

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

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The city resolution for orderly annexation submitted by the City of Oronoco was reviewed for conformity with applicable law. The undersigned Assistant Chief Administrative Law Judge, acting under a delegation from 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 Oronoco and Oronoco Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.
2. A resolution adopted and submitted by the City of Oronoco, requests annexation of part of the designated area described as follows:

That part of the East 64 acres of the South Half of the Northwest Quarter of Section 20, Township 108 North, Range 14 West, Olmsted County, Minnesota, lying westerly of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 55-80 and northerly of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 55-85.

TOGETHER WITH:

That part of the East 48 acres of the North Half of the Northwest Quarter of Section 20, Township 108 North, Range 14 West, Olmsted County, Minnesota, lying westerly of MINNESOTA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAT NO. 55-80, EXCEPT Parcel 414E as shown on  
MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY  
PLAT NO. 55-81.

ALSO EXCEPT:

That part of the Northeast Quarter of the Northwest Quarter of Section 20,  
Township 108 North, Range 14 West, Olmsted County, Minnesota, described as  
follows:

Commencing at the northeast corner of the Northwest Quarter of said  
Section 20; thence South 89 degrees 19 minutes 35 seconds West,  
assumed bearing, along the north line of said Northwest Quarter, 902.42  
feet to the southwest right of way line of Trunk Highway No. 52, as shown  
on Minnesota Department of Transportation Right of Way Plat No. 55-18,  
for a point of beginning; thence continue South 89 degrees 19 minutes 35  
seconds West, along said north line, 358.93 feet; thence South 00 degrees  
40 minutes 25 seconds East, 204.20 feet; thence North 89 degrees 19  
minutes 35 seconds East, parallel with the north line of said Northwest  
Quarter, 491.19 feet to said southwesterly right of way line of Trunk  
Highway No. 52; thence northwesterly 243.33 feet along said right of way  
line, along a curve, not tangent to the last described course, concave to the  
southwest, central angle of 03 degrees 43 minutes 41 seconds, radius of  
3739.76 feet and chord of said curve bears North 33 degrees 36 minutes 13  
seconds West, 243.29 feet to the point of beginning.

Containing in all, 73.99 acres, more or less.

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 Assistant Chief Administrative Law Judge annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Oronoco, the same as if it had originally been made a part thereof.
2. Pursuant to Minnesota Statutes §414.036, Oronoco Township will be reimbursed by the City of Oronoco 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 18<sup>th</sup> day of March, 2010.

For the Assistant Chief Administrative Law Judge  
P. O. Box 64620  
St. Paul, Minnesota 55164-0620



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1376-5, the Chief Administrative Law Judge finds and makes the following comment:

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.

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