

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)	
AGREEMENT BETWEEN THE CITY OF MAYER)	<u>FINDINGS OF FACT</u>
AND WACONIA TOWNSHIP PURSUANT TO)	<u>CONCLUSIONS OF LAW</u>
MINNESOTA STATUTES 414)	<u>AND ORDER</u>

The city resolution for orderly annexation submitted by the City of Mayer was reviewed for conformity with applicable law. By delegation, 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 Mayer and Waconia Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit.

2. A resolution adopted and submitted by the City of Mayer, requests annexation of part of the designated area described as follows:

That part of the Northwest Quarter of Section 6, Township 116, Range 25, Carver County, Minnesota, described as follows: Commencing at the northwest corner of said Northwest Quarter; thence East along the north line of said Northwest Quarter a distance of 1795.58 feet; thence South parallel with the west line of said Northwest Quarter a distance of 1222.02 feet to the point of beginning of the parcel to be described; thence East parallel with the north line of said Northwest Quarter a distance of 340.32 feet to an intersection with the east line of said Northwest Quarter; thence South along said east line a distance of 132.64 feet; thence West parallel with the north line of said Northwest Quarter a distance of 340.86 feet to an intersection with a line parallel with the west line of said Northwest Quarter which passes through the point of beginning; thence North along said parallel line a distance of 132.64 feet to the point of beginning.

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 Mayer, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Waconia Township will be reimbursed by the City of Mayer in accordance with the terms of Joint Resolution No. 3-14-2011-11.

Dated this 12th day of April, 2011.



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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1341-3, the Chief Administrative Law Judge or authorized designee finds and makes the following comment:

Section 13 states the agreement will terminate on December 31, 2030 unless the parties agree to an extension. End dates or ending mechanisms are problematic in that they appear contrary to 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.