OA-1159-5 Winona
City Resolution No. 2006-94

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION AGREEMENT BETWEEN THE CITY OF WINONA AND THE TOWN OF WILSON PURSUANT TO MINNESOTA STATUTES 414	))))	ORDER

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Winona and the Town of Wilson; and

WHEREAS, a resolution was received from the City of Winona indicating their desire that certain property be annexed to the City of Winona 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; and

WHEREAS, on September 19, 2006, 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 Winona, Minnesota, the same as if

it had originally been made a part thereof:

Lot seventeen (17), Pleasant Valley Terrace Subdivision #1.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Wilson will be reimbursed by the City of Winona in accordance with the terms of the Joint Resolution signed by the City of Winona on May 23, 2005 and Wilson Township on May 18, 2005.

Dated this 19th day of September, 2006.

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

Christine M. Scotillo

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-1159-5 Winona

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1159-5, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph 24 states the agreement shall remain in full force and effect until termination by joint agreement of the parties; the remainder of the OAA is annexed; or 10 years from the effective date. 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 this comment in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

dms