

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF WAVERLY ) FINDINGS OF FACT  
AND MARYSVILLE TOWNSHIP PURSUANT TO ) CONCLUSIONS OF LAW  
MINNESOTA STATUTES 414 ) AND ORDER  
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The joint resolution for orderly annexation submitted by the City of Waverly and Marysville Township was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge's designee 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 Waverly and Marysville Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.

2. A joint resolution adopted and submitted by the City of Waverly and Marysville Township requests annexation of part of the designated area described as follows:

That area which lies south of the Southerly line of Lake Avenue and North of the Northerly line of Maple Avenue and lying East of Lot 1, Block 5 of Waverly.

and

Commencing at a point 20 feet East and 3 1/2 feet North of the Southeast corner of Block 5 in the Village of Waverly, thence north 12 rods; thence East 13 1/3 rods; thence south 12 rods; thence West 13 1/3 rods to place of beginning, and situate in the Southwest Quarter of Southeast Quarter of Section 33, Township 119, Range 26.

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 annexing the area described herein.

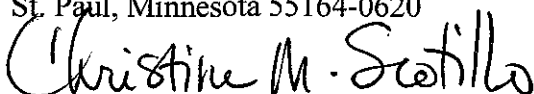
#### ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Waverly, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Marysville Township will be reimbursed by the City of Waverly in accordance with the terms of Joint Resolution No. 04-05-01/04-04 signed by the City on May 11, 2004 and the Township on March 29, 2004; and the Joint Resolution No. 2010-01/10-08-2 signed by the City on August 13, 2010 and the Township on September 27, 2010.

Dated this 14<sup>th</sup> day of January, 2011.

For the Chief Administrative Law Judge's designee  
P. O. Box 64620  
St. Paul, Minnesota 55164-0620



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

OA-1079-2 Waverly

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1079-2, the Chief Administrative Law Judge finds and makes the following comments:

The authority to impose the type of charge identified in paragraph 2 of Joint Resolution No. 2010-1/10-08-2 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.

*Cms*