

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF NORTHFIELD) FINDINGS OF FACT  
AND BRIDGEWATER TOWNSHIP PURSUANT TO ) CONCLUSIONS OF LAW  
MINNESOTA STATUTES 414 ) AND ORDER  
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The joint resolution for orderly annexation submitted by the City of Northfield and Bridgewater Township was reviewed for conformity with applicable law. By delegation, 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 Northfield and Bridgewater Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit.

2. A joint resolution adopted and submitted by the City of Northfield and Bridgewater Township, requests annexation of part of the designated area described as follows:

All that part of the North One-half (N ½) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 35, Township 112, North, Range 20 West of the Fifth Principal Meridian, described as follows to wit: Beginning at a point on the East line of said tract of land, 478 feet South of the Northeast corner thereof; thence West 160 feet; thence North 70 feet; thence East 160 feet; thence South 70 feet to the place of beginning; subject to County State Aid Highway No. 43 over and across the East side thereof.

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 Chief Administrative Law Judge or authorized designee annexing the area described herein.

#### ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Northfield, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Bridgewater Township will be reimbursed by the City of Northfield in accordance with the terms of Joint Resolution No. 99-255 signed by the City on August 24, 1999 and the Township on August 25, 1999.

3. Pursuant to Minnesota Statutes §414.035, the tax rate of the City of Northfield on the property herein ordered annexed shall be in accordance with the terms of Joint Resolution No. 99-255 signed by the City on August 24, 1999 and the Township on August 25, 1999.

Dated this 13<sup>th</sup> day of September, 2011.



Timothy J. O'Malley  
Assistant Chief Administrative Law Judge  
Municipal Boundary Adjustment Unit

MEMORANDUM

In ordering the annexation contained in Docket No. OA-631-9, the Chief Administrative Law Judge finds and makes the following comment:

Section XIX states in part, "This agreement will automatically expire on December 31, 2019..." End dates or ending mechanisms are problematic in that they appear contrary to 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.