

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-822-11
Stewartville/High Forest 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 Stewartville and High Forest 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 Stewartville and High Forest 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 Stewartville and High Forest Township, requests annexation of part of the designated area described as follows:

That part of the North Half of the Southeast Quarter of the Northeast Quarter and part of the South Half of the Northeast Quarter of the Northeast Quarter all in Section 27, Township 105 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of said Northeast Quarter; thence northerly on a Minnesota State Plane Grid Azimuth from north of 359 degrees 34 minutes 35 seconds along the east line of said Northeast Quarter a distance of 660.77 feet to the south line of said North Half; thence westerly 269 degrees 50 minutes 37 seconds azimuth along the south line of said North Half a distance of 1027.42 feet to the point of beginning; thence continue westerly

269 degrees 50 minutes 37 seconds azimuth along said south line 296.61 feet to the southeast corner of SCHUMANN'S ROLLING RIDGE SUBDIVISION, according to the plat there of on file at the County Recorder's office, Olmsted County, Minnesota; thence northerly 359 degrees 31 minutes 29 seconds azimuth along the east line of said SCHUMANN'S ROLLING RIDGE SUBDIVISION and the west line of the said Southeast Quarter 620.72 feet; thence northeasterly 44 degrees 50 minutes 37 seconds azimuth 242.54 feet; thence southeasterly 134 degrees 50 minutes 37 seconds azimuth 19.59 feet; thence northeasterly 44 degrees 50 minutes 37 seconds azimuth 165.00 feet; thence southeasterly 134 degrees 50 minutes 37 seconds azimuth 395.00 feet; thence southwesterly 224 degrees 50 minutes 37 seconds azimuth 165.00 feet; thence southeasterly 134 degrees 50 minutes 37 seconds azimuth 45.41 feet; thence southwesterly 224 degrees 50 minutes 37 seconds azimuth 66.00 feet; thence southwesterly 213 degrees 56 minutes 36 seconds azimuth 119.33 feet; thence southwesterly 205 degrees 18 minutes 30 seconds azimuth 86.41 feet; thence southerly 200 degrees 23 minutes 19 seconds azimuth 37.60 feet; thence southerly 189 degrees 48 minutes 12 seconds azimuth 182.99 feet; thence southerly 182 degrees 09 minutes 57 seconds 28.03 feet to the point of beginning.

Said tract subject to a sanitary sewer easement Doc. # A-995399

Said tract contains 7.51 acres more or less.

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.

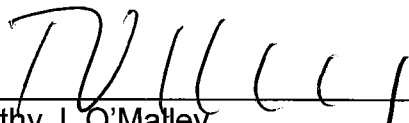
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

ORDER

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

2. Pursuant to Minnesota Statutes §414.036, High Forest Township will be reimbursed by the City of Stewartville in accordance with the terms of Joint Resolution No. 05-01 signed by the City on December 11, 2001 and Township on December 5, 2001.

Dated: June 11, 2013



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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-822-11, the Chief Administrative Law Judge finds and makes the following comments:

Paragraph XIV states the agreement shall expire five years from its effective date, subject to an automatic extension for an additional five years upon written 60 - day notice by either party, and provided that nothing herein shall prevent the City and the Township 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 this comment in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

T.J.O.