

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

WHEREAS, a joint resolution for orderly annexation was adopted by the City of St. Joseph and the Town of St. Joseph; and

WHEREAS, a resolution was received from the City of St. Joseph indicating their desire that certain property be annexed to the City of St. Joseph 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 18, 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 St. Joseph, Minnesota, the same as if it had originally been made a part thereof:

That part of the east 1980.00 feet of the Northwest Quarter of Section 11, Township 124 North, Range 29 West, Stearns County, Minnesota lying northwesterly of the centerline of County Road No. 133, as established in STEARNS COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 13, according to the recorded plat thereof, said Stearns County. Except the north 194.00 feet of the west 22.74 feet of the east 1980.00 feet of said Northwest Quarter of Section 11.

And:

That part of the east 990.00 feet of the west 1650.00 feet of the South Half of the

Southwest Quarter of Section 2, Township 124 North, Range 29 West, said Stearns County except the north 24.75 feet of said South Half of the Southwest Quarter lying westerly of the following described line:

Commencing at the South Quarter corner of said Section 2; thence South 89 degrees 13 minutes 48 seconds West, assumed bearing, along the south line of said South Half of the Southwest Quarter a distance of 981.48 feet to the point of beginning of said line; thence North 00 degrees 34 minutes 36 seconds West to the north line of said South Half of the Southwest Quarter and there terminating.

Excepting from the 2 parcels described above the following described tract:

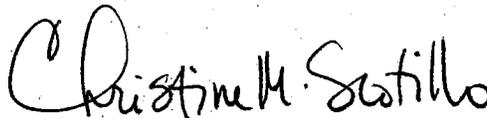
That part of said South Half of the Southwest Quarter of Section 2 and said Northwest Quarter of Section 11 described as follows:

Commencing at said South Quarter corner of Section 2; thence South 89 degrees 13 minutes 48 seconds West, assumed bearing, along said south line of the South Half of the Southwest Quarter, a distance of 981.48 feet; thence North 00 degrees 34 minutes 36 seconds West, a distance of 282.91 feet to said centerline of County Road No. 133, being the point of beginning of the tract of land to be described; thence continuing North 00 degrees 34 minutes 36 seconds West, a distance of 434.76 feet; thence South 49 degrees 21 minutes 10 seconds West, a distance of 800.99 feet; thence South 40 degrees 38 minutes 50 seconds East, a distance of 332.25 feet to said centerline of County Road No. 133; thence North 49 degrees 34 minutes 55 seconds East, along said centerline, a distance of 67.00 feet; thence North 49 degrees 22 minutes 35 seconds East, along said centerline, a distance of 454.12 feet to the point of beginning.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of St. Joseph will be reimbursed by the City of St. Joseph in accordance with the terms of the Joint Resolution signed by the City of St. Joseph on June 1, 2006 and the Town of St. Joseph on May 30, 2006.

Dated this 18th day of October, 2006.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-1283-1 St. Joseph

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1283-1, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph 7. A. states that Zone 2 will expire on December 31, 2007 and Zone 3 will expire on December 31, 2017. 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 by submission of this agreement to this office, 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.

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