

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF MAYER)
AND THE TOWN OF WACONIA PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Mayer and the Town of Waconia; and

WHEREAS, a resolution was received from the City of Mayer indicating their desire that certain property be annexed to the City of Mayer 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 September 13, 2007, 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 Mayer, Minnesota, the same as

if it had originally been made a part thereof:

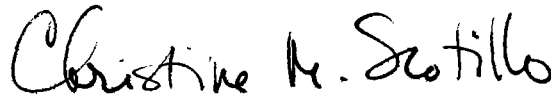
That part of the Northwest Quarter of Section 6, Township 116, Range 25, Carver County, Minnesota, described as follows: Commencing at the Northwest corner of said Northwest Quarter; thence east along the North line of said Northwest Quarter a distance of 1481.30 feet to the actual point of beginning; thence continuing east along said north line 314.28 feet to a point; thence south parallel with the west line of said Northwest Quarter a distance of 831.60 feet to a point; thence west parallel with said north line 314.28 feet to a point; thence north parallel with said west line 831.60 feet to the point of beginning. Except the north 33.00 feet thereof.

That part of the Northwest Quarter of Section 6, Township 116, Range 25, Carver County, Minnesota, described as follows: Commencing at the northwest corner of said Northwest Quarter; thence East along the north line of said Northwest Quarter a distance of 1795.58 feet; thence South parallel with the west line of said Northwest Quarter a distance of 831.60 feet to the point of beginning of the parcel to be described; thence continuing South parallel with the west line of said Northwest Quarter a distance of 525.00 feet to the extension east of the south line of Ohm's Addition; thence West along said extended line 412.58 feet to the southeast corner of Ohm's addition; thence North along the east line of Ohm's Addition 525.00 feet to the northeast corner of Ohm's Addition; thence East parallel with said north line 412.58 feet to the point of beginning.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Waconia will be reimbursed by the City of Mayer in accordance with the terms of the Joint Resolution signed by the City of Mayer and Waconia Township on June 11, 2007, and City Resolution No. 8-13-2007-24 signed August 13, 2007.

Dated this 13th day of September, 2007.

For the Chief Administrative Law Judge
658 Cedar Street, Room 300
St. Paul, Minnesota 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-1341-1 Mayer

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1341-1, 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.

Section 13 states the agreement will terminate on December 31, 2030 unless the parties agree to an extension. End dates or ending mechanisms are problematic in that they appear contrary to 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.

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