

OA-1198-3 Avon
City Signed Resolution 2-6-06
Township Signed Resolution 3-1-06

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

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 May 11, 2006, the Chief Administrative Law Judge reviewed and accepted the resolution for orderly annexation;

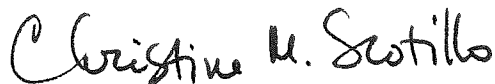
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Avon, Minnesota, the same as if it

had originally been made a part thereof:

The East 50.00 feet of the East One-Half of the Northwest Quarter ($E\frac{1}{2} NW\frac{1}{4}$) of Section Twenty-two (22), in Township One Hundred Twenty-five (125) North, of Range Thirty (3) West, Stearns County, Minnesota, the West 636.00 feet of the East 686.00 feet of the North 2020.00 feet of said $E\frac{1}{2}$ of the $NW\frac{1}{4}$ of Sec. 22 and that part of the South 136.00 feet of the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$) of Section Fifteen (15) in said Township and Range which lies East of the Northerly extension of the West line of the East 686.00 feet of said $E\frac{1}{2}$ of the $NW\frac{1}{4}$ of Sec. 22. Together with an easement being a strip of land 100.00 feet in width in the South One-Half of the Southwest Quarter ($S\frac{1}{2} SW\frac{1}{4}$) of said Sec. 15 and running Northwesterly from the above described land to the center of Spunk Creek, the center line of said easement being described as follows: commencing at the Southeast corner of said $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of Sec. 15; thence West along the South line thereof for 671.00 feet; thence North at an angle of 90° and $05'$ with said South line, as measured from East to North, for 136.00 feet to the point of beginning of the line to be described; thence Northwesterly deflecting 45° and $47'$ to the left for 860 feet more or less to the center of Spunk Creek and there terminating, in Stearns County, Minnesota.

Dated this 11th day of May, 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-1198-3 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.

Cms