

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF EITZEN) FINDINGS OF FACT
AND WINNEBAGO TOWNSHIP PURSUANT TO) CONCLUSIONS OF LAW
MINNESOTA STATUTES 414) AND ORDER

The joint resolution for orderly annexation submitted by the City of Eitzen and Winnebago 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 February 26, 2010, the Chief Administrative Law Judge reviewed and accepted the joint resolution which was adopted by the City on February 2, 2010, and by the Township on January 21, 2010, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on February 10, 2010.

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

Part of the Southeast Quarter of the Southwest Quarter of Section 32, Township 101 North, Range 5 West, Houston County, Minnesota, described as follows:
Commencing at the South Quarter Corner of said Section 32; thence N00 degrees 48'42"E along the East line of said Southeast Quarter of the Southwest Quarter 249.00 feet to the point of beginning; thence continuing N00 degrees 48'42"E along said East line 1058.22 feet to the Northeast corner of said Southeast Quarter of the Southwest Quarter; thence N89 degrees 57'29"W along the North line thereof 550.00 feet; thence S00 degrees 48'42"W 8.00 feet; thence N89 degrees 57'29"W 141.11 feet to the centerline of Iowa Avenue; thence S10 degrees 07'24"W along said centerline 86.33 feet; thence S89 degrees 57'29"E 155.08 feet thence S00 degrees

48'42"W 145.00 feet thence N89 degrees 57'29"W 178.91 feet to said centerline of Iowa Avenue; thence S10 degrees 07'24"W along said centerline 121.59 feet; thence S89 degrees 57'29"E 198.59 feet; thence S00 degrees 48'42"W 243.00 feet thence N89 degrees 57'29"W 238.52 feet to said centerline of Iowa Avenue; thence S10 degrees 07'24"W along said centerline 461.85 feet to a point being N00 degrees 48'42"E 249.00 feet from the South line of said Southeast Quarter of the Southwest Quarter; thence S89 degrees 46'36"E parallel with said South line 863.23 feet to the point of beginning.

Subject to easements of record.

Containing 17.04 acres +/-

And

Beginning in the Northeast corner of the Southeast Quarter of Section 32, Township 101 North, of Range 5 West of the Fifth Principal Meridian, running thence South 120 feet thence West 120 feet, thence North 120 feet to the center of the public road, thence East 120 feet to the place of beginning.

Containing 0.33 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 Eitzen, 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 Winnebago by the City of Eitzen in accordance with the terms of the Joint Resolution signed by the City on February 2, 2010 and Township on January 21, 2010.

Dated this 26th day of February, 2010.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive style with a large initial "C".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments