

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )                    AMENDED  
AGREEMENT BETWEEN THE CITY OF AUSTIN )                    FINDINGS OF FACT  
AND LANSING TOWNSHIP PURSUANT TO )                    CONCLUSIONS OF LAW  
MINNESOTA STATUTES 414 )                    AND ORDER  
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The joint resolution for orderly annexation submitted by the City of Austin and Lansing 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 November 23, 2010, the Chief Administrative Law Judge reviewed and accepted the joint resolution which was adopted by the City on September 13, 2010 and Township on October 13, 2010, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on November 3, 2010.
2. The joint resolution requests the designation and immediate annexation of certain property to the City of Austin described as follows:

~~The property involving the southwest 140 ft. by 140 ft. of the legally described property below:~~

~~The following portion of the Southeast Quarter of the Northeast Quarter of Section 23, Township 103 North, Range 18 West; Beginning on the South line of~~

said quarter-quarter section at a point 406.7 feet West of the Southeast corner thereof; thence West 400 feet along the South line of said quarter-quarter section; thence North 1°04' West 923 feet; thence North 88°56' East 400 feet on a line parallel with the South line of said quarter-quarter section; thence Southerly 923 feet to the place of beginning, containing 8.475 acres more or less; subject to the public highway upon the South 33 feet of said tract, containing 0.303 acres more or less; and subject to the flowage rights contained in the deed recorded in Book 10 of Deeds, page 188, in the office of the Register of Deeds of said county.

All that part of the SE¼ NE¼ Section 23-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the southeast corner of the NE¼ of said Section 23; thence South 88°56'00" West, a distance of 806.70 feet, on an assumed bearing on the south line of said NE¼; thence North 01°04'00" West, a distance of 37.82 feet, to a point on the north right-of-way line of County State Highway No. 16, which is the point of beginning;

thence North 01°04'00" West, a distance of 140.00 feet;

thence North 88°35'11" East, a distance of 140.00 feet;

thence South 01°04'00" East, a distance of 140.00 feet, to a point on the north right-of-way line of said County State Highway No. 16;

thence South 88°35'11" West, a distance of 140.00 feet, on the north right-of-way line of said County State Highway No. 16, to the point of beginning.

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.

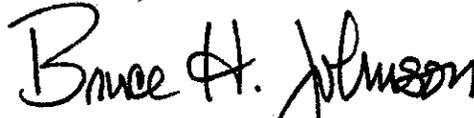
ORDER

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

2. Pursuant to Minnesota Statutes §414.036, Lansing Township will be reimbursed by the City of Austin in accordance with the terms of Joint Resolution No. 13868 signed by the City on September 13, 2010 and the Township on October 13, 2010.

Dated this 23<sup>rd</sup> day of November, 2010.

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



Bruce H. Johnson  
Administrative Law Judge  
Director, Municipal Boundary Adjustment Unit

Amended this 21<sup>st</sup> day of December, 2010.

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



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments