

DEPARTMENT OF ADMINISTRATION

STATE OF MINNESOTA

BEFORE THE DIRECTOR OF

STRATEGIC AND LONG RANGE PLANNING

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF ARLINGTON )  
AND THE TOWN OF ARLINGTON PURSUANT TO ) ORDER  
MINNESOTA STATUTES 414 )  
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WHEREAS, a joint resolution for orderly annexation was adopted by the City of  
Arlington and the Town of Arlington; and

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

**TRACT 1**

Part of the West 100 acres of the Northwest Quarter of Section 9, Township 113, Range 27,  
Sibley County, Minnesota, described as follows: Commencing at the southwest corner of  
said Northwest Quarter of Section 9; thence on an assumed bearing of North 00 degrees 4 1  
minutes 06 seconds East along the West line of said Northwest Quarter 1946.05 feet to the  
point of beginning of the tract to be described; thence continuing North 00 degrees 41  
minutes 06 seconds East along said West line 482.00 feet to a point distant 220.00 feet  
southerly of the northwest corner of said Northwest Quarter; thence North 89 degrees 46  
minutes 41 seconds East, parallel with the North line of said Northwest Quarter, 396.00 feet;

thence North 00 degrees 41 minutes 06 seconds East 220.00 feet to the North line of said Northwest Quarter; thence North 89 degrees 46 minutes 41 seconds East along said North line 471.00 feet; thence South 00 degrees 41 minutes 06 seconds West 250.00 feet; thence South 89 degrees 46 minutes 41 seconds West 283.00 feet; thence South 00 degrees 41 minutes 06 seconds West 452.00 feet; thence South 89 degrees 46 minutes 41 seconds West 584.00 feet to the point of beginning. This tract contains 9.04 acres of land and is subject to any and all easements of record.

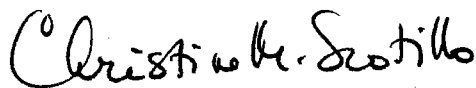
#### **TRACT 2**

Part of the West 100 acres of the Northwest Quarter of Section 9, Township 113, Range 27, Sibley County, Minnesota, described as follows: Commencing at the southwest corner of said Northwest Quarter of Section 9; thence on an assumed bearing of North 00 degrees 41 minutes 06 seconds East along the West line of said Northwest Quarter 1573.50 feet to the point of beginning of the tract to be described; thence continuing North 00 degrees 41 minutes 06 seconds East along said West line 372.55 feet; thence North 89 degrees 46 minutes 41 seconds East 584.00 feet; thence North 00 degrees 41 minutes 06 seconds East 452.00 feet; thence North 89 degrees 46 minutes 41 seconds East 283.00 feet; thence North 00 degrees 41 minutes 06 seconds East 250.00 feet to the North line of said Northwest Quarter; thence North 89 degrees 46 minutes 41 seconds East along said North line 780.39 feet to the northeast corner of said West 100 acres of the Northwest Quarter; thence South 00 degrees 41 minutes 06 seconds West along the East line of said West 100 acres of the Northwest Quarter 1067.46 feet; thence South 89 degrees 31 minutes 53 seconds West 1647.52 feet to the point of beginning. This tract contains 29.47 acres of land and is subject to any and all easements of record.

Total acres annexed: 38.51 acres.

Dated this 10<sup>th</sup> day of June, 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-560-2 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.

Number 10 of the agreement states that the joint resolution shall be in full force and effect for a term of twenty years from the date of execution unless otherwise terminated earlier by mutual written joint resolution of the City and the Township. 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.

*Cms*