

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-201-19
St. James/St. James Township
Pursuant to Minnesota Statutes 414

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The joint resolution for orderly annexation submitted by the City of St. James and St. James 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 St. James, St. James Township, and Rosendale 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 St. James and St. James Township, requests annexation of part of the designated area described as follows:

A parcel of land located in Part of Lot Twelve (12), Hans Olson's Subdivision, lying within the East Half of the Southeast Quarter (E 1/2 -SE 1/4) of Section 14, Township 106 North, Range 32 West, City of St. James, Watonwan County, Minnesota described as follows:

Commencing at the intersection of a line being 33.00 feet westerly of and parallel to the east line of said Southeast Quarter of Section Fourteen (14) with the south right-of-way line of the Chicago and North Western Transportation Company Railroad; thence South 00 degrees 45 minutes 24 seconds East a distance of

253.00 feet to the point of beginning; thence continuing South 00 degrees 45 minutes 24 seconds East a distance of 138.00 feet; thence South 89 degrees 14 minutes 36 seconds West a distance of 214.00 feet; thence North 00 degrees 45 minutes 24 seconds West a distance of 113.00 feet; thence South 89 degrees 14 minutes 36 seconds West a distance of 67.00 feet; thence North 00 degrees 45 minutes 24 seconds West a distance of 86.84 feet to a point on said south right-of-way line of the Railroad; thence North 55 degrees 00 minutes 59 seconds East, along said right-of-way line, a distance of 169.00 feet; thence South 04 degrees 38 minutes 25 seconds East a distance of 145.73 feet; thence South 85 degrees 45 minutes 17 seconds East a distance of 131.90 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.

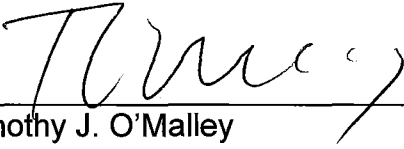
ORDER

1. The property described in Findings of Fact 2 is annexed to the City of St. James, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes § 414.036, the Township of St. James

shall be reimbursed by the City of St. James in accordance with the terms of the Joint Resolution signed by the City and Township on August 15, 1989.

Dated: July 13, 2012



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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-201-19, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph 9 states the agreement shall be for a term of ten (10) years from the date of its execution. This agreement shall automatically be extended for an additional two (2) year term thereafter unless, upon one year's written notice is given by any party hereto that this Agreement will not be extended. 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 by submission of this agreement to this office, 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.