

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE AMENDMENT TO )	
THE ORDERLY ANNEXATION AGREEMENT )	<u>FINDINGS OF FACT</u>
BETWEEN THE CITY OF MARSHALL AND )	<u>CONCLUSIONS OF LAW</u>
FAIRVIEW TOWNSHIP PURSUANT TO )	<u>AND ORDER</u>
MINNESOTA STATUTES 414 )	

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In 1982, the City of Marshall and Fairview Township entered into a joint resolution for orderly annexation. On December 9, 2010, the parties submitted a joint resolution amending the 1982 agreement which was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge's designee hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

The joint resolution for orderly annexation submitted by the City of Marshall and Fairview Township was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge's designee hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. A joint resolution for orderly annexation was adopted by the City of Marshall and Fairview Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.
2. A joint resolution amending the existing agreement was adopted and submitted by the City of Marshall and Fairview Township, to increase the designated area by 120.35 acres.

3. The City of Marshall and Fairview Township request the immediate annexation of part of the designated area described as follows:

A tract or parcel of land lying in Lyon County, Minnesota being more particularly described as follows:

The Southeast Quarter (SE  $\frac{1}{4}$ ) of Section Twenty-Nine (29), Township One Hundred Twelve North (112N), Range Forty One West (41W).

EXCEPT: The North Half of the Southeast Quarter of the Southeast Quarter (N  $\frac{1}{2}$  SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ) of Section Twenty-Nine (29), Township One Hundred Twelve North (112N), Range Forty One West (41W).

EXCEPT THEREFROM: The West 562.00 feet thereof.

AND FURTHER EXCEPT: All that part of the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ ) of Section Twenty-Nine (29), Township One Hundred Twelve North (112N), Range Forty One West (41W), Lyon County, Minnesota, which lies within a distance of 75 feet on the West side of the following described line: Beginning at a point on the North line of Section Twenty-One (21), Township One Hundred Twelve North (112N), Range Forty One West (41W), Lyon County, Minnesota, a distance of 1.8 feet East of the northwest corner thereof; thence run southerly through a point on the South line of said Section 21, a distance of 1 foot East of the southwest corner thereof, for 5303.9 feet; thence deflect 0°47'20" for 5310.5 feet; thence deflect to the left at an angle of 0°16'40" for 500 feet and there terminating.

Said parcel contains 146.70 acres more or less.

4. Minnesota Statutes §414.0325, subd. 1(h) states that in certain circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to the terms of a joint resolution for orderly annexation.

5. The joint resolution contains all the information required by Minnesota Statutes §414.0325, subd. 1(h), including a provision that the Chief Administrative Law Judge may review and comment but shall order the annexation within 30 days in accordance with the terms of the joint resolution.

CONCLUSIONS OF LAW

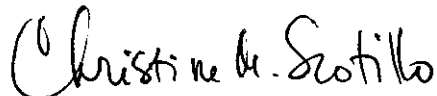
1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.
2. An order should be issued by the Chief Administrative Law Judge annexing the area described herein.

ORDER

1. The property described in Findings of Fact 3 is annexed to the City of Marshall, the same as if it had originally been made a part thereof.
2. Pursuant to Minnesota Statutes §414.036, Fairview Township will be reimbursed by the City of Marshall in accordance with the terms of Joint Resolution No. 3480 signed by the City September 14, 2010 and the Township on December 6, 2010.

Dated this 14<sup>th</sup> day of December, 2010.

For the Chief Administrative Law Judge's designee  
P. O. Box 64620  
St. Paul, Minnesota 55164-0620



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments