

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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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 )  
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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 February 15, 2007, 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:

That part of Auditor's Plat Of Balance Of Lot 2 N.E.1/4-N.E.1/4,  
Sec. 24, T.110N., R.31W., on file and of record with the Brown  
County Recorder and that part of the Southeast Quarter of the

Northeast Quarter of Section 24, Township 110 North Range 31  
West, Brown County, Minnesota, described as:

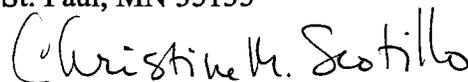
Commencing at the southeast corner of said Lot 2; thence North 00 degrees 20 minutes 51 seconds East, (Minnesota County Coordinate System - Brown County Zone - NAD83 - 1986), along the east line of said Lot 2, a distance of 270.10 feet to the point of beginning; thence South 85 degrees 42 minutes 29 seconds West, 47.13 feet to the point of curvature of a circular curve to the left; thence southwesterly, along a 1140.00 foot radius curve, central angle = 28 degrees 38 minutes 50 seconds, an arc distance of 569.98 feet to the point of tangency of said curve; thence South 57 degrees 03 minutes 40 seconds West, along the tangent of said curve, 549.74 feet to a point on the easterly right of way line of North Highland Avenue according to the plat of North Highland Avenue First Addition, on file and of record with the Brown County Recorder, said point being on a circular curve which center of radius bears North 58 degrees 17 minutes 06 seconds East; thence northwesterly, along said easterly right of way line, along a 1871.92 foot radius curve, central angle = 22 degrees 47 minutes 34 seconds, an arc distance 744.67 feet to a point on the south line of the North 60.00 feet of said Lot 2; thence South 89 degrees 45 minutes 59 seconds East, not radially to said curve, along said south line, 1301.05 feet to a point on the east line of said Lot 2; thence South 00 degrees 20 minutes 51 seconds West, along said east line, 205.93 feet to the point of beginning.

Said parcel contains 11.82 acres, subject to any and all easements of record.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Milford will be reimbursed by the City of New Ulm in accordance with the terms of the Joint Resolution signed by the City of New Ulm on June 7, 2005 and the Town of Milford on June 9, 2005.

Dated this 15<sup>th</sup> day of February, 2007.

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



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

OA-1169-3 New Ulm

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1169-3, the Chief Administrative Law Judge finds and makes the following comment:

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. 