

OA-1094-1 Montrose  
City Resolution No. 2004-19  
Town Resolution No. 04-06

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 MARYSVILLE PURSUANT TO )  
MINNESOTA STATUTES 414 )

ORDER

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

WHEREAS, said joint resolution requests 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 Southeast Quarter of the Southwest Quarter of Section 35, Township 119, Range 26, Wright  
County, Minnesota, described as follows: Commencing at the southeast corner of said Southeast Quarter of the  
Southwest Quarter; thence North 89 degrees 23 minutes 12 seconds West, assumed bearing, along the south line  
of said Southeast Quarter of the Southwest Quarter, a distance of 873.41 feet; thence North 0 degrees 36 minutes  
48 seconds East, a distance of 50.00 feet to the point of beginning and the north line of Minnesota Department*

of Transportation Right of Way Plat No. 86-10, according to the plat thereof on file and of record in the office of the County Recorder, Wright County, Minnesota; thence North 89 degrees 23 minutes 12 seconds West along said north line, a distance of 249.56 feet; thence North 0 degrees 36 minutes 48 seconds East, a distance of 364.16 feet; thence North 89 degrees 23 minutes 12 seconds West, a distance of 198.45 feet to the west line of said Southeast Quarter of the Southwest Quarter; thence North 1 degree 59 minutes 53 seconds West along said west line, a distance of 799.18 feet to the southerly right of way line of the Burlington Northern Railroad; thence North 86 degrees 44 minutes 23 seconds East along said southerly right of way line, a distance of 746.16 feet to the west line of the east 568.41 feet of said Southeast Quarter of the Southwest Quarter; thence South 1 degree 24 minutes 34 seconds East along the west line of said east 568.41 feet, a distance of 893.48 feet to the north line of the south 370.00 feet of said Southeast Quarter of the Southwest Quarter; thence North 89 degrees 23 minutes 12 seconds West along said north line of the south 370.00 feet, a distance of 291.58 feet to a line bearing North 0 degrees 36 minutes 48 seconds East from the point of beginning; thence South 0 degrees 36 minutes 48 seconds West along said line, a distance of 320.00 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-1094-1, the Director finds and makes the following comment:

Section 4 of the agreement imposes a financial obligation on the property owners of the subject property to reimburse the Township for lost tax revenue. Chapter 414 of Minnesota Statutes contains no authority for the Township, or the City, to obligate the property owner in any way as part of a boundary adjustment. 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. *Cms*