

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

ORDER

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

WHEREAS, on May 12, 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 Monticello, Minnesota, the same as if it had originally been made a part thereof:

PARCEL 1: PID 213-100-103400

That part of the East Half of the Southwest Quarter of Section 10, Township 121, Range 25, lying South and East of the public road, as now existing;

PARCEL 3: PID 213-100-152100

The East Half of the Northwest Quarter of Section 15, Township 121 North, Range 25 West,

except therefrom that part of the East Half of the Northwest Quarter described as follows:

Beginning at the Northwest corner of said East Half of the Northwest Quarter; thence South along the West line thereof, 402.2 feet to the center line of a township road; thence Northeasterly along the said center line 678.10 feet to a point on the North line of said East Half of the Northwest Quarter distance 552.50 feet East of the Northwest corner thereof; thence West along the said North line 552.50 feet to the point of beginning;

AND EXCEPT

The East Half of the Northwest Quarter lying southerly of the center line of said township road and northwesterly of a line drawn northeasterly from a point on the west line of said East half distant 1383.66 feet south of the northwest corner of said East Half to a point on the east line of said East Half distant 420.41 feet south of the northeast corner of said East Half and said line there terminating.

PARCEL 4: PID 213-100-153300

The West Half of the Southwest Quarter and the North Half of the Northeast Quarter of the Southwest Quarter of Section 15, Township 121 North, Range 25 West.

EXCLUDING

That part of the North Half of the Northeast Quarter of the Southwest Quarter of Section 15, Township 121, Range 25, Wright County, Minnesota, described as follows: Commencing at the Southeast corner of said North Half of the Northeast Quarter of the Southwest Quarter; thence West along the South line of said North Half of the Northeast Quarter of the Southwest Quarter a distance of 286.07 feet to the point of beginning of the line to be described; thence Northwest deflecting 40 degrees 37 minutes 27 seconds right, a distance of 235.82 feet; thence West parallel with said south line of the North Half of the Northeast Quarter of the Southwest Quarter, a distance of 95.06 feet; thence Southwesterly deflecting 71 degrees 19 minutes 13 seconds left, a distance of 162.08 feet to said South line of the North Half of the Northeast Quarter of the Southwest Quarter; thence East along said south line, a distance of 326.15 feet to the point of beginning.

AND EXCEPT: The south 434.14 feet of the Southwest Quarter of the Southwest Quarter of Section 15, Township 121, Range 25, lying west of a line described as follows: Commencing at the southwest corner of said Southwest Quarter of the Southwest Quarter; thence east along the south line of said Southwest Quarter of the Southwest Quarter, a distance of 533.00 feet to the beginning of said line to be described; thence north deflecting 90 degrees 34 minutes 40 seconds left, a distance of 434.14 feet to the north line of said South 434.14 feet of the Southwest Quarter of the Southwest Quarter and said line there terminating, according to the U.S. Government Survey thereof, Wright County, Minnesota.

PARCEL 5

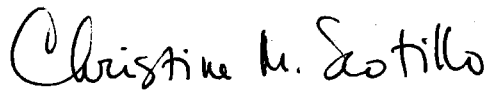
That part of the East Half of the Northwest Quarter of Section 15, Township 121 North, Range 25 West, described as follows;

The East Half of the Northwest Quarter lying southerly of the center line of the township

road and northwesterly of a line drawn northeasterly from a point on the west line of said East half distant 1383.66 feet south of the northwest corner of said East Half to a point on the east line of said East Half distant 420.41 feet south of the northeast corner of said East Half

Dated this 12th day of May, 2005.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1061-6, the Chief Administrative Law Judge 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 Chief Administrative Law Judge.

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 Chief Administrative Law Judge. 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 Chief Administrative Law Judge 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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