

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF AUSTIN)
AND THE TOWN OF LANSING PURSUANT TO)
MINNESOTA STATUTES 414)

ORDER

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Austin and the Town of Lansing; and

WHEREAS, said joint resolution requests that certain property be annexed to the City of Austin 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 August 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 Austin, Minnesota, the same as if it had originally been made a part thereof:

All that part of the N½ NE¼, Section 34-T103N-R18W and the N½ NW¼, Section 35-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing on the south line of the NW¼ NW¼ of said Section 35, at a point 855.00 feet west of the southeast corner thereof;

thence Northeasterly a distance of 998.97 feet, to a point on the east line of the NW¼ NW¼ of said Section 35, a distance of 283.00 feet north of the southeast corner thereof;

thence East a distance of 256.00 feet, on a line parallel with the south line of the NE¼ NW¼ of said Section 35;

thence North a distance of 1015.84 feet, on a line parallel with the west line of said NE¼ NW¼, to a point on the north line thereof;

thence West a distance of 1567.88 feet, on the north line of the NW¼ of said Section 35, to the northwest corner thereof;

thence West a distance of 814 feet more or less, on the north line of the NE¼ of said Section 34, to the centerline of the Cedar River;

thence Southerly and Westerly a distance of 1700.00 feet more or less, on the centerline of said Cedar River to a point on the north line of the S½ NE¼ of said Section 34;

thence East a distance of 661 feet more or less, on the north line of said S½ NE¼, to a point on the west line of Schleusner and Hartson Addition, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence North a distance of 5.43 feet, on the west line of said Schleusner and Hartson Addition, to the northwest corner thereof;

thence East a distance of 885.08 feet, on the north line of said Schleusner and Hartson Addition, to a point 110.00 feet west of the east line of the NE¼ of said Section 34;

thence North a distance of 246.72 feet, on a line parallel with the east line of the NE¼ of said Section 34, to a point 250.00 feet north of the south line of said N½ NE¼;

thence East a distance of 450.00 feet;


thence South a distance of 250.00 feet, on a line parallel with the west line of the NW¼ of said Section 35, to a point on the south line of the N½ NW¼ of said Section 35;

thence East a distance of 126.61 feet, on the south line of the N½ NW¼ of said Section 35, to the point of beginning.

IT IS FURTHER ORDERED: That pursuant to the letter received by Municipal Boundary Adjustments on July 24, 2007, the City of Austin will not make any reimbursement to the Town of Lansing pursuant to Minn. Stat. 414.036.

Dated this 15th day of August, 2007.

For the Chief Administrative Law Judge
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-1292-1, the Chief Administrative Law Judge finds and makes the following comment:

Recent legislative amendments to Chapter 414 became effective on August 1, 2007. Included in the amendments is a new subdivision that requires published notice prior to adopting an orderly annexation agreement. Minn. Stat. Sec. 414.0325, Subd. 1b states:

Subd. 1b. Notice of intent to designate an area. At least ten days before the municipality or township adopts an orderly annexation agreement, a notice of the intent to include property in an orderly annexation area must be published in a newspaper of general circulation in both the township and municipality. The notice must clearly identify the boundaries of the area proposed to be included in the orderly annexation agreement and the date, time, and place of the public informational meeting to be held as provided in section 414.0333. The cost of providing notice must be equally divided between the municipality and the township, unless otherwise agreed upon by the municipality and the township. *This subdivision applies only to the initial designation to include property in an orderly annexation area subject to the orderly annexation agreement and not to any subsequent annexation of any property from within the designated orderly annexation area. This subdivision also does not apply when the orderly annexation agreement only designates for immediate annexation property for which all of the property owners have petitioned to be annexed.*

The joint resolution indicates multiple use of the designated area and it is unclear whether all the property owners have petitioned for annexation. For future reference, any new orderly annexation agreements must comply with this notice requirement.

CWS