

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF ROCHESTER ) FINDINGS OF FACT  
AND ROCHESTER TOWNSHIP PURSUANT TO ) CONCLUSIONS OF LAW  
MINNESOTA STATUTES 414 ) AND ORDER  
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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 Rochester 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 Southeast Quarter of Section 13, Township 106 North, Range 14 West, Olmsted County, Minnesota, described as follows:

All of SOUTHPORT SUBDIVISION, SOUTHPORT SUBDIVISION NUMBER TWO, SOUTHPORT SUBDIVISION NUMBER THREE, SOUTHPORT SUBDIVISION NUMBER FOUR, SOUTHPORT SUBDIVISION NUMBER FIVE and SOUTHPORT SUBDIVISION NUMBER SIX.

ALSO:

That part of the Northeast Quarter of the Northeast Quarter of Section 24, Township 106 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter of the Northeast Quarter; thence West, assumed bearing, along the north line of said Northeast Quarter of the Northeast Quarter a distance of 363.40 feet to the center line of the County Road No. 1 and the point of beginning; thence continuing West along said north line 435.90 feet; thence South 200.00 feet; thence East 466.92 feet East to the center line of County Road No. 1; thence North 08 degrees 57 minutes 30 seconds West along said center line 94.94 feet; thence northerly along said center line on a tangential curve, concave to east, radius 11459.16 feet, central angle 00 degrees 32 minutes 14 seconds, 107.45 feet to the point of beginning.

Containing in all, 92.8 acres, more or less.

This proposed 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, Rochester 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 May 1, 2000 and Rochester Township on May 11, 2000; and City Resolution No. 504-09.

3. The effective date of this Order is January 1, 2010.

Dated this 17<sup>th</sup> day of December, 2009.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive, flowing style.

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments