

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

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

WHEREAS, a joint resolution was received from the City of Waconia and the Town of Waconia indicating their desire that certain property be annexed to the City of Waconia 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 July 13, 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 Waconia, Minnesota, the same as if it had originally been made a part thereof:

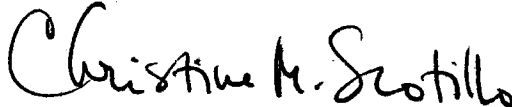
PROPOSED PHASE 1 DESCRIPTION

That part of the Northeast Quarter of Section 26, Township 116, Range 25, Carver County, Minnesota described as follows; beginning at the northeast corner of said Northeast Quarter; thence South 00 degrees 25 minutes 43 seconds East, assumed bearing, along the east line of said Northeast Quarter, a distance of 63.06 feet; thence North 87 degrees 50 minutes 26 seconds West, a distance of 205.62 feet; thence westerly, along a tangential curve, concave to the south, having a radius of 540.00 feet and a central angle

of 48 degrees 51 minutes 52 seconds, having an arc distance of 460.54 feet; thence South 43 degrees 17 minutes 42 seconds West, tangent to said curve, a distance of 145.57 feet; thence southwesterly, along a tangential curve, concave to the northwest, having a radius of 960.00 feet and a central angle of 21 degrees 43 minutes 43 seconds, having an arc distance of 364.07 feet; thence South 21 degrees 59 minutes 28 seconds East, not tangent to said curve, a distance of 47.27 feet; thence southerly, along a tangential curve, concave to the west, having a radius of 150.00 feet and a central angle of 25 degrees 39 minutes 07 seconds, having an arc distance of 67.16 feet; thence southerly, along a tangential reverse curve, concave to the east, having a radius of 400.00 feet, a central angle of 09 degrees 18 minutes 01 seconds, and an arc distance of 64.93 feet; thence southerly, along a tangential reverse curve, concave to the west, having a radius of 445.71 feet, a central angle of 05 degrees 17 minutes 50 seconds, and an arc distance of 41.21 feet; thence South 00 degrees 20 minutes 31 seconds East, tangent to said curve, a distance of 140.17 feet; thence southwesterly, along a tangential curve, concave to the northwest, having a radius of 504.33 feet and a central angle of 49 degrees 05 minutes 39 seconds, having an arc distance of 432.14 feet; thence southwesterly, along a tangential reverse curve, concave to the southeast, having a radius of 2,742.33 feet, a central angle of 01 degrees 42 minutes 26 seconds, and an arc distance of 81.71 feet; thence South 88 degrees 26 minutes 12 seconds West, not tangent to said curve, a distance of 975.19 feet; thence on a bearing of South, a distance of 172.87 feet; thence on a bearing of West, a distance of 417.49 feet to the west line of said Northeast Quarter; thence North 00 degrees 15 minutes 20 seconds West, along said west line a distance of 1,633.13 feet to the northwest corner of said Northeast Quarter; thence South 87 degrees 50 minutes 26 seconds East, along the north line of said Northeast Quarter a distance of 2,613.05 feet to the northeast corner of said Northeast Quarter said point being the point of beginning and there terminating.

Dated this 13th day of July, 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-1115-1, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph No. 18 states the agreement shall expire at the end of the day on July 1, 2015. 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.

The authority to impose the type of charge identified in paragraph/section 6. b. 1. of the agreement is questionable. The issuance of this order makes no determination as to the legality or validity of these provisions of the agreement. Any issue that may arise relative to the application or interpretation of these sections 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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