

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF AVON AND) A M E N D E D
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 resolution was received from the City of Avon-Avon Township Joint Planning Board 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 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 16, 2007, 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

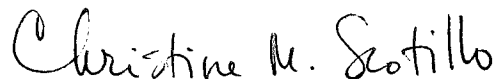
as if it had originally been made a part thereof:

The North 136.00 feet of the Northeast Quarter of the Southwest Quarter of Section 29,
Township 125, Range 30 ~~29~~, Stearns County, Minnesota. Containing 4.10 acres.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Avon will be reimbursed by the City of Avon in accordance with the terms of the Joint Resolution signed by the City of Avon and the Town of Avon on August 17, 2007.

Dated this 16th day of October, 2007.

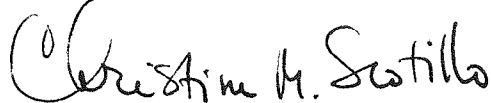
For the Chief Administrative Law Judge
658 Cedar Street - Room 300
St. Paul, Minnesota 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustment

Amended order dated this 26th day of November, 2007.

For the Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1198-4 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 'CMS', is located at the end of the text block.