

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF LINDSTROM)
AND CHISAGO LAKE TOWNSHIP PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of
Lindstrom and Chisago Lake Township; and

WHEREAS, said joint resolution requests that certain property be annexed to the
City of Lindstrom 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 April 16, 2008, 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 Lindstrom, Minnesota, the same

as if it had originally been made a part thereof:

PID #02.01069.00 (Joseph & Doris Huspeni)

Lot 4 and 5 and Lot 6, CHEROKEE HEIGHTS, except the westerly 50 feet of Lot 6 of Cherokee Heights, according to the plat thereof on file and of record in the office of the County Recorder in and for Chisago County, Minnesota, more particularly described as follows: Commencing at the Southwesterly corner of said Lot 6; thence running Easterly along the Southerly line of said Lot, which is the Northerly line of South Shore Drive, a distance of 50 feet; thence running Northeasterly and parallel with the Westerly line of said Lot 6 to South Center Lake; thence running Westerly along said Shore Line to the Northwestern corner of said Lot 6; thence running Southerly along the Westerly line of said Lot 6 to the point of commencement. (Including that part of adjacent South Shore Drive lying within Chisago Lake Township, Minnesota).

PID #02.01066.00 (Triple Seven Enterprises, Inc.)

Lot One (1) of CHEROKEE HEIGHTS, according to the map or plat thereof on file or of record in the Office of the County Recorder in and for Chisago County, Minnesota. (Including that part of adjacent South Shore Drive lying within Chisago Lake Township, Minnesota).

PID #02.00090.00 (Triple Seven Enterprises, Inc.)

Part of Government Lot Six (6), Section Ten (10), Township Thirty-three (33) North, Range Twenty (20) West, Chisago County, Minnesota, described as follows, to-wit: Commencing at the SE corner of Lot 1 of CHEROKEE HEIGHTS, according to the recorded plat thereof; thence South 1 degree 18 minutes West, along the southerly extension of the East line of said Lot 1 of CHEROKEE HEIGHTS, 32.114 feet to the point of beginning, which point is on the center line of an existing Township Road; thence North 78 degrees 32 minutes East, along said Township Road centerline, 76.96 feet; thence North 1 degree 18 minutes East, parallel with the East line of said Lot 1 of CHEROKEE HEIGHTS, 380 feet, more or less, to the shoreline of South Center Lake; thence Westerly along said shoreline 76 feet, more or less, to the point of intersection thereof with the East line of said Lot 1 of CHEROKEE HEIGHTS; thence South 1 degree 18 minutes West, along said East line 380 feet, more or less, to the point of beginning.

PID #02.00792.00 (City of Lindstrom)

All that part of Government Lot Seven (7), Section Twenty-eight (28), Township Thirty-four (34), Range Twenty (20), Chisago County, Minnesota, lying East of Public Highway EXCEPT the South 624 feet and EXCEPT the East 402 feet. (Including that part of the adjacent CSAH No. 20 lying within Chisago Lake Township, Minnesota.).

PID #02.00920.00 (City of Lindstrom)

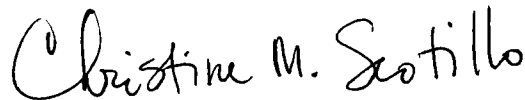
That part of Government Lots Eight (8) and Nine (9), Section Thirty-four (34), Township Thirty-four (34) North, Range Twenty (20) West, Chisago County, Minnesota, described as follows: Commencing at the southwest corner of Government Lot 9; thence North 89 degrees 19 minutes 20 seconds East, assumed bearing, along the south line of said

Government Lot 9, a distance of 960.7 feet; thence North 1 degree, 40 minutes West, a distance of 691.9 feet; thence North 87 degrees, 55 minutes West, a distance of 220 feet; thence North 0 degree, 17 minutes East, a distance of 95.7 feet; thence North 32 degrees, 03 minutes West, a distance of 188.58 feet to the point of beginning; thence continuing North 32 degrees 03 minutes West, a distance of 240.84 feet; thence North 23 degrees 03 minutes West, a distance of 180.6 feet; thence North 41 degrees 27 minutes East, a distance of 170.2 feet; thence North 50 degrees 33 minutes East, a distance of 145.6 feet; thence North 48 degrees 23 minutes East, a distance of 274.6 feet to the easterly line of Fairview Cemetery and the westerly line of Lot 1, Block 7 of the recorded plat of Andrews Beach; thence southeasterly along said westerly line to the shoreline of South Center Lake (formerly known as Chisago Lake); thence southwesterly and southerly, along said shoreline to its intersection with a line that bears North 89 degrees, 19 minutes 20 seconds East from the point of beginning; thence South 89 degrees, 19 minutes, 20 seconds West, along said line to the point of beginning.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, Chisago Lake Township will be reimbursed by the City of Lindstrom in accordance with the terms of Joint Resolution 08-01-24-04/08-01-15 signed by the City of Lindstrom on January 24, 2008 and Chisago Lake Township on January 15, 2008.

Dated this 16th day of April, 2008.

For the Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620

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-1390-1, the Chief Administrative Law Judge finds and makes the following comments:

The second “Whereas” paragraph of this agreement states that the areas designated are completely surrounded. As was discussed, these properties are not totally surrounded by property already within the city. The issue of ‘surrounded’ however, is irrelevant for purposes of orderly annexation unless the parties themselves impose such a requirement through the terms of their agreement.

The sixth “Whereas” paragraph states that pursuant to Minn. Stat. §414.0325, the orderly annexation agreement was adopted following “due notice thereof and in accordance with Minn. Stat. §414.0325.” It is not clear from that affirmative statement whether the required notice for the joint informational hearing as in Minn. Stat. §414.0333 was given, or the Notice of Intent To Designate as required by Minn. Stat. §414.0325 Subd. 1b was given, or both. Please be advised that legislative amendments to Chapter 414, which became effective on August 1, 2007, requires published notice prior to adopting an orderly annexation agreement. Minn. Stat. Sec. 414.0325, Subd. 1b states:

Subd. 1b. Notice of intent to designate an area. At least ten days before the municipality or township adopts an orderly annexation agreement, a notice of the intent to include property in an orderly annexation area must be published in a newspaper of general circulation in both the township and municipality. The notice must clearly identify the boundaries of the area proposed to be included in the orderly annexation agreement and the date, time, and place of the public informational meeting to be held as provided in section 414.0333. The cost of providing notice must be equally divided between the municipality and the township, unless otherwise agreed upon by the municipality and the township. *This subdivision applies only to the initial designation to include property in an orderly annexation area subject to the orderly annexation agreement and not to any subsequent annexation of any property from within the*

designated orderly annexation area. This subdivision also does not apply when the orderly annexation agreement only designates for immediate annexation property for which all of the property owners have petitioned to be annexed.

New law changes, which are expected to be effective very soon, will no longer require that a joint informational hearing be held prior to the adoption of an orderly annexation agreement.

However, parties to such an agreement will still be required to publish a Notice of Intent To Designate An Area for 30 days prior to the adoption of a new orderly annexation agreement for which not all of the property owners have petitioned and not all the designated area is to be annexed at one time.

A handwritten signature in cursive script, appearing to be 'Cms'.