

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1170-3
Rochester/Haverhill Township
Pursuant to Minnesota Statutes 414

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The city resolution for orderly annexation submitted by the City of Rochester was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge 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 Rochester and Haverhill Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit.

2. A resolution adopted and submitted by the City of Rochester, requests annexation of part of the designated area described as follows:

Lots 1 thru 24, WEIH SUBDIVISION, according, to the recorded plat thereof, Olmsted County, Minnesota, including 22nd Avenue N.E., Weih Street and the South 50.00 feet of C.S.A.H. No. 22 (now known as 48th Street NE/C.S.A.H. No. 124), as all were dedicated and shown in said plat of WEIH SUBDIVISION. Said area of annexation is more particularly described as follows:

A part of the North half of the Southwest Quarter of Section 18, Township 107 North, Range 13 West, described by metes and bounds as follows:

Commencing at the Northwest corner of the Southwest corner of said section; thence easterly along the North line of said quarter for a distance of 1151.5 feet for a place of beginning; thence continue along said north line for a distance of 500 feet; thence southerly parallel to the West line of said quarter section for a distance of 1313.47 feet; thence westerly at a deflection angle of 90 degrees 38 1/2 minutes right for a distance of 500.0 feet; thence northerly parallel to the West line of said quarter for a distance of 1312.54 feet to the point of beginning; and

Said parcel contains 14.97 acres more or less.

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.

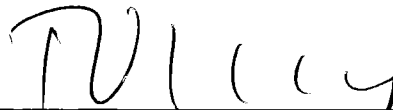
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Rochester, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes § 414.036, Haverhill Township will be reimbursed by the City of Rochester in accordance with the terms of the Joint Resolution signed by the City of Rochester on June 6, 2005 and Haverhill Township on May 18, 2005.

Dated: November 12, 2013



Timothy J. O'Malley
Assistant Chief Administrative Law Judge
Municipal Boundary Adjustment Unit

M E M O R A N D U M

In ordering the annexation contained in Docket No. OA-1170-3, the Chief Administrative Law Judge finds and makes the following comment:

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.

T.J.O.