

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
 AGREEMENT BETWEEN THE CITY OF FARMINGTON)
 AND THE TOWN OF CASTLE ROCK PURSUANT TO) ORDER
 MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Farmington and the Town of Castle Rock; and

WHEREAS, a joint resolution was received from the City of Farmington and Castle Rock Township indicating their desire that certain property be annexed to the City of Farmington 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; and

WHEREAS, on October 18, 2006, the Chief Administrative Law Judge has 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 Farmington, Minnesota, the same

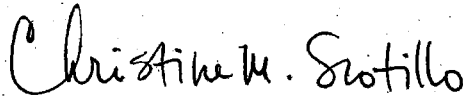
as if it had originally been made a part thereof:

The Northeast Quarter of Section 5, Township 113, Range 19, Dakota County, Minnesota, subject to public road right-of-ways. Containing 161.83 acres.

IT IS FURTHER ORDERED: That reimbursement of property taxes paid to the township from the city shall be in accordance with the terms of Joint Resolution No. R109-06 signed by the City of Farmington on September 18, 2006 and the Town of Castle Rock on September 13, 2006, pursuant to Minn. Stat. 414.036.

Dated this 18th day of October, 2006.

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, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-1299-1 Farmington

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1299-1, the Chief Administrative Law Judge finds and makes the following comment:

Planning in the area designated for orderly annexation must be provided for by one of three provisions set forth in Minnesota Statutes Section 414.0325, Subd. 5. The joint resolution does not make reference to which of the three statutory provisions the parties have agreed on to govern planning in the designated area.

Paragraph 27 states, "This agreement shall terminate on December 31, 2016, or the date upon which all permitted annexation of land in the Annexation Area has been completed, whichever occurs sooner." 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.

