

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1485-2  
Oronoco/Oronoco 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 Oronoco 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 Oronoco and Oronoco Township pursuant to Minnesota Statutes § 414.0325 and filed with the Office of Administrative Hearings, Municipal Boundary Adjustment Unit.

2. A resolution adopted and submitted by the City of Oronoco requests annexation of part of the designated area described as follows:

A part of Section 17, Township 108 North, Range 14, West, Olmsted County, Minnesota described as follows:

That part of the S $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 17 lying Westerly of Cedar Woodlands and Westerly and Southerly of a line described as follows: commencing at the Northwest corner of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ , thence Easterly along the North line of said South  $\frac{1}{2}$  718.39 feet to the point of beginning; thence South 42 degrees 42'51" West 216.21 feet, thence South 60 degrees 41'27" West 224.18 feet, thence South 29 degrees 18'33" East 120.00 feet, thence North 60 degrees 41'27" East 243.16 feet, thence North 42 degrees 42'51" East 289.02 feet, thence South 89 degrees 09'10" East 602.75 feet, thence South 20 degrees 54'31" West 292.44 feet, thence South 28 degrees 14'38" West 336.00 feet, thence Southerly 394.85 feet along a nontangential curve concave Westerly Delta 88 degrees 01'38" radius 257 feet chord bears South 19 degrees 58'21" East 357.14 feet, and there terminating, containing 37.36 acres, more or less.

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).

### CONCLUSIONS OF LAW

1. The Office of Administrative Hearings 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 Oronoco.

2. Pursuant to Minnesota Statutes § 414.036, Oronoco Township will be reimbursed by the City of Oronoco in accordance with the terms of City Resolution 2014-02; and the Joint Resolution signed by the City on April 19, 2010 and the Township on May 3, 2010.

Dated: April 8, 2014

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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1485-2, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph 15 states in part, “the Joint Resolution and Agreement shall terminate on December 31, 2014...” 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.