

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)	
AGREEMENT BETWEEN THE CITY OF ERSKINE)	<u>FINDINGS OF FACT</u>
AND KNUTE 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 Erskine and Knute 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 November 8, 2011, the Chief Administrative Law Judge or authorized designee reviewed and accepted the joint resolution which was adopted by the City and Township on October 10, 2011, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit on October 17, 2011.
2. The joint resolution requests the designation and immediate annexation of certain property to the City of Erskine described as follows:

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$); the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$); and that part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) lying south of the Great Northern Railroad Right of Way, Section Three (3), Township One Hundred Forty-eight (148), North of Range Forty-two (42), West of the Fifth Principal Meridian;

EXCEPT that part of the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Three (3), Township One Hundred Forty-eight (148), North of Range Forty-two (42), West of the Fifth Principal Meridian, described as follows:

Commencing at an iron pipe monument at the Southwest corner of said Sec. 3; thence North 88 degrees 47 minutes 47 seconds East, assumed bearing, along the South line of said Sec. 3, a distance of 1319.82 feet to the Southwest corner of the said E ½ SW ¼; said point being the point of beginning of the tract to be described; thence North 01 degrees 34 minutes 42 seconds West along the West line of the said E ½ SW ¼ a distance of 2329.41 feet to an iron pipe monument on the Southerly right of way line of the Burlington Northern, Inc. Railroad; thence South 61 degrees 10 minutes 38 seconds East along said right of way line 1231.72 feet to an iron pipe monument; thence South 36 degrees 57 minutes 03 seconds West 533.55 feet to an iron pipe monument; thence South 07 degrees 29 minutes 36 seconds West 386.15 feet to an iron pipe monument; thence North 79 degrees 51 minutes 30 seconds West 82.26 feet to an iron pipe monument; thence South 06 degrees 57 minutes 23 seconds West 937.41 feet to the South line of the said E ½ SW ¼; thence South 88 degrees 47 minutes 47 seconds West along said South line 449.47 feet to the point of beginning. Together with a roadway easement for access to and from the above-described real property over and across that part of the E ½ SW ¼ of Sec. 3, Twp. 148 N., R. 42 W., described as follows: Commencing at an iron pipe monument at the Southwest corner of said Sec. 3; thence North 88 degrees 47 minutes 47 seconds East, assumed bearing, along the South line of said Sec. 3 a distance of 1769.29 feet to the point of beginning of the easement to be described; thence continuing North 88 degrees 47 minutes 47 seconds East 33.34 feet; thence North 06 degrees 57 minutes 23 seconds East 931.03 feet; thence North 79 degrees 51 minutes 30 seconds West 33.05 feet; thence South 06 degrees 57 minutes 23 seconds West 937.41 feet 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.

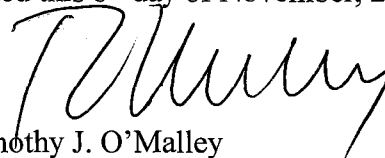
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Erskine, 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 Knute by the City of Erskine in accordance with the terms of the Joint Resolution signed by the City and Township on October 10, 2011.

Dated this 8th day of November, 2011.

A handwritten signature in black ink, appearing to read "T. O'Malley", is written over the typed name.

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