

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

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

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

WHEREAS, M.S. 414.0325 states that in certain circumstances the Director of Strategic and Long Range Planning may review and comment, but shall within 30 days order the annexation of land pursuant to said subdivisions; and

WHEREAS, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge.

WHEREAS, on August 10, 2005, 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 Northfield, Minnesota, the same as if it had originally been made a part thereof:

That part of the North Half of the Southwest Quarter of Section 5, Township 111 North, Range 19 West, Rice County, Minnesota, described as follows:

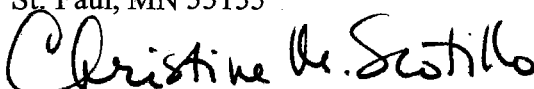
Beginning at a point on the center line of Woodley Street (County State Aid Highway No. 28), said point being 709.50 feet (43 rods) east of the west line of the Southwest Quarter of said Section 5; thence easterly on an assumed azimuth from north of 90 degrees 12 minutes 49 seconds along the center line of said Woodley Street (C.S.A.H. No. 28) and along the south lines of SPRING CREEK ADDITION and SPRING CREEK SECOND ADDITION, according to the plats thereof on file at the County Recorder's office, Rice County, Minnesota, 766.03 feet to the point of

curvature of said center line, according to said SPRING CREEK SECOND ADDITION; thence easterly 144.38 feet along said center line on a tangential curve concave southerly, having a radius of 716.20 feet and a central angle of 11 degrees 33 minutes 02 seconds to the east line of said SPRING CREEK SECOND ADDITION; thence northerly 00 degrees 25 minutes 18 seconds azimuth along said east line 61.10 feet to the southerly line of ROSEWOOD ESTATES, according to the plat thereof on file at said County Recorder's office; thence southeasterly 317.09 feet along said southerly line on a nontangential curve concave southwesterly, having a radius of 776.20 feet, a central angle of 23 degrees 24 minutes 23 seconds and a chord azimuth of 112 degrees 34 minutes 37 seconds; thence southeasterly 124 degrees 16 minutes 48 seconds azimuth along the southwesterly line of said ROSEWOOD ESTATES and along the northeasterly right-of-way line of said Woodley Street (C.S.A.H. No. 28) a distance of 446.28 feet to the southeast corner of said ROSEWOOD ESTATES; thence continue southeasterly 124 degrees 16 minutes 48 seconds azimuth 100.00 feet; thence southwesterly 214 degrees 16 minutes 48 seconds azimuth 93.00 feet to a line 93.00 feet southwesterly of and parallel with said northeasterly right-of-way line of Woodley Street (C.S.A.H. No. 28), according to said ROSEWOOD ESTATES; thence northwesterly 304 degrees 16 minutes 48 seconds azimuth along said line 546.28 feet; thence westerly 406.21 feet along said line and its westerly extension on a tangential curve concave southerly, having a radius of 683.20 and a central angle of 34 degrees 03 minutes 59 seconds; thence westerly 270 degrees 12 minutes 49 seconds azimuth along a line 33.00 feet southerly of and parallel with the center line of Woodley Street (C.S.A.H. No. 28), according to said SPRING CREEK ADDITION and SPRING CREEK SECOND ADDITION, 783 feet more or less to the center line of Spring Creek; thence northeasterly along said center line 37 feet more or less to the point of beginning.

Said tract contains 2.48 acres more or less.

Dated this 10th day of August, 2005.

For the Chief Administrative Law Judge
658 Cedar Street, Room 300
St. Paul, MN 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-805-5, the Chief Administrative Law Judge finds and makes the following comments:

Planning in the area designated for orderly annexation may be provided for by one of the three means set forth in Minnesota Statutes Section 414.0325, Subd. 5. Section XIII of the joint resolution still does not make reference to which of the three statutory provisions the parties to the joint resolution have elected to govern planning in the designated area.

Paragraph 21 states the agreement will automatically expire on December 31, 2021; however, nothing herein shall prevent the City of Northfield and the Township of Northfield from amending this Agreement during its term. 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 these comments in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

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