

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

-----

IN THE MATTER OF THE ORDERLY ANNEXATION	)	
AGREEMENT BETWEEN THE CITY OF SPRING VALLEY	)	<u>FINDINGS OF FACT</u>
AND SPRING VALLEY 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 Spring Valley and Spring Valley 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 October 22, 2009, the Chief Administrative Law Judge reviewed and accepted the joint resolution which was adopted by the City on September 19, 2009 and the Township on August 25, 2009, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on September 23, 2009.

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

That part of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 27, and that part of the South One-Half of the Southwest Quarter (S 1/2 SW 1/4) of Section 26, and that part of the East One-Half of the Northeast Quarter of the Southwest Quarter (E 1/2 NE 1/4 SW 1/4) of said Section 26, and that part of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 26, and that part of the West One-Half of the Northeast Quarter (W 1/2 NE 1/4) of said Section 26, and that part of the Southeast Quarter (SE 1/4) of Section 23, all in Township 103 North, Range 13 West, Fillmore County, Minnesota, described as follows: Beginning at the Northwest Corner of said SE 1/4 SE 1/4 of said Section 27; thence North 89 degrees 19 minutes 12 seconds East (assumed bearing) along the North line of said SE 1/4 SE 1/4, 374.89 feet; thence South 00 degrees 41 minutes 48

seconds East, 405.00 feet; thence North 89 degrees 19 minutes 12 seconds East, 605.00 feet; thence North 00 degrees 41 minutes 48 seconds West, 161.89 feet to the centerline of Spring Valley Creek; thence North 72 degrees 25 minutes 38 seconds East along said centerline, 48.68 feet; thence South 52 degrees 49 minutes 56 seconds East along said centerline, 162.45 feet; thence North 81 degrees 59 minutes 56 seconds East along said centerline, 13.06 feet; thence North 41 degrees 59 minutes 51 seconds East along said centerline, 59.96 feet; thence North 12 degrees 28 minutes 28 seconds East along said centerline, 44.28 feet; thence North 14 degrees 44 minutes 30 seconds West along said centerline, 38.02 feet; thence North 50 degrees 58 minutes 39 seconds West along said centerline, 79.22 feet; thence North 54 degrees 32 minutes 40 seconds West along said centerline, 74.69 feet; thence North 05 degrees 13 minutes 12 seconds West along said centerline, 35.39 feet; thence North 39 degrees 00 minutes 18 seconds East along said centerline, 94.82 feet to said North line of said SE 1/4 SE 1/4 of said Section 27; thence North 89 degrees 19 minutes 12 seconds East along said North line, 160.79 feet to the Northwest Corner of said SW 1/4 SW 1/4 of said Section 26; thence North 88 degrees 13 minutes 34 seconds East along the North line of said SW 1/4 SW 1/4, 1315.04 feet to the Northwest Corner of said SE 1/4 SW 1/4 of said Section 26; thence North 88 degrees 13 minutes 28 seconds East along the North line of said SE 1/4 SW 1/4, 657.52 feet to the Southwest Corner of the E 1/2 NE 1/4 SW 1/4 of said Section 26; thence North 00 degrees 34 minutes 33 seconds West along the West line of said E 1/2 NE 1/4 SW 1/4, 50.01 feet; thence North 88 degrees 13 minutes 28 seconds East, 657.57 feet to the West line of the NW 1/4 SE 1/4 of said Section 26; thence North 00 degrees 31 minutes 19 seconds West along said West line and along the West line of said SW 1/4 NE 1/4 of said Section 26, 1832.11 feet; thence North 87 degrees 29 minutes 11 seconds East, 918.31 feet; thence North 67 degrees 19 minutes 42 seconds East, 39.19 feet; thence North 78 degrees 25 minutes 19 seconds East, 61.27 feet; thence North 00 degrees 34 minutes 08 seconds West, 170.50 feet; thence Westerly 167.60 feet along a nontangential curve, concave to the North, having a radius of 125.00 feet and a central angle of 76 degrees 49 minutes 17 seconds (chord bears South 87 degrees 04 minutes 38 seconds West and chord length is 155.32 feet) to a point of compound curvature; thence Northerly 142.19 feet along a curve, concave to the East, having a radius of 105.00 feet and a central angle of 77 degrees 35 minutes 22 seconds (chord bears North 15 degrees 43 minutes 02 seconds West and chord length is 131.57 feet); thence North 15 degrees 05 minutes 34 seconds West not tangent to said curve, 35.54 feet; thence North 35 degrees 29 minutes 17 seconds East, 114.00 feet; thence North 75 degrees 17 minutes 58 seconds East, 47.58 feet; thence Easterly 125.45 feet along a nontangential curve, concave to the South, having a radius of 125.00 feet and a central angle of 57 degrees 30 minutes 00 seconds (chord bears North 81 degrees 14 minutes 17 seconds East and chord length is 120.25 feet) to a point of compound curvature; thence Northeasterly 130.90 feet along a curve, concave to the North, having a radius of 75.00 feet and a central angle of 100 degrees 00 minutes 00 seconds (chord bears North 59 degrees 59 minutes 17 seconds East and chord length is 114.91 feet) to a point of compound curvature; thence Northerly 135.02 feet along a curve, concave to the Southeast, having a radius of 175.00 feet and a central angle of 44 degrees 12 minutes 26 seconds (chord bears North 32 degrees 05 minutes 30 seconds East and chord length is 131.70 feet) to a point of compound curvature; thence Northerly

