

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1428-3  
Carver/Dahlgren 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 Carver 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 Carver and Dahlgren 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 Carver, requests annexation of part of the designated area described as follows:

PARCEL A:

Tract No. 2

That part of the Southeast Quarter of the Northeast Quarter of Section 13, Township 115, Range 24, Carver County, Minnesota, described as follows:

Commencing at the Southeast corner of said Southeast Quarter of the Northeast Quarter of Section 13; thence on an assumed bearing of North 00 degrees 54 minutes 35 seconds East, along the East line thereof, a distance of 148.50 feet to the point of beginning of the land to be described; thence North 88 degrees 30 minutes 31 seconds West, a distance of 1333.10 feet to the West line of said

Southeast Quarter of the Northeast Quarter of Section 13; thence South 00 degrees 40 minutes 18 seconds West, along said West line, a distance of 102.43 feet to the North line of the South 148.17 feet of the Southeast Quarter of the Northeast Quarter of Section 13; thence North 87 degrees 05 minutes 36 seconds East along said North line, a distance of 1335.57 feet to the point of beginning. Torrens Certificate Number 32036

AND

Tract IV:

The South 148.17 feet of the Southeast Quarter of the Northeast Quarter of Section 13, Township 115, Range 24, Carver County, Minnesota. Torrens Certificate Number 31647

AND

The North 828.77 feet of the Northeast Quarter of the Southeast Quarter of Section 13, Township 115, Range 24, Carver County, Minnesota.

And that part of the following described tract:

Tract II:

That part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 114, Range 24, and that part of the West Half of the Southeast Quarter and that part of the Southwest Quarter of the Northeast Quarter of Section 13 Township 115, Range 24, Carver County, Minnesota, described as follows:

Beginning at the Northeast corner of said Northwest Quarter of the Northeast Quarter of Section 24; thence on an assumed bearing of South 00 degrees 19 minutes 32 seconds West, along the East line of said Northwest Quarter of the Northeast Quarter, a distance of 293.49 feet to the centerline of Dahlgren Road as now laid out and travelled; thence South 73 degrees 20 minutes 22 seconds West, along said centerline, a distance of 412.50 feet; thence North 00 degrees 19 minutes 32 seconds East, parallel with said East line of the Northwest Quarter of the Northeast Quarter, a distance of 326.38 feet; thence North 87 degrees 07 minutes 48 seconds West, a distance of 19.83 feet; thence North 00 degrees 18 minutes 40 seconds East, a distance of 401.67 feet; thence North 6 degrees 46 minutes 10 seconds East, a distance of 990.26 feet; thence North 00 degrees 24 minutes 34 seconds East a distance of 1113.46 feet;

thence North 87 degrees 54 minutes 19 seconds East, a distance of 271.51 feet; thence North 2 degrees 40 minutes 28 seconds East, a distance of 361.87 feet to an intersection with a line drawn Westerly and parallel with the South line of the Southeast Quarter of the Northeast Quarter of said Section 13, Township 114 Range 24 from a point on the East line of said Southeast Quarter of the Northeast Quarter distant 148.50 feet North from the Southeast Corner thereof; thence North 87 degrees 05 minutes 36 seconds East, along said parallel line, a distance of 15.81 feet to the East line of said Southeast Quarter of the Northeast Quarter of Section 13, thence South 00 degrees 40 minutes 18 seconds West, along said East line, a distance of 148.46 feet to the Southeast Corner of said Southwest Quarter of the Northeast Quarter; thence South 00 degrees 18 minutes 40 seconds West along the East line of said West Half of the Southeast Quarter of Section 13, a distance of 2637.86 feet to the Southeast corner of said West Half of the Southeast Quarter of Section 13 and the point of beginning.

That lies Northerly of the South line of the North 828.77 feet of the Southeast Quarter of said Section 13.

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 Carver, the same as if it had originally been made a part thereof.
2. Pursuant to Minnesota Statutes § 414.036, Dahlgren Township will be reimbursed by the City of Carver in accordance with the terms of Joint Resolution No. 61-09/102-09 signed by the City and Township on February 11, 2009; and City Resolution No. 156-12.

Dated: December 11, 2012

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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1428-3, the Chief Administrative Law Judge finds and makes the following comment:

Section 16 states the agreement shall terminate on December 31, 2030. 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.