

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF AVON AND THE ) ORDER  
TOWN OF AVON PURSUANT TO MINNESOTA )  
STATUTES 414 )  
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WHEREAS, a joint resolution for orderly annexation was adopted by the City of Avon and the Town of Avon; and

WHEREAS, a resolution was received from the City of Avon and the Town of Avon indicating their desire that certain property be annexed to the City of Avon 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.

WHEREAS, on October 18, 2005, the Chief Administrative Law Judge 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 Avon, Minnesota, the same as if it had originally been made a part thereof:

**All that part of the Northeast Quarter (NE1/4) of Section Thirty (30), Township One Hundred Twenty-five (125) North, Range Thirty (30) West, Stearns County, Minnesota, lying Northerly of the centerline of U.S. Highway No. 52.  
LESS AND EXCEPT the North 686.19 feet of the West 532.00 feet**

of the Northeast Quarter of Section 30, Township 125, Range 30, Stearns County, Minnesota.

**ALSO LESS AND EXCEPT** That part of the Northeast Quarter of Section 30, Township 125, Range 30, Stearns County, Minnesota described as follows: Commencing at the north quarter corner of said Section 30; thence easterly along the north line of said Northeast Quarter of Section 30 on an assumed bearing of North 89 degrees 28 minutes 26 seconds East for 1221.67 feet to the point of beginning; thence continue North 89 degrees 28 minutes 26 seconds East, along said north line of the Northeast Quarter of Section 30 for 591.82 feet; thence South 04 degrees 54 minutes 09 seconds East for 563.00 feet; thence North 84 degrees 36 minutes 00 seconds West for 500.83 feet; thence North 01 degrees 01 minutes 55 seconds East for 57.10 feet; thence South 83 degrees 31 minutes 02 seconds West for 147.47 feet; thence North 00 degrees 40 minutes 22 seconds West for 466.92 feet to the point of beginning. Containing 7.279 acres.

**ALSO LESS AND EXCEPT** the tract deeded to the State of Minnesota by deed dated April 15, 1974 recorded May 1, 1974 in Book 414 of Deeds, page 815.

**AND**

The NW1/4 of Section 29, Township 125 North, Range 30 West, Stearns County, Minnesota.

**LESS AND EXCEPT:** The North 400 feet of the West 400 feet of the NW1/4 NW1/4 and less and except the North 325 feet of the East 700 feet of the West 1100 feet of the NW1/4 NW1/4.

**ALSO LESS AND EXCEPT:** That part of the NE1/4 NW1/4 of Section 29, Township 125 North, Range 30 West described as follows: Beginning at the northeast corner of NE1/4 NW1/4 of said Section 29; thence South along the east line of NE1/4 NW1/4 of Section 29 a distance of 33 feet to the south right of way line of County Highway No. 157 (now Co. Rd. No. 41) which point is the point of beginning of the tract being described; thence continuing South along said East line of NE1/4 NW1/4 of said Section 29 a distance of 500 feet; thence West and parallel with the North line of said Section 29 a distance of 437 feet; thence North and parallel with the East line of the NE1/4 NW1/4 of Section 29 a distance of 500 feet to the southerly right of way line of County Road No. 157 (now Co. Rd. No. 41); thence East along the southerly right of way line of County Road No. 157 (now Co. Rd. No. 41) a distance of 437 feet to the point of beginning.

**IT IS FURTHER ORDERED:** That the tax rate of the City of Avon on the property herein

ordered annexed shall be increased in substantially equal proportions over a period of five years

to equality with the tax rate of the property already within the city.

Dated this 18<sup>th</sup> day of October, 2005.

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-1198-1 the Chief Administrative Law Judge finds and makes the following comment:

Paragraph No. 19 states unless the parties have agreed to an extension, the agreement shall terminate on December 31, 2015. 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. 