

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 STEWARTVILLE )  
AND THE TOWN OF HIGH FOREST PURSUANT TO ) ORDER  
MINNESOTA STATUTES 414 )  
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WHEREAS, a joint resolution for orderly annexation was adopted by the City of  
Stewartville and the Town of High Forest; and

WHEREAS, a resolution was received from the City of Stewartville indicating their  
desire that certain property be annexed to the City of Stewartville 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 August 12, 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 Stewartville, Minnesota, the same  
as if it had originally been made a part thereof:

That part of the West Half of the Southwest Quarter of Section 35, Township 105 North, Range 14 West,  
Olmsted County, Minnesota, described as follows:

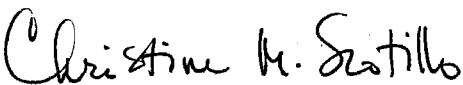
Commencing at the northwest corner of said Southwest Quarter; thence easterly on a  
Minnesota State Plane Grid Azimuth from north of 89 degrees 41 minutes 46 seconds  
along the north line of said Southwest Quarter 600.01 feet to the east line of the west  
600.00 feet of said Southwest Quarter; thence southerly 179 degrees 20 minutes 22

seconds azimuth along said east line 1194.52 feet to the point of beginning; thence continuing southerly 179 degrees 29 minutes 22 seconds azimuth along said east line 338.01 feet to the north line of GEORGETOWN MEADOWS FOURTH SUBDIVISION, according to the plat thereof on file at the County Recorder's office, Olmsted County, Minnesota; thence easterly 90 degrees 00 minutes 13 seconds azimuth along said north line 720.50 feet to the east line of the West Half of said Southwest Quarter; thence northerly 359 degrees 30 minutes 22 seconds azimuth along said east line 422.05 feet; thence southwesterly 243 degrees 30 minutes 52 seconds azimuth 82.86 feet; thence westerly 251 degrees 52 minutes 13 seconds azimuth 92.58 feet; thence westerly 259 degrees 41 minutes 23 seconds azimuth 77.84 feet; thence westerly 266 degrees 49 minutes 42 seconds azimuth 78.06 feet; thence westerly 270 degrees 00 minutes 13 seconds azimuth 403.20 feet to the point of beginning.

Said tract contains 5.79 acres more or less.

Dated this 12<sup>th</sup> day of August, 2004.

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

  
Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-822-7, 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.

CWO