

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF )  
FARMINGTON AND EMPIRE TOWNSHIP ) ORDER  
PURSUANT TO MINNESOTA STATUTES 414 )  
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WHEREAS, a joint resolution for orderly annexation was adopted by the City of Farmington and Empire Township; and

WHEREAS, said joint resolution requests 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 April 16, 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 Farmington, Minnesota, the same

as if it had originally been made a part thereof:

The South One-Half of the Southeast Quarter of Section 7, Township 114, Range 19, Dakota County, Minnesota, lying easterly of the westerly right-of-way line of Minnesota State Highway Number 3.

TOGETHER WITH:

The Northeast Quarter and the Southeast Quarter of Section 18, Township 114, Range 19, Dakota County, Minnesota, lying easterly of the westerly right-of-way line of Minnesota State Highway Number 3.

TOGETHER WITH:

The Northeast Quarter of Section 19, Township 114, Range 19, Dakota County, Minnesota, lying easterly of the westerly right-of-way line of Minnesota State Highway Number 3 and northerly of the easterly extension of the north line of PERCINE LOTS 2<sup>ND</sup> ADDITION.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, Empire Township will be reimbursed in accordance with the terms of Joint Resolution No. R-19-08 signed by the City and Township on March 19, 2008.

Dated this 16<sup>th</sup> day of April, 2008.

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



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

OA-1387-1 Farmington

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1387-1, 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 20 states the agreement shall terminate on either December 31, 2032 or the date upon which all permitted annexation of land in the Annexation Area has been completed and the remainder of Empire Township has been incorporated. 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.

*Cms*