

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF NEW ULM)
AND THE TOWN OF MILFORD PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of New Ulm and the Town of Milford; and

WHEREAS, a resolution was received from the City of New Ulm indicating their desire that certain property be annexed to the City of New Ulm 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, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge; and

WHEREAS, on February 15, 2007, the Chief Administrative Law Judge 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 New Ulm, Minnesota, the same

as if it had originally been made a part thereof:

THAT PART OF LOT 2 OF THE BALANCE OF LOT 2 OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 110 NORTH, RANGE 31 WEST, BROWN COUNTY, MINNESOTA described as follows:

Commencing at the southeast corner of said Lot 2 of the Balance of Lot 2 of the Northeast Quarter of the Northeast Quarter of Section 24, Township 110 North, Range 31 West, Brown County, Minnesota; thence North 00 degrees 20 minutes 34 seconds East, an assumed bearing, along the east line of said Northeast Quarter of Section 24, a distance of 189.84 feet to the point of beginning; thence South 85 degrees 42 minutes 03 seconds West, 40.63 feet; thence southwesterly 529.99 feet, along a tangential curve, concave to the southeast, having a radius of 1060.00 feet, and a central angle of 28 degrees 38 minutes 50 seconds; thence South 57 degrees 03 minutes 14 seconds West, 33.33 feet to the south line of said Lot 2 of the Balance of Lot 2 of the Northeast Quarter of the Northeast Quarter; thence North 89 degrees 52 minutes 49 seconds West, along said south line, 146.63 feet; thence North 57 degrees 03 minutes 14 seconds East, 156.21 feet; thence northeasterly 569.98 feet, along a tangential curve, concave to the south having a radius of 1140.00 feet, and a central angle of 28 degrees 38 minutes 50 seconds; thence North 85 degrees 42 minutes 03 seconds East, 47.13 feet to said east line of the Northeast Quarter; thence South 00 degrees 20 minutes 34 seconds West, along said east line, 80.26 feet to the point of beginning containing 1.26 acres, more or less, and being subject to easements of record in said county and state.

AND

THAT PART OF LOT 2 OF THE BALANCE OF LOT 2 OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 110 NORTH, RANGE 31 WEST, BROWN COUNTY, MINNESOTA described as follows:

Beginning at the southeast corner of said Lot 2 of the Balance of Lot 2 of the Northeast Quarter of the Northeast Quarter of Section 24, Township 110 North, Range 31 West, Brown County, Minnesota; thence North 00 degrees 20 minutes 34 seconds East, an assumed bearing, along the east line of said Northeast Quarter of Section 24, a distance of 189.84 feet; thence South 85 degrees 42 minutes 03 seconds West, 40.63 feet; thence southwesterly 529.99 feet, along a tangential curve, concave to the southeast, having a radius of 1060.00 feet, and a central angle of 28 degrees 38 minutes 50 seconds; thence South 57 degrees 03 minutes 14 seconds West, 33.33 feet to the south line of said Lot 2 of the Balance of Lot 2 of the Northeast Quarter of the Northeast Quarter; thence South 89 degrees 52 minutes 49 seconds East, along said south line, 564.37 feet; to the point of beginning, containing 1.61 acres, more or less, and being subject to easements of record in said county and state.

AND

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 24, TOWNSHIP 110 NORTH, RANGE 31 WEST, BROWN COUNTY, MINNESOTA described as follows:

Commencing at the northeast corner of the Southeast Quarter of the Northeast Quarter of Section 24, Township 110 North, Range 31 West, Brown County, Minnesota; thence North 89 degrees 52 minutes 49 seconds West, an assumed bearing, along the north line of said Southeast Quarter of the Northeast Quarter, a distance of 564.37 feet to the point of beginning; thence South 57 degrees 03 minutes 14 seconds West 516.75 feet to the easterly right-of-way line of North Highland Avenue, according to a plat of record; thence North 32 degrees 57 minutes 10 seconds West, along said easterly right-of-way line, a distance of 39.57 feet; thence northwesterly, along said easterly right-of-way line, 40.44 feet, along a tangential curve concave to the east, having a radius of 1871.92 feet, and a central angle of 01 degree 14 minutes 16 seconds; thence North 57 degrees 03 minutes 14 seconds East, 393.44 feet, to said north line of Southeast Quarter; thence South 89 degrees 52 minutes 49 seconds East, along said north line, 146.63 feet to the point of beginning containing 0.84 acres, more or less, and being subject to easements of record in said county and state.

AND

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 24, TOWNSHIP 110 NORTH, RANGE 31 WEST, BROWN COUNTY, MINNESOTA described as follows:

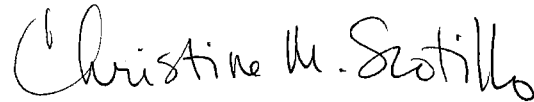
Beginning at the southwest corner of Lot 1, Block 1, North Highland Avenue First Addition in the City of New Ulm, Brown County, Minnesota according to a plat of record; thence South 89 degrees 42 minutes 08 seconds East, an assumed bearing, along the south line of said Lot 1, Block 1, North Highland Avenue First Addition, a distance of 150.00 feet to the westerly right-of-way line of North Highland Avenue; thence Southeasterly 107.27 feet along a nontangential curve, concave to the east, having a radius of 1991.92 feet, a central angle of 03 degrees 05 minutes 08 seconds, and chord of South 31 degrees 24 minutes 36 seconds East 107.26 feet; thence South 32 degrees 57 minutes 10 seconds East, along said westerly right-of-way line of North Highland Avenue, 309.56 feet; thence South 57 degrees 02 minutes 50 seconds West, 106.04 feet; thence southwesterly 92.39 feet, along a tangential curve concave to the southeast, having a radius of 210.00 feet, and a central angle of 25 degrees 12 minutes 32 seconds; thence South 57 degrees 02 minutes 50 seconds West, 267.42 feet to the west line of said Southeast Quarter of the Northeast Quarter of Section 24; thence North 00 degrees 18 minutes 06 seconds East, along said west line 620.66 feet to the point of beginning containing 3.3 acres, more or less, and being subject to easements of record in said county and state.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Milford will be reimbursed by the City of New Ulm in accordance with the terms of the Joint

Resolution signed by the City of New Ulm on June 7, 2005 and the Town of Milford on June 9, 2005.

Dated this 15th day of February, 2007.

For the Chief Administrative Law Judge
658 Cedar Street, Room 300
St. Paul, MN 55155

A handwritten signature in cursive script that reads "Christine M. Scotillo". The signature is written in dark ink and is positioned above the printed name and title.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-1169-2 New Ulm

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1169-2, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph 14 states the agreement shall remain in full force and effect until January 1, 2025. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Chief Administrative Law Judge. Once jurisdiction is conferred, it cannot be taken away by written consent of the parties. Jurisdiction ends when all the designated area is annexed. The issue whether jurisdiction could be "given back" by the Chief Administrative Law Judge upon written request of the parties to the agreement to mutually end their agreement has not been addressed.

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. *CWS*