

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
of Certain Real Property to the City
of Albert Lea from Albert Lea Township
(MBAU Docket OA-1816-1)

**ORDER APPROVING
ANNEXATION**

This matter is pending before Administrative Law Judge Jessica A. Palmer-Denig upon a Joint Resolution for Orderly Annexation, Resolution 22-019 (Joint Resolution 22-019), filed on February 7, 2022, seeking annexation of certain real property.

Kelly Martinez, City Attorney; Ian Rigg, City Manager; and Daphney Maras, City Clerk, appear on behalf of the City of Albert Lea (City). Rachel Alberts, Township Clerk, appears on behalf of Albert Lea Township (Township). Daniel Schleck, Messerli Kramer, appears on behalf of property owner Trail's Travel Center (Trail's Travel).

The City and the Township entered into the Joint Resolution 22-019 for the designation and immediate annexation of certain real property (Property) legally described as follows:

PID: 08.018.0310

That part of Government Lot 3, Section 18, Township 102 North, Range 21 West, Freeborn County, Minnesota described as follows:

Commencing at the Northwest corner of Government Lot 3; thence South 89°17'24" East, assumed bearing, 33.00 feet along the north line of Government Lot 3 to the point of beginning; thence continuing South 89°17'24" East 146.05 feet; thence South 00°05'31" East 349.07 feet; thence South 87°59'47" West 146.68 feet; thence North 00°00'00" West 355.99 feet parallel with the west line of Government Lot 3 to the point of beginning. Subject to road easement across the northerly end of the above-described tract and other easements of record. Except any land already within the City limits

AND

PID: 08.018.0311

All that part of Government Lot 3; Section 18, Township 102 North, Range 21 West, Freeborn County, Minnesota; described as follows:

Commencing at the northwest corner of Government Lot 3, Section 18-T102N-R21W; thence North 89°02'17" East a distance of 586.86 feet, on

an assumed bearing on the north line of said Government Lot 3, to the point of beginning; thence South 89°02'17" West a distance of 119.78 feet, on a reverse of the last described line, on the north line of said Government Lot 3; thence South 01°45'56" East a distance of 340.70 feet; thence South 88°14'04" West a distance of 288.00 feet; thence South 01°36'20" East a distance of 4.32 feet; thence South 86°19'23" West a distance of 146.68 feet, to a point 33.00 feet east of the west line of said Government Lot 3; thence South 01°41'48" East a distance of 415 feet more or less on a line parallel with and 33.00 feet east of the west line of said Government Lot 3; to a point on the northerly shoreline of Pickerel Lake; thence Southeasterly and Southerly a distance of 815 feet more or less, along the northerly shoreline of Pickerel Lake to a point on the south line of said Government Lot 3; thence North 89°02'17" East a distance of 122.69 feet, on the south line of said Government Lot 3, to the point of intersection with a line bearing South 01°36'20" East from the point of beginning, which point is 735.79 feet west of the southeast corner of said Government Lot 3; thence North 01°36'20" West a distance of 1323.91 feet, to the point of beginning; subject to highway easement of the northerly-most side thereof. Except any land already within the City limits.

AND

PID: 08.018.0230

That part of Government Lot 3, Section 18, Township 102 North, Range 21 West, Freeborn County, Minnesota, described as follows:

Commencing at the Northwest Corner of Government Lot 3: thence easterly 179.05 feet along the north line of Government Lot 3 to the point of the beginning; thence continuing easterly 288.03 feet along the north line of Government Lot 3; thence southerly deflecting right 89 degrees 11 minutes 53 seconds 340.70 feet; thence westerly deflecting right 90 degrees 00 minutes 00 seconds 288.00 feet; thence northerly deflecting right 90 degrees 00 minutes 00 seconds 344.74 feet to the point of beginning. Subject to a road easement across the northerly end of the above described tract and other easements of record. Except any land already within the City limits.

