

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

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 Northwest Quarter of Section 20, Township 108 North, Range 14 West, Olmsted County, Minnesota, described as follows: Beginning at the southwest corner of the Northwest Quarter; thence on an assumed bearing of North along the west line of said Northwest Quarter a distance of 1751.04 feet; thence East 527.18 feet; thence South 1758.51 to the south line of said Northwest Quarter; thence North 89 degrees 11 minutes 18 seconds West along said South line 527.23 feet to the point of beginning. Excepting therefrom that parcel of land described as follows: Commencing at the southwest corner of said Northwest Quarter; thence on an assumed bearing of North along the West line of said Northwest Quarter a distance of 1,751.04 feet to the point of beginning; thence East 188 feet; thence South 205 feet parallel with the West line of said Northwest Quarter; thence West 188 feet parallel with the North line of the larger described tract; thence North 205 feet, more or less to the place of beginning; also described as the West 205 feet of the North 188 feet of the above described parcel. Excepting therefrom for roadway purposes the West 33.00 feet of the above described tract.

ALSO EXCEPT: Parcel 414D as designated on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 55-85.

Containing 18.10 acres, more or less.

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 24th 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-1376-3, 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