

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
of Certain Real Property to the City of
Shakopee from Jackson Township
(MBAU Docket OA-1694-2)

**ORDER APPROVING
ANNEXATION**

Pursuant to Minn. Stat. § 414.0325 (2018), on March 6, 2018 the City of Shakopee (City) and Jackson Township (Township) adopted a joint resolution for orderly annexation (2018 Joint Resolution for OA), designating certain real property for orderly annexation.

On September 18, 2018, the City adopted Resolution Number R2018-108 (City Resolution to Annex) requesting annexation of certain real property legally described as follows:

A tract of land in the Northwest Quarter of the Southwest Quarter of Section 13, Township 115 North, Range 23 West, described as follows:

Commencing at the Northwest corner of said Northwest Quarter of the Southwest Quarter and thence South along the West line thereof a distance of 749.65 feet to the actual point of beginning, thence continuing South along said West line a distance of 300 feet; thence East at right angles to said West line a distance of 726 feet; thence North at right angles a distance of 300 feet; thence West at right angles a distance of 726 feet to the actual point of beginning. Subject to a road over the West 33 feet thereof. Said tract containing 5 acres.

The Township filed a Resolution in opposition to the annexation with the Office of Administrative Hearings on October 22, 2018.

Based upon a review of the filings and consideration of the positions of the parties as identified by counsel in a November 20, 2018, court-ordered conference, the Chief Administrative Law Judge issues the following:

ORDER

1. Pursuant to Minn. Stat. § 414.0325 (2018), the City Resolution to Annex is deemed adequate in all legal respects and properly supports this Order.

2. Pursuant to the terms of the 2018 Joint Resolution for OA, the City Resolution to Annex, and this Order, the Property is **ANNEXED** to the City effective as of the date of this Order.

3. Pursuant to the agreement of the parties and as allowed by Minn. Stat. § 414.036 (2018), the City will reimburse the Township in accordance with the terms of the Joint Resolution to Designate.

Dated: November 26, 2018



TAMMY L. PUST
Chief Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.0325, .07, .09, .12 (2018). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Scott County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2017). However, no request for amendment shall extend the time of appeal from this Order.

MEMORANDUM

The 2018 Joint Resolution for OA identifies six designated areas for future annexation. It specifically provides that “[a]ny landowners, or combination of multiple landowners, with property adjacent to the municipal boundary of the City, may petition the City to annex their property in accordance with this Agreement.”¹

The above-described property is in Area E, which is identified in the 2018 Joint Resolution for OA as eligible for City-initiated annexation “any time after January 1, 2050.”² In apparent reliance on this provision, the Township adopted Resolution Number 2018-11, titled “A Resolution Objecting to that Certain Annexation in Conflict with the Orderly Annexation Agreement” on October 2, 2018. In the Resolution, the Township asserts that annexation of the property “is premature and contrary to the phasing plan of the [2018 Joint Resolution for OA].”

At a court-ordered conference held on November 20, 2018, through counsel the

¹ 2018 Joint Resolution for OA at Sec. II, para 4.

² 2018 Joint Resolution for OA at Sec. II, para. 9(d).

Township acknowledged that it had filed its objection to make a record of its dissatisfaction with the lack of communication from the City regarding this proceeding and with its timing, in that the Township had understood that Area E properties would not be annexed and provided City services until well into the future. Counsel specifically stated that the Township's objection raised no legal issue for determination nor any claim that the requested annexation, commenced through the filing of the property owner's petition, failed to fully comply with the terms of the 2018 Joint Resolution for OA. In accord with those representations, this Order of Annexation is issued.

T. L. P.