

OA-775-2 Waite Park
City Resolution No. 01/03/05-1

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

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

WHEREAS, a resolution was received from the City of Waite Park indicating their desire that certain property be annexed to the City of Waite Park pursuant to M.S. 414.0325;

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, the District Court of Ramsey County directed that the review and comment process of M.S. 414.0325 be applied in this case and the Minnesota Court of Appeals affirmed; 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 2, 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 Waite Park, Minnesota, the same

as if it had originally been made a part thereof:

That part of the Northwest Quarter of the Southeast Quarter of Section 23, the South Half of the Northwest Quarter of Section 23, the Northeast Quarter of Section 23, the East Half of the Southeast Quarter of Section 14, Township 124, Range 29 West, Township 124 North, Range 29 West, Stearns County, Minnesota, which lies northerly of Stearns County Highway Number 138, and lies easterly of Stearns County Highway Number 121, and lies southerly of the following described line: Commencing at the West Quarter corner of said Section 23; thence North 88 degrees 44 minutes 35 seconds East, on a assumed bearing, along the south line of said South Half of the Northwest Quarter, a distance of 974.31 feet, to the centerline of said Stearns County Highway Number 121 per STEARNS COUNTY RIGHT-OF-WAY PLAT NO. 19, according to the recorded plat thereof, Stearns County, Minnesota; thence North 32 degrees 17 minutes 41 seconds West, along said centerline, a distance of 31.37 ft, to the point of beginning of the line to be described; thence North 62 degrees 43 minutes 42 seconds East, a distance of 427.33 feet; thence North 47 degrees 24 minutes 10 seconds East, a distance of 272.23 feet; thence North 75 degrees 49 minutes 06 seconds East, a distance of 143.29 feet; thence South 78 degrees 17 minutes 32 seconds East, a distance of 419.53 feet more or less, to the thread of the Sauk River; thence northerly and easterly, along said thread of the Sauk River to the east line of the said East half of the Southeast Quarter of Section 14, and said described line there terminating. Containing 135.72 acres, more or less.

Dated this 2nd day of August, 2006.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OAH 2-0330-16700-BA

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
Agreement between the City of Waite
Park and the Town of St. Joseph
Pursuant to Minnesota Statutes 414
(OA-775-2)

ORDER

The above-entitled matter came on before Chief Administrative Law Judge Raymond R. Krause upon the motion of City of Waite Park to dismiss the contested case hearing in its entirety in the above-referenced matter pursuant to Minnesota Statutes, Chapters 14 and 586, Minn. R. Civ. P. 12.02 (a) and (b), Minn. Rules Parts 1400.5500, 1400.6600, and pursuant to the opinion of the Minnesota Court of Appeals *in the matter of the City of Waite Park v. Minnesota Office of Administrative Hearings*, Court of Appeals Case No. A05-1888, affirming the Ramsey County District Court's Order of September 6, 2005, Order Granting Writ of Mandamus of September 12, 2005, and Writ of Mandamus of September 14, 2005 *in the matter of City of Waite Park v. Minnesota Office of Administrative Hearings*, Court File No. C8-05-4297.

Christopher M. Hood, Esq. and Brandon Fitzsimmons, Esq., Flaherty & Hood, P.A., 525 Park Street, Suite 470, St. Paul, MN 55103 represented the City of Waite Park.

Kirby Dahl, attorney for Town of St. Joseph, Willenbring, Dahl, Wocken & Zimmerman, PLLC, P.O. Box 417, Cold Spring, MN 56320, represented the Town of St. Joseph.

No hearing was held on the motion.

Based on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED that:

1. The contested case hearing in the above-captioned matter is moot and is dismissed in its entirety pursuant to the opinion of the Minnesota Court of Appeals *in the matter of the City of Waite Park v. Minnesota Office of Administrative Hearings*,

Court of Appeals Case No. A05-1888 (the Court of Appeals Decision), affirming the Ramsey County District Court's Order of September 6, 2005, Order Granting Writ of Mandamus of September 12, 2005, and Writ of Mandamus of September 14, 2005 (collectively the Writ Orders) *in the matter of the City of Waite Park v. Minnesota Office of Administrative Hearings*, Court File No. C8-05-4297.

2. This matter and the record is hereby transferred to OAH-MBAO for disposition in accordance with the Court of Appeals Decision and the Writ Order.

Dated: August 3, 2006



RAYMOND R. KRAUSE
Chief Administrative Law Judge