

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1428-4
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:

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

Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter of Section 24 said Township 115, Range 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 traveled, 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 06 degrees 46 minutes 10 seconds East, a distance of

990.26 feet; thence North 00 degrees 24 minutes 34 seconds East, a distance of 326.08 feet to the point of beginning; thence North 89 degrees 35 minutes 17 seconds West, a distance of 101.09 feet; thence South 75 degrees 48 minutes 50 seconds West, a distance of 69.85 feet; thence South 61 degrees 55 minutes 58 seconds West, a distance of 225.45 feet; thence South 69 degrees 21 minutes 17 seconds West, a distance of 159.17 feet; thence South 80 degrees 51 minutes 14 seconds West, a distance of 148.13 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 246.86 feet; thence South 74 degrees 34 minutes 48 seconds West, a distance of 156.96 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 211.44 feet to an east line of the Quiet Title Proceeding on file and of record in said Carver County, Minnesota as recorded in Document Number A436281; thence North 00 degrees 34 minutes 38 seconds East along said east line, a distance of 728.14 feet to a south line of said Quiet Title Proceeding as recorded in Document Number A436281; thence North 88 degrees 38 minutes 53 seconds East along said south line, a distance of 576.00 feet to an east line of said Quiet Title Proceeding as recorded in Document Number A436281; thence North 00 degrees 39 minutes 21 seconds East along said east line, a distance of 264.00 feet to a south line of said Quiet Title Proceeding as recorded in Document Number A436281; thence North 87 degrees 55 minutes 28 seconds East along said south line, a distance of 692.43 feet to the west line of Copper Hills on file and of record in the Office of the Registrar of Deeds, said Carver County, Minnesota; thence South 00 degrees 24 minutes 34 seconds West along said west line and the southerly extension thereof, a distance of 786.91 feet 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.

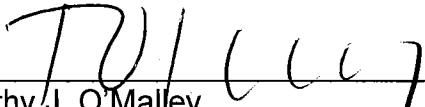
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of 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. 150-13.

Dated: November 12, 2013



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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1428-4, 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.