

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF PRIOR LAKE) FINDINGS OF FACT
AND SPRING LAKE TOWNSHIP PURSUANT TO) CONCLUSIONS OF LAW
MINNESOTA STATUTES 414) AND ORDER

The city resolution for orderly annexation submitted by the City of Prior Lake was reviewed for conformity with applicable law. By delegation, the Assistant 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 Adjustments.
2. A resolution adopted and submitted by the City of Prior Lake, requests annexation of part of the designated area described as follows:

Condominium No 1009, according to the recorded plat thereof, Scott County, Minnesota. And also Registered Land Survey No 98, according to the recorded plat thereof, Scott County, Minnesota.

And also that part of the Northeast Quarter of the Northeast Quarter of Section 12, Township 114, Range 22, Scott County, Minnesota, lying Northeasterly of Condominium No. 1009 and Registered Land Survey No. 98, according to the recorded plats thereof in said 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 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, no reimbursement shall be made to the Township of Spring Lake 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. 11-011.

3. Pursuant to Minnesota Statutes §414.035, the tax rate of the City of Prior Lake on the property 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 this 8th day of February, 2011.

For the Assistant Chief Administrative Law Judge

P. O. Box 64620

St. Paul, Minnesota 55164-0620

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive style with a large initial 'C'.

Christine M. Scotillo

Executive Director

Municipal Boundary Adjustments

OA-967-9 Prior Lake

MEMORANDUM

In ordering the annexation contained in Docket No. OA-967-9, 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.

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