

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)	
AGREEMENT BETWEEN THE CITY OF ARLINGTON)	<u>FINDINGS OF FACT</u>
AND ARLINGTON TOWNSHIP PURSUANT TO)	<u>CONCLUSIONS OF LAW</u>
MINNESOTA STATUTES 414)	<u>AND ORDER</u>

The city resolution for orderly annexation submitted by the City of Arlington was reviewed for conformity with applicable law. The undersigned Assistant Chief Administrative Law Judge, acting under a delegation from 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 Arlington and Arlington Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.

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

Parcel 1:

Part of the NW 1/4 of the NW 1/4 of Section 16, Township 113, Range 27 described as follows:

Commencing at the northwest corner of said Section 16; thence on an assumed bearing of North 90 degrees 00 minutes 00 seconds East along the North line of said Northwest Quarter 436.50 feet to the point of beginning of the tract to be described; thence South 00 degrees 00 minutes 00 seconds West 200.00 feet, thence North 90 degrees 00 minutes 00 seconds West 439.65 feet to the West line of said Northwest

Quarter; thence South 00 degrees 54 minutes 05 seconds West along said West line 745.51 feet to the northerly right of way line of Trunk Highway Number 5; thence North 58 degrees 33 minutes 24 seconds East along said northerly right-of-way line 909.77 feet; thence North 00 degrees 00 minutes 00 seconds East 470.83 feet to the North line of said Northwest Quarter; thence South 90 degrees 00 minutes 00 seconds West along said North line 324.80 feet to the point of beginning,

Parcel 2:

Outlot A, High Island Creek Addition, City of Arlington.

Parcel 3:

Lot 16 and Lot 17, all in Block 3, High Island Creek Addition, City of Arlington.

Parcel 4:

All that part of the following described area not already within the corporate limits of the City of Arlington:

Blocks 1, 2, and 3, Seneca Foods Corporation Plat, excepting therefrom Block 1, Lot 1 and Block 2, Lots 1 and 2.

Parcel 5:

Part of the NW 1/4 of the NW 1/4 of Section 16, Township 113 Range 27, Sibley County, Minnesota described as follows: Commencing at the northwest corner of said Section 16; thence on an assumed bearing of North 90 degrees 00 minutes 00 seconds East along the North line of said NW 1/4 761.30 feet to the point of beginning of the tract to be described; thence continuing North 90 degrees 00 minutes 00 seconds East along said North line 463.00 feet; thence South 00 degrees 00 minutes 00 seconds West 187.73 feet to the northerly right-of-way line of Trunk Highway Number 5; thence South 58 degrees 33 minutes 24 seconds West along said northerly right-of-way line 542.69 feet; thence North 00 degrees 00 minutes 00 seconds East 470.83 feet to the point of beginning. This tract contains 3.50 acres of land and is subject to any and all easements of record.

Parcel 6:

That portion of the following described property not already in city limits:

Part of Lot 1 of Block One of the plat of Martha P. Frenzel Addition, City of Arlington, Minnesota, described as follows: Commencing at the southwest corner of said Lot 1; thence on an assumed bearing of North 88 degrees 46 minutes 53 seconds east along the southerly line of said Lot 1 a distance of

1166.98 feet to the point of beginning of the tract to be described; thence continuing North 88 degrees 46 minutes 53 seconds east along said southerly line 330.48 feet to the westerly right-of-way line of Trunk Highway Number 5; thence North 57 degrees 20 minutes 00 seconds east along said westerly right-of-way line 1.60 feet; thence northeasterly along said westerly right-of-way line along a tangential curve that is concave to the northwest, said curve having a central angle of 41 degrees 51 minutes 58 seconds, a radius length of 1562.23 feet, an arc length of 1141.52 feet to the intersection with the easterly extension of the southerly line of the plat of Riebe Homes, said plat being of record and on file at the Sibley County Recorder's Office; thence South 89 degrees 11 minutes 41 seconds west along said line and not tangent to last described curve 918.26 feet to the southwest corner of said plat of Riebe Homes; thence South 00 degrees 18 minutes 04 seconds west along the southerly extension of the westerly line of said plat of Riebe Homes 313.64 feet; thence North 89 degrees 41 minutes 56 seconds west 86.77 feet; thence South 01 degrees 13 minutes 24 seconds east 580.44 feet to the point of beginning.

Parcel 7:

A parcel of land in the N 1/2 of NW 1/4 of Section 16, Township 113 North, Range 27 West, described as follows:

Beginning at a point on the North line of Section 16, Township 113, Range 27, 1224.3 feet East of the Northwest corner of said Section, thence deflecting South 90 degrees a distance of 184.8 feet to a point intersecting the Northerly right-of-way of State Trunk Highway No. 5, thence in a Northeasterly direction along said Northerly right-of-way line of State Trunk Highway No. 5 a distance of approximately 360 feet to a point where said right-of-way line intersects the North line of said Section 16, thence Westerly along said North line of Section 16 distance of 300 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

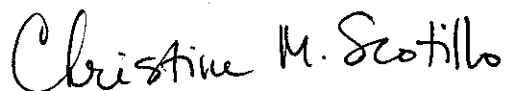
1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.
2. An order should be issued by the Assistant Chief Administrative Law Judge annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Arlington, the same as if it had originally been made a part thereof.
2. Pursuant to Minnesota Statutes §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 City Resolution No. 63-2009.
3. Pursuant to Minnesota Statutes §414.035, 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 17th day of December, 2009.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-560-4, the Chief Administrative Law Judge finds and makes the following comment:

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 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.

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