

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-967-10  
Prior Lake/Spring Lake 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 Prior Lake and Spring Lake Township 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 Prior Lake and Spring Lake Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit.
2. A city resolution adopted and submitted by the City of Prior Lake and Spring Lake Township, requests annexation of part of the designated area described as follows:

Sub-Area 6.1

The Northwest Quarter of the Northwest Quarter of Section 4, Township 114, Range 22, Scott County, Minnesota.

And also Government Lot 1, Section 5, Township 114, Range 22, Scott County, Minnesota.

Sub-Area 6.2

That part of the East-half of the Southeast Quarter of Section 5, Township 114, Range 22, Scott County, Minnesota, lying South of Autumn Acres, according to the recorded plat thereof, Scott County, Minnesota.

And also that part of the West-half of the Southeast Quarter of Section 5, Township 114, Range 22, Scott County, Minnesota, lying South of Autumn Acres Second Addition, according to the recorded plat thereof, in said County.

All of Government Lots 1 and 2, Section 8, Township 114, Range 22, Scott County, Minnesota,

Sub-Area 8.3

That part of the East-half of the Northwest Quarter and that part of the Southwest Quarter of the Northeast Quarter of Section 11, Township 114, Range 22, Scott County, Minnesota, described as follows:

Commencing at the intersection of the southerly line of Maple Acres, according to the recorded plat thereof in said County, and the centerline of County Road 23; thence South 394.21 feet to the point of beginning; thence East 241.30 feet; thence North 546.37 feet to said Southerly line; thence Northeasterly, along said Southerly line, to the centerline of Mushtown Road; thence Southeasterly, along, the centerline of Mushtown Road, to the South line of said Southwest Quarter of the Northeast Quarter; thence West along the South line of said Southwest Quarter of the Northeast Quarter and along the South line of said East-half of the Northwest Quarter to said centerline of County Road. 23; thence North along said centerline of County Road No. 23 to the point of beginning.

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 Prior Lake, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes § 414.036, the Township of Spring Lake shall be reimbursed by the City of Prior Lake in accordance with the terms of the Joint Resolution signed by the City on July 21, 2003 and Township on August 14, 2003; and City Resolution No. 12-101.

3. Pursuant to Minnesota Statutes § 414.035, the tax rate of the City of Prior Lake on Sub-Areas 6.1 and 6.2 herein ordered annexed shall be increased in substantially equal proportions over a period of four years to equality with the tax rate of the property already within the city.

Dated: July 13, 2012

A handwritten signature in cursive script, appearing to read "Timothy J. O'Malley", written over a horizontal line.

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

**M E M O R A N D U M**

In ordering the annexation contained in Docket No. OA-967-10, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph No. 13 states the agreement shall expire on December 31, 2025. 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 by submission of this agreement to this office, 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.

T.J.O.