

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF WINONA ) FINDINGS OF FACT  
AND WILSON TOWNSHIP PURSUANT TO ) CONCLUSIONS OF LAW  
MINNESOTA STATUTES 414 ) AND ORDER  
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The city resolution for orderly annexation submitted by the City of Winona 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 Winona and Wilson Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.
2. A resolution adopted and submitted by the City of Winona, requests annexation of part of the designated area described as follows:

That part of the Northeast quarter of the Northeast quarter (NE¼ of NE¼) of Section One (1), Township One hundred six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, more particularly described as follows: Commencing at the Iron Monument which marks the Northeast corner of said Section One (1); thence in a Westerly direction along the North line of said Section One (1) a distance of 503.8 feet; thence deflect to the left 51° 29' a distance of 505.26 feet to the point of beginning; thence deflect to the left 90° a distance of 307.8 feet to the center line of the Township Road; thence deflect to the right 54° 24' and Southwesterly along the center line of said Township Road a distance of 78.42 feet; thence deflect to the right 88° 18' 16" a distance of 268 feet; thence deflect to the right 22° a distance of 120 feet; thence deflect to the right along a 8° 17' 24" curve (Delta Angle 19° 28', Radius 691.2 feet) an Arc distance of 184.51 feet; thence on tangent to said curve a distance of 75.49 feet, more or less, to the point of beginning.

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 Winona, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Wilson Township will be reimbursed by the City of Winona in accordance with the terms of the Joint Resolution signed by the City of Winona on May 23, 2005 and Wilson Township on May 18, 2005; and City Resolution No. 2010-107.

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-1159-11 Winona

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1159-11, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph 24 states the agreement shall remain in full force and effect until termination by joint agreement of the parties; the remainder of the OAA is annexed; or 10 years from the effective date. 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*