

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

IN THE MATTER OF THE PETITION FOR THE)	
DETACHMENT OF CERTAIN LAND FROM THE)	<u>NOTICE OF HEARING CANCELLATION</u>
CITY OF OAK GROVE AND ANNEXATION TO)	<u>AND</u>
THE CITY OF ST. FRANCIS PURSUANT TO)	<u>ORDER TO DISMISS</u>
MINNESOTA STATUTES 414)	

WHEREAS, a petition and resolution requesting the detachment of certain property from the City of Oak Grove and annexation of the same property to the City of St. Francis was filed with the Minnesota Municipal Board pursuant to Minnesota Statutes 414.061 on May 4, 1999; and

WHEREAS, on May 17, 1999, the Minnesota Legislature terminated the Minnesota Municipal Board effective June 1, 1999, transferring its duties and authority to the Office of Strategic and Long Range Planning; and

WHEREAS, pursuant to 1999 Session Laws, Chapter 243, Article 16, Section 25, the Director of Strategic and Long Range Planning inherited all decision-making authority of the former Minnesota Municipal Board under Minnesota Statutes Chapter 414 as well as additional authority to require alternative dispute resolution processes; and

WHEREAS, on June 1, 1999, all matters pending before the former Minnesota Municipal Board, including the above-referenced petition, were transferred to the Office of Strategic and Long Range Planning; and

WHEREAS, on July 1, 1999, the Director of the Office of Strategic and Long Range Planning, pursuant to Minnesota Statutes 414.01, Subd. 16, ordered the petitioner, Turtle Moon, Inc., the City of St. Francis and the City of Oak Grove 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 said petition on July 6, 1999 and was continued to an indefinite date to allow the parties time to complete the directed meetings; and

WHEREAS, the parties disagreed as to the progress of the directed meetings and the City of Oak Grove requested an extension of time; and

WHEREAS, on September 10, 1999, the Director of the Office of Strategic and Long Range Planning denied the request for additional time and directed the parties to select a preferred process for mediation; and

WHEREAS, after reviewing the parties' responses to select a mediation process, the Director of the Office of Strategic and Long Range Planning referred this matter, on October 27, 1999, to the Office of Dispute Resolution for mediation; and

WHEREAS, the Office of Dispute Resolution assigned Richard Rosow as mediator in this matter; and

WHEREAS, on November 19, 1999, the Office of Strategic and Long Range Planning received a copy of a letter to the mediator from the City of Oak Grove stating its refusal to participate in mediation; and

WHEREAS, on December 6, 1999, the Director of the Office of Strategic and Long Range Planning advised the parties that mediation would not proceed without the voluntary

participation of all of the parties and requested their input as to their preferred decision-making process; and

WHEREAS, on January 12, 2000, the Director of the Office of Strategic and Long Range Planning, having consulted with the parties and reviewed the file, directed the parties into arbitration and a roster of arbitrators was issued to the parties for their review and selection; and

WHEREAS, on February 3, 2000, the Director of the Office of Strategic and Long Range Planning was served with a Notice of Motion and Motion For Temporary Injunction by plaintiff City of Oak Grove; and

WHEREAS, a hearing was held on February 14, 2000 before Ramsey County District Court Judge Margaret M. Marrinan, on the plaintiff City of Oak Grove's motion; and

WHEREAS, the Cities of Oak Grove and St. Francis, and the property owner petitioner represented to the court that they would meet with Attorney General Mike Hatch to try to resolve this matter outside of the pending court action; and

WHEREAS, on February 14, 2000, the parties met with Attorney General Mike Hatch and agreed to a one-day mediation session before mediator Brian Short; and

WHEREAS, on February 16, 2000, the Ramsey County District Court granted the City of Oak Grove's motion for a temporary injunction and restraining order against the Office of Strategic and Long Range Planning, preventing the agency from taking any further action to resolve this matter administratively by alternative dispute resolution; and

WHEREAS, on March 16, 2000, the parties engaged in mediation before the mediator appointed by the Office of the Attorney General, and as a result of that meeting, executed a

Mediated Settlement Agreement and Mutual Release, dated March 27, 2000, representing settlement of their underlying dispute; and

WHEREAS, on April 24, 2000, the Office of Strategic and Long Range Planning received a request from petitioner Turtle Moon, Inc. that its petition for concurrent detachment and annexation be withdrawn pursuant to the terms of the Mediated Settlement Agreement and Mutual Release executed as between the parties; and

WHEREAS, on May 12, 2000, the Director of the Office of Strategic and Long Range Planning granted petitioner Turtle Moon, Inc.'s request to withdraw its petition and canceled the continued hearing;

IT IS HEREBY ORDERED: That the petition for detachment from the City of Oak Grove and annexation to the City of St. Francis is withdrawn, the continued hearing is canceled, and the file is closed without prejudice.

IT IS FURTHER ORDERED: That the effective date of this order is May 12, 2000.

Dated this 19th day of May, 2000.

Office of Strategic and Long Range Planning
658 Cedar Street - Room 300
St. Paul, MN 55155-1603

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments