

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

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

WHEREAS, a resolution was received from the City of New Ulm indicating their desire that certain property be annexed to the City of New Ulm 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 May 22, 2006, 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 New Ulm, Minnesota, the same

as if it had originally been made a part thereof:

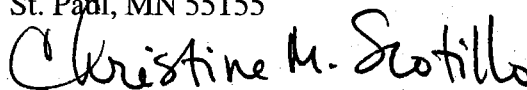
A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 1, BLOCK 1, SCHULTZ'S SECOND SUBDIVISION; LOT 'A' OF THE SE4 OF THE SW4, EXCEPT THE WEST 120 FEET THEREOF; THE WEST 120 FEET OF LOT 'A' OF THE SE4 OF THE SW4; AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL LOCATED IN SECTION 13, TOWNSHIP 110 NORTH, RANGE 31 WEST OF THE 5TH P.M., BROWN COUNTY, STATE OF MINNESOTA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE, WEST, ALONG THE SOUTH LINE OF THE SE4 OF SAID SW4, NORTH 89 DEGREES 46 MINUTES 08 SECONDS WEST, (MINNESOTA COUNTY COORDINATE SYSTEM OF 1983, BROWN COUNTY ZONE), A DISTANCE OF 1,225.23 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, SCHULTZ'S SECOND SUBDIVISION; THENCE NORTH 20 DEGREES 51 MINUTES 27 SECONDS WEST, ALONG THE SOUTHWEST LINE OF LOT 1, BLOCK 1, SCHULTZ'S SECOND ADDITION, A DISTANCE OF 281.09 FEET TO A WEST CORNER OF SAID LOT 1, BLOCK 1, SCHULTZ'S SECOND ADDITION, SAID POINT BEING LOCATED ON THE WEST LINE OF THE SE4 OF SAID SW4; THENCE NORTH 00 DEGREES 03 MINUTES 07 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 1, BLOCK 1, SCHULTZ'S SECOND ADDITION AND ALONG THE WEST LINE OF THE SE4 OF SAID SW4, A DISTANCE OF 922.74 FEET TO A POINT; THENCE SOUTH 89 DEGREES 46 MINUTES 08 SECONDS EAST, ALONG A LINE THAT IS LOCATED 1,185.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SE4 OF SAID SW4, A DISTANCE OF 1,326.07 FEET TO THE EAST LINE OF THE SE4 OF SAID SW4; THENCE SOUTH 00 DEGREES 04 MINUTES 38 SECONDS WEST, ALONG THE EAST LINE OF THE SE4 OF SAID SW4 AND ALONG THE EAST LINE OF LOT 'A' OF THE SE4 OF THE SW4, EXCEPT THE WEST 120 FEET THEREOF, A DISTANCE OF 1,185.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 35.77 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF TRUNK HIGHWAY NO. 14, AS DEPICTED ON MNDOT RIGHT OF WAY PLAT NO. 08-9, SAID RIGHT OF WAY CONTAINING A CALCULATED AREA OF 2.09 ACRES, MORE OR LESS.

Dated this 22nd day of May, 2006.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-1169-1 New Ulm

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1169-1, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph 7(c) of the agreement provides for a division of tax revenue from an annexed area, based upon a one time payment from the city. 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. Including such a provision in an order under Minnesota Statutes Section 414.0325 is discretionary with the Chief Administrative Law Judge.

Paragraph 14 states the agreement shall remain in full force and effect until January 1, 2025. 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.

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