

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION	)	
AGREEMENT BETWEEN THE CITY OF ZIMMERMAN	)	
AND LIVONIA TOWNSHIP PURSUANT TO	)	<u>ORDER</u>
MINNESOTA STATUTES 414	)	

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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 Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to said subdivisions; and

WHEREAS, on June 18, 2008, the Chief Administrative Law Judge 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 of the Southeast Quarter of the Northeast Quarter, Section 8, Township 34, Range 26, Sherburne County, Minnesota. Subject to an ingress, egress and utility easement over, under and across the south 33.00 feet of said Northeast Quarter of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter. EXCEPT Parcel 4, SHERBURNE COUNTY HIGHWAY RIGHT OF WAY

PLAT NO. 24, said Sherburne County, Minnesota.

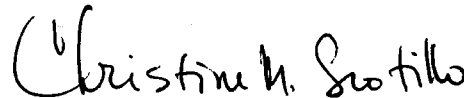
And;

Parcel 4, SHERBURNE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 24, said Sherburne County, Minnesota.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, Livonia Township will be reimbursed by the City of Zimmerman 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. 08-07/City of Zimmerman Resolution No. 08-04-03 signed by the City on April 7, 2008 and the Township on April 28, 2008.

Dated this 18<sup>th</sup> day of June, 2008.

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

A handwritten signature in black ink, reading "Christine M. Scotillo". The signature is written in a cursive style with a large initial "C".

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustment

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1322-2, the Chief Administrative Law Judge finds and makes the following comment:

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.

*Cms*