

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1170-2
Rochester/Haverhill Township
Pursuant to Minnesota Statutes 414

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The city resolution for orderly annexation submitted by the City of Rochester was reviewed for conformity with applicable law. By delegation, 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 Haverhill Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit.
2. A resolution adopted and submitted by the City of Rochester, requests annexation of part of the designated area described as follows:

A part of the Southwest Quarter of Section 18, Township 107, Range 13, Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence South 89 degrees 43 minutes 49 seconds East assumed bearing, along the south line of said Southwest Quarter, 1151.62 feet to the east line of the West 1151.50 feet of said Southwest Quarter, for a point of beginning; thence North 00 degrees 33 minutes 08 seconds West, along said east line, 1312.11 feet to the south line of WEIH SUBDIVISION, according to the plat thereof on file at the County Recorder's office, Olmsted County, Minnesota; thence South 89 degrees 53 minutes 37 seconds East, 499.71 feet to the southeast corner of said WEIH SUBDIVISION, thence northerly 513.47 feet to a point which is South 00 degrees 32 minutes 30 seconds East, 800.00 feet from the northeast corner of said WEIH SUBDIVISION; thence

East, parallel with the north line of said Southwest Quarter, 369.28 feet; thence South 06 degrees 04 minutes 39 seconds East, 577.86 feet; thence North 82 degrees 01 minutes 18 seconds East, 485.08 feet to the east line of said Southwest Quarter; thence South 00 degrees 10 minutes 32 seconds East, 1323.87 feet to the southwest corner of said Southwest Quarter; thence North 89 degrees 43 minutes 49 seconds West, along the south line of said Southwest Quarter, 1397.13 feet to the point of beginning.

Said parcel contains 46.63 acres more or less; and

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 Chief Administrative Law Judge or authorized designee 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, Haverhill 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 June 6, 2005 and Haverhill Township on
May 18, 2005.

Dated: June 11, 2013



Timothy J. O'Malley
Assistant Chief Administrative Law Judge
Municipal Boundary Adjustment Unit

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1170-2, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph 25 states the agreement "...will terminate when the parties adopt a joint resolution of termination, when all of the land within the Annexation Area is annexed to the City, or on January 1, 2034, whichever occurs first." 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.

T.J.O.