

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF PRIOR LAKE)
AND THE TOWN OF SPRING LAKE PURSUANT TO)
MINNESOTA STATUTES 414)

ORDER

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Prior Lake and the Town of Spring Lake; and

WHEREAS, a joint resolution was received from the City of Prior Lake and the Town of Spring Lake indicating their desire that certain property be annexed to the City of Prior Lake 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.

WHEREAS, on November 10, 2005, the Chief Administrative Law Judge 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 Prior Lake, Minnesota, the same

as if it had originally been made a part thereof:

Tract 1


The west 355.00 feet of the east 1575.00 feet, as measured along the south line thereof, of the South One-Half of the Southeast Quarter of Section 6, Township 114, Range 22, Scott County, Minnesota; EXCEPT the south 443.00 feet of the west 295.00 feet, and subject to easement for road over south 33.00 feet.

Tract 2

The south 443.00 feet of the west 295.00 feet of the east 1575.00 feet, as measured along the south and west lines thereof, of the South One-Half of the Southeast Quarter of Section 6, Township 114, Range 22, Scott County, Minnesota, subject to easement for road over south 33.00 feet.

Dated this 10th day of November, 2005.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-967-8, 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 Director. 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 Director 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.

Cms