

## MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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Saint Paul, Minnesota 55101

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March 19, 2010

### VIA E-MAIL

Joel A. Solie  
Redwood Falls City Attorney  
333 Washington Street  
P.O. Box 526  
Redwood Falls, MN 56283-0526

Re: A-7717 Redwood Falls/Redwood Falls Township  
(Ordinance No. 7, Fourth Series; Tersteeg Property; 0.82 acres)

Dear Mr. Solie:

The Office of Administrative Hearings acknowledges receipt of the above-referenced ordinance for annexation to the City of Redwood Falls. Please refer to the above-referenced docket number in future communications regarding this proposed annexation.

It is the responsibility of the initiating party to meet all necessary requirements before the annexation ordinance can be accepted for filing.

In addition, Chapter 414 requires all proposed annexations to provide reimbursement from municipalities to townships for lost property taxes following annexation and for special assessments or debt attributable to the annexed property.

Previously, Minn. Stat. 414.033 subd. 12 provided for a gradual reduction of payments to townships over a five year period for certain annexations by ordinance. That statutory provision was repealed. Unless the city and township otherwise agree, Minn. Stat. Sec. 414.036 now provides for a different reimbursement schedule than what is contained in your ordinance - that is, "substantially equal payments over not less than two nor more than eight years from the time of annexation" and does not allow for lump sum payments.

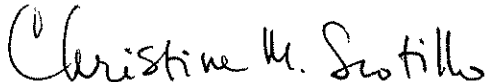
Joel Solie  
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In other words, as currently drafted, the reimbursement schedule in the City's Ordinance No. 7, Fourth Series does not conform to what Minn. Stat. 414.036 requires. The Chief Administrative Law Judge must enter an order or approval that is consistent with Minn. Stat. 414.036.

We suggest either one of three approaches to bringing your proposed annexation into conformity with Minn. Stat. 414.036: (1) notify us in writing that the City and the Township reached mutual agreement on the reimbursement provision, as it now reads; (2) amend Ordinance No. 7, Fourth Series to include a conforming reimbursement provision; or (3) provide this office with all of the information necessary to enable the Chief Administrative Law Judge to include a conforming reimbursement provision in the order of approval.

Please let us know as soon as possible how you plan to proceed. If you have any questions, please contact this office.

Sincerely,



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

CMS:kjl

c: Keith Muetzel, Redwood Falls City Administrator (via E-Mail)

## AGREEMENT FOR REIMBURSEMENT OF PROPERTY TAXES

WHEREAS, the owners of the parcel, Brandon Tersteeg and Sheila Tersteeg, have signed a petition requesting the following legally described real property be annexed into the City of Redwood Falls (City):

Part of the Southeast Quarter of the Southwest Quarter of Section 1 and part of the Northeast Quarter of the Northwest Quarter of Section 12, all in Township 112 North, Range 36 West in Redwood Falls Township, Redwood County, Minnesota, described as follows:

Commencing at an existing iron monument with survey cap 23008 at the northwest corner of the northeast quarter of the northwest quarter of Section 12; thence south 87 degrees 52 minutes 52 seconds east, bearing based on Redwood County Coordinate System, along the north line of the Northwest Quarter of said Section 12, a distance of 33.02 feet to the east right of way line of Ramsey Street, this being the point of beginning; thence south 00 degrees 12 minutes 02 seconds west, along said east right of way line, a distance of 105.87 feet, thence south 87 degrees 52 minutes 52 seconds east, parallel with the north line of the Northwest Quarter of said Section 12, a distance of 318.08 feet; thence north 00 degrees 12 minutes 02 seconds east, parallel with the west line of the Northeast Quarter of the Northwest Quarter of said Section 12, a distance of 111.99 feet to a point on the south line of Lot 13, Block 1, of South 71 Addition in the City of Redwood Falls, as filed and recorded in the Redwood County Recorder's office; thence north 87 degrees 52 minutes 52 seconds west, parallel with the north line of the Northwest Quarter of said Section 12, and along the south line of said South 71 Addition, a distance of 110.49 feet, to an existing iron monument with survey cap 23008 at the southwest corner of Lot 13, Block 1, South 71 Addition; thence north 00 degrees 12 minutes 02 seconds east, along the west line of said Lot 13, a distance of 0.92 feet, to an existing iron monument with survey cap 23008 at the southeast corner of Lot 16, Block 1, South 71 Addition; thence north 87 degrees 41 minutes 49 seconds west, along the south line of Lot 16 of said South 71 Addition, a distance of 207.61 feet to an existing iron monument with survey cap 23008 on the east right of way line of Ramsey Street and southwest corner of Lot 16, Block 1, South 71 Addition; thence south 00 degrees 12 minutes 02 second west, along the east right of way line of Ramsey Street and parallel with the west line of the Northeast Quarter of the Northwest Quarter of said Section 12, a distance of 7.71 feet, to the point of beginning.

and;

WHEREAS, the parcel of real property is located in the Township of Redwood (Township); and

WHEREAS, City has submitted an ordinance to the Office of Administrative Hearings – Municipal Boundary Adjustments for the annexation of the above described parcel of real property into City; and

WHEREAS, the ordinance, as submitted, did not comply with Minnesota Statutes §414.036, as it concerns the reimbursement of property taxes by City to Township; and

WHEREAS, City and Township have reached an agreement as to the reimbursement of property taxes by City to Township; and

WHEREAS, City and Township agree this document shall be submitted to the Office of Administrative Hearings – Municipal Boundary Adjustments to supplement the ordinance submitted by City in this annexation.

NOW, THEREFORE, city agrees to pay and Township agrees to accept a lump sum payment of \$10.74 as and for reimbursement of property taxes for the annexed parcel, which payment is based on the property taxes collected by Township in the last year it collected taxes on the annexed area.

Adopted by affirmative vote of all the members of the Redwood Township Board of Supervisors this 26 day of April, 2010.

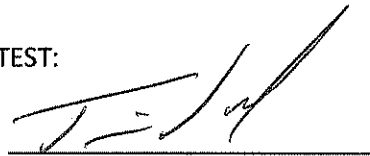
REDWOOD TOWNSHIP

By:

  
Chairperson  
Board of Supervisors

ATTEST:

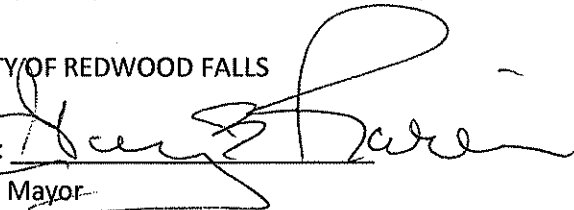
By:

  
Township Clerk

Adopted by affirmative vote of the City Council of the City of Redwood Falls, this 4<sup>th</sup> day of ~~April~~<sup>May</sup>, 2010.

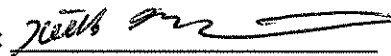
CITY OF REDWOOD FALLS

By:

  
Mayor

ATTEST:

By:

  
City Administrator