

OA-1042-3 Belle Plaine  
City Resolution No. 05-039  
Town Resolution No. 2-1-05

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF BELLE )  
PLAINE AND THE TOWN OF BELLE PLAINE ) ORDER  
PURSUANT TO MINNESOTA STATUTES 414 )  
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WHEREAS, a joint resolution for orderly annexation was adopted by the City of Belle Plaine and the Town of Belle Plaine; and

WHEREAS, a resolution was received from the City of Belle Plaine and the Town of Belle Plaine indicating their desire that certain property be annexed to the City of Belle Plaine pursuant to M.S. 414.0325;

WHEREAS, M.S. 414.0325 states that in certain circumstances the Director of Strategic and Long Range Planning may review and comment, but shall within 30 days order the annexation of land pursuant to said subdivisions; and

WHEREAS, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge; and

WHEREAS, on May 12, 2005, the Chief Administrative Law Judge has reviewed and accepted the resolution for orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Belle Plaine, Minnesota, the same as if it had originally been made a part thereof:

All that part of the North Half of the Southeast Quarter of Section 7, Township 113 North, Range 24 West, Scott County, Minnesota, except the West Three Quarters of the

Northwest Quarter of said Southeast Quarter, and except the following described property:

That part of the Northeast Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 7, Township 113, Range 24, Scott County, Minnesota described as follows:

Commencing at the southeast corner of said Northeast Quarter of the Southeast Quarter; thence North 89 degrees 39 minutes 54 seconds West along the south line of said Northeast Quarter of the Southeast Quarter a distance of 142.00 feet to the point of beginning of the land to be described; thence deflecting to the right 90 degrees 00 minutes 00 seconds, a distance of 399.00 feet; thence deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 1273.00 feet; thence deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 399.00 feet to the south line of said Northwest Quarter of the Southeast Quarter; thence South 89 degrees 39 minutes 54 seconds East, along said south line, a distance of 1273.00 feet to point of beginning.

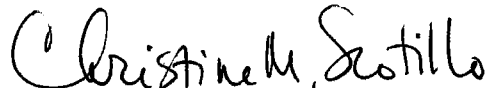
Together with:

That part of the West Half of the East Half of the Northwest Quarter of the Southeast Quarter of Section 7, Township 113, Range 24, Scott County, Minnesota, lying east of a line described as follows:

Commencing at the northeast corner of said West Half of the East Half; thence westerly, along the north line of said West Half of the East Half, a distance of 35.00 feet to the point of beginning of the line to be described; thence South 02 degrees 08 minutes 09 seconds West a distance of 1309.42 feet to a point on the south line of said West Half of the East Half, distance of 52.50 feet west of the southeast corner of said West half of the East half, as measured along said south line, and there terminating.

Dated this 12<sup>th</sup> day of May, 2005.

For the Chief Administrative Law Judge  
658 Cedar Street, Room 300  
St. Paul, Minnesota 55155



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1042-3, the Chief Administrative Law Judge finds and makes the following comment:

The authority to impose the type of charge identified in Paragraph No. 6 of the agreement, is questionable. Reimbursement for taxable property annexed by order pursuant to Minnesota Statute Section 414.0325 is an optional provision authorized by the statute. However, such reimbursement is to be "from the municipality to the town..." Minnesota Statute Section 414.036. The issuance of this order makes no determination as to the legality or validity of these provisions of the agreement. Any issue that may arise relative to the application or interpretation of these sections will be the sole responsibility of the signatories to the agreement.

Paragraph No. 16 states the agreement shall expire on December 31, 2023 unless an extension is requested by the parties. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Chief Administrative Law Judge. Once jurisdiction is conferred by submission of this agreement to this office, it cannot be taken away by written consent of the parties. Jurisdiction ends when all the designated area is annexed. The issue whether jurisdiction could be "given back" by the Chief Administrative Law Judge upon written request of the parties to the agreement to mutually end their agreement has not been addressed.

The parties are encouraged to consider this comment in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

*CMS*