

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

WHEREAS, a joint resolution for orderly annexation was adopted by the City of New Market and the Town of New Market; and

WHEREAS, said joint resolution requests that certain property be annexed to the City of New Market 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;

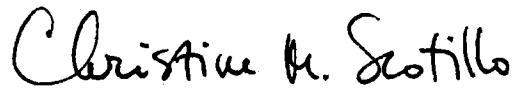
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of New Market, Minnesota, the same

as if it had originally been made a part thereof:

The south 660.00 feet of the west 1320.00 feet of the east 1665.43 feet of the Southeast Quarter of Section 29, Township 113, Range 21, Scott County, Minnesota.

Dated this 8th 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 that reads "Christine M. Scotillo". The signature is written in a cursive style with a large, stylized 'C' at the beginning.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1222-1, the Chief Administrative Law Judge finds and makes the following comment:

In Paragraph 10 of the joint resolution, the agreement imposes a financial obligation on the property owners of the subject property to reimburse the Township for lost tax revenue. Chapter 414 of Minnesota Statutes contains no authority for the Township, or the City, to obligate the property owner in any way as part of a boundary adjustment. Including such a provision in an order under Minnesota Statutes Section 414.0325 is discretionary with the Chief Administrative Law Judge.

The parties are encouraged to consider these comments in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

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