

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

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 February 9, 2006, 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 (SE ¼) of Section Twenty-four (24), Township One Hundred Six (106) North, Range Thirty-two (32) West, Watonwan County, Minnesota, described as follows: Beginning at the Northwest corner of Newman Addition to the City of St. James, according to the recorded plat thereof; thence on an assumed bearing of South 0 degrees 34 minutes 21 seconds East, along the West line of said Newman Addition and its

Southerly extension, a distance of 942.00 feet to an iron monument located on the Westerly line of State Highway Right Of Way Plat No. 83-5, according to the recorded plat thereof; thence South 54 degrees 20 minutes 38 seconds West, along said Westerly line, a distance of 995.50 feet to right of way monument B1; thence South 67 degrees 40 minutes 02 seconds West, along said Westerly line, a distance of 477.22 feet to an iron monument; thence North 0 degrees 34 minutes 21 seconds West a distance of 1741.46 feet to an iron monument located on the east-west quarter line of said section; thence South 88 degrees 16 minutes 48 seconds East, along said east-west quarter line, a distance of 1258.86 feet to the point of beginning, containing 40.00 acres, subject to easements now of record in said county and state.

Dated this 9th day of February, 2006.

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

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-201-17, 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.

CWS