, Township 106 North Range 13 West, Olmsted County, Minnesota, described as follows: Commencing at a point on the West line 780.3 feet north of the southwest corner of the Northwest Quarter of the Southwest Quarter then east parallel with the South line of said quarter 1089 feet for the place of beginning; then East 150 feet; then North 233 feet; then West 150 feet; then South 233 feet to the place of beginning, subject to easements of North 66 feet thereof for roadway purposes.

And ALSO

Land owned by Krek Land Development, LLC, 3244 Marion RD SE, Rochester, described as follows:

Lot 3 and Lot 4, Auditor's Plat C

LESS the following two described parcels:

Less land that was annexed into the City of Rochester on August 10, 2005 (OA-663-1 Rochester, Resolution No. 315-05) described as follows:

The east 48 feet of Lot 8, and the West 42 feet of Lot 9, Crystal Springs Subdivision, Olmsted County, Minnesota, containing 0.61 acres.

Less land owned by Mickel L. Owens and Polly Mattson Owens, 3315 42nd Ave SE, Rochester, described as follows:

Lot 37, Auditor's Plat C

The described Marion Orderly Annexation Area #3 contains in all, 158 acres more or less.

This annexation area is to include all public right-of-ways and easements within the above described areas.

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 Assistant Chief Administrative Law Judge annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Rochester, the same as if it had originally been made a part thereof.
2. Pursuant to Minnesota Statutes §414.036, Marion Township will be reimbursed by the City of Rochester in accordance with the terms of the joint resolution signed by the City of Rochester on September 20, 1999 and Marion Township on September 14, 1999; and City Resolution No. 506-09.
3. The effective date of this Order is January 1, 2010.

Dated this 17th day of December, 2009.

For the Assistant Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments