

OA-961-1 Albert Lea
Resolution No. 03-92

DEPARTMENT OF ADMINISTRATION
STATE OF MINNESOTA
BEFORE THE ACTING DIRECTOR OF
STRATEGIC AND LONG RANGE PLANNING

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF ALBERT LEA)
AND THE TOWN OF BANCROFT PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Albert Lea and the Town of Bancroft; and

WHEREAS, said joint resolution requests that certain property be annexed to the City of Albert Lea pursuant to M.S. 414.0325; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Director of Strategic and Long Range Planning may review and comment, but shall within 30 days order the annexation of land pursuant to said subdivisions; and

WHEREAS, on September 12, 2003, the Acting Director has reviewed and accepted the resolution for orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Albert Lea, Minnesota, the same as if it had originally been made a part thereof:

All that part of the NW¼ Section 28-T103N-R21W, Freeborn County, Minnesota; described as follows:

Commencing at the southwest corner of Lot 4, Block 1, Samaritan Subdivision, as the same is platted and recorded in the office of the

County Recorder of Freeborn County;

thence South $24^{\circ}49'10''$ West a distance of 145.40 feet, on the southeasterly line of Stadheim Second Subdivision, as the same is platted and recorded in the office of the County Recorder of Freeborn County;

thence South $19^{\circ}51'00''$ West a distance of 645.88 feet, on the southeasterly line of said Stadheim Second Subdivision and a southwesterly extension thereof;

thence Southeasterly a distance of 170.08 feet, on the northerly right-of-way line of Hoeger Lane, on a tangential curve concave to the northeast with a radius of 217.12 feet, and a central angle of $44^{\circ}53'01''$;

thence South $25^{\circ}02'$ East a distance of 17.55 feet, on a tangential line on the northerly right-of-way line of said Hoeger Lane;

thence Southeasterly a distance of 239.61 feet, on the northerly right-of-way line of said Hoeger Lane, on a tangential curve concave to the northeast with a radius of 213.13 feet, a central angle of $64^{\circ}24'49''$;

thence North $00^{\circ}33'11''$ East a distance of 5.00 feet, on a nontangential line on the northerly right-of-way line of said Hoeger Lane;

thence South $89^{\circ}26'49''$ East a distance of 682.61 feet, on the northerly right-of-way line of said Hoeger Lane, to a point on the west right-of-way line of County State Aid Highway No. 22, as shown on Freeborn County Right Of Way Plat No. 4, as the same is platted and recorded in the office of the County Recorder of Freeborn County, Minnesota;

thence Northerly a distance of 1046.61 feet, on the westerly right-of-way line of said Freeborn County Right-Of-Way Plat No. 4, to a point on the south line of said Samaritan Subdivision;

thence North $90^{\circ}00'00''$ West a distance of 627.06 feet, on the south line of said Samaritan Subdivision, to the point of beginning.

Dated this 12th day of September, 2003.

For the Acting Director
658 Cedar Street - Room 300
St. Paul, Minnesota 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-961-1, the Acting Director finds and makes the following comment:

The authority to impose the type of charge identified in Section 9, page 4 of the agreement, is questionable. The issuance of this order makes no determination as to the legality or validity of these provisions of the agreement. Any issue that may arise relative to the application or interpretation of these sections will be the sole responsibility the signatories to the agreement.

The parties are encouraged to consider this comment in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation. 