

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:

The S½ SW¼ Section 6-T102N-R21W, Freeborn County, Minnesota; less the following described tract:

Commencing at the southeast corner of the SW¼ of said Section 6;

thence North 00°28'34" West a distance of 42.73 feet, on an assumed bearing on the east line of said SW¼;

thence North 89°32'59" West a distance of 109.12 feet;

thence South 06°12'22" West a distance of 42.94 feet, to a point on the south line of said SW¼;

thence South 89°32'58" East a distance of 114.12 feet, on the south line of said SW¼, to a point of beginning.

Consisting of 79.95 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 September 11, 2006 and Town of Albert Lea on October 24, 2006.

Dated this 16th 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, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1305-1, 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 signed 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.

Cms