

OA-309-7 Hutchinson
Resolution No. 12162

DEPARTMENT OF ADMINISTRATION
STATE OF MINNESOTA
BEFORE THE ACTING DIRECTOR OF
STRATEGIC AND LONG RANGE PLANNING

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

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

WHEREAS, a resolution was received from the City of Hutchinson indicating their desire
that certain property be annexed to the City of Hutchinson 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 pursuant to said subdivisions; and

WHEREAS, on October 13, 2003, the Acting 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 Hutchinson, Minnesota, the same
as if it had originally been made a part thereof:

Legal Description: The West Half of the Southwest Quarter of Section Twelve (12) in Township One
Hundred Sixteen (116) North of Range Thirty (30) West excepting therefrom the two

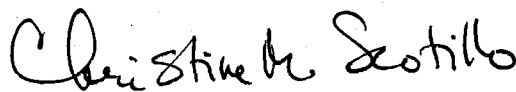
(2) following described tracts, to-wit:

- (1) Beginning at the Northwest Corner of said Southwest Quarter; thence East, along the North line of said Southwest Quarter, to the center of the public highway; thence South 1 rod; thence West, parallel with the North line of said Southwest Quarter, to the West line of said Southwest Quarter; thence North, along said West line, 1 rod, to the place of beginning.
- (2) That part of the Northwest Quarter of the Southwest Quarter lying Northwesterly of the centerline of County Road No. 7, and lying Southerly of a line described as beginning at a point on the West line of the Northwest quarter of the Southwest Quarter, 370.1 feet North, as measured along said West line, from the Southwest corner of said Northwest Quarter of the Southwest Quarter; thence Easterly, parallel with the South line of the Northeast Quarter of the Southeast Quarter of Section 11, Township 116, Range 30, 201.38 feet, said line there terminating.

IT IS FURTHER ORDERED: That the tax rate of the City of Hutchinson on the property herein ordered annexed shall be increased in substantially equal proportions over a period of five years to equality with the tax rate of the property already within the city.

Dated this 13th day of October, 2003.

For the Acting 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-309-7, the Acting 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.

Paragraph 10 states the agreement shall expire on December 31, 2003. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Director. 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 Director 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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