

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF KASSON ) FINDINGS OF FACT  
AND MANTORVILLE TOWNSHIP PURSUANT TO ) CONCLUSIONS OF LAW  
MINNESOTA STATUTES 414 ) AND ORDER  
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The joint resolution for orderly annexation submitted by the City of Kasson and Mantorville Township was reviewed for conformity with applicable law. The Chief Administrative Law Judge hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. A joint resolution for orderly annexation was adopted by the City of Kasson and Mantorville Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit.

2. A joint resolution adopted and submitted by the City of Kasson and Mantorville Township requests annexation of part of the designated area described as follows:

16<sup>th</sup> STREET N.E. as dedicated in LITTLE'S MEADOW VIEW ESTATES, according to the recorded plat thereof, Dodge County, Minnesota.

And,

16<sup>th</sup> STREET N.E. as dedicated in MEADOWBROOKE, according to the recorded plat thereof, Dodge County, Minnesota.

And,

16<sup>th</sup> STREET N.E. as dedicated in MASTEN CREEK RIDGE, according to the

recorded plat thereof, Dodge County, Minnesota.

And,

16<sup>th</sup> STREET N.E. as dedicated in MASTEN CREEK WOODLANDS, according to the recorded plat thereof, Dodge County, Minnesota.

And,

The South 33.00 feet of the East Half of the Northwest Quarter of Section 27, Township 107 North, Range 16 West, Dodge County, Minnesota.

And,

That part of the North 33.00 feet of the Southwest Quarter of Section 27, Township 107 North, Range 16 West, Dodge County, Minnesota lying West of the West line of MEADOWBROOK, according to the recorded plat thereof, said Dodge County.

And,

That part of the North 33.00 feet of the Southwest Quarter of Section 27, Township 107 North, Range 16 West, Dodge County, Minnesota which lies East of the East line of MEADOWBROOKE, according to the recorded plat thereof, said Dodge County and West of the West line of MASTEN CREEK RIDGE, according to the recorded plat thereof, said Dodge County.

And,

The South 33.00 feet of the Northeast Quarter of Section 27, Township 107 North, Range 16 West, Dodge County, Minnesota.

And,

The North 33.00 feet of the Southeast Quarter of Section 27, Township 107 North, Range 16 West, Dodge County, Minnesota.

And,

The South 33.00 feet of the Northwest Quarter of Section Section 26, Township 107 North, Range 16 West, Dodge County, Minnesota.

And,

That part of South 33.00 feet of the Northeast Quarter of Section Section 26, Township 107 North, Range 16 West, Dodge County, Minnesota lying West of

the West right of way line of County Road No. 15.

And,

The North 33.00 feet of the Southwest Quarter of Section Section 26, Township 107 North, Range 16 West, Dodge County, Minnesota.

And,

That part of North 33.00 feet of the Southeast Quarter of Section Section 26, Township 107 North, Range 16 West, Dodge County, Minnesota lying West of the West right of way line of County Road No. 15.

3. Minnesota Statutes §414.0325, subd. 1 (h) states that in certain circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to the terms of a joint resolution for orderly annexation.

4. The joint resolution contains all the information required by Minnesota Statutes §414.0325, subd. 1 (h), including a provision that the Chief Administrative Law Judge may review and comment but shall order the annexation within 30 days in accordance with the terms of the joint resolution.

#### CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.

2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

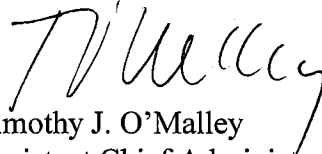
#### ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Kasson, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Mantorville Township will be

reimbursed by the City of Kasson in accordance with the terms of Joint Resolution No. 4.1-11.

Dated this 10<sup>th</sup> day of May, 2011.

A handwritten signature in black ink, appearing to read "T. O'Malley", written in a cursive style.

Timothy J. O'Malley  
Assistant Chief Administrative Law Judge  
Municipal Boundary Adjustment Unit

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1296-2, 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.