

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)	
AGREEMENT BETWEEN THE CITY OF LOWRY)	<u>FINDINGS OF FACT</u>
AND BEN WADE 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 Lowry and Ben Wade 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 January 21, 2010, the Chief Administrative Law Judge reviewed and accepted the joint resolution which entered into on December 1, 2009 between the City of Lowry and the Township of Ben Wade, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on January 11, 2010.

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

Beginning Two Hundred Ninety-five and 16/100 (295.16) feet West of the north quarter corner of Section Twenty-five (25), Township One Hundred Twenty-six (126), Range Thirty-nine (39), (being the Northwest corner of a bulk station tract of two (2) acres);

Thence West on the section line a distance of three hundred (300) feet;

Thence south and parallel with the north and south quarter line a distance of Seven Hundred Seventy-five and 16/100 (775.16) feet;

Thence east and parallel with the north section line a distance of Four Hundred Fifty three and 5/10 (453.5) feet to the West right of way line of trunk highway No. 114;

Thence north and northeasterly along said right of way line and following the circumference of a circle whose radius is One Thousand Seven Hundred Twelve and 3/10 (1712.3) feet a distance Three Hundred Ninety five (395) feet to a point One Hundred (100) feet West of the North and south quarter line;

Thence North a distance of Ninety (90) feet to the south line of said bulk station tract and being One Hundred Ninety-five and 16/100 (195.16) feet east of the Southwest corner thereof;

Thence West One Hundred Ninety-five and 16/100 (195.16) feet;

Thence north along the west side of said bulk station tract a distance of Two Hundred Ninety-five and 16/100 (295.16) feet to place of beginning, containing seven (7) acres, more or less.

AND

That part of the Northwest Quarter (NW 1/4), Section Twenty-five (25), Township One Hundred Twenty-six (126) North, Range Thirty-nine (39) West of the 5th P.M., described as follows:

Commencing at the Northeast corner of said Northwest Quarter (NW 1/4);

Thence West along Section line 295.16 feet;

Thence South 295.16 feet;

Thence East 295.16 feet to East line of said Northwest Quarter (NW 1/4);

Thence North along said East line of Northwest Quarter (NW 1/4) 295.16 feet to point of beginning and there terminating. Containing 2.0 acres more or less, subject to highway easements and restrictions of record.

ALSO DESCRIBED AS:

That part of the Northwest Quarter (NW 1/4) Section Twenty-five (25), Township One Hundred Twenty-six (126), Range Thirty-nine (39), consisting of a square tract of land in the area of two (2) acres in the Northeast corner of said Northwest Quarter (NW 1/4), said Section Twenty-five (25), Township One Hundred Twenty-six (126), Range Thirty-nine (39). Subject to highways, easements, reservations, restrictions, covenants and right-of-way of record, if any.

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

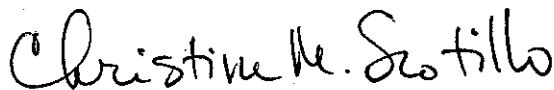
1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.
2. An order should be issued by the Chief Administrative Law Judge annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Lowry, the same as if it had originally been made a part thereof.
2. Pursuant to Minnesota Statutes §414.036, no reimbursement shall be made to the Township of Ben Wade by the City of Lowry in accordance with the terms of the Joint Resolution entered into on December 1, 2009 between the City and the Township.

Dated this 21st day of January, 2010.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments