

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

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

WHEREAS, a resolution was received from the City of Kasson indicating their desire that certain property be annexed to the City of Kasson pursuant to M.S. 414.0325; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to said subdivisions; and

WHEREAS, on August 21, 2008, 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 Kasson, Minnesota, the same as if it had originally been made a part thereof:

That part of the Southwest Quarter of Section 27, Township 107 North, Range 16 West, Dodge County, Minnesota, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 27; thence South 89 degrees 45 minutes 37 seconds East (NOTE: All bearings are in relationship with the Dodge County Coordinate System, NAD '83 Adjusted 1996) along the north line of said Southwest Quarter, 865.00 feet to the POINT OF BEGINNING; thence continue South 89 degrees 45 minutes 37 seconds East, along said north line, 634.77 feet to a point described as 69 rods west of the northeast corner of said Southwest Quarter; thence South 00 degrees 08 minutes 30 seconds East along a previously described line, 429.00 feet;

thence South 66 degrees 54 minutes 16 seconds East, along said previously described line, 570.37 feet; thence North 89 degrees 36 minutes 13 seconds West, 1163.22 feet to a previously described line; thence North 00 degrees 14 minutes 23 seconds East along said previously described line, 647.35 feet to the POINT OF BEGINNING.

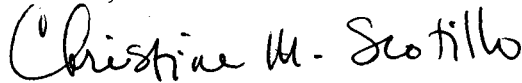
Said Parcel contains 10.80 acres more or less.

Said parcel is subject to a sanitary sewer easement along the easterly side thereof, is subject to a 16th St. NE right of way along the northerly 33.00 feet thereof and is subject to any other easements or encumbrances of record.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, Mantorville Township will be reimbursed by the City of Kasson in accordance with the terms of Joint Resolution No. 7.5-08 signed by the City and Town on August 4, 2008.

Dated this 21st day of August, 2008.

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

A handwritten signature in black ink that reads "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-1296-1, the Chief Administrative Law Judge finds and makes the following comments:

Paragraph 4 of the joint agreement states the agreement shall be in full force and effect for a term of 5 years. 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.

chw