

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

The joint resolution for orderly annexation submitted by the City of Albert Lea and Bancroft Township was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge's designee hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On August 17, 2010, the Chief Administrative Law Judge reviewed and accepted the joint resolution which was adopted by the City on May 10, 2010 and Township on May 11, 2010, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on July 26, 2010.

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

Tract 1

All that part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35-T103N-R21W, Freeborn County, Minnesota; described as follows:

Commencing at a point on the east line of County State Aid Highway No. 45 (formerly State Highway No. 65 and State Highway No. 1) and 267.22 feet North and 50 feet East of the southwest corner of said Section 35;

thence East a distance of 990.00 feet, on a line parallel with and 267.22 feet North of the south line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, to a point 1040.00 feet east of the west line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$;

thence North 220.00 feet, on a line parallel with the west line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$;

thence West a distance of 990.00 feet, parallel with the south line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, to the east right-of-way of said County State Aid Highway No. 45 (formerly State Highway No. 65 and State Highway No. 1);

thence South a distance of 220.00 feet, on the east line of said County State Aid Highway No. 45 (formerly State Highway No. 65 and State Highway No. 1), to the point of beginning.

Tract 2

All that part of the SW $\frac{1}{4}$ Section 35-T103N-R21W, Freeborn County, Minnesota; described as follows:

Commencing at a point on the east right-of-way line of 770th Avenue (former Trunk Highway No. 65), which is 1363.56 feet north of the south line of the SW $\frac{1}{4}$ of said Section 35;

thence North 89°45'47" East a distance of 252.00 feet, parallel with the south line of said SW $\frac{1}{4}$;

thence South 00°44'55" East a distance of 216.35 feet, parallel with the west line of said SW $\frac{1}{4}$;

thence North 89°45'47" East a distance of 738.00 feet, parallel with the south line of said SW $\frac{1}{4}$, to a point 1040.00 feet east of the west line of said SW $\frac{1}{4}$;

thence South 00°44'55" East a distance of 440.00 feet, parallel with the west line of said SW $\frac{1}{4}$;

thence South 89°45'47" West a distance of 990.00 feet, parallel with the south line of said SW $\frac{1}{4}$, to a point on the east right-of-way line of said 770th Avenue (former Trunk Highway No. 65);

thence North 00°44'55" West a distance of 656.35 feet, on the east line of said 770th Avenue, to the point of beginning;

Tract 3

All that part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ & W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 35 and the E $\frac{1}{2}$ SE $\frac{1}{4}$ & E $\frac{1}{2}$

NE $\frac{1}{4}$ Section 34-T103N-R21W, Freeborn County, Minnesota; described as follows:

Commencing at the southwest corner of the W $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 35;
thence North a distance of 1587.22 feet, on the west line of said W $\frac{1}{2}$
SW $\frac{1}{4}$, to the point of beginning;

thence West a distance of 50.00 feet, to a point on the west right-of-way
line of 770th Avenue (former Trunk Highway No. 65);

thence South a distance of 411.47 feet, on the west line of said 770th
Avenue (former Trunk Highway No. 65), to a point 1176.20 feet north of
the south line of the E $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 34;

thence West a distance of 875.00 feet;

thence North a distance of 600.00 feet;

thence East a distance of 875.00 feet, to a point on the west line of said
770th Avenue;

thence on the west line of said 770th Avenue, as follows:

North a distance of 24.50 feet;

West a distance of 25.00 feet;

North a distance of 350.00 feet;

West a distance of 10.00 feet;

North a distance of 180.00 feet;

East a distance of 10.00 feet;

North a distance of 220.00 feet;

East a distance of 25.00 feet;

North a distance of 90.65 feet, to a point on the south line of said E $\frac{1}{2}$
NE $\frac{1}{4}$ Section 34;

thence West a distance of 200.00 feet, on the south line of said E $\frac{1}{2}$ NE $\frac{1}{4}$
Section 34;

thence North a distance of 860.00 feet, on a line parallel with the east line

of said E½ NE¼ Section 34;

thence East a distance of 250.00 feet, to a point on the east line of said E½ NE¼ Section 34;

thence South a distance of 106.80 feet, on the east line of said E½ NE¼ Section 34;

thence East a distance of 755.36 feet, on a line parallel with and 753.20 feet north of the south line of the W½ NW¼ of said Section 35;

thence South a distance of 753.20 feet, on a line parallel with the west line of said W½ NW¼ Section 35, to the south line thereof;

thence East a distance of 284.82 feet, on the south line of the W½ NW¼ Section 35, to a point 1040.00 feet east of the southwest corner of said W½ NW¼ Section 35;

thence South a distance of 1059.31 feet, on a line parallel with and 1040.00 feet east of the west line of said W½ SW¼ Section 35, to a point 1587.22 feet north of the south line of said W½ SW¼ Section 35;

thence West a distance of 1040.00 feet, to the point of beginning.

Tract 1, 2 and 3 combined for a total of 73.2 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.

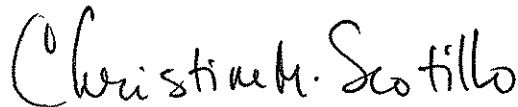
ORDER

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

2. Pursuant to Minnesota Statutes §414.036, Bancroft Township will be reimbursed by the City of Albert Lea in accordance with the terms of Joint Resolution No. 10-86 signed by the City on May 10, 2010 and the Township on May 11, 2010.

Dated this 17th day of August, 2010.

For the Chief Administrative Law Judge's designee
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, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments