

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1283-3  
St. Joseph/St. Joseph 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 St. Joseph 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 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:

A tract of land situated in the W ½ SE ¼ , in Section 11, in Township 124 North, Range 29 West of the Fifth Principal Meridian, Stearns County, Minnesota, being more particularly described as follows:

Commencing at the Southwest Corner of said W ½ SE ¼;

Thence North 88°57'55" East, assumed bearing, 49.50 feet along the South line of said W ½ SE ¼;

Thence North 00°49'56" West, 891.54 feet to the Southwest Corner of St. Joseph Business Park;

Thence North 89°10'04" East, 550.00 feet to the Southeast Corner of said Park and to the POINT OF BEGINNING;

Thence North 00°49'56" West 881.92 feet along the East line of said Park to the South line of Stearns County Highway Right-of-way Plat No. 5;

Thence South 66°02'44" West 762.17 feet along said Right-of-Way to the East line of said W ½ SE ¼;

Thence South 00°47'22" East 530.99 feet along said line;

Thence South 89°12'38" West, 250.00 feet;

Thence South 00°47'22" East, 31.58 feet;

Thence South 89°10'04" West, 441.54 feet 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 City Resolution No. 2013-017 signed by the City on April 18, 2013.

Dated: June 11, 2013

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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1283-3, 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.