

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)	
AGREEMENT BETWEEN THE CITY OF ST. CHARLES)	<u>FINDINGS OF FACT</u>
AND ST. CHARLES 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 St. Charles and St. Charles Township was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On April 12, 2011, the Chief Administrative Law Judge or authorized designee reviewed and accepted the joint resolution which was adopted by the City on November 23, 2010 and Township on October 19, 2010, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit on March 29, 2011.

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

Section 30, Township 106, Range 10 West bounded as follows (approximately 28 acres EXCEPTING the 5.02 acres):

All that portion of the Northeast Quarter of the Southeast Quarter (NE ¼ of SE ¼) of Section 30, Township 106 North, of Range 10 West of the Fifth Principal Meridian, lying North of the right of way of Interstate 90 as it now exists, EXCEPTING, therefrom, the following described parcel: Commencing at the Northeast corner of the Northeast Quarter of the Southeast quarter (NE ¼ of SE ¼) of said Section 30; thence South 87 degrees 28' 30" West (Note: All bearings

are in relation to the Winona County Coordinate System, 1927 Datum) along the North line of the Northeast Quarter (NE ¼) of said Southeast Quarter (SE ¼) for a distance of 733.09 feet to the point of beginning of the parcel to be described; thence continue South 87 degrees 28' 30" West along said North line for a distance of 583.00 feet to the Northwest corner of the Northeast Quarter (NE ¼) of said Southeast Quarter (SE ¼) thence South 01 degrees 34' 58" East along the West line of the Northeast Quarter (NE ¼) of said Southeast Quarter (SE ¼) for a distance of 375.00 feet; thence North 87 degrees 28' 30" East for a distance of 583.00 feet; thence North 01 degrees 34' 58" West for a distance of 375.00 feet to the point of the beginning. Said parcel contains 5.02 acres, more, or less.

Section 30, Township 106, Range 10 West bounded as follows:

That part of the Northwest Quarter of the Southeast Quarter (NW ¼ of SE ¼) of Section 30, Township 106 North, Range 10 West, Winona County, Minnesota, lying Northerly of the Northerly right of way of Interstate Highway I-90 and Easterly of the Easterly right of way line of Minnesota Trunk Highway No. 74. Approximately 4.6 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 or authorized designee annexing the area described herein.

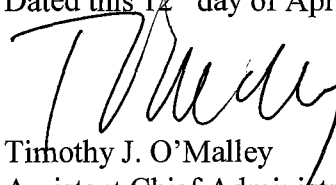
ORDER

1. The property described in Findings of Fact 2 is annexed to the City of St. Charles,

the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, St. Charles Township will be reimbursed by the City of St. Charles in accordance with the terms of Joint Resolution No. 32-2010/01-2010.

Dated this 12th day of April, 2011.

A handwritten signature in black ink, appearing to read "Timothy J. O'Malley". The signature is written in a cursive, flowing style with a large initial "T".

Timothy J. O'Malley
Assistant Chief Administrative Law Judge
Municipal Boundary Adjustment Unit