

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF MONTICELLO )  
AND THE TOWN OF MONTICELLO PURSUANT TO ) ORDER  
MINNESOTA STATUTES 414 )  
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WHEREAS, a joint resolution for orderly annexation was adopted by the City of Monticello and the Town of Monticello; and

WHEREAS, a resolution was received from the City of Monticello indicating their desire that certain property be annexed to the City of Monticello 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 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 December 15, 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 Monticello, Minnesota, the same as if it had originally been made a part thereof:

**The subject area of Monticello Township, Wright County, Minnesota, proposed for annexation to the City of Monticello, Wright County, Minnesota, referenced in City of Monticello Resolution No. 2006-104 is legally described as follows:**

**That part of the C.S.A.H. 75 right-of-way, having a basic width of 150.00 feet, extending from the southeasterly right-of-way line of C.S.A.H. No. 18, to the southeasterly right-of-way line of Meadow Oak Avenue (Approximately 2800 feet).**

**And that part of the C.S.A.H 75 right-of-way, having a basic width of 150.00 feet, extending from**

**the southeasterly right-of-way line of Meadow Oak avenue, to the southwesterly right-of-way line of Interstate Highway No. 94. (Approximately 2300 feet)**

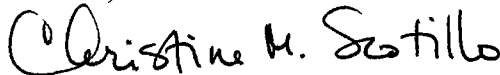
**And also that part of the Interstate Highway No. 94 exit ramp to C.S.A.H. No. 75, lying northeasterly of the northeasterly right-of-way line of C.S.A.H. No. 75 and lying northerly of a line drawn parallel with and distant 125.00 feet northerly of the centerline of west-bound Interstate Highway No. 94. (Approximately 1600 feet)**

**And also that part of the Burlington Northern Railroad right-of-way, having a basic width of 100.00 feet, extending from the southeasterly right-of-way line of C.S.A.H. No. 18, to the southerly line of Section 18, township 121, Range 24, Wright County, Minnesota (Approximately 5100 feet)**

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Monticello will be reimbursed by the City of Monticello in accordance with the terms of Joint Resolution signed by the City of Monticello on May 9, 2005 and the Town of Monticello on May 16, 2005.

Dated this 15<sup>th</sup> day of December, 2006.

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-1061-12, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph 15 states the agreement shall remain in full force and effect until certain events occur. 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.

*CWS*