

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 April 6, 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:

Part of the Northwest Quarter of Section 24, Township 106 North, Range 32 West, Watonwan County, Minnesota, described as: Commencing at the Northwest Corner of SORENSEN'S FIFTH ADDITION to the City of St. James, according to the recorded plat thereof; thence South 00 degrees 05 minutes 39 seconds East (bearings based on SORENSEN'S FIFTH ADDITION), on a West line of SORENSEN'S FIFTH ADDITION, 540.07 feet to the Easterly extension of the South line of a parcel recorded in Book 65 of Deeds, page 437; thence North 88 degrees 04 minutes 40 seconds West,

along a West line of SORENSEN'S FIFTH ADDITION and said Easterly extension, a distance of 1.49 feet to a point on the West line of the East 25 acres of the South Half of said Northwest Quarter, said point also be the point of beginning; thence continuing North 88 degrees 04 minutes 40 seconds West, along the South line of said parcel Recorded in Book 65 of Deeds, page 737, a distance of 466.80 feet; thence South 00 degrees 30 minutes 56 seconds East, 467.00 feet; thence South 88 degrees 04 minutes 40 seconds East, 466.80 feet to the West line of the East 25 acres of the South Half of said Northwest Quarter; thence North 00 degrees 30 minutes 56 seconds West on said West line and said West line of SORENSEN'S FIFTH ADDITION, 467.00 feet to the point of beginning. Contains 5.00 acres and is subject to and together with any and all easements of record.

Dated this 6th day of April, 2006.

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 script is cursive and fluid, with the first letters of the first and last names being capitalized and prominent.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-201-18, 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*