

OA-1067-1 Montrose
City Resolution No. 2004-24
Town Resolution No. 10-04-1

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 MONTROSE)
AND THE TOWN OF WOODLAND PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

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

WHEREAS, a resolution was received from the City of Montrose and the Town of Woodland indicating their desire that certain property be annexed to the City of Montrose 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 Montrose, Minnesota, the same as if it had originally been made a part thereof:

That part of the North Half of the Northeast Quarter of Section 3, Township 118, Range 26, Wright County, Minnesota, excepting therefrom the following described parcels:

Parcel A:

The North 208.7 feet of the West 260.9 feet of said North Half of the Northeast Quarter.

Parcel B:

The South 313.00 feet of the North 521.75 feet of the East 208.75 feet of said Northeast Quarter of the Northeast Quarter.

Parcel C:

That part of the Northeast Quarter of the Northeast Quarter of Section 3, Township 118, Range 26, Wright County, Minnesota described as follows: Commencing at the northeast corner of said Northeast Quarter of the Northeast Quarter; thence South 01 degrees 27 minutes 31 seconds West, assumed bearing along the east line of said Northeast Quarter of the Northeast Quarter, a distance of 1123.85 feet to the point of beginning; thence continuing South 01 degrees 27 minutes 31 seconds West, along said east line, a distance of 232.11 feet to the southeast corner of said Northeast Quarter of the Northeast Quarter; thence North 89 degrees 14 minutes 40 seconds West, along the south line of said Northeast Quarter of the Northeast Quarter, a distance of 208.77 feet; thence North 01 degrees 27 minutes 31 seconds East, a distance of 232.11 feet; thence South 89 degrees 06 minutes 17 seconds East, a distance of 208.76 feet to the point of beginning.

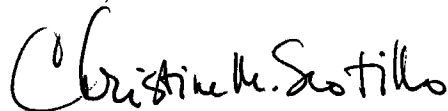
Parcel D:

That part of the Northeast Quarter of the Northeast Quarter of Section 3, Township 118, Range 26, Wright County, Minnesota described as follows: Commencing at the northeast corner of said Northeast Quarter of the Northeast Quarter; thence South 01 degrees 27 minutes 31 seconds West, assumed bearing along the east line of said Northeast Quarter of the Northeast Quarter, a distance of 672.15 feet to the point of beginning; thence continuing South 01 degrees 27 minutes 31 seconds West, along said east line, a distance of 250.70 feet; thence North 89 degrees 41 minutes 29 seconds West, a distance of 220.25 feet; thence South 01 degrees 27 minutes 31 seconds West, a distance of 92.10 feet; thence North 89 degrees 41 minutes 29 seconds West, a distance of 317.88 feet; thence North 01 degrees 27 minutes 31 seconds East, a distance of 442.80 feet; thence South 89 degrees 41 minutes 29 seconds East, a distance of 329.38 feet; thence South 01 degrees 27 minutes 31 seconds West, a distance of 100.00 feet; thence South 89 degrees 41 minutes 29 seconds East, a distance of 208.75 feet to the point of beginning.

Subject to road right of way for Trunk Highway No. 12 and County State Aid Highway No. 10.

Dated this 10th 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-1067-1, 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. Agreeing to continue the county's planning and zoning controls for the designated area, which the parties have agreed to future urbanization, 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 for lost tax revenue. 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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