

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1283-2
St. Joseph/St. Joseph Township
Pursuant to Minnesota Statutes 414

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The joint resolution for orderly annexation submitted by the City of St. Joseph and St. Joseph Township 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 St. Joseph and St. Joseph Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit.
2. A joint resolution adopted and submitted by the City of St. Joseph and St. Joseph Township, requests annexation of part of the designated area described as follows:

That part of the Southeast Quarter of the Southwest Quarter, and that part of the West Half of the Southwest Quarter of the Southeast Quarter, Section 9, Township 124 North, Range 29 West, Stearns County, Minnesota, described as follows:

Beginning at point B42 of STEARNS COUNTY HIGHWAY RIGHT OF WAY PLAT NUMBER 34, according to the recorded plat thereof, Stearns County, Minnesota; thence southeasterly, easterly, and northeasterly, along said right of way plat to point B45 of said right of way plat, said line hereinafter referred to as "Line A"; thence southeasterly along the easterly line of said right of way plat 5.6 feet more or less to the intersection of the northerly right of way line of West Minnesota Street; thence northeasterly, southeasterly, and northeasterly, along said northerly right of way line, to the east line

of the West Half of the Southwest Quarter of the Southeast Quarter; thence southerly, along said east line 104.7 feet more or less to the intersection of the southerly right of way line of said West Minnesota Street; thence southwesterly, southeasterly, and southwesterly, along said southerly right of way line to point B46 of said right of way plat; thence southwesterly, northerly, and westerly, along said right of way plat to point B49 of said right of way plat; thence westerly and northwesterly, along a line drawn parallel with, distant 150.00 feet southerly of above described "Line A" to the intersection with the existing centerline of CSAH No. 2; thence northerly 150 feet more or less, along said existing centerline to the point of beginning.

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 St. Joseph, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, no reimbursement shall be

made to the Township of St. Joseph by the City of St. Joseph in accordance with the terms of the Joint Resolution No. 2013/2013-01 signed by the City on April 18, 2013, and Township on May 28, 2013.

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-1283-2, the Chief Administrative Law Judge finds and makes the following comments:

Paragraph 7. A. states that Zone 2 will expire on December 31, 2007 and Zone 3 will expire on December 31, 2017. 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.

T.J.O.