

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF ORONOCO )  
AND ORONOCO TOWNSHIP PURSUANT TO )  
MINNESOTA STATUTES 414 )  
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ORDER

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Oronoco and Oronoco Township; and

WHEREAS, a joint resolution was received from the City of Oronoco and Oronoco Township indicating their desire that certain property be annexed to the City of Oronoco 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 January 24, 2008, 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 Oronoco, Minnesota, the same as

if it had originally been made a part thereof:

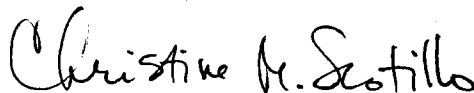
That part of the Western Portion of Section 20, Township 108 North, Range 14 West, Olmsted County, Minnesota, legally described as follows:

The roadway, named 3<sup>rd</sup> Avenue Northwest begins at the northwest corner of Section 20, Township 108, Range 14 West, Olmsted County at the intersection of 12<sup>th</sup> Street SW, Zumbro Hills SW, and 3<sup>rd</sup> Avenue SW, continuing southerly at a width, including ROW, of 66' and ending at the intersection of CSAH 12 in the southwest corner of Section 20, for a total north/south length of approximately 2,610 feet. Containing approximately 3.95 acres.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, Oronoco Township will be reimbursed in accordance with the terms of the Joint Resolution signed by the City on December 20, 2004 and the Township on February 7, 2005.

Dated this 24<sup>th</sup> day of January, 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-1376-1, 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 15 states the agreement shall terminate on December 31, 2009. 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.

*CWS*