

DEPARTMENT OF ADMINISTRATION  
STATE OF MINNESOTA  
BEFORE THE DIRECTOR OF  
STRATEGIC AND LONG RANGE PLANNING

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF MONTICELLO) )  
AND THE TOWN OF MONTICELLO PURSUANT TO ) ORDER  
MINNESOTA STATUTES 414 )  
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WHEREAS, a joint resolution for orderly annexation was adopted by the City of Monticello and the Town of Monticello; and

WHEREAS, a resolution was received from the City of Monticello indicating their desire that certain property be annexed to the City of Monticello 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, on November 10, 2004, the Director 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 Monticello, Minnesota, the same as if it had originally been made a part thereof:

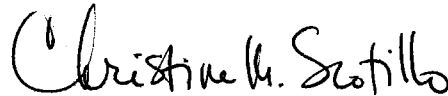
**That part of Lot B according to the plat by E.B. McCord recorded May 4, 1886 in Book 1 of Sectional Plats, Page 566, of the North Half of the Southeast Quarter of Section 10, Township 121, Range 25, Wright County, Minnesota described as follows:**

**Commencing at the Southwest corner of said Lot B; thence South 89 degrees 32 minutes 41 seconds East assumed bearing along the South line of said Lot B, a distance of 223.15**

to the point of beginning of the land to be described; thence North 45 degrees 28 minutes 47 seconds East a distance of 530.02 feet; thence South 53 degrees 14 minutes 41 seconds East a distance of 319.12 feet to the center line of a township road (also known as 90<sup>th</sup> Street Northeast), as described in County Recorder Document No. 266001; thence South 45 degrees 19 minutes 28 seconds West, along said center line a distance of 271.31 feet to the South line of said Lot B; thence North 88 degrees 38 minutes 27 seconds West along said South line of said Lot B, a distance of 441.15 feet to the point of beginning.

Dated this 10<sup>th</sup> day of November, 2004.

For the Director  
658 Cedar Street, Room 300  
St. Paul, Minnesota 55155



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1061-4, the Director finds and makes the following comment:

Paragraph/item 6 and a portion of 7 of the agreement provides for a division of tax revenue from an annexed area, based upon a one time cash payment. By making this order, no determination is made as to the effectiveness of such a schedule. Minnesota Statutes Section 414.036 allows for a reimbursement to the township of property taxes of substantially equal payments over a period of not less than two nor more than six years. Including such a provision in an order under Minnesota Statutes Section 414.0325 is discretionary with the Director.

Paragraph 15 states the agreement shall remain in full force and effect until certain events occur. 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, it cannot be taken away by written consent of the parties. Jurisdiction ends when all the designated area is annexed. The issue whether jurisdiction could be "given back" by the Director upon written request of the parties to the agreement to mutually end their agreement has not been addressed.

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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