

OA-594-4 Belle Plaine
City Resolution No. 04-009
Town Resolution No. 1-21-04A

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 BELLE |) | |
| PLAINE AND THE TOWN OF BELLE PLAINE |) | <u>ORDER</u> |
| PURSUANT TO MINNESOTA STATUTES 414 |) | |

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

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

WHEREAS, on February 19, 2004, the Director has reviewed and accepted the resolution for orderly annexation;

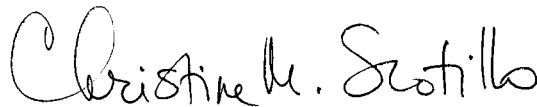
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Belle Plaine, Minnesota, the same

as if it had originally been made a part thereof:

The Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirteen (13), Township One Hundred Thirteen (113), Range Twenty-Five (25), Scott County, Minnesota AND The East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twelve (12), Township One Hundred Thirteen (113), Range Twenty-Five (25), Scott County, Minnesota.

Dated this 19th day of February, 2004.

For the Director
658 Cedar Street, Room 300
St. Paul, Minnesota 55155

A handwritten signature in cursive script that reads "Christine M. Scotillo". The signature is written in dark ink and is positioned above the printed name and title.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-594-4 the Director of Strategic and Long Range Planning finds and makes the following comment:

Paragraph 12 states the agreement shall be in effect until the year 2020. 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. 