

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

IN THE MATTER OF THE PETITION FOR)	<u>NOTICE OF</u>
THE ANNEXATION OF CERTAIN LAND TO)	<u>HEARING CANCELLATION</u>
THE CITY OF BIWABIK PURSUANT TO)	<u>AND</u>
MINNESOTA STATUTES 414)	<u>ORDER TO DISMISS</u>

WHEREAS, a city petition requesting the annexation of certain property from the Town of White to the City of Biwabik was filed with the Office of Strategic and Long-Range Planning (hereinafter referred to as "Minnesota Planning") pursuant to Minnesota Statutes 414.031, Subd. 1(a) on April 9, 2001; and

WHEREAS, on April 17, 2001, the Director of Minnesota Planning, pursuant to Minnesota Statutes 414.01, Subd. 16, ordered the City of Biwabik and the Town of White to meet at least three times over a period of sixty days to address resolution of issues; and

WHEREAS, pursuant to statutory requirements a hearing was convened on the petition on May 30, 2001, after due and appropriate legal notice, and was continued to an indefinite date to allow the parties time to complete the directed local meetings; and

WHEREAS, on July 12, 2001, the Director of Minnesota Planning offered the parties several options for mediation when they reported that they were unable to resolve their differences following their local discussion period; and

WHEREAS, the parties elected to select a mediator of their own and chose Andrew Hultgren to conduct their mediation; and

WHEREAS, the parties actually began their mediation in September of 2001. The mediation period was extended pending receipt and consideration of outside bond opinion; and

WHEREAS, on February 22, 2002, the Director received an update on the status and progress of the file, and determined that a deadline would help move negotiations along. The parties were given until March 8, 2002 to reach a mediated agreement or the matter would proceed to hearing; and

WHEREAS, on March 11, 2002, the Director of Minnesota Planning instructed the parties to choose a decision-making forum since no agreement had been reach. The parties selected a Chapter 414 hearing before an administrative law judge but requested the hearing be continued to allow continued mediation; and

WHEREAS, in April of 2002, the parties agreed in writing to an extension of the jurisdictional deadline pursuant to Minn. Stat. Sec. 414.07; and

WHEREAS, on September 27, 2002, the Executive Director of Municipal Boundary Adjustments (hereinafter "MBA") at Minnesota Planning received an Orderly Annexation Agreement between the City of Biwabik and the Town of White representing settlement of their underlying dispute; and

WHEREAS, the Orderly Annexation Agreement designates certain land for orderly annexation and requests the immediate annexation of a portion of said land; and

WHEREAS, the City of Biwabik requests that its petition for annexation pursuant to Minnesota Statutes 414.033, Subd. 1(a) be withdrawn; that the continued hearing be canceled pursuant to the terms of the Orderly Annexation Agreement as executed between the parties; and that the file MBA Docket A-6474 Biwabik be closed; and

WHEREAS, on November 21, 2002, the Acting Director of Minnesota Planning granted

the City's request to withdraw the petition; canceled the continued hearing; and closed MBA Docket A-6474 Biwabik.

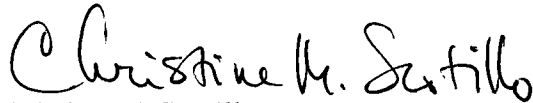
IT IS HEREBY ORDERED: That the petition for annexation of certain property to the City of Biwabik described as:

Sections 12, 13, 24, 25 and 36, all in Township 59 North, Range 16 West, Sections 7, 18, 19, 30 and 31, all in Township 59 North, Range 15 West, Sections 6 and 7, Township 58 North, Range 15 West, Section 12, Township 58 North, Range 16 West, less 11.5 acres therein described as Government Lot 3 in the Northwest Quarter of the Northwest Quarter (NW ¼ of NW ¼), Section 12, Township 58 North, Range 16 West.

is withdrawn, the continued hearing in this matter is canceled, and MBA Docket A-6474 Biwabik is closed without prejudice.

Dated this 21st day of November, 2002.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments