

OA-1042-6 Belle Plaine
City Resolution No. 06-116
Town Resolution No. 90506-1

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

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

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

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; and

WHEREAS, on October 18, 2006, the Chief Administrative Law Judge has 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 Belle Plaine, Minnesota, the same

as if it had originally been made a part thereof:

Part of the East Half of the Southwest Quarter of Section 12, Township 113, Range 25, Scott County, Minnesota, described as follows: Commencing at the southeast corner of said Southwest Quarter of Section 12; thence on an assumed bearing of North 00 degrees 21 minutes 40 seconds West along the East line of said Southwest Quarter 1002.45 feet; thence South 75 degrees 46 minutes 49 seconds West 370.02 feet to the point of beginning of the tract to be described; thence continuing South 75 degrees 46 minutes 49 seconds West 996.18 feet to the West line of said East Half of the Southwest Quarter; thence North 00 degrees 32 minutes 34 seconds West along said West line 644.93 feet to the southerly right-of-way line of Trunk Highway Number 169; thence North 51 degrees 47 minutes 12 seconds East along said southerly right-of-way line 1222.85 feet; thence South 00 degrees 32 minutes 34 seconds East 1156.70 feet to the point of beginning. This tract contains 20.02 acres of land and is subject to any and all easements of record.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Belle Plaine will be reimbursed by the City of Belle Plaine in accordance with the terms of Joint Resolution No. 41204/04-052 signed by the City of Belle Plaine on April 19, 2004 and the Town of Belle Plaine on April 12, 2004.

Dated this 18th day of October, 2006.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-1042-6 Belle Plaine

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1042-6, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph No. 16 states the agreement shall expire on December 31, 2023 unless an extension is requested by the parties. 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 by submission of this agreement to this office, 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.

CWS