

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)
PURSUANT TO MINNESOTA STATUTES 414)

ORDER

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 September 13, 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:

**SCHUMANN ANNEXATION
(T.H. 63 RIGHT OF WAY)**

That part of the Southeast Quarter of the Southwest Quarter of Section 22 and the Northeast
Quarter of the Northwest Quarter of Section 27, all in Township 105 North, Range 14 West,

Olmsted County, Minnesota, described as follows:

Beginning at the southeast corner of said Southwest Quarter of Section 22; thence northerly on a Minnesota State Plane Grid Azimuth from north of 359 degrees 51 minutes 08 seconds along the east line of said Southwest Quarter 1316.89 feet to the north line of said Southeast Quarter of the Southwest Quarter of Section 22; thence westerly 269 degrees 47 minutes 45 seconds azimuth along said north line 68.95 feet to the westerly right-of-way line of Trunk Highway No. 63; thence southerly 228.86 feet along said westerly right-of-way line on a nontangential curve concave easterly, having a radius of 17330.81 feet, a central angle of 00 degrees 45 minutes 24 seconds, and a chord azimuth of 180 degrees 11 minutes 04 seconds; thence southerly 179 degrees 48 minutes 27 seconds azimuth along said westerly right-of-way line 1087.90 feet to the southerly line of said Southwest Quarter of Section 22; thence continue southerly 179 degrees 48 minutes 27 seconds azimuth along said westerly right-of-way line 1323.51 feet to the south line of said Northeast Quarter of the Northwest Quarter of Section 27; thence easterly 89 degrees 52 minutes 04 seconds azimuth along said south line 77.16 feet to the east line of said Northwest Quarter of Section 27; thence northerly 359 degrees 28 minutes 22 seconds azimuth along said east line 1323.49 feet to the point of beginning.

Said tract contains 4.34 acres more or less.

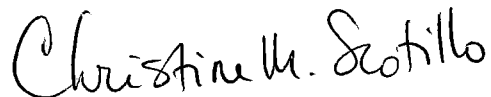
**SCHUMANN ANNEXATION
(S1/2, SW1/4)**

All of the South Half of the Southwest Quarter of Section 22, Township 105 North, Range 14 West, Olmsted County, Minnesota, lying west of the west right of way line of Trunk Highway 63, except that part of the south 450 feet of the north 1050 feet of the east 400 feet of said South Half, lying west of the right of way of Trunk Highway 63, and except the north 30 feet of the east 469 feet of said South Half.

Containing 74.4 acres more or less.

Dated this 13th day of September, 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-822-4, 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.