

OA-1198-2 Avon  
City Signed Resolution 10-3-05  
Township Signed Resolution 11-16-05

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 joint resolution was received from the City of Avon and Avon Township 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 December 8, 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:

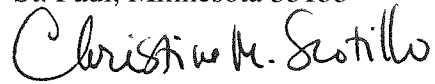
That part of Government Lot Three (3), of Section Twenty-seven (27), in Township One Hundred Twenty-five (125) North, of Range Thirty (30) West, described as follows, to-wit: Beginning at a point on the center line of Old State Highway, leading from St. Joseph to Avon, where said center line intersects the East line of Govt. Lot 3, thence South on said East line of said Lot 3, to a point 1,404 feet North of the SE corner of said Lot 3, thence running due West for a distance of 230 feet, thence running due South, a distance of 480 feet to a point on a line running West and parallel to the South line of said Lot 3, and starting at a point 924 feet North of the SE corner of said Lot 3, thence from said point running due West to the shore of Linneman Lake a distance of approximately 91.75 feet, thence running in a W'yly direction along the shore line of said Linneman Lake, to where said shore line intersects the West line of said Govt. Lot 3, thence running North along the West line of said Lot 3, to a point where the West line of said Lot 3 intersects the center line of said Old State Road, thence running East along said centerline of said Old Road, to the point of beginning LESS AND EXCEPTING FROM THE ABOVE, all that tract of land platted as Van Heel Subdivision, of a part of Govt. Lot 3, Sec. 27, Twp. 125, Rge 30, according to the plat and survey thereof on file and of record in the Office of the Register of Deeds in and for Stearns County, Minnesota; and LESS AND EXCEPTING a tract of land conveyed to Smith Distributing, Inc. by Deed dated August 16, 1962 and recorded August 16, 1962 in Book 319 of Deeds on page 213; also LESS AND EXCEPTING the tract of land deeded to Steven Hartung by Deed dated August 1, 1962 and recorded August 8, 1962 in Book 312 of Deeds on page 510; ALSO LESS AND EXCEPTING the tract of land deeded to Duane L. Hanauer by deed dated June 8, 1970 and recorded June 23, 1970 in Book 382 of Deeds on page 297. ALSO LESS AND EXCEPTING the tract of land deeded to the City of Avon by Deed dated June 24, 1992 and recorded June 25, 1992 as Document No. 721402; ALSO LESS AND EXCEPTING the tract of land deeded to Peter E. Jansky, Patricia Jansky Henkemeyer, Timothy T. Jansky and Peter E. Jansky and Patricia Jansky Henkemeyer as Trustees of the Tammy J. Jansky Trust, created under the Last Will and Testament of Peter C. Jansky, dated September 7, 1978, as amended by codicils; ALSO LESS AND EXCEPTING the land taken for Interstate 94 purposes as described in Final Certificate recorded in Book 150 of Miscellaneous, page 42, all of the above lands being in Stearns County, Minnesota.  
Parcel No. 03-01000-000

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 8<sup>th</sup> day of December, 2005.

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

A handwritten signature in black ink, reading "Christine M. Scotillo". The signature is written in a cursive, flowing style.

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1198-2 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.

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.

A handwritten signature in black ink, appearing to be 'Ans'.