

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-926-6
Detroit Lakes/Detroit 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 Detroit Lakes 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 Detroit Lakes and Detroit 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 Detroit Lakes, requests annexation of part of the designated area described as follows:

The portion of Sections 19, 29 and 30 of Township 134 North, Range 41 West of the Fifth Principal Meridian described as follows:

All that portion of the east half of said Section 19 lying southerly of the U.S. Highway 10 right of way line;

And

All that portion of Government Lots Three and Four of said section 30 lying southerly of the U.S. Highway 10 right of way line;

And

All that portion of the Northwest Quarter of said Section 29 lying southerly of the U.S. Highway 10 right of way line not already included in Long Lake

legal description number one. Said tract contains 129 acres.

4. 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.

5. 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 Detroit Lakes, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.035, the tax rate of the City of Detroit Lakes on the property herein ordered annexed shall be gradually and proportionately increased from the Township rate to the City rate over a period of six years following the annexation of each such property. However, the City tax rate would become effective when new dwellings or new commercial buildings are constructed on lots or tax parcels.

3. Pursuant to Minnesota Statutes §414.036, Detroit Township will be reimbursed by the City of Detroit Lakes in accordance with the terms of City Resolution No. 2012-1009P.

Dated: November 13, 2012



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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-926-6, the Chief Administrative Law Judge finds and makes the following comments:

Paragraph 14 provides that the agreement shall be in full force and effect for a term of sixteen years from the date of execution. 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, as required by statute. Minn. Stat. Sec. 414.0325 Subd. 1(b). Once jurisdiction is conferred by submission of this agreement to this office, it cannot be taken away by written consent of the parties. See p. 12 Paragraph #14. 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 mutually end their agreement has not been addressed. Pursuant to the terms of your agreement, however, it appears that the designated area is intended to be completely annexed within twelve years. This will extinguish the agreement.

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.

T.J.O.