

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF ELROSA)
AND THE TOWN OF LAKE GEORGE PURSUANT)
TO MINNESOTA STATUTES 414)

ORDER

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Elrosa and the Town of Lake George; and

WHEREAS, said joint resolution requests that certain property be annexed to the City of Elrosa 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 Elrosa, Minnesota, the same

as if it had originally been made a part thereof:

That part of the Southwest Quarter of the Northwest Quarter of Section 10, Township 124, Range 34, Stearns County, Minnesota, described as follows: Commencing at the southwest corner of the Southwest Quarter of the Northwest Quarter of said Section 10, thence East (assumed bearing) along the south line thereof a distance of 994.75 feet to the point of beginning of the land to be described, thence continue East along said south line for a distance of 390.00 feet, thence North for a distance of 1168.56 feet to the southeasterly right of way line of the Soo Line Railroad, thence South 56 degrees 41 minutes 14 seconds West, along said right of way line for a distance of 466.68 feet to its intersection with a line which bears North from the point of beginning, thence South for a distance of 912.25 feet to the point of beginning, containing 9.3 acres, more or less, subject to County Road Easements and Rights of Way of record.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Lake George will be reimbursed by the City of Elrosa in accordance with the terms of Joint Resolution No. 2007-1 signed by the City of Elrosa on July 10, 2007 and the Town of Lake George on July 9, 2007.

Dated this 15th day of August, 2007.

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

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1347-1, 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.*

It is not clear from the joint resolution whether all the property owners have petitioned for annexation. For future reference, any new orderly annexation agreements must comply with this notice requirement.

