

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

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

WHEREAS, a joint resolution was received from the City of Waverly and the Town of Marysville indicating their desire that certain property be annexed to the Waverly 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 November 10, 2005, the Chief Administrative Law Judge has reviewed and accepted the resolution for orderly annexation;

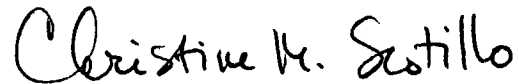
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Waverly, Minnesota, the same as

if it had originally been made a part thereof:

That part of Government Lot 3, Section 32, Township 119, Range 26, lying Southerly and Easterly of the Centerline of the Township road that runs Northeasterly and Southwesterly across said Government Lot 3 and that part lying Southerly and Westerly of the Centerline of Wright County Highway 8.

Dated this 10th day of November, 2005.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1079-1, the Chief Administrative Law Judge finds and makes the following comments:

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.

The authority to impose the type of charge identified in paragraph 2 of Joint Resolution No. 05-03/05-10-1 is questionable. The issuance of this order makes no determination as to the legality or validity of these provisions of the joint resolution. Any issue that may arise relative to the application or interpretation of this section will be the sole responsibility of the signatories to the agreement.

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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