

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1296-3  
Kasson/Mantorville 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 Kasson and Mantorville 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 Kasson and Mantorville 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 Kasson and Mantorville Township, requests annexation of part of the designated area described as follows:

That part of the Southwest Quarter of Section 27, Township 107 North, Range 16 West, Dodge County, Minnesota, described as follows:

BEGINNING at the Southeast corner of Block 1, MASTEN CREEK WOODLANDS, according to the plat thereof on file in the County Recorder's office; thence North 66 degrees 54 minutes 16 seconds West (NOTE: All bearings are in relationship with the Dodge County Coordinate System NAD '83, Adjusted 1996) along the Southwesterly line of said Block 1, a distance of 668.62 feet to the Southerly line of a previously described parcel; thence North 89 degrees 36 minutes 13 seconds West, along said Southerly line, 410 feet more or less to the centerline of Masten Creek; thence Southeasterly, Easterly and Southeasterly along the

centerline of said Masten Creek, 1325 feet more or less to the East line of said Southwest Quarter, thence North 00 degrees 08 minutes 30 seconds West, along said East line, 278 feet more or less to the POINT OF BEGINNING.

Said parcel contains 3 acres more or less.  
Said parcel is subject to a gas line easement along the Northerly side thereof and is subject to any other easements or encumbrances of record.

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.

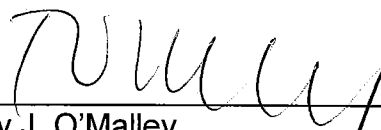
### **ORDER**

1. The property described in Findings of Fact 2 is annexed to the City of Kasson, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Mantorville Township will be reimbursed by the City of Kasson in accordance with the terms of the joint resolution

signed by the City and Township on September 13, 2006; and Joint Resolution No.  
12.7-12.

Dated: January 15, 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-1296-3, the Chief Administrative Law Judge finds and makes the following comments:

Paragraph 4 of the joint agreement states the agreement shall be in full force and effect for a term of 5 years. 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.