

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)	
AGREEMENT BETWEEN THE CITY OF ALBANY)	<u>FINDINGS OF FACT</u>
AND ALBANY 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 Albany and Albany 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 December 14, 2010, the Chief Administrative Law Judge reviewed and accepted the joint resolution which was adopted by the City on November 17, 2010 and Township on November 22, 2010, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on November 30, 2010.

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

That part of the North Half of the Southwest Quarter of Section 23, Township 125, Range 31, Stearns County, Minnesota, described as follows: Beginning at the northwest corner of said North Half of the Southwest Quarter; thence North 88 degrees 52 minutes 31 seconds East, assumed bearing, along the north line of said Northwest Quarter of the Southwest Quarter a distance of 597.00 feet; thence South 01 degrees 07 minutes 29 seconds East, 833.63 feet to the northerly right-of-way line of County State Aid Highway Number 54; thence North 78 degrees 08 minutes 26 seconds West, along said northerly right-of-way line of County State Aid Highway Number 54, a distance of 148.76 feet; thence northwesterly along

the northerly, northeasterly and easterly right-of-way line of County State Aid Highway Number 54 along a tangential curve concave to the northeast, having a radius of 523.69 feet, a central angle of 77 degrees 48 minutes 51 seconds, for 711.23 feet; thence North 00 degrees 12 minutes 26 seconds West, along tangent and along the easterly right-of-way line of County State Aid Highway Number 54 a distance of 114.17 feet; thence South 89 degrees 47 minutes 34 seconds West, along the northerly right-of-way line of County State Aid Highway Number 54 a distance of 49.33 feet to the west line of said North Half of the Southwest Quarter; thence North 00 degrees 38 minutes 26 seconds West, along said west line, 167.66 feet to the point of beginning. Subject to easements, restrictions, and reservations of record.

AND

That part of the North Half of the Southwest Quarter of Section 23, Township 125, Range 31, Stearns County, Minnesota, described as follows: Commencing at the northwest corner of said North Half of the Southwest Quarter; thence North 88 degrees 52 minutes 31 seconds East, assumed bearing, along the north line of said North Half of the Southwest Quarter a distance of 597.00 feet to the point of beginning; thence continue North 88 degrees 52 minutes 31 seconds East, along said north line, 1550.00 feet; thence South 01 degrees 07 minutes 29 seconds East, 1191.02 feet to the northerly right-of-way line of County State Aid Highway Number 54; thence North 78 degrees 08 minutes 26 seconds West, along said northerly right-of-way line, 1590.67 feet; to the intersection with a line bearing South 01 degrees 07 minutes 29 seconds East from the point of beginning; thence North 01 degrees 07 minutes 29 seconds West, 833.63 feet to the point of beginning. Subject to easements, restrictions, and reservations 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 Albany, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Albany Township will be reimbursed by the City of Albany in accordance with the terms of Joint Resolution No. 2010-26 signed by the City on November 17, 2010 and the Township on November 22, 2010.

Dated this 14th day of December, 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