

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF ORONOCO)
AND ORONOCO TOWNSHIP PURSUANT TO)
MINNESOTA STATUTES 414)

ORDER

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

WHEREAS, a joint resolution was received from the City of Oronoco and Oronoco Township indicating their desire that certain property be annexed to the City of Oronoco 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 January 24, 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 Oronoco, Minnesota, the same as if it had originally been made a part thereof:

That part of the South One-Half of the Southeast Quarter of Section 18, Township 108 North, Range 14 West, Olmsted County, Minnesota described as follows:

Beginning at the southeast corner of the Southeast Quarter of said Section 18; thence

N00° 50' 19" W, assumed bearing, along the east line of said Southeast Quarter, 1317.73 feet to the southeast corner of Lot 2, Block 1, Woodsvew Third Subdivision; thence S88° 57' 05" W, along the south line of said Lot 2, a distance of 318.31 feet to the southwest corner of said Lot 2; thence S01° 13' 36" E, along the east line of Woodsvew Second Subdivision, 338.22 feet to the southeast corner of said Woodsvew Second Subdivision; thence S 88° 44' 55" W, along the south line of said Woodsvew Second Subdivision, 2314.13 feet to the west line of the Southeast Quarter of said Section 18; thence S00° 59' 32" E, along said west line, 961.99 feet to the southwest corner of said Southeast Quarter; thence N89° 09' 17" E, along the south line of said Southeast Quarter, 2627.51 feet to the point of beginning.

And that part of the northeast Quarter of the Northeast Quarter of Section 19, Township 108 North, Range 14 West, Olmsted County, Minnesota described as follows:


Beginning at the northeast corner of the Northeast Quarter of said Section 19; thence S 89° 09' 17" W, assumed bearing, along the north line of said Northeast Quarter, 396.39 feet; thence southeasterly 160.15 feet along a curve, not tangent to the last described course, concave to the northeast, central angle of 23° 57' 31", radius of 383.00 feet, and chord of said curve bears S78° 51' 57" E, 158.99 feet; thence N 89° 09' 17" E, parallel with the north line of said Northeast Quarter, 241.03 feet to the east line of said Northeast Quarter; thence N 01° 08' 58" W, along said east line, 33.00 feet to the point of beginning.

Containing in all 61.34 acres, more or less.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, Oronoco Township will be reimbursed in accordance with the terms of the Joint Resolution signed by the City on December 20, 2004 and the Township on February 7, 2005; and Joint Resolution No. 07-08 signed by the City on September 17, 2007 and the Township and October 1, 2007.

Dated this 24th day of January, 2008.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1376-2, 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 15 states the agreement shall terminate on December 31, 2009. 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.

A handwritten signature in black ink, appearing to be 'CWS' or similar, located at the bottom right of the page.