

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1353-2
New Germany/Camden 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 New Germany 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 New Germany and Camden Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit.
2. A resolution adopted and submitted by the City of New Germany, requests annexation of part of the designated area described as follows:

That part of the Southwest Quarter of Section 4, Township 116, Range 26, Carver County, Minnesota, described as follows:

Commencing at the Northwest corner of Outlot 4 of the PLAT OF NEW GERMANY as of record and on file in the office of the Register of Deeds, Carver County, Minnesota; thence Southerly along a line extended Southerly to the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 4 a distance of 441.0 feet to the actual point of beginning of the tract of land to be described; thence deflect to the left 88 degrees 58 minutes 20 seconds and parallel to the North line of said Outlot 4 a distance of 348.50 feet; thence deflect to the right 88 degrees 58 minutes 20 seconds and parallel with said line extended Southerly from the Northwest corner of said Outlot 4 to the Southwest

corner of the Southeast Quarter of the Southwest Quarter of said Section 4 a distance of 125.00 feet; thence deflect to the right 91 degrees 1 minute 40 seconds and parallel to the North line of said Outlot 4 a distance of 348.50 feet to its intersection with the said line extended Southerly from the Northwest corner of said Outlot 4 to the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 4; thence Northerly to the point of beginning.

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.

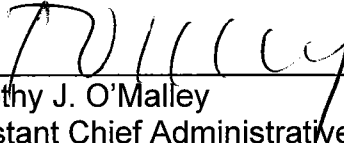
ORDER

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

2. Pursuant to Minnesota Statutes § 414.036, Camden Township will be reimbursed by the City of New Germany in accordance with the terms of Joint

Resolution No. 2007-23/2007-4 signed by the City and Township on October 2, 2007;
and City Resolution No. 2012-32.

Dated: December 11, 2012



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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1353-2, the Chief Administrative Law Judge finds and makes the following comment:

Section 15 states the agreement shall expire on December 31, 2030 unless the parties have agreed to an extension. 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