

OA-822-3 Stewartville
Resolution No. 2002-07

BEFORE THE DIRECTOR OF THE OFFICE OF
STRATEGIC AND LONG RANGE PLANNING
OF THE STATE OF MINNESOTA

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF)
STEWARTVILLE AND THE TOWN OF HIGH FOREST) ORDER
PURSUANT TO MINNESOTA STATUTES 414)

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

WHEREAS, said joint resolution requests that certain property be annexed to the City of Stewartville pursuant to M.S. 414.0325, Subdivision 1; and

WHEREAS, M.S. 414.0325, M.S. 414.11, and M.S. 414.12 states that in certain circumstances the Director of the Office 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 July 15, 2002, the Director of the Office of Strategic and Long Range Planning has reviewed and accepted the resolution for orderly annexation;

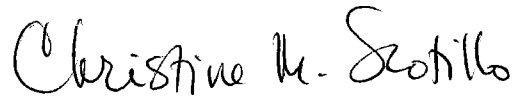
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Stewartville, Minnesota, the same as if it had originally been made a part thereof:

That part of the Southwest Quarter of the Southwest Quarter of Section 35, Township 105 North, Range 14 West, Olmsted County, Minnesota, described as follows: Commencing at the southwest corner of said Southwest Quarter; thence easterly on a Minnesota State Plane Grid Azimuth from north of 90 degrees 00 minutes 13 seconds along the south

line of said Southwest Quarter 600.03 feet; thence northerly 359 degrees 29 minutes 22 seconds azimuth 738.03 feet to the point of beginning; thence northerly 359 degrees 29 minutes 22 seconds azimuth 346.01 feet; thence easterly 90 degrees 00 minutes 13 seconds azimuth 720.49 feet to the east line of said Southwest Quarter of the Southwest Quarter; thence southerly 179 degrees 30 minutes 22 seconds azimuth along said east line 346.01 feet; thence westerly 270 degrees 00 minutes 13 seconds azimuth 720.39 feet to the point of beginning. Said tract contains 5.72 acres more or less.

Dated this 15th day of July, 2002.

For the Director of the Office of Strategic &
Long Range Planning
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-822-3, the Director of Strategic and Long Range Planning finds and makes the following comments:

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 XI of the agreement provides for a division of tax revenue from an annexed area, based upon a ten year schedule. By making this order, no determination is made as to the effectiveness of such a schedule. Minnesota Statutes Section 414.036 allows for a reimbursement to the township of property taxes of substantially equal payments over a period of not less than two nor more than six years. Including such a provision in an order under Minnesota Statutes Section 414.0325 is discretionary with the Director.

Additionally, paragraph XIV states the agreement shall expire within five years unless an extension is requested by the parties. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Director. (Paragraph VII). 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.

