### STATE OF MINNESOTA

#### OFFICE OF ADMINISTRATIVE HEARINGS

		•
IN THE MATTER OF THE ORDERLY ANNEXATION	)	
AGREEMENT BETWEEN THE CITY OF MONTGOME	RY)	FINDINGS OF FACT
AND MONTGOMERY TOWNSHIP PURSUANT TO	)	<b>CONCLUSIONS OF LAW</b>
MINNESOTA STATUTES 414	)	AND ORDER

The joint resolution for orderly annexation submitted by the City of Montgomery and Montgomery Township was reviewed for conformity with applicable law. The undersigned Assistant Chief Administrative Law Judge, acting under a delegation from the Chief Administrative Law Judge, hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

## FINDINGS OF FACT

- 1. On July 23, 2009, the Chief Administrative Law Judge reviewed and accepted the joint resolution which was adopted by the City on June 15, 2009, and by the Township on June 4, 2009, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on June 22, 2009.
- 2. The joint resolution requests the designation and immediate annexation of certain property to the City of Montgomery described as follows:

The South 458.40 feet of the North 748.80 feet of the West 570.15 feet of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 15-111-23, Le Sueur County, Minnesota, EXCEPT the South 158.40 feet of the North 444.80 feet of the West 275.00 feet of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said Section 15. Said parcel contains 5.00 acres.

3. 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.

4. 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 2 is annexed to the City of Montgomery, the same as if it had originally been made a part thereof.
- 2. Pursuant to Minnesota Statutes §414.036, Montgomery Township will be reimbursed by the City of Montgomery in accordance with the terms of Joint Resolution No. 29-2009 signed by the City on June 15, 2009 and the Township on June 4, 2009.

Dated this 23<sup>rd</sup> day of July, 2009.

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

stine M. Scotillo

Christine M. Scotillo Executive Director

Municipal Boundary Adjustments