

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF DUNDAS)
AND THE TOWN OF BRIDGEWATER PURSUANT)
TO MINNESOTA STATUTES 414)

ORDER

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Dundas and the Town of Bridgewater; and

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

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.

WHEREAS, on May 16, 2005, the Chief Administrative Law Judge 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 Dundas, Minnesota, the same as if it had originally been made a part thereof:

That part of the South Half of the Northwest Quarter of Section 13, Township 111 North, Range 20 West, Rice County, Minnesota, described as the following parcels:

ANNEXATION PARCEL A

Commencing at the Southwest corner of the Northwest Quarter of Section 13; thence South 89 degrees 19 minutes 30 seconds East (assumed bearing) on the south line of the Northwest Quarter, a distance of 290.03 feet to the point of beginning; thence North 00 degrees 00 minutes 00 seconds East, 665.07 feet; thence South 70 degrees 21 minutes 38 seconds East, 76.81 feet; thence South 00 degrees 44 minutes 23 seconds West, 640.06 feet to the south line of the Northwest Quarter; thence North 89 degrees 19 minutes 30 seconds West on the south line, a distance of 64.08 feet to the point of beginning.

Said Parcel contains 1.02 acres of land being subject to and together with any and all easements of record.

AND

ANNEXATION PARCEL B

Commencing at the Southwest corner of the Northwest Quarter of Section 13; thence South 89 degrees 19 minutes 30 seconds East (assumed bearing) on the south line of the Northwest Quarter, a distance of 290.03 feet; thence North 00 degrees 00 minutes 00 seconds East, 898.72 feet to the point of beginning; thence continuing North 00 degrees 00 minutes 00 seconds East, 178.46 feet; thence South 89 degrees 59 minutes 19 seconds East, 238.88 feet; thence South 73 degrees 25 minutes 06 seconds West, 16.40 feet; thence South 87 degrees 00 minutes 07 seconds West, 164.46 feet; thence South 19 degrees 38 minutes 22 seconds West, 175.33 feet to the point of beginning.

Said Parcel contains 0.16 acres of land being subject to and together with any and all easements of record.

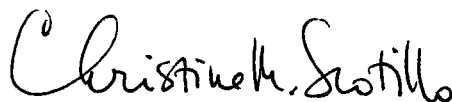
ANNEXATION PARCEL C

Commencing at the Southwest corner of the Northwest Quarter of Section 13; thence South 89 degrees 19 minutes 30 seconds East (assumed bearing) on the south line of the Northwest Quarter, a distance of 290.03 feet; thence North 00 degrees 00 minutes 00 seconds East, 1077.17 feet; thence South 89 degrees 59 minutes 19 seconds East, 665.86 feet to the point of beginning; thence continuing South 89 degrees 59 minutes 19 seconds East, 357.42 feet to the east line of the West Half of the Northwest Quarter of Section 13; thence North 00 degrees 00 minutes 03 seconds West on said east line, a distance of 232.77 feet to the north line of the South Half of the Northwest Quarter of said Section 13; thence North 89 degrees 14 minutes 24 seconds West on said north line, a distance of 656.97 feet to the east line of the West Half of the Southeast Quarter of the Northwest Quarter; thence South 00 degrees 00 minutes 37 seconds West on said east line a distance of 442.48 feet; thence North 89 degrees 59 minutes 23 seconds West, 423.53 feet; thence North 13 degrees 05 minutes 39 seconds West, 81.19 feet; thence South 70 degrees 13 minutes 26 seconds West, 337.49 feet; thence North 33 degrees 17 minutes 22 seconds West, 59.71 feet; thence North 89 degrees 04 minutes 29 seconds West, 62.95 feet; thence North 00 degrees 55 minutes 31 seconds East, 143.98 feet to a point on a non-tangential curve; thence northwesterly 174.88 feet on a 263.00 foot radius curve to the right, having a 171.68 foot chord that bears North 70 degrees 01 minutes 30 seconds West, and a central angle of 38 degrees 05 minutes 57 seconds to the point of beginning.

Said Parcel contains 7.68 acres of land being subject to and together with any and all easements of record.

Dated this 16th day of May, 2005.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1086-6, the Chief Administrative Law Judge finds and makes the following comments:

Paragraph 16 of the agreement states the Township shall not receive the tax revenue from the annexed area until the area is developed. At that time, the Township shall receive tax revenue rebated for a period of 10 years. By making this order, no determination is made as to the effectiveness of such a schedule. Minnesota Statutes Section 414.036 allows for a reimbursement to the township of property taxes of substantially equal payments over a period of not less than two nor more than six years.

Paragraph 30 states the agreement shall terminate on December 31, 2033, or the date upon which all permitted annexation of land in the Annexation Area has been completed, whichever occurs first. Termination procedures may be contrary to the act of conferring jurisdiction to the Chief Administrative Law Judge. Once jurisdiction is conferred, 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.

Ans