

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF WINONA ) FINDINGS OF FACT  
AND WILSON TOWNSHIP PURSUANT TO ) CONCLUSIONS OF LAW  
MINNESOTA STATUTES 414 ) AND ORDER  
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The city resolution for orderly annexation submitted by the City of Winona 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 Winona and Wilson 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 Winona, requests annexation of part of the designated area described as follows:

That part of the NE ¼ of the NE ¼ of Section 1, Township 106, Range 7, Winona County, Minnesota, which is more particularly bounded and described as follows, to-wit:

Commencing at the iron monument that marks the Northeast corner of said Section 1; thence in a Westerly direction, and along the North line of said Section 1, for a distance of 350.43 feet to the point of beginning; thence at a deflection angle to the left of 51 degrees 29 minutes 00 seconds, for a distance of 175.77 feet; thence at a deflection angle to the right of 90 degrees 00 minutes 00 seconds, for a distance of 120.00 feet; thence at a deflection angle to the right of 90 degrees 00 minutes 00 seconds, for a distance of 80.26 feet to the North line of said Section 1; thence at a deflection angle to the right of 51 degrees 29 minutes 00

seconds, and in an Easterly direction along the North line of said Section 1, for a distance of 153.37 feet, more or less, to the point of beginning. Excepting therefrom the right-of-way of the public road known as County State Aid Highway No. 15.

Also for purposes of ingress to, and egress from the above parcel of land, an easement of 25.00 feet on each side of the following described centerline: Commencing at the Northeast corner of said Section 1; thence in a Westerly direction, and along the North line of said Section 1, for a distance of 535.75 feet; thence at a deflection angle to the right of 128 degrees 31 minutes 00 seconds for a distance of 20.90 feet; thence at a deflection angle to the left of 180 degrees 00 minutes 00 seconds, for a distance of 1.00 feet to a point within the right- of-way limits of County State Aid Highway Number 15 which is the point of beginning; thence continue, in a Southwesterly direction along the last above described course, for a distance of 580.75 feet; thence deflect to the left on a 8 degrees 00 minutes 00 seconds curve (Delta Angle 19 degrees 28 minutes 00 seconds, radius 716.20 feet) for an "ARC" distance of 243.33 feet; thence on tangent to said curve for a distance of 75.58 feet; thence deflect to the left on a 56 degrees 00 minutes 00 seconds curve (Delta Angle 109 degrees 03 minutes 00 seconds, Radius 102.31 feet) for an "ARC" distance of 194.73 feet, thence on tangent to said curve for a distance of 134.43 feet, and there terminating. Said point of termination being the center of a circle having a radius of 40.00 feet; all land within the limits of said circle being considered part of said roadway.

Subject to those restrictions found in that particular deed between Myra B. Veir, a single woman, and August R. Keiper and Helen C. Keiper, husband and wife, dated July 29th, 1966, and filed for record with the Register of Deeds for Winona County on August 2, 1966, and filed in Book 265 of Deed on page 88.

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.

5. 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

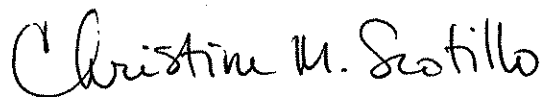
1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.
2. An order should be issued by the Assistant Chief Administrative Law Judge annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Winona, the same as if it had originally been made a part thereof.
2. Pursuant to Minnesota Statutes §414.036, Wilson Township will be reimbursed by the City of Winona in accordance with the terms of the Joint Resolution signed by the City of Winona on May 23, 2005 and Wilson Township on May 18, 2005; and City Resolution No. 2008-132.

Dated this 18<sup>th</sup> day of December, 2008.

For the Assistant Chief Administrative Law Judge  
P. O. Box 64620  
St. Paul, Minnesota 55164-0620



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

OA-1159-7 Winona

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1159-7, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph 24 states the agreement shall remain in full force and effect until termination by joint agreement of the parties; the remainder of the OAA is annexed; or 10 years from the effective date. 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. 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.

*CWS*