

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF ALBERT LEA )  
AND THE TOWN OF ALBERT LEA PURSUANT TO ) ORDER  
MINNESOTA STATUTES 414 )  
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WHEREAS, a joint resolution for orderly annexation was adopted by the City of Albert Lea and the Town of Albert Lea; 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, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge; and

WHEREAS, on November 16, 2006, 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 Albert Lea, Minnesota, the same

as if it had originally been made a part thereof:

All that part of the SW $\frac{1}{4}$  Section 2-T102N-R21W and the NW $\frac{1}{4}$  Section 11-T102N-R21W, Freeborn County, Minnesota; described as follows:

Commencing at the southwest corner of said Section 2;

thence East a distance of 33.00 feet, on the south line of said SW $\frac{1}{4}$ , to the northwest corner of Block 1 in the plat of Chadwick Market Place Addition, as the same is platted and recorded in the office of the County Recorder of Freeborn County, Minnesota;

thence East a distance of 1286.50 feet, on the north line of Block 1 in said plat of Chadwick Market Place Addition, to the northeast corner thereof;

thence South a distance of 2580.24 feet, on the east line of Block 1 in said plat of Chadwick Market Place Addition, to a point on the north right-of-way line of County Highway No. 91;

thence East a distance of 398.43 feet, on the north right-of-way line of said County Highway No. 91, to a point on the westerly right-of-way line of Interstate Highway No. 35;

thence Northeasterly a distance of 23.16 feet, on the westerly right-of-way line of said Interstate Highway No. 35;

thence Northeasterly a distance of 700.00 feet, on the westerly right-of-way line of said Interstate Highway No. 35;

thence Northerly a distance of 203.96 feet, on the westerly right-of-way line of said Interstate Highway No. 35;

thence Northeasterly a distance of 200.00 feet, on the westerly right-of-way line of said Interstate Highway No. 35;

thence Northeasterly a distance of 205.07 feet, on the westerly right-of-way line of said Interstate Highway No. 35;

thence Northeasterly a distance of 334.70 feet, on the westerly right-of-way line of said Interstate Highway No. 35;

thence Northeasterly a distance of 73.82 feet, on the westerly right-of-way line of said Interstate Highway No. 35;

thence Northeasterly and Northerly a distance of 192.7 feet more or less, on a curve concave to the west on the westerly right-of-way line of said Interstate Highway No. 35;

thence Northwesterly a distance of 383.3 feet more or less, on the westerly right-of-way line of said Interstate Highway No. 35;

thence Northwesterly a distance of 426.6 feet more or less, on the westerly right-of-way line of said Interstate Highway No. 35, to Monument B1, as shown on State of Minnesota Right-Of-Way Plat No. 24-2, as the same is platted and recorded in the office of the County Recorder of Freeborn County, Minnesota;

thence Westerly a distance of 200 feet, on the southerly right-of-way line of Trunk Highway No. 16 (now County State Aid Highway No. 46), to Monument B2, as shown on said Right-Of-Way Plat No. 24-2;

thence Northeasterly a distance of 35.0 feet, on the southerly right-of-way line of said Trunk Highway No. 16 (now County State Aid Highway No. 46), to Monument B3, as shown on said Right-Of-Way Plat No. 24-2;

thence Westerly a distance of 325 feet, on the south right-of-way line of said Trunk Highway No. 16 (now County State Aid Highway No. 46), to Monument B4, as shown on said Right-Of-Way Plat No. 24-2;

thence Northeasterly a distance of 15.0 feet, on the southerly right-of-way line of said Trunk Highway No. 16 (now County State Aid Highway No. 46), to Monument B5, as shown on said Right-Of-Way Plat No. 24-2;

thence Westerly a distance of 225 feet, on the southerly right-of-way line of said Trunk Highway No. 16 (now County State Aid Highway No. 46), to Monument B6, as shown on said Right-Of-Way Plat No. 24-2;

thence Westerly a distance of 180 feet more or less, on the southerly right-of-way line of said Trunk Highway No. 16 (now County State Aid Highway No. 46), to the point of beginning of a curve;

thence Westerly a distance of 855.40 feet, on the southerly right-of-way line of Trunk Highway No. 16 (now County State Aid Highway No. 46), to a point 133 feet east of the west line of the SW $\frac{1}{4}$  of said Section 2;

thence Southwesterly a distance of 149 feet more or less, on the southerly right-of-way line of said Trunk Highway No. 16 (now County State Aid Highway No. 46), to a point 33 feet east of the west line of the SW $\frac{1}{4}$  of said Section 2;

thence South a distance of 138 feet more or less, on said southerly right-of-way line, a line parallel with and 33 feet east of the west line of said SW $\frac{1}{4}$  Section 2, to the point of beginning.

Containing 47.44 acres more or less.

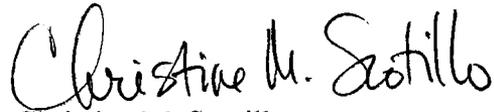
IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Albert

Lea will be reimbursed by the City of Albert Lea in accordance with the terms of the Joint

Resolution signed by the City of Albert Lea on June 12, 2006 and Town of Albert Lea on August 17, 2006.

Dated this 16<sup>th</sup> day of November, 2006.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive style with a large initial "C".

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1301-1, the Chief Administrative Law Judge finds and makes the following comment:

Recent legislative amendments to Chapter 414 became effective on August 1, 2006.

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.

The Joint Resolution for Orderly Annexation referenced above was not a complete agreement until all the parties signed it, which wasn't until after the effective date of the new law changes and therefore would have been subject to the Notice of intent to designate requirement of Minn. Stat. Sec. 414.0325 Subd. 1b.

For future reference, any new orderly annexation agreements must comply with this notice requirement.

*CWS*