

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-916-35
Little Falls/Belle Prairie Township
Pursuant to Minnesota Statutes 414

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The city resolution for orderly annexation submitted by the City of Little Falls 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 Little Falls and Belle Prairie Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit.

2. A resolution adopted and submitted by the City of Little Falls, requests annexation of part of the designated area described as follows:

Commencing at a point 18 rods North of a point where the Westerly road limit of the County Road running through Lot 4, Section 23, Township 41, Range 32 intersects the South line of said Lot 4, thence Northerly along the Westerly line of said road a distance of 12 rods and 4 feet, thence West parallel with the South line of said Lot 4 a distance of 13 rods to the meander line of the Mississippi River, thence Southerly along the meander line of said River to a point 18 rods Northerly of the South line of said Lot 4, thence East to the point of beginning, Morrison County.

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.

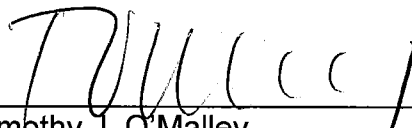
CONCLUSIONS OF LAW

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 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. 2012-85.

Dated: January 15, 2013



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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-916-35 Little Falls, the Chief Administrative Law Judge finds and makes the following comment:

Section 10 states the joint resolution “shall be in full force and effect for a term of 11 years from the date of execution, unless otherwise terminated earlier by mutual written joint resolution of the City and Township [...]” 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 these comments in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

T.J.O.