

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

ORDER

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

WHEREAS, a resolution was received from the City of Faribault indicating their desire that certain property be annexed to the City of Faribault 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;

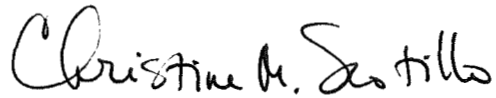
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Faribault, Minnesota, the same as if it had originally been made a part thereof:

The South Half (S 1/2) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4), subject to Minnesota State Highway No. 3 over and across the East side thereof; and also the South three-fourths (S 3/4) of the West one-half (W 1/2) of the Northwest Quarter (NW 1/4) except therefrom the South 746.70 feet of the East 350.00 feet subject to Rice County Road No. 18 (extension of 9th Avenue) over and across the West side thereof and further subject to all easements, restrictions and covenants of record, if any, all in Section

7, Township 109 North, Range 20 West, Rice County, Minnesota.

Dated this 12th day of May, 2005.

For the Chief Administrative Law Judge
658 Cedar Street, Room 300
St. Paul, Minnesota 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-223-4, the Chief Administrative Law Judge 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.

Paragraph/item 6 of the agreement provides for a division of tax revenue from an annexed area, based upon a 5 year schedule but to be paid in one lump sum. By making this order, no determination is made as to the effectiveness of such an arrangement. 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.

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