

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF ST. JAMES )  
AND THE TOWN OF ST. JAMES PURSUANT TO )  
MINNESOTA STATUTES 414 )  
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ORDER

WHEREAS, a joint resolution for orderly annexation was adopted by the City of St. James and the Town of St. James; and

WHEREAS, an amendment to the joint resolution was received from the City of St. James and the Town of St. James requesting that certain property be annexed to the City of St. James 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 August 10, 2005, the Chief Administrative Law Judge has reviewed and accepted the resolution for orderly annexation;

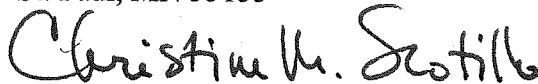
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of St. James, Minnesota, the same as if it had originally been made a part thereof:

That part of the Southeast Quarter of the Southeast Quarter (SE ¼ of SE ¼) of Section Twelve (12), Township One Hundred Six (106) North, Range Thirty-two (32) West, Watonwan County, Minnesota, described as follows: Beginning at the Southeast corner of said Section Twelve (12); thence on an assumed bearing of North 2 degrees 30 minutes 50 seconds West, along the East line of said Section, a distance of 32.98 feet to the North

right of way line of a public road; thence South 90 degrees 00 minutes West, along said right of way line, a distance of 32.99 feet; thence North 3 degrees 11 minutes West a distance of 595.12 feet to the easterly extension of the North line of Mayberry Hills Fourth Addition, according to the recorded plat thereof; thence South 90 degrees 00 minutes West, along the easterly extension of said North line, a distance of 192.24 feet to the easterly line of said Mayberry Hills Fourth Addition; thence South 27 degrees 03 minutes West, along said easterly line, a distance of 704.19 feet to the south line of said Section; thence North 90 degrees 00 minutes East, along said South line, a distance of 579.97 feet to the point of beginning, containing 5.35 acres, subject to easements now of record in said county and state.

Dated this 10<sup>th</sup> day of August, 2005.

For the Chief Administrative Law Judge  
658 Cedar Street, Room 300  
St. Paul, MN 55155

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-201-16, 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 9 states the agreement shall be for a term of ten (10) years from the date of its execution. This agreement shall automatically be extended for an additional two (2) year term thereafter unless, upon one year's written notice is given by any party hereto that this Agreement will not be extended. 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 by submission of this agreement to this office, 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*