

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF ROCHESTER) FINDINGS OF FACT
AND MARION TOWNSHIP PURSUANT TO) CONCLUSIONS OF LAW
MINNESOTA STATUTES 414) AND ORDER

The city resolution for orderly annexation submitted by the City of Rochester was reviewed for conformity with applicable law. The undersigned Assistant Chief Administrative Law Judge, acting under a delegation from the Chief Administrative Law Judge, hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. A joint resolution for orderly annexation was adopted by the City of Rochester and Marion Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.
2. A resolution adopted and submitted by the City of Rochester, requests annexation of part of the designated area described as follows:

That part of the Northeast Quarter of the Northeast Quarter of Section 5, Township 106 North, Range 13 West, Olmsted County, Minnesota, lying North of CSAH 9.

Also

Lot 1 through Lot 15, Block 1, Lot 1 through Lot 22, Block 2, and Lot 1 through Lot 26, Block 3, all in Sunnydale Subdivision.

Also

Lot 1 through Lot 7 and Lot 11, Block 5, Lot 1 through Lot 17 and Lot 19 through Lot 31,

block 6, all in Sunnydale No Two.

Also

Lot 1 through Lot 5, Block 1, Sunnydale First Replat.

Also

All of the street right-of-ways in the Northeast Quarter of said Section 5 and that part of 40th Avenue in the Northwest Quarter of Section 4 Township 106 North, Range 13 West, Olmsted County, Minnesota

Containing 67.56 acres more or less.

Also

Lot 13, Block 5, Rose Harbor Second Subdivision less the westerly 66 ft thereof.

Containing 6320 square feet.

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 Assistant Chief Administrative Law Judge annexing the area described herein.

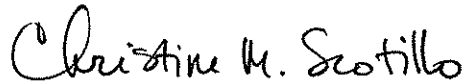
ORDER

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

2. Pursuant to Minnesota Statutes §414.036, Marion Township will be reimbursed by the City of Rochester in accordance with the terms of the joint resolution signed by the City of Rochester on September 20, 1999 and Marion Township on September 14, 1999.

Dated this 22nd day of January, 2009.

For the Assistant Chief Administrative Law Judge
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