

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )	
AGREEMENT BETWEEN THE CITY OF WATERTOWN )	<u>FINDINGS OF FACT</u>
AND WATERTOWN TOWNSHIP PURSUANT TO )	<u>CONCLUSIONS OF LAW</u>
MINNESOTA STATUTES 414 )	<u>AND ORDER</u>

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On September 15, 2008, the City of Watertown submitted a resolution for orderly annexation to the Chief Administrative Law Judge for review and comment, and approval pursuant to Minnesota Statute §414.0325. Thereafter, on September 25, 2008, the undersigned Assistant Chief Administrative Law Judge, acting under a delegation from the Chief Administrative Law Judge, reviewed the city resolution for conformity with applicable law.

Based upon all of the files and records herein, the Assistant Chief Administrative Law Judge makes the following:

FINDINGS OF FACT

1. A joint resolution for orderly annexation was adopted by the City of Watertown and Watertown Township pursuant to Minnesota Statute §414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments in March 2008.
2. The joint resolution provides, among other things, that in certain circumstances the City may annex by resolution. A resolution adopted by the City of Watertown requesting annexation of part of the designated area was submitted.
3. The city resolution requests immediate annexation of certain property to the City of

Watertown described as follows:

Outlot 117, according to the original plat of the Townsite of Watertown.

AND

That part of Angel Avenue lying northeasterly of the southeasterly line of the State of Minnesota Luce Line Trail, and southwesterly of High Street, according to the plat of the Town of Watertown on file and of record in the office of the County Recorder, Carver County, Minnesota.

4. The joint resolution contains all the information required by Minnesota Statutes §414.0325 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 for orderly annexation.

5. Minnesota Statutes §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.

6. On September 25, 2008, the Assistant Chief Administrative Law Judge reviewed and accepted the city resolution for orderly annexation.

#### 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 Assistant Chief Administrative Law Judge annexing the area described herein.


#### ORDER

1. The property described in Findings of Fact 3 is annexed to the City of Watertown, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Watertown Township will be reimbursed by the City of Watertown in accordance with the terms of Joint Resolution No. 2008-03-04-1/03-11-08 signed by the City on March 4, 2008 and the Town on March 11, 2008.

Dated this 25<sup>th</sup> day of September, 2008.

For the Assistant 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 Adjustment

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1386-1, the Chief Administrative Law Judge finds and makes the following comment:

Section 19 states in part, "...this Joint Resolution shall terminate on December 31, 2038." 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.

*CWS*