

D-337 Otsego/A-5692 Albertville
D-311 Otsego/A-5384 Albertville
D-312 Otsego/A-5402 Albertville
D-313 Otsego/A-5410 Albertville
D-329 Otsego/A-5612 Albertville
D-330 Otsego/A-5613 Albertville
D-336 Otsego/A-5673 Albertville

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Lea De Souza Speeter	Chair
Paul B. Double	Vice Chair
Robert J. Ferderer	Vice Chair

IN THE MATTER OF THE DETACHMENT)
OF CERTAIN LAND FROM THE CITY OF)
OTSEGO AND ANNEXATION TO THE CITY)
OF ALBERTVILLE PURSUANT TO MINNESOTA)
STATUTES 414)

ORDER

WHEREAS, petitioners D'Aigle, Kenco Properties and other property owners have filed petitions for concurrent detachment and annexation of certain properties from the City of Otsego to the City of Albertville. Two of these petitions, D-312 Otsego/A-5402 Albertville and D-311 Otsego/A-5384 Albertville, had been heard by the Board, appealed to the District Court, and were remanded to the Minnesota Municipal Board for further consideration and determination of whether or not the concurrent detachment and annexation is in the best interests of the municipalities involved. Other petitions, D-313 Otsego/A-5410 Albertville, D-329 Otsego/A-5612 Albertville, D-330 Otsego/A-5613 Albertville, and D-336 Otsego/A-5673 Albertville were scheduled to be heard by the Board on July 25, 1996; and

WHEREAS, the parties have been working towards a settlement of their respective boundary disputes; and

WHEREAS, on July 11, 1996, the Municipal Board received a Joint Resolution from the Cities of Albertville, Otsego, St. Michael, and the Town of Frankfort resolving their respective boundary disputes; and

WHEREAS, the City of Otsego and the City of Albertville agree that this Joint Resolution shall constitute their respective jurisdiction's joint resolution for concurrent detachment and annexation of substantially the same property pursuant to Minnesota Statutes Section 414.061 as requested in the above-described files by all of the property owners; and

WHEREAS, Otsego and Albertville agree that the concurrent detachment and annexation is in the best interests of both cities; and

WHEREAS, the Municipal Board hereby finds and determines that the concurrent detachment and annexation is in the best interests of both cities based on the Joint Resolution together with the record of the prior hearings on two of the petitions: D-311 Otsego/A-5384 Albertville and D-312 Otsego/A-5402 Albertville; and

WHEREAS, the Joint Resolution contained all the information required by statute including a description of the territory proposed for detachment and annexation, which is as follows:

In Township 121 North, Range 24 West, Sections 35 and 36, City of Otsego: The L Shape beginning at 60th and Kadler, running North on the Westerly section line of Section 35 (Kadler) to the Intersection of 70th and Kadler, then east on the northerly section lines of Sections 35 and 36 (70th) to the easterly section line of Section 36 (junction of McIver and 70th), then south on the easterly section line of Section 36 (McIver) until McIver enters Albertville near the Northeast end of Mud Lake, then following the Albertville border west to its Northwestern corner, then south on the Albertville border until it reaches the southerly section line of Section 35 (60th) thence to the point of beginning; and

WHEREAS, the area proposed for detachment and annexation is approximately 407.33 acres, is situated within the City of Otsego and abuts the municipal boundary of the City of Albertville.

WHEREAS, the population of the subject area is 27.

IT IS HEREBY ORDERED: That the above-described property be, and the same hereby is, detached from the City of Otsego and annexed to the City of Albertville, the same as if it had originally been made a part thereof.

IT IS FURTHER ORDERED: That the population of the City of Otsego is decreased by 27.

IT IS FURTHER ORDERED: That the population of the City of Albertville is increased by 27.

IT IS FURTHER ORDERED: That the following Municipal Board files are hereby closed:

D-311 Otsego/A-5384 Albertville
D-312 Otsego/A-5402 Albertville
D-313 Otsego/A-5410 Albertville
D-329 Otsego/A-5612 Albertville
D-330 Otsego/A-5613 Albertville
D-336 Otsego/A-5673 Albertville

IT IS FURTHER ORDERED: That the parties have agreed that these orders shall include a provision requiring them to fulfill the terms of the Joint Resolution. To the extent that the Board has the authority to so order, it shall be so ordered with the understanding that the constitutional rights of any person or entity shall not be affected.

