

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

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

WHEREAS, a city resolution requesting the annexation of certain property from the Towns of Detroit and Lake View to the City of Detroit Lakes 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 September 13, 2001; and

WHEREAS, on September 14, 2001, the Director of Minnesota Planning, pursuant to Minnesota Statutes 414.01, Subd. 16, ordered the City of Detroit Lakes and the Towns of Detroit and Lake View to meet at least three times over a period of sixty days to address resolution of issues; and

WHEREAS, a jurisdictional defect was discovered which required the City to refile its resolution and the hearing, originally scheduled for November 2, 2001, to be cancelled; and

WHEREAS, after refiling and pursuant to statutory requirements a hearing was subsequently convened on the petition on January 9, 2002, 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 December 14, 2001, the City requested the matter proceed directly to hearing; and

WHEREAS, at the hearing in this matter held on January 9, 2002, the Towns of Detroit and Lake View requested mediation, which the Director of Minnesota Planning then ordered on January 18, 2002; and

WHEREAS, the parties elected to select a mediator of their own and chose Andrew Hultgren to conduct their mediation which occurred from March through December, 2002; and

WHEREAS, on July 17, 2002, the Director of Minnesota Planning denied the Motion To Intervene As A Party from the Long Lake Annexation Group; and

WHEREAS, in December of 2002, although the parties had not resolved contested issues they reported that a settlement proposal was being considered and agreed in writing to an extension of the jurisdictional deadline for six months pursuant to Minn. Stat. Sec. 414.07 which the Acting Director granted; and

WHEREAS, on December 13, 2002, the Acting Director of Strategic and Long Range Planning delegated the matter to the Office of Administrative Hearing for a Chapter 414 hearing before an administrative law judge; and

WHEREAS, in January of 2003, the Office of Administrative Hearings returned the delegated file as the parties were in the final stages of approving a settlement agreement, and

WHEREAS, on March 28, 2003, the Executive Director of Municipal Boundary Adjustments (hereinafter "MBA") at Minnesota Planning received an Orderly Annexation Agreement between the City of Detroit Lakes and the Town of Detroit representing settlement of the 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, on May 19, 2003, the Executive Director of MBA at Minnesota Planning received an Orderly Annexation Agreement between the City of Detroit Lakes and the Town of Lake View representing settlement of the underlying dispute; and

WHEREAS, the City of Detroit Lakes requests that its petition for annexation pursuant to Minnesota Statutes 414.033, Subd. 1(a) be withdrawn and that the MBA Docket A-6600 Detroit Lakes be closed; that the filing fee be transferred to the orderly annexation agreement files (MBA Dockets OA-926, OA-926-1, and OA-934); that the continued hearing be canceled pursuant to the terms of the Orderly Annexation Agreement as executed between the parties; and

WHEREAS, on June 16, 2003, the Acting Director of Strategic and Long Range Planning granted the City's request to withdraw the petition; transfer the filing fee; canceled the continued hearing; and closed MBA Docket A-6600 Detroit Lakes.

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

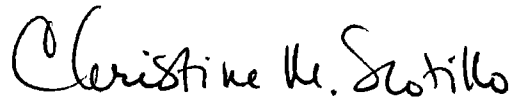
That portion of Sections 28, 29, 31, 32, and 33, T139N, R41W and Section 5 & 6, T138N, R41W, of the 5th Principal Meridian described as follows: All of the Airport and the Long Lake Park Property jointly owned by the City of Detroit Lakes and Becker County, and all of the property lying northerly and westerly of the southerly and easterly right-of-way line of Long Lake Road from the east line of said Section 28 to the west line of said section 5 and all of that property owned by Dick Pettit; more particularly described as follows: Beginning at the northwest corner of the current corporate limits described as the east line of section 29 and the southerly right-of-way line of Trunk Highway 10, thence northwesterly along said right-of-way line 2881.2 feet to the westerly line of the Detroit Lakes Airport Wething Field thence southerly, along said westerly line, 1374.3 feet, thence northwesterly, along northerly line of the Long Lake Park Property 1263.1 feet more or less to the Shore of Long Lake; thence Southerly, Westerly, and Northerly along the shoreline of Long Lake to the north line or Government Lot 6, said section 31, thence westerly along said north line 1954 feet more or less to the center of said Section 31; thence Southerly, along the North-South Quarter line of said Section 31, 2632.11 feet to the South Quarter Corner of said Section 31; thence Easterly, along the Southerly line of said section line, said line having a bearing of S 89 degrees 19 minutes 41W, 1771.30 feet, thence S 00 degrees 40 minutes 19 seconds E, 43.00 feet; thence S 84 degrees 43 minutes 46 seconds E, 512.92 feet more or less to the Southwesterly right-of-way line of a township road, S 32 degrees 43 minutes 18 seconds E, along said South Westerly right-of-way line, 721.0 feet more or less to the east

line of said Section 6, thence N 89 degrees 00 minutes 40 seconds E, 14.22 feet to center line of Long Lake Road; thence Easterly and Northerly and Easterly, along said right-of-way line to the Easterly line of said Section 32 and there terminating. Meant to convey 658.4 acres more or less (28 acres in Lake View Township and 630.4 in Detroit Township).

is withdrawn, the continued hearing in this matter is canceled, and MBA Docket A-6600 Detroit Lakes is closed without prejudice.

Dated this 16th day of June, 2003.

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

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