

OA-1017-1 Howard Lake
City Signed Resolution 04-22

DEPARTMENT OF ADMINISTRATION

STATE OF MINNESOTA

BEFORE THE DIRECTOR OF

STRATEGIC AND LONG RANGE PLANNING

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF HOWARD)
LAKE AND THE TOWN OF VICTOR PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Howard Lake and the Town of Victor; and

WHEREAS, a resolution was received from the City of Howard Lake and the Town of Victor indicating their desire that certain property be annexed to the City of Howard Lake pursuant to M.S. 414.0325; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Director of Strategic and Long Range Planning may review and comment, but shall within 30 days order the annexation of land pursuant to said subdivisions; and

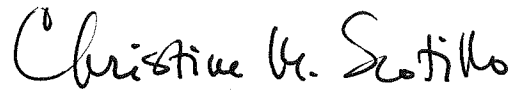
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Howard Lake, Minnesota, the same as if it had originally been made a part thereof:

That part of the Northwest Quarter of the Northeast Quarter of Section 2, Township 118, Range 27, Wright County, Minnesota, which lies northerly of the northerly right-of-way line of the Burlington Northern Santa Fe Railroad (formerly The Great Northern Railway) and that part of the Northwest Quarter of said Section 2, which lies northerly of said northerly

right-of-way line of the Burlington Northern Santa Fe Railroad (formerly The Great Northern Railway).

Dated this 15th day of April, 2004.

For the Director
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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1017-1, the Director finds and makes the following comment:

Planning in the area designated for orderly annexation must be provided for by one of three provisions set forth in Minnesota Statutes Section 414.0325, Subd. 5. The joint resolution does not make reference to which of the three statutory provisions the parties have agreed on to govern planning in the designated area.

Paragraph 22 states the agreement shall expire on and be of no further force and effect after December 31, 2013. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Director. Once jurisdiction is conferred by submission of this agreement to this office, it cannot be taken away by written consent of the parties.

The authority to impose the type of charge identified in paragraph 14 of the agreement, is questionable. The issuance of this order makes no determination as to the legality or validity of these provisions of the agreement. Any issue that may arise relative to the application or interpretation of these sections will be the sole responsibility the signatories to the agreement.

The parties are encouraged to consider this comment in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

Cms