

OFFICE OF ADMINISTRATIVE HEARINGS

ORDER

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Zimmerman and Livonia Township; and

WHEREAS, a joint resolution was received from the City of Zimmerman and Livonia Township indicating their desire that certain property be annexed to the City of Zimmerman pursuant to M.S. 414.0325; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Director of Strategic and Long Range Planning may review and comment, but shall within 30 days order the annexation of land pursuant to said subdivisions; and

WHEREAS, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge; and

WHEREAS, on April 16, 2008, the Chief Administrative Law Judge has reviewed and accepted the resolution for orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Zimmerman, Minnesota, the same

as if it had originally been made a part thereof:

The Northeast Quarter of the Northeast Quarter, Section 8, Township 34, Range 26, except the East 330 feet of the North 330 feet and except the North 605 feet of the West 360 feet and except Parcel 5, Sherburne County Highway Right of Way Plat 24, Sherburne County, Minnesota.

And, Parcel 5, Sherburne County Right of Way Plat 24, Sherburne County, Minnesota.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, Livonia Township will be reimbursed in accordance with the terms of Joint Resolution signed by the City on December 4, 2006 and the Township on February 26, 2007; and Livonia Township Resolution No. 08-01/City of Zimmerman Resolution No. 2008-03-07 signed by the City on March 3, 2008 and the Township on February 25, 2008.

Dated this 16th day of April, 2008.

For the Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1322-1, the Chief Administrative Law Judge finds and makes the following comment:

Planning in the area designated for orderly annexation must be provided for by one of three provisions set forth in Minnesota Statutes Section 414.0325, Subd. 5. The joint resolution does not make reference to which of the three statutory provisions the parties have agreed on to govern planning in the designated area.

Paragraph 16 states the agreement shall terminate on December 31, 2020. 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.

Cws