AND

PID: 08.011.0020

That portion of the East Half of the Northeast Quarter of Section 11, Township 102 North, Range 21 West of the Fifth Principal Meridian, described as follows:

Commencing at the Northwest corner of said East Half of the Northeast Quarter of said Section 11; thence South along the West line thereof, 1320 feet; thence East parallel with the North line thereof, 330 feet; thence North

1320 feet parallel with the West line thereof to the North line thereof; thence West along the North line thereof, 330 feet to the point of the beginning; subject to highway right-of-way and subject to easement for road purposes over a strip of land 30 feet in width lying South of and adjoining Minnesota Trunk Highway No. 16, all lying and being in the County of Freeborn, State of Minnesota. Except any land already within the City limits.


Trail's Travel filed an objection to the annexation with the Office of Administrative Hearings on February 11, 2022. The Administrative Law Judge notified the parties that she would convene a telephone conference in this matter, and invited the parties to make additional written submissions. The City and Trail's Travel both submitted additional materials. This matter came on for a telephone conference on February 25, 2022. The City and Trail's Travel appeared at the telephone conference. There was no appearance by the Township.

Based upon a review of the record and the arguments of the parties, and for the reasons expressed in the accompanying Memorandum, which is incorporated herein, the Administrative Law Judge issues the following:

ORDER

1. Pursuant to Minn. Stat. § 414.0325 (2020), Joint Resolution 22-019 is deemed adequate in all legal respects and properly supports this Order.
2. Pursuant to the terms of Joint Resolution 22-019 and this Order, the Property is **ANNEXED** to the City.
3. Pursuant to the agreement of the City and Township, and as allowed by Minn. Stat. § 414.036 (2020), the City will reimburse the Township in accordance with the terms of Joint Resolution 22-019.

Dated: March 3, 2022


JESSICA A. PALMER-DENIG
Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.0325, .07, .09, .12 (2020). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Freeborn County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2021). However, no request for amendment shall extend the time of appeal from this Order.

MEMORANDUM

Under Minn. Stat. § 414.0325, subd. 1(a), “one or more townships and one or more municipalities, by joint resolution, may designate an unincorporated area as in need of orderly annexation.” A designated area is “any area which the signatories to a joint resolution for orderly annexation have identified as being appropriate for annexation, either currently or at some point in the future, pursuant to the negotiated terms and conditions set forth in the joint resolution.”¹ Minn. Stat. § 414.0325, subd. 6, provides that an orderly annexation agreement is a binding contract between the parties.

Minn. Stat. § 414.0325 provides for limited review of annexations under an orderly annexation agreement. If a joint resolution designates an area as in need of orderly annexation and states that no alteration of its stated boundaries is appropriate, the administrative law judge may review and comment, but may not alter the boundaries.² Further, if a joint resolution designates an area as in need of orderly annexation, provides for the conditions for its annexation, and states that no consideration by the administrative law judge is necessary, the administrative law judge may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the resolution.³

Trail’s Travel is the owner of a parcel within the area of the Property subject to Joint Resolution 22-019. Trail’s Travel objects to the orderly annexation of its land, contending that the Property is not benefitted by annexation. Trail’s Travel also argues that the City seeks to annex its parcel to recoup funds it has not recovered in connection with a loan it made to a former lessee of the property. The City contends that the annexation is unrelated to that loan, that the Property to be annexed is clearly urban or suburban and appropriate for development, and that the Property already receives a substantial number of City services, as it is largely bounded by property in the City.

Trail’s Travel recognizes that Joint Resolution 22-019 contains the terms required to limit the Administrative Law Judge’s review under Minn. Stat. § 414.0325.

¹ Minn. Stat. § 414.0325, subd. 1(b).

² *Id.*, subd. 1(g).

³ *Id.*, subd. 1(h).

Nevertheless, Trail's Travel requests that any order approving the annexation contain language expressing concern about the legality of the annexation.

While the Administrative Law Judge "may review and comment" under Minn. Stat. § 414.0325, the Administrative Law Judge declines to do so here. The Administrative Law Judge allowed the parties to create a record regarding this dispute, but did not take testimony or engage in fact finding regarding the objections raised by Trail's Travel. The Administrative Law Judge determines that the issues presented by Trail's Travel would be best addressed in connection with appeal proceedings before the district court, if Trail's Travel wishes to further pursue these claims. The district court can offer Trail's Travel a full and fair opportunity to raise its concerns and obtain any appropriate relief.

J. P. D.