

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

ORDER

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

WHEREAS, a joint resolution was received from the City of Dundas and the Town of Bridgewater indicating their desire that certain property be annexed to the City of Dundas 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.

WHEREAS, on April 6, 2005, the Chief Administrative Law Judge reviewed and accepted the resolution for orderly annexation;

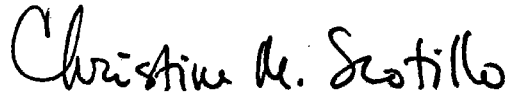
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Dundas, Minnesota, the same as if it had originally been made a part thereof:

That part of the North One-half (N1/2) of the North One-half (N1/2) of the Southwest

One-fourth (SW1/4), in Section 15, Township 111, Range 20, Rice County, Minnesota, lying westerly of the center line of County Road No. 8 and lying Easterly of the Easterly right-of-way line of the Soo Line Railroad (formerly called The Chicago, Milwaukee, St. Paul, and Pacific Railroad).

Dated this 6th day of April, 2006.

For the Chief Administrative Law Judge
658 Cedar Street - Room 300
St. Paul, MN 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-1086-7, the Chief Administrative Law Judge finds and makes the following comments:

Paragraph 16 of the agreement states the Township shall not receive the tax revenue from the annexed area until the area is developed. At that time, the Township shall receive tax revenue rebated for a period of 10 years. By making this order, no determination is made as to the effectiveness of such a schedule. 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 30 states the agreement shall terminate on December 31, 2033, or the date upon which all permitted annexation of land in the Annexation Area has been completed, whichever occurs first. Termination procedures may be contrary to 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