

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF LITTLE FALLS) <u>FINDINGS OF FACT</u>
AND BELLE PRAIRIE TOWNSHIP PURSUANT TO) <u>CONCLUSIONS OF LAW</u>
MINNESOTA STATUTES 414) <u>AND ORDER</u>

The city resolution for orderly annexation submitted by the City of Little Falls was reviewed for conformity with applicable law. The undersigned Assistant Chief Administrative Law Judge, acting under a delegation from 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 Little Falls and Belle Prairie Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.
2. A resolution adopted and submitted by the City of Little Falls, requests annexation of part of the designated area described as follows:

Lot 5, Swanson Addition.
3. Minnesota Statutes §414.0325, subd. 1 (g) 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.
5. The joint resolution contains all the information required by Minnesota Statutes §414.0325, subd. 1 (g), 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 Assistant Chief Administrative Law Judge annexing the area described herein.

ORDER

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

2. Pursuant to Minnesota Statutes §414.036, Belle Prairie Township will be reimbursed by the City of Little Falls in accordance with the terms of the joint resolution signed by the City on February 10, 2003 and the Township on February 3, 2003; and City Resolution No. 2008-101.

Dated this 24th day of November, 2008.

For the Assistant Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620

Christine M. Scotillo

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-916-29 Little Falls

MEMORANDUM

In ordering the annexation contained in Docket No. OA-916-29, the Chief Administrative Law Judge finds and makes the following comment:

The third "WHEREAS" paragraph of City Resolution 2008-101 states that the city notified Minnesota Power Company of its intent to annex certain property and requested notification of any change in the cost of utility service. That paragraph further states that the only anticipated change would be the monthly city franchise fee since the annexed property will remain in the service territory of Minnesota Power. The Resolution further states that the area to be annexed has a population of one.

If the City's monthly franchise fee is something that will be passed on to the residents of the annexed area, please be advised that Minnesota Statute §414.0325 Subd. 1a. states, in part, that:

[t]he petitioner must be notified by the municipality that the cost of electric utility service to the petitioner may change if the land is annexed to the municipality. The notice must include an estimate of the cost impact of any change in electric utility services, including the rate changes and assessments, resulting from the annexation.

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