IT IS FURTHER ORDERED: That the effective date of this order is July 29, 1996.

Dated this 29th day of July, 1996.

MINNESOTA MUNICIPAL BOARD
Suite 475 McColl Building
366 Jackson Street
St. Paul, MN 55101-1925


Christine M. Scotillo
Executive Director

A-5644 Albertville/Frankfort Township
A-5681 Otsego/Frankfort Township
D-311 Otsego/A-5384 Albertville
D-312 Otsego/A-5402 Albertville
D-313 Otsego/A-5410 Albertville
D-329 Otsego/A-5612 Albertville
D-330 Otsego/A-5613 Albertville
D-336 Otsego/A-5673 Albertville
OA-424 & OA-424-1 St. Michael/Frankfort Township
C-27mm Albertville/Otsego

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Lea De Souza Speeter	Chair
Paul B. Double	Vice Chair
Robert J. Ferderer	Vice Chair

IN THE MATTER OF THE JOINT RESOLUTION)
AND AGREEMENT FOR ORDERLY ANNEXATION)
AND CONCURRENT DETACHMENT AND)
ANNEXATION BY AND BETWEEN THE TOWN)
OF FRANKFORT, THE CITY OF ST. MICHAEL,)
THE CITY OF ALBERTVILLE, AND THE CITY OF)
OTSEGO.)

MEMORANDUM

AND ORDERS

The first of the docketed files referenced above was filed with the Minnesota Municipal Board in 1994. Since then, ten proceedings by property owners, the Cities of Albertville, Otsego and St. Michael, and the Town of Frankfort are pending before the Board. The majority of these files are contested matters.

As this regional dispute evolved, the Municipal Board has continued hearings, consolidated proceedings, and required meetings in an effort to allow the parties opportunity to resolve their border disputes locally. At the same time, however, the Municipal Board procedures provided a

necessary structure and timeline for these discussions.

On July 11, 1996, the Municipal Board received a Joint Resolution from the four communities of Albertville, Otsego, St. Michael and Frankfort. On July 25, 1996, the Municipal Board received an amendment to the Joint Resolution to more particularly describe the property identified in the Joint Resolution.

The Joint Resolution sets out a number of terms and conditions between and among the communities involved resolving contested boundary issues and is designed to dispose of the petitions currently pending before the Municipal Board.

It is apparent that the parties have labored hard to achieve this measure of consensus regarding their mutual border disputes. Such an agreement will certainly advance the public interest in stabilizing these communities to facilitate the planning and management of growth in this area.

The Municipal Board hereby accepts the Joint Resolution and amendment thereto and issues the attached orders to implement this settlement. The parties have agreed that these orders shall include a provision requiring them to fulfill the terms of the Joint Resolution. To the extent that the Board has the authority to so order, it shall be so ordered with the understanding that the constitutional rights of any person or entity shall not be affected.

Contested Annexations

A-5644 Albertville and
A-5681 Otsego

Dismisses Albertville's and Otsego's petitions
for annexation of certain lands in Frankfort
Township.

Concurrent Detachment and Annexations

D-337 Otsego/A-5692 Albertville	Approves the Joint Resolution by both cities for concurrent detachment and annexation and disposes of the following files which were initiated by all of the property owners for substantially the same property: D-311 Otsego/A-5384 Albertville D-312 Otsego/A-5402 Albertville D-313 Otsego/A-5410 Albertville D-329 Otsego/A-5612 Albertville D-330 Otsego/A-5613 Albertville D-336 Otsego/A-5673 Albertville
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Orderly Annexations

OA-424 & OA-424-1 St. Michael/ Frankfort Township	Approves the orderly annexation as amended.
OA-432 & OA 432-1 Otsego/ Frankfort Township	Approves the orderly annexation.
OA-433 & OA-433-1 Albertville/ Frankfort Township	Approves the orderly annexation.

Consolidation

C-27mm Albertville/Otsego	Rescinds the Board's Motion to Initiate.
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In accepting the Joint Resolution, the Municipal Board congratulates the parties on their work and reminds them that continued success and cooperation among the parties will depend upon the faithful adherence to the provisions of the Joint Resolution to which they have agreed.

The Board commends the participants and the respective governing bodies for their hard work on this agreement.

The citizens of your area will benefit from your cooperation and foresight and the citizens of other communities will benefit from your example. Congratulations!

7/29/96
CMS