

the south line of said BIGELOW-VOIGT FIFTH SUBDIVISION and along the south line of BIGELOW-VOIGT FOURTH SUBDIVISION, 987.04 feet to the southeast corner of said BIGELOW-VOIGT FOURTH SUBDIVISION; thence North 00 degrees 19 minutes 04 seconds West, 9.81 feet to the south line of BIGELOW-VOIGT THIRD SUBDIVISION; thence along said south line and along a non-tangential curve concave northerly, having a radius of 283.00 feet, a central angle of 06 degrees 41 minutes 47 seconds, the chord bears South 86 degrees 58 minutes 26 seconds East for an arc length of 33.08 feet; thence North 89 degrees 40 minutes 40 seconds East along said south line, 33.00 feet to the northwest corner of Block 4, said BIGELOW-VOIGT THIRD SUBDIVISION; thence South 00 degrees 19 minutes 04 seconds East along the west line of said Block 4, for a distance of 80.00 feet to the southwest corner thereof; thence North 89 degrees 40 minutes 40 seconds East along the south line of said Block 4 for a distance of 120.00 feet to the southeast corner thereof and to the northwest corner of BIGELOW FIRST SUBDIVISION; thence South 00 degrees 19 minutes 04 seconds East along the east line of said BIGELOW FIRST SUBDIVISION, 230.71 feet to the north line of PRAIRIE WILLOW ESTATES; thence North 89 degrees 40 minutes 53 seconds West along said north line, 115.36 feet to the northwest corner of Lot 16, Block 1, said PRAIRIE WILLOW ESTATES; thence South 14 degrees 40 minutes 26 seconds East (NOTE: the next 12 courses are along the westerly line of PRAIRIE WILLOW ESTATES) 52.38 feet; thence South 75 degrees 19 minutes 34 seconds West, 66.00 feet; thence South 14 degrees 40 minutes 26 seconds East, 232.02 feet; thence South 75 degrees 19 minutes 34 seconds West, 85.00 feet; thence South 14 degrees 40 minutes 26 seconds East, 130.00 feet; thence South 75 degrees 19 minutes 34 seconds West, 69.86 feet; thence South 14 degrees 40 minutes 26 seconds East, 66.00 feet; thence South 00 degrees 19 minutes 34 seconds West, 144.14 feet; thence South 48 degrees 36 minutes 20 seconds East, 49.39 feet; thence South 68 degrees 44 minutes 04 seconds East, 60.75 feet; thence South 10 degrees 19 minutes 34 seconds West, 322.87 feet; thence North 89 degrees 40 minutes 26 seconds West, 97.27 feet to the northwest corner of Lot 2, Block 4, said PRAIRIE WILLOW ESTATES and to the easterly Right of Way line of the former Winona, St. Peter Railroad Company; thence northerly along said easterly Right of Way line and along a non-tangential curve concave easterly having a central angle of 01 degrees 54 minutes 56 seconds, radius of 904.93 feet, chord bears North 04 degrees 07 minutes 16 seconds East, for an arc length of 30.25 feet to a point that is 305.00 feet northerly of and parallel with the south line of said Northeast Quarter; thence North 89 degrees 40 minutes 26 seconds West not tangent to said curve, along said parallel line, 100.31 feet to the westerly Right of Way line of said former Winona, St. Peter Railroad Company; thence northerly along said westerly Right of Way line and along a non-tangential curve concave easterly having a central angle of 08 degrees 08 minutes 51 seconds, radius of 1004.93 feet, chord bears North 08 degrees 40 minutes 06 seconds East, for an arc length of 142.90 feet; thence North 12 degrees 44 minutes 32 seconds East along said westerly Right of Way line, 54.79 feet; thence North 89 degrees 37 minutes 46 seconds West, 283.40 feet; thence South 00 degrees 13 minutes 02 seconds West, 500.00 feet to the south line of said Northeast Quarter; thence North 89 degrees 40 minutes 26 seconds West along said south line 553.77 feet to the southwest corner of said Northwest Quarter; thence North 00 degrees 03 minutes 12 seconds West along the west

line of said Northeast Quarter, 1612.82 feet to the POINT OF BEGINNING.

Said parcel contains 34.16 acres more or less.

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

OA-807-7 Kasson

MEMORANDUM

In ordering the annexation contained in Docket No. OA-807-7, the Director finds and makes the following comment:

Paragraph 4 states the agreement shall be in effect for five years. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Director. Paragraph 3. 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.

CWS