

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF PARK RAPIDS) FINDINGS OF FACT
AND TODD TOWNSHIP PURSUANT TO) CONCLUSIONS OF LAW
MINNESOTA STATUTES 414) AND ORDER

The city resolution for orderly annexation submitted by the City of Park Rapids 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 Park Rapids and Todd 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 Park Rapids, requests annexation of part of the designated area described as follows:

All that part of the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼), of Section Fourteen (14), Township One Hundred Forty (140), Range Thirty-five (35), containing .45 acre, more or less, bounded and described as follows: Commencing at the East Sixteenth corner (iron); thence West on the South line of said section a distance of 58.5 feet to point of intersection with the East boundary of U.S. Highway #71 as now located; thence Northerly on and along the East boundary of said highway a distance of 900 feet; thence deflect right 17°30' (backsite on iron monument on East boundary of said highway) a distance of 15 feet to the point of beginning; thence Easterly (Interior Angle 84°30') on and along the Northwest boundary of tract heretofore conveyed to Earl D. Hawkins and Marie Hawkins, recorded in Book 89 of Deeds, page 84, a distance of 232.4 feet, more or less, to the water's edge of Fish Hook River; thence Northerly,

(Interior Angle 79°) a distance of 88 feet on and along the water's edge of Fish Hook River to iron monument in cement; thence Westerly (Interior Angle 104°40') on and along the Southeast boundary of tract heretofore conveyed to Jessup Taig, recorded in Book 89 of Deeds, Page 72, a distance of 207 feet, more or less, to iron monument on East of right-of-way of public road (Old Itasca Road); thence Southerly on and along the right-of-way of Old Itasca Road a distance of 100 feet, more or less, to the point of beginning.

AND,

That part of Government Lot Three (3), Section Fourteen (14), Township One Hundred Forty (140), Range Thirty-five (35), bounded and described as follows: Commencing at an iron stake 33 feet North of the West Sixteenth corner on the East and West Quarter line of said Section Fourteen (14); thence run East on and along the North boundary of County Highway a distance of 794.9 feet to point of beginning; thence continue East 100 feet (iron) to a point 445.5 feet West of center Quarter corner of said Section Fourteen (14); thence at right angle North a distance of 371.4 feet (iron) to point on meander line on the South shore of Fish Hook Lake; thence Westerly on said meander line a distance of 103.2 feet; thence South on a line parallel to the East line of this tract a distance of 400 feet, more or less, to point of beginning. Containing .91 acre.

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 Park Rapids, the same as if it had originally been made a part thereof.
2. Pursuant to Minnesota Statutes §414.036, no reimbursement shall be made to the Township of Todd from the City of Park Rapids in accordance with the terms of the Joint Resolution signed by the City on May 14, 2002 and the Township on May 22, 2002; and City Resolution No. 2012-102.

Dated this 12th day of June, 2012.



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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-854-5, 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 joint 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.