

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

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

WHEREAS, a resolution was received from the City of Waconia indicating their desire that certain property be annexed to the City of Waconia 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 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 November 15, 2007, 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 Waconia, Minnesota, the same as if it had originally been made a part thereof:

That part of the Northeast Quarter of the Southeast Quarter of Section 24, Township 116, Range 25, Carver County, Minnesota, described as follows:

Commencing at the southeast corner of said Northeast Quarter of the Southeast Quarter; thence North 58 degrees 05 minutes 00 seconds West, assuming the east line of said Northeast Quarter of the Southeast Quarter bears North 00

degrees 00 minutes 00 seconds East, a distance of 919.00 feet; thence North 43 degrees 05 minutes 00 seconds West, a distance of 100.00 feet; thence North 46 degrees 55 minutes 00 seconds East, a distance of 1.91 feet to the point of beginning; thence continue North 46 degrees 55 minutes 00 seconds East, a distance of 542.00 feet; thence South 71 degrees 00 minutes 26 seconds East, a distance of 176.74 feet; thence South 46 degrees 55 minutes 00 seconds West, a distance of 629.67 feet; thence 156.25 feet northwesterly along a curve concave to the southwest having a radius of 5379.51 feet, a central angle of 01 degrees 39 minutes 51 seconds, a chord that bears North 41 degrees 17 minutes 10 seconds West, to the point of beginning.


AND

Commencing at the southeast corner of said Northeast Quarter of the Southeast Quarter; thence North 58 degrees 05 minutes 00 seconds West, assuming the east line of said Northeast Quarter of the Southeast Quarter bears North 00 degrees 00 minutes 00 seconds East, a distance of 919.00 feet; thence North 43 degrees 05 minutes 00 seconds West a distance of 100.00 feet; thence North 46 degrees 55 minutes 00 seconds East a distance of 1.91 feet to the actual point of beginning of the land to be described; thence North 46 degrees 55 minutes 00 seconds East a distance of 542.00 feet; thence North 81 degrees 00 minutes 53 seconds West a distance of 369.93 feet; thence South 46 degrees 55 minutes 00 seconds West a distance of 325.07 feet; thence Southeasterly 292.00 feet along a curve concave to the southwest, having a radius of 5379.51 feet, a central angle of 03 degrees 06 minutes 36 seconds, a chord that bears South 45 degrees 08 minutes 20 seconds East, to the point of beginning.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Waconia will be reimbursed by the City of Waconia in accordance with the terms of the Joint Resolution signed by the City of Waconia on December 20, 2004 and the Town of Waconia on December 22, 2004.

Dated this 15th day of November, 2007.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustment

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1115-3, the Chief Administrative Law Judge finds and makes the following comment:

In City Resolution No. 2007-183, paragraph #1 refers to Minn. Stat. §414.0325 Subd. 1(d)(1) as the authority for the city to initiate a “review and comment” resolution under MBA Docket No. OA-1115. That section of the statute authorizes signatories to a joint resolution for orderly annexation to initiate an annexation from the area designated by a joint resolution. It does not allow any signatory to a joint resolution to, sua sponte, accomplish such annexation via a “review and comment” resolution signed by only one of the signatories in the absence of the hearing procedures set forth in Minn. Stat. §414.0325 Subds. 2 and 3.

In OA-1115, the authority for the city to initiate a “review and comment” resolution on its own comes from Paragraph #6 of the *joint resolution* for orderly annexation, a provision which the parties negotiated and which was approved by Waconia Township December 22, 2004 and by the City of Waconia on December 20, 2004. That resolution provides in paragraph #6 which states, in part:

Approval Process. The City and the Township mutually state that the OA

Area shall be annexed to the City by the MBA on receipt of the City’s resolution in accord and with the terms of this Joint Resolution as follows:

Please refer to provisions of your main agreement that are germane when filing future annexations under this joint resolution.

In addition, paragraph No. 18 states the agreement shall expire at the end of the day on July 1, 2015. 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, it cannot be taken away by written consent of the parties.

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. 