

OA-805-4 Northfield
Resolution No. 2003-122

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 NORTHFIELD)
AND THE TOWN OF NORTHFIELD PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

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

WHEREAS, a resolution was received from the City of Northfield indicating their desire that certain property be annexed to the City of Northfield 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, on June 16, 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 Northfield, Minnesota, the same

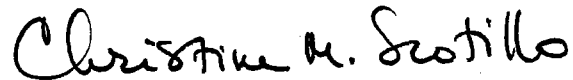
as if it had originally been made a part thereof:

The North Half of the Southwest Quarter of Section 7, Township 111 North, Range 19 West, Rice County, Minnesota. Total acreage is approximately 78.7 acres.

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

Dated this 16th day of June, 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-805-4, the Acting Director of Strategic and Long Range Planning finds and makes the following comments:

Planning in the area designated for orderly annexation may be provided for by one of the three means set forth in Minnesota Statutes Section 414.0325, Subd. 5. Section XIII of the joint resolution still does not make reference to which of the three statutory provisions the parties to the joint resolution have elected to govern planning in the designated area.

Paragraph 21 states the agreement will automatically expire on December 31, 2021; however, nothing herein shall prevent the City of Northfield and the Township of Northfield from amending this Agreement during its term. 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 these comments in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

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