

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

The joint resolution for orderly annexation submitted by the City of Albany and Albany 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 3, 2009, and by the Township on June 22, 2009, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on June 23, 2009.

2. The joint resolution requests the designation and immediate annexation of certain property to the City of Albany described as follows:

That part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 21, Township 125, Range 31 described as follows:
Commencing at the Southwest corner of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence on a record bearing of North 00° 57' 24" East, along the West line thereof a distance of 165 feet; thence South 89° 02' 36" East a distance of 595 feet; thence North 04° 57' 24" East a distance of 325 feet to the point of beginning of the land to be described; thence continue North 04° 57' 24" East a distance of 175 feet; thence North 50° 02' 36" West a distance of 208.47 feet; thence North 40° 28' 32" East a distance of 184.37 feet; thence North 82° 56' 45" East a distance of 73.76 feet said point being on a 1382.39 foot radius curve, concaved to the Southwest, the center of said

~~curve bears South 36° 27' 29" West; thence Southeasterly, along said curve, said curve has a central angle of 07° 22' 48", an arc length of 178.06 feet; thence South 46° 07' 34" East, tangent to said last curve a distance of 283.18 feet; thence South 43° 42' 32" West a distance of 208.42 feet; thence North 89° 02' 36" West a distance of 244.39 feet to the point of beginning.~~

That part of the NW¼ NE¼ of Section 21, Township 125 North, Range 31 West, Stearns County, Minnesota described as follows: Commencing at the southwest corner of said NW¼ NE¼; thence on a record bearing of North 00°57'24" East along the west line thereof a distance of 165.00 feet; thence South 89°02'36" East a distance of 595.00 feet; thence North 04°57'24" East a distance of 325.00 feet to the point of beginning of the land to be described; thence continue North 04°57'24" East a distance of 41.64 feet; thence North 68°51'42" West a distance of 303.03 feet; thence North 40°28'32" East a distance of 391.37 feet; thence North 82°56'45" East a distance of 73.76 feet, said point being on a 1382.39 foot radius curve, concaved to the southwest, the center of said curve bears South 36°27'29" West; thence southeasterly along said curve, said curve has a central angle of 07°22'48", an arc length of 178.05 feet; thence South 46°07'34" East, tangent to said last curve, a distance of 283.18 feet; thence South 43°42'32" West, a distance of 208.42 feet; thence North 89°02'36" West a distance of 244.39 feet to the point of beginning.

Containing 4.07 acres more or less.

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 Albany, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Albany Township will be reimbursed by the City of Albany in accordance with the terms of Joint Resolution No. 2009-016 signed by the City on June 3, 2009 and the Township on June 22, 2009.

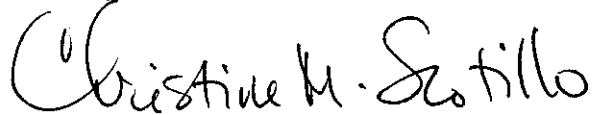
Dated this 23rd day of July, 2009.

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


Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

Amended this 27th day of July, 2009.

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


Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments