

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF WAVERLY)
AND THE TOWN OF WOODLAND PURSUANT TO)
MINNESOTA STATUTES 414)

ORDER

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Waverly and the Town of Woodland; and

WHEREAS, a joint resolution was received from the City of Waverly and the Town of Woodland indicating their desire that certain property be annexed to the City of Waverly 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

WHEREAS, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge; and

WHEREAS, on June 9, 2005, the Chief Administrative Law Judge has reviewed and accepted the resolution for orderly annexation;

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 Waverly, Minnesota, the same as if it had originally been made a part thereof:

Lots 2 and 3, Section 3, Township 118, Range 26, Wright County, Minnesota.

EXCEPTING THEREFROM the following:

The North 467 feet of the East 466 feet of the Northeast Quarter of the Northwest Quarter of Section 3, Township 118, Range 26, Wright County, Minnesota.

That part of the Northwest Quarter of Section 3, Township 118, Range 26, Wright County, Minnesota,

described as follows: Commencing at the northwest corner of said Northwest Quarter; thence East, assumed bearing, along the north line of said Northwest Quarter, a distance of 322.78 feet to the actual point of beginning; thence continue East, along said north line, a distance of 255.62 feet; thence South, a distance of 340.81 feet; thence West, a distance of 255.62 feet; thence North, a distance of 340.81 feet to the actual point of beginning.

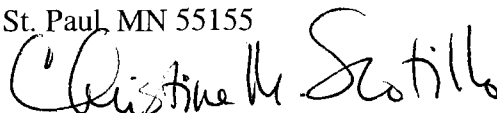
That part of the Northwest Quarter of Section 3, Township 118, Range 26, Wright County, Minnesota, described as follows: Commencing at the southeast corner of said Northwest Quarter; thence North 89 degrees 25 minutes 17 seconds West, assumed bearing, along the south line of said Northwest Quarter, a distance of 55.62 feet; thence North 00 degrees 03 minutes 25 seconds West, a distance of 1318.15 feet; thence South 89 degrees 06 minutes 17 seconds East, 21.51 feet to the east line of said Northwest Quarter; thence South 01 degrees 32 minutes 21 seconds East, along the east line of said Northwest Quarter, a distance of 1318.85 feet to the southeast corner of said Northwest Quarter and the point of beginning.

That part of the Northwest Quarter of Section 3, Township 118, Range 26, Wright County, Minnesota, described as follows: Beginning at the northeast corner of said Northeast Quarter of Section 4, Township 118, Range 26; thence on an assumed bearing of South 88 degrees 41 minutes 31 seconds East, along the north line of the Northwest Quarter of said Section 3, a distance of 33.03 feet; thence South 01 degrees 05 minutes 49 seconds East, parallel with the west line of said Northwest Quarter, a distance of 1069.10 feet; thence southwesterly, a distance of 58.27 feet along a tangential curve, concave to west, having a radius of 233.00 feet and a central angle of 16 degrees 47 minutes 20 seconds; thence South 15 degrees 41 minutes 31 seconds West, tangent to said curve, a distance of 79.87 feet to said west line; thence North 01 degrees 05 minutes 49 seconds West, along said west line, a distance of 1214.25 feet to the point of beginning.

Commencing at the northwest corner of said Government Lot 3; thence South 88 degrees 41 minutes 31 seconds East, assumed bearing along the north line of said Government Lot 3, a distance of 322.78 to the actual point of beginning; thence South 01 degrees 18 minutes 29 seconds West, a distance of 340.81 feet; thence South 88 degrees 41 minutes 31 seconds East, a distance of 255.62 feet; thence North 01 degrees 18 minutes 29 seconds East, a distance of 340.81 feet to said north line of Government Lot 3; thence South 88 degrees 41 minutes 31 seconds East, along said north line of Government Lot 3, a distance of 110.98 feet; thence South 01 degrees 05 minutes 50 seconds East, a distance of 792.82 feet; thence South 35 degrees 17 minutes 40 seconds East, a distance of 998.29 feet; thence South 01 degrees 05 minutes 50 seconds East, a distance of 1,122.02 feet to the south line of said Government Lot 3; thence North 89 degrees 25 minutes 17 seconds West, along said south line of Government Lot 3, a distance of 1,250.38 feet to the west line of said Government Lot 3; thence North 01 degrees 05 minutes 50 seconds West, along said west line of Government Lot 3, a distance of 1,518.65 feet to the easterly right of way line of Dempsey Avenue Southwest, as dedicated on CARRIGAN SHORES, according to the recorded plat thereof, said Wright County; thence North 15 degrees 41 minutes 30 seconds East, along said easterly right of way, a distance of 79.86 feet; thence northerly, along a tangential curve, and along said easterly right of way, concave to the west, having a radius of 233.00 feet and a central angle of 16 degrees 47 minutes 20 seconds, having an arc distance of 68.27 feet; thence North 01 degrees 05 minutes 50 seconds West, tangent to said curve and along said easterly right of way and its northerly extension, a distance of 1069.10 feet to said north line of Government Lot 3; thence South 88 degrees 41 minutes 31 seconds East, along said north line of Government Lot 3, a distance of 289.75 feet to the point of beginning.

Dated this 9th day of June, 2005.

For the Chief Administrative Law Judge
658 Cedar Street, Room 300
St. Paul, MN 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1051-2, 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. Agreeing to continue the county's planning and zoning controls for the designated area is not one of the statutory options authorized. The parties have agreed to future urbanization of the designated area and continuing the county planning and zoning controls appears to be inconsistent with statutory requirements.

Section 3 of the agreement imposes a financial obligation on the property owners of the subject property to reimburse the Township. The authority to impose this type of obligation on the property owner is questionable. Reimbursement for lost tax revenue is an optional provision to be negotiated. Minnesota Statutes Sec. 414.036 states reimbursement is to be "from the municipality to the town...." 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 of 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.

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