

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1283-4
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 filed with the Office of Administrative Hearings, Municipal Boundary Adjustment Unit.
2. A resolution adopted and submitted by the City of St. Joseph requests annexation of part of the designated area described as follows:

OUTLOT E and OUTLOT F, BENEDICT, according to the recorded plat thereof, Stearns County, Minnesota.

ALSO

That part of the Northeast Quarter of the Northwest Quarter of Section 16, Township 124 North, Range 29 West, Stearns County Minnesota, lying easterly of the easterly right of way line of Interstate Trunk Highway No. 94.

ALSO

That part of the Northwest Quarter of the Northwest Quarter of Section 16, Township 124 North, Range 29 West, Stearns County, Minnesota, lying easterly of the easterly right of way line of Interstate Trunk Highway No. 94.

ALSO

That part of the Southwest Quarter of the Southwest Quarter of Section 9, Township 124 North, Range 29 West, Stearns County, Minnesota, lying southeasterly of the centerline of C.S.A.H. No. 2, and easterly of the easterly right of way line of Interstate Trunk Highway No. 94.

ALSO

That part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 124 North, Range 29 West, Stearns County, Minnesota, lying easterly of the centerline of C.S.A.H. No. 2, and lying southerly of a line drawn parallel with, distant 150.00 feet southerly of the northerly right of way of Minnesota Street and it's westerly extension to the centerline of C.S.A.H. No. 2.

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).

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings 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.

2. Pursuant to Minnesota Statutes § 414.035, the tax rate of the City of St.

Joseph on the property herein ordered annexed shall be in accordance with the terms of City Resolution 2014-006 and Joint Resolution 2010-001/2010-038 signed by the City and Township on December 2, 2010 and December 15, 2010, respectively.

3. Pursuant to Minnesota Statutes § 414.036, St. Joseph Township will be reimbursed by the City of St. Joseph in accordance with the terms of City Resolution 2014-006 and Joint Resolution 2010-001/2010-038 signed by the City and Township on December 2, 2010 and December 15, 2010, respectively.

Dated: April 8, 2014



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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1283-4, 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.