

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF KASSON)
AND THE TOWN OF MANTORVILLE PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Kasson and the Town of Mantorville; and

WHEREAS, a resolution was received from the City of Kasson and Mantorville Township indicating their desire that certain property be annexed to the City of Kasson 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, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge; and

WHEREAS, on June 19, 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 Kasson, Minnesota, the same

as if it had originally been made a part thereof:

All of the Dakota, Minnesota and Eastern Railroad right of way situated in the Northwest Quarter of Section 34, Township 107 North, Range 16 West in Dodge County, Minnesota, described as follows:

Commencing at the southwest corner of the Northwest Quarter of said Section 34; thence North 01 degrees 07 minutes 04 seconds West, assumed bearing, along the West line of said Northwest Quarter, 351.16 feet to the south right of way line of the Dakota, Minnesota and Eastern Railroad for a point of beginning; thence North 79 degrees 17 minutes 00 seconds East, along said south right of way line 2654.53 feet to the east line of said Northwest Quarter; thence North 00 degrees 31 minutes 17 seconds West along said east line 101.60 feet to the north right of way line of said Dakota, Minnesota and Eastern Railroad; thence South 79 degrees 17 minutes 00 seconds West along said north right of way line 2655.61 feet to the west line of said Northwest Quarter; thence South 01 degrees 07 minutes 04 seconds East along said west line 101.42 feet to the point of beginning, containing 6.10 acres more or less.

Dated this 19th day of June, 2006.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-807-13 Kasson

MEMORANDUM

In ordering the annexation contained in Docket No. OA-807-13 the Chief Administrative Law Judge finds and makes the following comment:

Paragraph 4 states the agreement shall be in effect for five years. 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. Paragraph 3. 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.

A handwritten signature in black ink, appearing to be 'CWS', is located at the end of the final paragraph.