

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

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

WHEREAS, a resolution was received from the City of Rochester indicating their desire
that certain property be annexed to the City of Rochester 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 November 16, 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 Rochester, Minnesota, the same

as if it had originally been made a part thereof:

That part of the Southwest Quarter of the Southwest Quarter, Section 7, Township 107 North, Range 13 West of the 5th Principal Meridian, described as follows:

Beginning at the southwest corner of said Southwest Quarter of the Southwest Quarter; thence South 88 degrees 42 minutes 56 seconds East, assumed bearing along the south line of said Southwest Quarter of the Southwest Quarter 238.53 feet; thence North 31 degrees 25 minutes 34 seconds West 449.76 feet to the west line of said Southwest Quarter of the Southwest Quarter; thence South 00 degrees 36 minutes 04 seconds West along said west line 378.46 feet to the point of beginning; containing 1.04 acres.

AND

That part of the Northwest Quarter of Section 18, Township 107 North, Range 13 West of the 5th Principal Meridian described as follows:

Beginning at the northwest corner of said Northwest Quarter; thence South 88 degrees 42 minutes 56 seconds East, assumed bearing along the north line of said Northwest Quarter 238.53 feet; thence South 31 degrees 25 minutes 34 seconds East 870.24 feet; thence North 56 degrees 23 minutes 11 seconds East 380.00 feet; thence South 49 degrees 11 minutes 19 seconds East 723.91 feet to the southwesterly corner of Lot 1, Block 4, HAWTHORN HILL SECOND SUBDIVISION; thence South 72 degrees 47 minutes 34 seconds East 269.25 feet to the southeast corner of said Lot 1; thence North 17 degrees 12 minutes 26 seconds East along the easterly line of said Lot 1 a distance of 309.80 feet; thence northeasterly 52.80 feet along said easterly line on a curve concave to the west having a radius of 292.00 feet and a central angle of 10 degrees 21 minutes 34 seconds to the northeast corner of said Lot 1; thence North 89 degrees 17 minutes 03 seconds West 275.64 feet to the northwest corner of said Lot 1; thence North 37 degrees 49 minutes 07 seconds West 871.24 feet; thence North 00 degrees 05 minutes 55 seconds East 26.35 feet to the north line of said Northwest Quarter; thence South 88 degrees 42 minutes 56 seconds East along said north line 560.52 feet; thence South 45 degrees 08 minutes 02 seconds East 637.20 feet; thence South 01 degrees 00 minutes 44 seconds West 563.16 feet; thence North 63 degrees 31 minutes 01 seconds East 129.15 feet; thence easterly 110.71 feet along a curve concave to the south having a radius of 233.00 feet and central angle of 27 degrees 13 minutes 22 seconds; thence South 89 degrees 15 minutes 36 seconds East 161.57 feet to the west line of Hawthorn Hill Road NE; thence South 00 degrees 44 minutes 24 seconds West along said west line 402.29 feet; thence South 89 degrees 15 minutes 36 seconds East along the south line of Hawthorn Hill Road NE 33.00 feet to the east line of said Northwest Quarter; thence South 00 degrees 44 minutes 24 seconds West along said east line 1315.92 feet to the southeast corner of said

Northwest Quarter; thence North 89 degrees 05 minutes 24 seconds West along the south line of said Northwest Quarter 2566.10 feet to the southwest corner of said Northwest Quarter; thence North 01 degrees 20 minutes 45 seconds East along the west line of said Northwest Quarter 2648.50 feet to the point of beginning; containing 126.33 acres. Subject to easement and restrictions of record.

LESS the following described property:

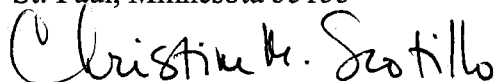
That part of the Northwest Quarter of Section 18, Township 107 North, Range 13 West of the 5th Principal Meridian described as follows:

Beginning at the northeast corner of Lot 1, Block 4, HAWTHORN HILL SECOND SUBDIVISION; thence North 89 degrees 17 minutes 03 seconds West 275.64 feet to the northwest corner of said Lot 1; thence North 37 degrees 49 minutes 07 seconds West 871.24 feet; thence North 00 degrees 05 minutes 55 seconds East 26.35 feet to the north line of said Northwest Quarter; thence South 88 degrees 42 minutes 56 seconds East along said north line 560.52 feet; thence South 45 degrees 08 minutes 02 seconds East 637.20 feet; thence South 01 degrees 00 minutes 44 seconds West to the north right of way line of vacated Mahon Lane NE; thence westerly along said north right of way line of vacated Mahon Lane NE to said northeast corner of Lot 1, Block 4, HAWTHORN HILL SECOND SUBDIVISION and the point of beginning.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Haverhill will be reimbursed by the City of Rochester in accordance with the terms of Joint Resolution signed by the City of Rochester on June 6, 2005 and the Town of Haverhill on May 18, 2005.

Dated this 16th day of November, 2006.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1170-1, the Chief Administrative Law Judge finds and makes the following comment:

Planning in the area designated for orderly annexation must be provided for by one of three provisions set forth in Minnesota Statutes Section 414.0325, Subd. 5. The joint resolution does not make reference to which of the three statutory provisions the parties have agreed on to govern planning in the designated area.

Paragraph 25 states the agreement "...will terminate when the parties adopt a joint resolution of termination, when all of the land within the Annexation Area is annexed to the City, or on January 1, 2034, whichever occurs first." 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.

