

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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)

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 Tract A, Registered Land Survey No. 12, as the same is filed in the office of the Registrar of Titles of Freeborn County, Minnesota; described as follows:

Commencing at the northeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6;

thence South 89°44'18" West a distance of 25.00 feet, on an assumed bearing on the north line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, to Judicial Landmark 1 (JM 1, 7-5-94);

thence South 89°44'18" West a distance of 1294.87 feet, to Judicial Landmark 2 (JM 2, 7-5-94), on the north line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, to the northwest corner thereof;

thence South 00°08'20" East a distance of 1039.50 feet, to Judicial Landmark 3 (JM 3, 7-5-94), on the west line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$;

thence South 40°28'07" East a distance of 229.73 feet, to Judicial Landmark 4 (JM 4, 7-5-94);

thence South 76°41'36" East a distance of 530.69 feet, to Judicial Landmark 5 (JM 5, 7-5-94);

thence South 69°06'19" East a distance of 184.58 feet, to Judicial Landmark 6 (JM 6, 7-5-94);

thence South 47°41'26" East a distance of 210.25 feet, to Judicial Landmark 7 (JM 7, 7-5-94);

thence South 36°15'56" East a distance of 197.16 feet, to Judicial Landmark 8 (JM 8, 7-5-94);

thence South 16°37'06" East a distance of 217.95 feet, to Judicial Landmark 9 (JM 9, 7-5-94);

thence South 40°47'21" West a distance of 131.09 feet, to Judicial Landmark 10 (JM 10, 7-5-94);

thence South 63°54'18" West a distance of 97.72 feet, to Judicial Landmark 11 (JM 11, 7-5-94);

thence South 58°46'21" West a distance of 47.71 feet, to Judicial Landmark 12 (JM 12, 7-5-94);

thence South 14°40'56" West a distance of 63.27 feet, to Judicial Landmark 13 (JM 13, 7-5-94);

thence South 01°34'34" West a distance of 94.75 feet, to Judicial Landmark 14 (JM 14, 7-5-94);

thence South 54°32'43" East a distance of 212.65 feet, to Judicial Landmark 15 (JM 15, 7-5-94);

thence North 86°56'34" East a distance of 196.97 feet, to a point on the east line of the E½ NE¼ Section 6-T102N-R21W;

thence North 00°11'26" East a distance of 1643.34 feet, on the east line of said E½ NE¼, to Judicial Landmark 25 (JM 25, 7-5-94);

thence North 89°02'26" East a distance of 990.63 feet, to a point on the centerline of Richway Drive;

thence North 54°56'27" West a distance of 85.03 feet, to Judicial Landmark 23 (JM 23, 7-5-94);

thence South 89°02'26" West a distance of 920.85 feet, to Judicial Landmark 24 (JM 24, 7-5-94);

thence North 00°11'26" East a distance of 660.00 feet, to the point of beginning.

Consisting of 46.9 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 16th day of November, 2006.

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-1302-1, 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. 