

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF PARK RAPIDS )  
AND TODD TOWNSHIP PURSUANT TO ) ORDER  
MINNESOTA STATUTES 414 )  
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WHEREAS, a joint resolution for orderly annexation was adopted by the City of Park Rapids and Todd Township; and

WHEREAS, a resolution was received from the City of Park Rapids indicating their desire that certain property be annexed to the City of Park Rapids 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 June 18, 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 Park Rapids, Minnesota, the same as if it had originally been made a part thereof:

That part of the Northeast Quarter of the Southwest Quarter (NE ¼ SW ¼), Section Fourteen (14), Township One Hundred Forty (140), Range Thirty-five (35), Lying E of U.S. Highway No. 71, bound and described as follows:

Beginning at a point on the North line of the said NE ¼ SW ¼ which bears South 89 degrees 27 minutes East 2309.2 feet from the West Quarter Section corner of the said Section 14; thence running South 00 degrees 19 minutes West 208.0 feet

to an iron stake; thence running South 89 degrees 27 minutes East 100 feet to an iron stake; thence running North 00 degrees 19 minutes East 208.0 feet to the North line of the said NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ; thence running North 89 degrees 27 minutes West 100 feet on the North line of the said NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  to the point of beginning and there terminating.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, Todd Township will be reimbursed by the City of Park Rapids in accordance with the terms of Joint Resolution signed by the city on May 14, 2002 and the township on May 22, 2002; and City Resolution No. 2008-100 signed dated May 13, 2008.

Dated this 18<sup>th</sup> day of June, 2008.

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

A handwritten signature in cursive script that reads "Christine M. Scotillo". The signature is written in dark ink and is positioned above the printed name and title.

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustment

MEMORANDUM

In ordering the annexation contained in Docket No. OA-854-4, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph 14 of the joint agreement states the agreement shall be in full force and effect for a term of 15 years. 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.

Paragraph 2 e., on page 3 of the agreement refers to detachment of land to the Township if certain conditions are not fulfilled within 3 years of the effective date of an annexation. Such language does not create an “automatic” detachment. Once land is annexed, it can only be detached by complying with the requirements of Minnesota Statutes Sec. 414.06.

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.

*Cms*