

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-560-5
Arlington/Arlington Township
Pursuant to Minnesota Statutes 414

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The city resolution for orderly annexation submitted by the City of Arlington 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 Arlington and Arlington Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit.
2. A resolution adopted and submitted by the City of Arlington, requests annexation of part of the designated area described as follows:

Part of the Northwest Quarter of Section 16, Township 113 North, Range 27 West, Sibley County, Minnesota, Described as Follows: Beginning at the Northeast Corner of Said Northwest Quarter of Section 16; Thence on an Assumed Bearing of South 00 Degrees 14 Minutes 21 Seconds West along the East Line of Said Northwest Quarter a Distance of 866.40 Feet; Thence South 89 Degrees 36 Minutes 32 Seconds West 869.89 Feet; Thence South 00 Degrees 14 Minutes 21 Seconds 94.78 Feet; Thence South 89 Degrees 36 Minutes 32 Seconds West 307.57 Feet; Thence North 00 Degrees 14 Minutes 21 Seconds East 928.03 Feet to the Northerly Right Of Way of Minnesota Trunk Highway Number 5; Thence North 57 Degrees 39 Minutes 01 Seconds East along Said Northerly Right Of Way Line 43.20 Feet to the North Line of Said Northwest Quarter; Thence North 89 Degrees 05 Minutes 33 Seconds East Along Said North

Line 1141.22 Feet, To the Point of Beginning, and Excepting Therefrom the Existing Railroad Right-of-Way Contained Therein.

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 Arlington, the same as if it had originally been made a part thereof.

2. 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.

3. 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. 15-2013.

Dated: March 14, 2013



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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-560-5, 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.

T.J.O.