

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF STEWARTVILLE ) ORDER  
AND THE TOWN OF HIGH FOREST PURSUANT TO )  
MINNESOTA STATUTES 414 )  
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WHEREAS, a joint resolution for orderly annexation was adopted by the City of  
Stewartville and the Town of High Forest; and

WHEREAS, said joint resolution requests that certain property be annexed to the  
City of Stewartville 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 October 18, 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 Stewartville, Minnesota, the same

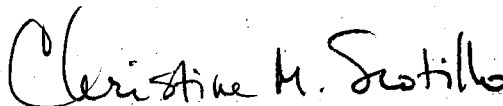
as if it had originally been made a part thereof:

That part of the Southwest Quarter of the Southwest Quarter of Section 35, Township 105 North, Range 14 West, Olmsted County, Minnesota, described as follows: Commencing at the southwest corner of said Southwest Quarter; thence easterly on a Minnesota State Plane Grid Azimuth from north of 90 degrees 00 minutes 13 seconds along the south line of said Southwest Quarter 600.02 feet to the point of beginning; thence continue easterly 90 degrees 00 minutes 13 seconds azimuth along said south line 354.70 feet; thence northerly 00 degrees 00 minutes 13 seconds azimuth 396.10 feet; thence westerly 270 degrees 00 minutes 13 seconds azimuth 358.25 feet to the east line of the west 600.00 feet of said Southwest Quarter; thence southerly 179 degrees 29 minutes 22 seconds azimuth along said east line 396.11 feet to the point of beginning. Said tract contains 3.24 acres more or less.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of High Forest will be reimbursed by the City of Stewartville in accordance with the terms of Joint Resolution No. 05-01 signed by the City of Stewartville on December 11, 2001 and the Town of High Forest on December 5, 2001.

Dated this 18<sup>th</sup> day of October, 2006.

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



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-822-10, 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 XIV states the agreement shall expire five years from its effective date, subject to an automatic extension for an additional five years upon written 60 - day notice by either party, and provided that nothing herein shall prevent the City and the Township from amending this Agreement during its term. 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, 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*