

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF MEDFORD) FINDINGS OF FACT
AND MEDFORD TOWNSHIP PURSUANT) CONCLUSIONS OF LAW
TO MINNESOTA STATUTES 414) AND ORDER

The joint resolution for orderly annexation submitted by the City of Medford and Medford Township 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 Medford and Medford Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit.

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

All that part of the South Half of the SW ¼ of Section 16, T 108 N, R 20 W, Steele County, Minnesota, lying east of the centerline of the Straight River and lying 75.00 feet west of the centerline of County State Aid Highway 45.

Containing 5.2 acres, more or less. Subject to easements and restrictions of record, if any.

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 Medford, the same as if it had originally been made a part thereof.
2. Pursuant to Minnesota Statutes §414.036, Medford Township will be reimbursed by the City of Medford in accordance with the terms of the Joint Resolution signed by the City on January 23, 2012 and the Township on March 20, 2012.

Dated this 12th day of June, 2012.


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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1498-1, the Chief Administrative Law Judge finds and makes the following comment:

Section 5 of the joint resolution states the “joint resolution shall be in effect for ten (10) years [...]” 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.