71.69 feet along a curve, concave to the Northwest, having a radius of 75.00 feet and a central angle of 54 degrees 45 minutes 51 seconds (chord bears North 26 degrees 48 minutes 48 seconds East and chord length is 68.99 feet); thence North 00 degrees 34 minutes 08 seconds West parallel with and 50.00 feet Westerly of the East line of said SW 1/4 NE 1/4 and the East line of said NW 1/4 NE 1/4 (when measured at right angles to said East lines), 1378.71 feet to the South line of the SW 1/4 SE 1/4 of said Section 23; thence North 00 degrees 10 minutes 26 seconds West parallel with and 50.00 feet Westerly of the East line of said SW 1/4 SE 1/4 (when measured at right angles to said East line), 25.00 feet; thence North 32 degrees 46 minutes 51 seconds East, 91.89 feet to said East line of said SW 1/4 SE 1/4 of said Section 23; thence North 00 degrees 10 minutes 26 seconds West along said East line, 849.51 feet; thence North 39 degrees 27 minutes 03 seconds West, 256.63 feet to the North line of the South 35 acres of said SW 1/4 SE 1/4; thence South 87 degrees 25 minutes 31 seconds West along said North line, 1135.53 feet to the West line of said SW 1/4 SE 1/4; thence North 00 degrees 04 minutes 59 seconds West along said West line of said SW 1/4 SE 1/4 and along the West line of the NW 1/4 SE 1/4 of said Section 23, 864.37 feet; thence North 88 degrees 05 minutes 55 seconds East, 1100.00 feet; thence North 66 degrees 09 minutes 47 seconds East, 238.43 feet; thence North 88 degrees 05 minutes 55 seconds East, 1273.86 feet to the East line of the NE 1/4 SE 1/4 of said Section 23; thence South 00 degrees 15 minutes 53 seconds East along said East line and along the East line of the SE 1/4 SE 1/4 of said Section 23, 2077.53 feet to the Southeast Corner of said SE 1/4 SE 1/4 of said Section 23; thence South 87 degrees 24 minutes 51 seconds West along the South line of said SE 1/4 SE 1/4, 1299.98 feet to the Northeast Corner of said NW 1/4 NE 1/4 of said Section 26; thence South 00 degrees 34 minutes 08 seconds East along the East line of said NW 1/4 NE 1/4, 1322.71 feet to the Northeast Corner of said SW 1/4 NE 1/4 of said Section 26; thence continuing South 00 degrees 34 minutes 08 seconds East along the East line of said SW 1/4 NE 1/4, 489.27 feet; thence South 88 degrees 16 minutes 07 seconds West, 240.25 feet; thence South 01 degrees 43 minutes 53 seconds East, 50.00 feet; thence South 00 degrees 34 minutes 08 seconds East, 230.39 feet; thence South 78 degrees 25 minutes 19 seconds West, 95.02 feet; thence South 67 degrees 19 minutes 42 seconds West, 43.22 feet; thence South 87 degrees 29 minutes 11 seconds West, 848.91 feet; thence South 43 degrees 28 minutes 56 seconds West, 43.16 feet; thence South 00 degrees 31 minutes 19 seconds East, 1752.75 feet; thence North 88 degrees 15 minutes 07 seconds East, 659.99 feet; thence North 64 degrees 41 minutes 11 seconds East, 247.86 feet; thence North 89 degrees 20 minutes 15 seconds East, 371.74 feet to the East line of said NW 1/4 SE 1/4 of said Section 26; thence South 00 degrees 46 minutes 45 seconds East along said East line, 142.07 feet to the Southeast Corner of said NW 1/4 SE 1/4; thence South 88 degrees 15 minutes 07 seconds West along the South line of said NW 1/4 SE 1/4, 1307.54 feet to the Northeast Corner of said SE 1/4 SW 1/4 of said Section 26; thence South 88 degrees 13 minutes 28 seconds West along the North line of said SE 1/4 SW 1/4, 557.53 feet; thence South 61 degrees 53 minutes 51 seconds West, 112.74 feet; thence South 88 degrees 13 minutes 28 seconds West, 657.48 feet to the East line of said SW 1/4 SW 1/4 of said Section 26; thence South 88 degrees 13 minutes 34 seconds West, 1314.52 feet; thence South 89 degrees

19 minutes 12 seconds West, 38.00 feet; thence South 06 degrees 40 minutes 54 seconds East, 145.74 feet; thence South 02 degrees 21 minutes 16 seconds West, 63.00 feet; thence South 18 degrees 40 minutes 05 seconds West, 95.00 feet; thence South 54 degrees 38 minutes 12 seconds West, 224.09 feet; thence South 89 degrees 19 minutes 13 seconds West, 85.13 feet; thence South 89 degrees 19 minutes 12 seconds West, 605.00 feet; thence North 45 degrees 41 minutes 18 seconds West, 84.87 feet; thence North 00 degrees 41 minutes 48 seconds West, 279.36 feet; thence North 46 degrees 08 minutes 43 seconds West, 56.12 feet; thence South 88 degrees 24 minutes 22 seconds West, 275.15 feet to the West line of said SE 1/4 SE 1/4 of said Section 27; thence North 00 degrees 34 minutes 18 seconds West along said West line, 100.67 feet to the point of beginning and containing 106.28 acres, more or less. Subject to easement for trail crossings and access easements of record. Subject to any other easements of record.

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

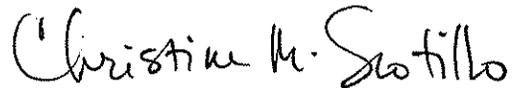
1. The property described in Findings of Fact 2 is annexed to the City of Spring Valley, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Spring Valley Township will be

reimbursed by the City of Spring Valley in accordance with the terms of Joint Resolution No. 2009-38 signed by the City on September 14, 2009 and the Township on August 25, 2009.

Dated this 22<sup>nd</sup> day of October, 2009.

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

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

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments