

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

O R D E R

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

WHEREAS, a resolution was received from the City of Rochester requesting that certain property be annexed to the City of Rochester 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 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 September 15, 2005, 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 Rochester, Minnesota, the same as if it had originally been made a part thereof:

ANNEXATION EAST OF T.H. 52

That part of the Southwest Quarter of Section 4, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of the Southwest Quarter of said Section 4; thence South 89 degrees 04 minutes 16 seconds West, assumed bearing, along the south line of said Southwest Quarter, 225.00 feet; thence North 00 degrees 55 minutes 44 seconds West, 150.00 feet for the point of beginning; thence North 23 degrees 51 minutes 33 seconds West, 1130.93 feet to the easterly line of Parcel No. 531 of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 55 - 63; thence

South 38 degrees 08 minutes 38 seconds West, along said easterly line, 127.39 feet; thence South 06 degrees 47 minutes 12 seconds East, along said easterly line, 947.61 feet to the north line of Parcel No. 431 of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 55 - 38; thence North 89 degrees 04 minutes 16 seconds East, along said north line, 424.21 feet to the point of beginning.

Containing 6.05 acres, more or less.

ANNEXATION - WEST OF T.H. 52

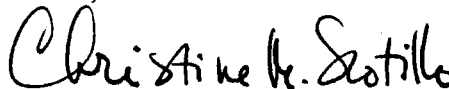
That part of the Southwest Quarter of Section 4, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 4; thence North 89 degrees 04 minutes 16 seconds East, assumed bearing, along the south line of said Southwest Quarter, 1287.41 feet; thence North 00 degrees 55 minutes 44 seconds West, 33.00 feet; thence North 05 degrees 09 minutes 21 seconds East, 667.08 feet to the westerly line of Parcel No. 531 of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 55 - 63 for the point of beginning; thence continue North 05 degrees 09 minutes 21 seconds East, 887.93 feet to a point on said westerly line (the next three courses are along said westerly line); thence South 05 degrees 31 minutes 57 seconds East, 318.09 feet; thence South 03 degrees 38 minutes 21 seconds West, 450.48 feet; thence South 34 degrees 43 minutes 00 seconds West, 143.75 feet to the point of beginning

Containing 0.99 acres, more or less.

Dated this 15th day of September, 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-1048-1 Rochester, the Chief Administrative Law Judge finds and makes the following comment:

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

Paragraph 7 provides for municipal reimbursement - a different application for different status of land. If Paragraph 7(A) applies to this file then Minnesota Statutes Section 414.036 allows for a reimbursement to the township of property taxes of substantially equal payments over a period of not less than two nor more than six years.

Paragraph 13 states the agreement will terminate when the parties adopt a joint resolution of termination, when all of the land within the annexation area is annexed to the City, or on January 1, 2014, whichever occurs first. 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.

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