

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)
MINNESOTA STATUTES 414)

ORDER

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 ¼ NW ¼ Section 21-T102N-R21W, Freeborn County, Minnesota; described as follows:

Commencing at the southwest corner of the NW ¼ of said Section 21; thence North 00°36'45" West a distance of 508.00 feet, on an assumed bearing on the west line of said NW ¼, to the point of beginning;

thence North 89°43'19" East a distance of 538.74 feet, on a line parallel with the south line of said NW ¼;

thence South 00°36'45" East a distance of 508.00 feet, on a line parallel with the west line of said NW ¼, to a point on the south line of said NW ¼;

thence North 89°43'19" East a distance of 779.51 feet, on the south line of said NW ¼, to the southeast corner of said SW ¼ NW ¼;

thence North 00°34'50" West a distance of 1,324.47 feet, on the east line of said SW ¼ NW ¼, to the northeast corner thereof;

thence South 89°42'32" West a distance of 1,268.99 feet, on the north line of said SW ¼ NW ¼, to a point 50.00 feet east of the northwest corner of said SW ¼ NW ¼;

thence South 00°36'45" East a distance of 328.50 feet, on a line parallel with and 50.00 feet east of the west line of said NW ¼;

thence South 89°42'32" West a distance of 50.00 feet, to a point on the west line of said SW ¼ NW ¼;

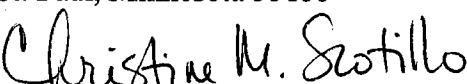
thence South 00°36'45" East a distance of 487.28 feet, on the west line of said SW ¼ NW ¼, to the point of beginning;

Containing 33.43 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-1303-1, 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