

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF ARLINGTON)
AND ARLINGTON TOWNSHIP PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of
Arlington and Arlington Township; and

WHEREAS, a resolution was received from the City of Arlington indicating their desire
that certain property be annexed to the City of Arlington pursuant to M.S. 414.0325; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Chief Administrative
Law Judge may review and comment, but shall within 30 days order the annexation pursuant to
said subdivisions; and

WHEREAS, on May 15, 2008, the Chief Administrative Law Judge reviewed and
accepted the resolution for orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in
accordance with the terms of the joint resolution to the City of Arlington, Minnesota, the same as
if it had originally been made a part thereof:

Parcel 1: West 290 feet of East 563 feet of South 150 feet of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 4,
Township 113 North, Range 27 West.

Parcel 2: East 273 feet of South 150 feet of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 4, Township 113
North, Range 27 West.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, Arlington Township will be reimbursed by the City of Arlington in accordance with the terms of the Joint Resolution signed by the City of Arlington and Arlington Township on September 2, 1997; and the city resolution signed on April 21, 2008.

IT IS FURTHER ORDERED: That the tax rate of the City of Arlington on the property herein ordered annexed shall be increased in substantially equal proportions over a period of six years to equality with the tax rate of the property already within the city.

Dated this 15th day of May, 2008.

For the Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive style with a large initial "C".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustment

MEMORANDUM

In ordering the annexation contained in Docket No. OA-560-3, the Chief Administrative Law Judge finds and makes the following comment:

Planning in the area designated for orderly annexation must be provided for by the provisions set forth in Minnesota Statutes Section 414.0325, Subd. 5. The joint resolution does not establish a board to exercise planning and land use control pursuant to Minn. Stat. Sec. 471.59, nor does it make designate planning or land use control to the town or city or, establish some other process to accomplish planning and land use control of the designated area.

Number 10 of the agreement states that the joint resolution shall be in full force and effect for a term of twenty years from the date of execution unless otherwise terminated earlier by mutual written joint resolution of the City and the Township. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Director. 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 Director 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.

CWS