

BEFORE THE DIRECTOR OF THE OFFICE OF
STRATEGIC AND LONG RANGE PLANNING
OF THE STATE OF MINNESOTA

IN THE MATTER OF THE PETITION FOR)	
THE ANNEXATION OF CERTAIN LAND TO)	
THE CITY OF HUTCHINSON PURSUANT)	<u>ORDER DENYING</u>
TO MINNESOTA STATUTES 414)	<u>ANNEXATION</u>

WHEREAS, on January 4, 2000, a petition requesting the annexation of certain property to the City of Hutchinson was filed with the Office of Strategic and Long-Range Planning (hereinafter referred to as "Minnesota Planning") pursuant to Minnesota Statutes 414.033, Subd. 5; and

WHEREAS, on January 21, 2000, an addendum to the petition, adding a property owner's signature, was filed with Minnesota Planning; and

WHEREAS, an objection by the Town of Hutchinson was received on March 16, 2000, which triggered the statutory requirement for an administrative hearing; and

WHEREAS, on March 29, 2000, the Director of Minnesota Planning, pursuant to Minnesota Statutes 414.01, Subd. 16, ordered the City of Hutchinson, the Town of Hutchinson, and the petitioners to meet up to three times over a period of sixty days to address resolution of contested issues; and

WHEREAS, after due and appropriate legal notice, a hearing was convened on the petition on April 25, 2000, pursuant to statutory requirements, and was continued to an indefinite date to allow the parties time to complete the directed meetings; and

WHEREAS, in June and August, 2000, the Director of Minnesota Planning twice granted the parties' request for extensions of the 414.01, subd. 16 discussion period; and

WHEREAS, on October 16, 2000, the Director of Minnesota Planning, after reviewing the parties' report following the statutory discussion period, directed the matter to mediation and sought the input of the parties as to the kind of mediation offered; and

WHEREAS, the parties elected to choose their own mediator and on December 1, 2000, the parties notified this office that Andrew Hultgren had been selected as mediator; and

WHEREAS, the parties scheduled mediation in February of 2001, and reached a tentative agreement on contested issues and requested the mediator to draft an Orderly Annexation Agreement for their review; and

WHEREAS, the mediator mailed a first draft of the proposed Orderly Annexation Agreement to each of the parties in March of 2001; and

WHEREAS, as of the end of May of 2001, the mediator reported that only one of the parties had responded to the draft agreement; and

WHEREAS, the parties were advised by letter dated May 23, 2001 that the statutory jurisdiction in this matter had expired effective April 25, 2001 and that to move this matter forward would require a written agreement of the parties stipulating to the extension of jurisdiction over the petition; and

WHEREAS, in June of 2001, the mediator again contacted the parties and offered another mediation session to resolve remaining differences but the parties elected to pursue discussions on their own; and

WHEREAS, while the parties were still exchanging comments and revisions to a draft Orderly Annexation Agreement, no written stipulation to extend jurisdiction was received; and

WHEREAS, on September 21, 2001, the Executive Director of Municipal Boundary Adjustments (hereinafter "MBA") at Minnesota Planning received an Orderly Annexation Agreement between the City of Hutchinson and the Town of Hutchinson representing settlement of the underlying dispute raised by this petition; and

WHEREAS, the Orderly Annexation Agreement designates certain land for annexation in the future subsequent to the occurrence of certain events and the satisfaction of conditions specified in the Agreement by the parties purportedly in compliance with Minnesota Statutes Sec. 414.0325; and

WHEREAS, a final decision on this matter was not made on this matter by April 25, 2001, which is one year from the date of the day of the first hearing pursuant to Minnesota Statutes Section 414.09, subd. 1; and

WHEREAS, a written agreement by the parties stipulating to an extension of jurisdiction pursuant to Minnesota Statutes Sec. 414.07 Subd. 1 with regard to this proposed annexation was not received.

IT IS HEREBY ORDERED: That the petition for annexation of certain property to the City of Hutchinson described as:

That part of the Southeast Quarter of Section 32, Township 117 North, Range 29 West, McLeod County, Minnesota, described as follows:

Commencing at a point on the north line of the Southeast Quarter of said Southeast Quarter a distance of 14.50 feet west of the northwest corner of the East Half of the Southeast Quarter of said Southeast Quarter; thence southerly, along a line which if extended southerly terminates at the southwest corner of the East half of the Southeast Quarter of said Southeast Quarter to the southerly line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 43-37, according to the recorded plat thereof and the point of beginning of the land to be described; thence continuing southerly, along said southerly extended line to the north line of the South 50.00 feet of said Southeast Quarter; thence westerly, along said north line of the South 50.00 feet to the southeast corner of KIMBERLY'S COUNTRY ESTATES, according to the recorded plat thereof; thence southerly, along the southerly extension of the east line of said KIMBERLY'S COUNTRY ESTATES to the south line of said Southeast Quarter; thence

easterly, along the south line of said Southeast Quarter to the southeast corner of said Southeast Quarter; thence northerly, along the east line of said Southeast Quarter to the southerly line of said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 43-37; thence westerly, along said southerly line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 43-37 to the point of beginning.

DESCRIPTION FOR ANNEXATION IN SECTION 33, T.117 N., R.29W.

That part of the South Half of the Southwest Quarter of Section 33, Township 117 North, Range 29 West, McLeod County, Minnesota, lying southerly of the southerly line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 43-22, according to the recorded plat thereof and lying westerly of and distant 66.00 feet westerly of a line described as beginning at the southeast corner of said Southwest Quarter, thence northerly, to the intersection with a line 75.00 feet south and parallel with the centerline of Trunk Highway No. 7 distant 16.00 feet east, as measured along said parallel line, of the east line of said South Half of the Southwest Quarter.

is denied.

IT IS FURTHER ORDERED: That the Orderly Annexation Agreement filed by the parties received by MBA at Minnesota Planning on September 21, 2001, is considered to be a new filing designated as MBA Docket Nos. OA-785 and OA-785-1 and will be subject to the controlling statutory requirements of Minnesota Statutes Sec. 414.0325.

Dated this 22nd day of October, 2001.

For the Director of the Office of Strategic
and Long Range Planning
658 Cedar Street - Room 300
St. Paul, MN 55155

Christine M. Scotillo
Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments