

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation  
Agreement between the City of Waite  
Park and the Town of St. Joseph  
Pursuant to Minnesota Statutes 414  
(OA-775-2)

**ORDER**

The above-entitled matter came on before Chief Administrative Law Judge Raymond R. Krause upon the motion of City of Waite Park to dismiss the contested case hearing in its entirety in the above-referenced matter pursuant to Minnesota Statutes, Chapters 14 and 586, Minn. R. Civ. P. 12.02 (a) and (b), Minn. Rules Parts 1400.5500, 1400.6600, and pursuant to the opinion of the Minnesota Court of Appeals *in the matter of the City of Waite Park v. Minnesota Office of Administrative Hearings*, Court of Appeals Case No. A05-1888, affirming the Ramsey County District Court's Order of September 6, 2005, Order Granting Writ of Mandamus of September 12, 2005, and Writ of Mandamus of September 14, 2005 *in the matter of City of Waite Park v. Minnesota Office of Administrative Hearings*, Court File No. C8-05-4297.

Christopher M. Hood, Esq. and Brandon Fitzsimmons, Esq., Flaherty & Hood, P.A., 525 Park Street, Suite 470, St. Paul, MN 55103 represented the City of Waite Park.

Kirby Dahl, attorney for Town of St. Joseph, Willenbring, Dahl, Wocken & Zimmerman, PLLC, P.O. Box 417, Cold Spring, MN 56320, represented the Town of St. Joseph.

No hearing was held on the motion.

Based on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED that:

1. The contested case hearing in the above-captioned matter is moot and is dismissed in its entirety pursuant to the opinion of the Minnesota Court of Appeals *in the matter of the City of Waite Park v. Minnesota Office of Administrative Hearings*,

Court of Appeals Case No. A05-1888 (the Court of Appeals Decision), affirming the Ramsey County District Court's Order of September 6, 2005, Order Granting Writ of Mandamus of September 12, 2005, and Writ of Mandamus of September 14, 2005 (collectively the Writ Orders) *in the matter of the City of Waite Park v. Minnesota Office of Administrative Hearings*, Court File No. C8-05-4297.

2. This matter and the record is hereby transferred to OAH-MBAO for disposition in accordance with the Court of Appeals Decision and the Writ Order.

Dated: August 3, 2006

s/Raymond R. Krause

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RAYMOND R. KRAUSE

Chief Administrative Law Judge